

1875-15

Hampton County - Chancery -

Hines, Sylvanus vs Hines, John et al

" 2d Bill Land in
Little Estate "

Sylvanus Hines
John W. Brattle
Edwin White

John Winfield Hines
Colorado Hines

To the worshipful Council of Santa
Augustine County, for having sitting and
the undersigned, the undersigned
explaining the same, and your
wishes, your Honorable
Wishes, John Himes, ^{Martha Himes} ~~John Himes~~ ^{Martha Himes} ~~John Himes~~
deceased his wife, Joseph Johnson and
Christian his wife. That some time
in the year 1862, John Himes conveyed
this life, after first making and
publishing his last will and tes-
tament, that he and wife the undersigned
all of his property, both real & personal
to his wife Martha Himes, during her
natural life, that she should have
the use of all of his property and
the proceeds to be divided amongst all
of his children and their heirs, the sum
of one hundred dollars, over and above
what he had paid to John B. Himes. Your
Honorable question is that the widow
now desires the use of the real estate and
the proceeds of same to be now divided,
amongst all heirs as directed by his will,
John Himes left as his heirs, a son,
your Pastor, Saml. S. Dunning, and John
Himes, in four children of Mary &
Giles Himes, Winifred, Colorado, Rich-
ard, and Philip Himes, in four chil-
dren of Coleman Himes, that the tract
of land known to the widow contains
about 223 acres, which she wishes to
surrender to the heirs to be sold, and
she to take such a part in the amount

is the present as the Court may direct.
Said bond is worth about \$700.00 and
is possible to divide the same -

and as it is proposed that Sam. Dering,
John Wimpfled, Colorado, Nicholas
and Philip Hines, all of said county, be made
jointly defendants in said bill, and
answer to allegations thereof, and
admit suitable persons to be appointed
judges and clerks for the said court
depending on justice therein, and
it is the wish of the Court that the Court
will appoint a Commissioner
who shall take the same and
report to the Court and then
Hines by an answer and John Hines
in his answer last filed and returned
averred in the Clerk's Office of
this Court, and divide the same
in the manner directed by said bill
with and without, allowing to the
widow and child as far as simple
as the Court may direct and as in
and about your Order, will
ever pray &

Patience J. J.

The answer of Sam. Dering, John
Wimpfled, Colorado, Nicholas Hines
and Philip Hines, in part by I R. Edwards
This foundation of bill is in part
bill. Their dependence for the
answer to said bill is to be made

thereof as they are advised it is material
for answer, covering any. That being in
fact they may have to answer in
answer to the Court, and coming answer
may have to be dismissed

by the Court

Hines, as

as } Dering

This came this day
came on to be read on the bill of
Plaintiffs, answer of the defendants
pending by this procedure and return
and was argued by counsel. On con-
sideration whereof the Court doth
adjudge and decree that
Nicholas Hines, who is hereby appoint-
ed a special Commissioner for that
purpose, proceed to sell, after giving
at least twenty days notice of time
and place of sale, the real estate in
the bill mentioned above to satisfy
Hines for one fifth, by the Court will and
direction of John Hines, on the follow-
ing terms, sufficient to cover a debt
of \$1000.00 and note, the balance
on a credit of twelve months, with
carrying interest from date, with good
personal security, which bond together with
a report of his proceedings under this decree
he is directed to return to the Court.
But said Commissioner is not to execute
this decree until he shall have given
bond in the Clerk's Office of this Court

Know all men by these presents that we, Sylvanus Hines John W
Brittle & Edwin White

are held and firmly bound unto the Commonwealth of Virginia in the just and full
sum of Three hundred ————— Dollars:

to the payment whereof well and truly to be made we bind our selves and heirs, executors
and administrators jointly and severally firmly by these presents. Sealed with our
Seals and dated this 26. day of January A.D. 1868

The condition of the above obligation is such that whereas by a decree of the
Circuit Court of Southampton County pronounced on the 20th day of January 1868
in a suit in Chancery therein pending in which Sylvanus Hines & others are
pettors & John W. Brittle Colorado Hines & others Defts

the above bound ^{Sylvanus Hines} was appointed Commissioner to make sale of certain real estate
in the proceedings in said suit mentioned

Now if the said Sylvanus Hines ————— shall faithfully discharge
the duties of his said office or trust under the said decree or any other decree which may
be rendered in the said Cause then the above obligation to be void or else to remain in full
force and virtue.

