

1871-064

Chancery Papers: Everitt vs Hillux & al

3/1871

Southampton County

other surnames: Gilliam, Carter,
Bryant, Barrett

Martha F. Everett

in 3

Jos. T. Hill & wife & others

Dece

1867 Sept. Dece as filed.

1868 Nov. Dece amended as filed

1871 Mar. Removed from the
Docket.

To the worshipping County Court of Southampton County
In Chancery

Humbly Complaining sheweth unto your worships,
Your Complainant, Martha F. Everitt, ^{a citizen of said County} and respectfully represents as follows -

That her father Thomas Everitt departed this life in the year 1856, intestate.

That the said Thomas Everitt was, at the time of his death, seized and possessed of a certain tract of land lying and situated in the said County, supposed to contain one hundred and sixty four acres more or less - which said tract is commonly known as the "Katy place", and is bounded by the lands of Peleg Caroon, Wm E. Myrick, Walter Myrick and William Taylor and others -

That the said Thomas Everitt left as his only heirs at law, your Complainant, - a daughter Elizabeth (who has intermarried with James T. Hill) - the descendants and heirs of another daughter, Lucy (who intermarried with Argyle Gilliam and died before her said father, the said Thomas Everitt), with the following ^{minor} children - Sally Ann another daughter (who intermarried with Abner Carter)

Your Complainant is advised that she and the other above-named descendants are entitled to the said real estate after the payment of the just debts of the said Thomas Everitt, if any there should be, which the assets arising from the sale of the personal estate and now in the hands of Richard L Bryant the Administrator, will not liquidate - She is desirous of a division of the said real estate, and as she believes a division unlike to be impracticable, prays for a decree directing a sale of the same in order to effect that purpose.

That the parties last named may be made parties

defendant to the Bill - and Compelled to answer
the allegations herein contained specially, as if they
had been themselves individually interested -

and, as in duty bound, she will ever pray &c

Her I. Windsor
Hq.

The Joint and several Answer of
James J. Hill & Edgabeth, his wife; - Abner Carter & Sally
Ann, his wife; - Asyle Williams, - adults
and
infants of tender years - the latter, by L N Edwards, their
guardian ad litem.

These defendants in answer to so much
of the Complainant's Bill, as they are advised it is ma-
terial for them to answer, say
that they, the said adults, have no objection to
the decree prayed for
the infants, being of tender years, submit their
interests to the protection of the Court -

And having agreed they to be hence dismissed,
with their reasonable costs &c.

Her I. Windsor
Jed

Martha F. Everett

James J. Hill & wife & others

5 Decree
3

This Cause was, this day, docketed to leave
of Court and Consent of parties, and, L N Edwards having
been appointed guardian ad litem to the infant defendants,
by the like leave and Consent Cause on to be heard on the
Complainant's Bill with the Answer of the Defendants
and Replication thereto, and was argued by Counsel:

On Consideration whereof, the Court doth adjudge, or-
der and decree that Richard Lewis Bryant be and
he is hereby appointed a special Commissioner for
the purpose - that he sell, ^{to the highest bidder} at public auction on
the premises, having duly advertised the same at three
or more public places in the neighborhood, and at the
Court House, for two weeks next preceding the day of
sale the tract of land in the proceeding mentioned, and
which is hereinafter more specially described -

that the said Commissioner sell the same on a credit
of twelve months, except sufficient in cash to defray
the expenses of obtaining and executing the decree,
taking bond with sufficient personal security from the
purchaser, bearing date from date - the title to be
retained till the whole of the purchase money is
paid - the following tract of land, to wit - that tract of land
commonly known as the Katy place, supposed to con-
tain five hundred acres more or less, lying in said
County, and bounded by the land of Poley Brown,
Wm E. Myrick, Walter Myrick, Wm Taylor & others -
it being the same of which Thomas Everett was seized
and possessed at his death

And the said Commissioner is directed to report his proceedings under this order to this Court, in order to a final decree.

But the said Commissioner shall not proceed herein, until he shall have executed in the Clerk's office of this Court ^a bond with sufficient personal security in the penalty of two thousand dollars conditioned for the faithful performance of the duties hereby enjoined.

Martha F. Smith

43

Jas T. Hill wife et al

Dece

Southampton County Court
November term 1868

To be entered

J. B. Hill P. L.

1868 November Term

Southampton County Court
November term 1868 -
In Chancery -

Martha F. Everett

vs

James T. Hill, Wife & Ors

This Cause, in which a decree was entered by this Court at the September term 1867 again came on to be heard on the papers formerly read - And it being suggested to the Court that since the entering of the said last named decree herein the title to a certain tract of land of which the said Thomas Everett died seized, has been perfected in the heirs of the said Thomas Everett - The Court doth further adjudge, order and decree that Richard L. Bryant, who is ^{solely} appointed a Special Commissioner for the purpose, sell at auction, on the premises having sufficiently advertised the same in the manner usual in this county, the tract of land lately recovered by a suit in the Circuit Court of Southampton County at the November term thereof AD 1867, the style of which ~~is~~ "Thomas Everett's ~~and~~ ^{heirs}" - which said tract of land is supposed to contain about eighty - acres more or less and lies immediately opposite the late residence of the said Thomas Everett - That sufficient be required in cash to pay the expense of obtaining and executing this decree and a bond or four bonds of equal sums be taken by the said Commissioner from the purchaser, payable one year after date but bearing interest from date - that the said bonds be taken

he returned to this Court together with the said
Complainer's Report, which he is hereby di-
rected to make in order to a final decree.

But the said Richard L. Bryant is not
to proceed to execute this decree until he shall have
executed in the Clerk's office of this Court a bond
with sufficient security, in the penalty of five
hundred dollars, conditioned for the faithful perfor-
mance of the duties hereby enjoined.

And it being suggested to the Court, that since
the entering of the last order in the Cause, the said
Plaintiff, Martha F. Everitt has intermarried with
Richard A. Barrett, it is ordered that hereafter
he be made a party herein together with his wife.

Know all men by these presents that we Richard L. Bryant
Benj. J. Bryant, Charles E. Bryant and George H.
Garden

are held and firmly bound unto the Commonwealth of Virginia in the just
and full sum of Two Thousand Dollars
current money of Virginia to the payment whereof well and truly to be made we
bind ourselves our heirs, executors and administrators, jointly and severally, firmly by
these presents. Sealed with our seals and dated this day of
A. D. 1866

The Condition of the above obligation is such that if the above bound
Richard L. Bryant who is appointed Commissioner
in the Suit of Martha F. Everett against James
T. Hill and others per purposes therein mention-
ed by a decree entered therein at the September
Term 1867, of the County Court of Southampton.
shall faithfully discharge ~~the~~ duties of his said Office or trust according to law
then the above obligation to be void or else to remain in full force and virtue

Signed, Sealed and Delivered
in the presence of the Court 3

Richard L. Bryant (Seal)
Benj. J. Bryant (Seal)
Charles E. Bryant (Seal)
George H. Garden (Seal)