Sylvanus Hines (Seal)
Edwin H. White (Seal)
John W. Brittle (Seal)

Received this 16th day of September 1869 of Sylvanus
Heines companion in case of Heines & W. Heines the
sum of \$2500 it being the part allowed me
by a decree of court in lieu of my Dower
in John Heines. bona

Test J. H. Johnson



Martha ^{my} X Heines
mak

Recd this the 31st. August. 1869 of Sylvanus
Hines (Comp) in of Hines & Hines the sum
of \$49.38 it being distributable apart of
the proceeds of sale of the lands of
John Hines decd which I sold under
his will by a decree, of the Cty court.

Edmund J White



Recd. this 14.th day of September 1869
of Sylvanus Hines com. m^r in the case of
Hines vs Hines the sum of seventy nine
28/100. Dollars, it being my distributable
share of the proceeds of the lands of Jno Hines
dec^d which I received under his will.



John B Hines

Received Oct. 15th 1863 of Silvanus Haines
Comptroller of the Sale of Land of John Haines
Deceased the sum of twenty nine dollars
and thirty eight cents it being the portion
of Christiana Johnson formerly Christiana Haines
now the wife of Joseph H. Johnson given
under my hand and seal

Joseph H. Johnson.

Richard W. Wemert
Christiana Johnson



Recd this 14th day of October 1869 of
Sylvanus Hines adm^r in the case of Hines
vs. Hines the sum of Seventynine dollars
and thirty eight cent it being my dis-
tributable share of the proceeds of the
lands of John Hines dec^d which we held
under his will



witness

Barton J. Travis

guardian for Winfield Coltratto
Richlue and Philip Hines

Geo. A. Travis

Sylvanus Hines Com

1868 To Clerk Sampson County

Jan'y Filing bill answer. decree &c. for sale Jno Hines land

2 50

Feb Recording report &c

2 50

L R Edwards Clk.

5.00

Read this on 21st Feb 1870. of Sylvanus
Himes, Compt. for the work of John Himes, and
the sum of \$5.00 for writing his report.
Wm. H. Hutton

Recd This m 15th Feb. 1869 of Sylvanus Hines
\$5.00 Balance of fee for each of band of Geo
Hines

Wm W Vinton Sts,

Rec^d. This 11th. day of September 1869 of Syracuse, N.Y.
Common^{ly} in the Case of Oliver vs. Oliver the sum of
Seventy nine $38/100$ Dollars. it being my distributable
share of the proceeds of the lands of Geo. Oliver dec^d.
which I held under his will,

Witness

his
Geo. B. X Boykin
mark

M. D. Custer

James E. Giddens



Guardian for Samuel. Oliver &
John Oliver.

Mr L R Edwards

please send me that
Bond the court direct you to have
me last court day as I thought
you would send with report
by John B. Hines

March 6. 1869.

Wm. Hines

In conformity to an Order of the County Court
of Southampton at January Term 1868. The Court doth
order & direct that the Worn Lands of John Hines
de. by Consent of the Widow, and the said Court
appoints Sylvanus Hines Special Commr. to sell s.
Lands at public Auction On a credit of twelve
Months, whereupon the s. Commr. did make sale at
public auction, and James J. White become the purchaser
for seven Hundred & Ten dollars, the said Sylvanus
Hines Commr. after paying the cost of s. sale the s. did
take a bond from the purchaser for ~~seven~~ Six
Hundred & sixty five dollars with good security
which I return with this report. Given under my
hand the 4th day of July 1868

Sylvanus Hines



1869 & Mar 5th Received of the Clerk of Southampton the bond returned with
the within report

J B Shires for
Sydney Shires

Census Shires
Report

1868 Feb B.

Hines & Co
Hines } Comp
Hines } Report

1870 May 16

Hines &
 as
 Hines & } Report

Your Commissioner
 begs leave to report to Court that in obedience
 to a decree entered in this Court
 at the February Term of the Court 1869,
 he proceeded to collect the bond as
 directed in the decree, and sent the amount
 so collected he first paid the costs of this suit
 since the entering of last decree, and that he
 then paid the parties as directed by the decree,
 from all of whom he took proper receipts,
 all of which are returned as a part of this
 report. The same, however will more fully
 appear by the following statement - to wit:

By amt. of bond collected		\$711.28
To paid B. J. Harris (by him)	\$79.38	
" " City	10.00	
" " Edwin White (Legatee)	79.38	
" " Geo B. Hines	79.38	
" " Martin Hines	225.00	
" " J. H. H. Johnson	79.38	
" " Geo B. Boykin	79.38	
" " Sylvanus Hines	79.38	
	<u>\$711.28</u>	<u>\$711.28</u>

all of which is respectfully submitted by

Sylvanus Hines Commissioner

Harris
Harris } Report

1870 May 17

Recd. This 12th of March 1870 of W^m Whitlow Compt.
for the sale of W^m Harris' land, the sum of one hundred
and sixty five dollars and twenty four cents (\$165.24)
it being the proportion of the proceeds of sale of W^m
Harris' land due James Harris or his child

William P. Hare for
for Anna M Harris

Recd. This 12th March 1870 of W^m Whitlow Compt. for the
sale of W^m Harris' land the sum of one hundred
and sixty five dollars and twenty four cents,
it being the proportion of the proceeds of sale of
W^m Harris' land and paid under decree of Court
entered in this cause at the July term 1870

Joseph J Harris

Recd. This 12 March 1870 of W^m Whitlow Compt.
for the sale of W^m Harris' land, the sum of one
hundred & sixty five dollars & twenty four
cents, it being the proportion of the proceeds of
sale of W^m Harris' land and paid under
decree of Court in this cause entered at the
July term 1870

J. J. Gwaltney

Read this the 12th of March 1870 of Wm. Whittow
Compt. for the sale of Wm. Harris land the sum of
One Hundred and Sixty five dollars and
twenty four cents (\$165.24³³), it being my
proportion of the proceeds of sale of Wm. Harris land,
and paid me under decree of Court entered at
its Spring Term 1870 -
Witness

Eliza J. Harris

Read this the 12th of March 1870 of Wm. Whittow
Compt. for the sale of Wm. Harris land the sum of
One Hundred and Sixty five dollars and
twenty four cents (\$165.24) it being my propor-
tion of the proceeds of sale of Wm. Harris land and
paid me under ^{decree} of Court entered at its Spring
Term 1870
Witness

Christiana Harris

And this the 16th May 1870 of Wm H Pethlow
Compt for & sale of Wm Harris land the
sum of One Hundred and Sixty five
dollars & twenty four cents (\$165.24)
is being my proportion of the proceeds
of sale of said Wm Harris land

Wm H Harris by
John Pethlow his atty
in fact

Know all men by these presents that I
William H Harris of Warren County Ohio
do hereby constitute and appoint John
Pettit of Southampton County Virginia
my attorney for me and in my name and
for my use to collect by suit or otherwise
and upon payment to him to receipt for
all debts demands or legacies to be received
due or owing to me and especially my share
of the proceeds of the sale of the Real Estate of my
Father Wm Harris ^{in the hands of William Pettit} which he as a power my
Said Attorney shall lawfully do in the premises
I do hereby confirm as if I were personally present
and did the same In Witness whereof I have
hereunto set my hand and seal this 28th day of
April A.D. 1870 Wm H Harris (Seal)

The State of Ohio Warren County, ss
On this 28th day of April A.D. 1870 personally appeared
before me the undersigned Notary Public in and
for said County William H Harris the Signor
of the above power of attorney and acknowledged
the signing and sealing thereof to be his
voluntary act and deed for uses and purposes
therein expressed In Witness whereof I have
hereunto set my hand and Notarial Seal
W P Verble Notary Public

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1869 Feby 1st.

Hines &c
Hines &c } same

This day this cause came on again to be heard on the papers, journals and on report of Compt. Sylvanus Hines made pursuant to a decree order entered in this cause at January term 1868, and the court confirming said report doth further adjudge order and decree that Sylvanus Hines, who is hereby appointed a special Commissioner for said purpose, proceed to collect the bond as follows, to wit: which the clerk is directed to send to said Compt. for \$668.00 due Feb. 13th 1868, and when collected the said Compt. pay any costs that may have been incurred since entering of the last decree in this cause, that a then pay to the widow Martha Hines, in line of her life rights, the sum of \$225.00, and that the balance be distributed amongst the parties entitled under the will according to their rights, and that he make report thereof to this court -

Hines,
W } Dear
Hines

1895

May 11.

Frederick

Geo. B. Shaw

Hines
as
Hines } Dear

This day this case came
on again to be heard on the papers formerly
read and on the report of Compt. Hines
made May 16th 1874 and the Court doth
approve and confirm said report,
and nothing further ^{appearing necessary} to be done in
this case, it is ordered that the case
be removed from the docket.