

1899-37

Southampton County Chancery - Hedgepeth, R. F. vs Hedgepeth, Zachariah et al

sues to have a deed made null
+ void and property be sold +
proceeds applied to payment of
debt.

Hedgepeth, Mary E.
" , Thomas, Dewitt
" , Lilly

Hedgepeth R F

against

Bill Exhibits

Hedgepeth R F

To *2nd Mch* Rules, 189 *7*

1899. 2nd. March Rules filed
L. A. Gay L.L.

JOHN N. SEBRELL, JR., *fy.*
ATTORNEY AT LAW,
COURTLAND, VA.

To Honorable Robert R. Prentiss, Judge of the Circuit Court of
Southampton County, Virginia.

In chancery:

Humbly complaining sheweth unto your Honor, your complainant,
R.F. Hedgepeth, that on the 27 day of March 1897, and for
a long time before that time R.T. Hedgepeth was indebted to him
in the sum of \$ 168.⁰⁰ due by bond dated the 17 day of July
1894, and that the said amount with interest is unpaid and
due and owing to your complainant.

That being so indebted to your complainant, the said R.T.
Hedgepeth, on the 27 day of March 1897 by a writing pur-
porting to be a deed of gift, conveyed to Zachariah Hedgepeth,
Mary E. Hedgepeth and their children, all of his property, both
real and personal, same being situate in the County of South-
ampton, Virginia, as will appear from a copy of said deed, herewi
filed as exhibit "A" and prayed to be read as a part of this bill

Your complainant charges and avers that the said conveyance
was made without consideration deemed valuable in law, or that
if indeed any consideration passes between the parties or was
ever contemplated by them, that the same was grossly inadequate
for the property conveyed, and that the said deed was made to
hinder, delay and defraud the creditors of the said R.T. Hedge-
peth, and especially your complainant. Your complainant says
that if indeed any consideration passes between the parties to
the said deed that the same was so inadequate for the property
conveyed that to permit it to stand as against the creditors
of said R.T. Hedgepeth would be unconscionable, and contrary to
the principles of equity.

That the said ~~parties~~ Zachariah Hedgepeth and Mary E. Hedgep-
eth have the following children to wit, Thomas Dewitt Hedgepeth,
and Lilly Hedgepeth, both infants of tender years.

That a few weeks after the deed as aforesaid, the said R.T.

COMPLAINT FOR CONFESSION OF DEEDS

IN EQUITY:

TO HONORABLE HONORABLE JUDGES OF THE SUPREME COURT OF

Hedgepeth departed this life, intestate and without issue.

Your complainant is advised that he has the right to have the said deed set aside as to his debt and to have the property therein conveyed subjected to the payment of his debt.

In tender consideration whereof and in as much as your complainant is without remedy in the premises save in a court of equity where all such matters are alone and properly cognizable, to the end that justice may be done, your complainant prays that the said Zachariah Hedgepeth, Mary E. Hedgepeth, Thomas Dewit Hedgepeth and Lilly Hedgepeth, the last two infants be made parties defendant to this bill and required to answer the same though answer under oath is hereby expressly waived, that a proper guardian ad litem be assigned to infant defendants who shall also answer the said bill but not under oath, that proper process issue, that the said conveyance be declared null and void as to your complainant, and the property conveyed therein or so much thereof as may be necessary be sold and the proceeds applied to the payment of your complainant's debt, that all proper orders and decrees be entered and proper accounts and inquiries directed and taken, and that such other further general and special relief may be granted your complainant as the nature of his case may require or to equity shall seem meet. And your complainant will ever pray &c. May it please the Court &c.

R. F. Hedgepeth
By J. F. Hedgepeth
Counsel.

* Notice is hereby given that the Court will be asked to allow monies due to complainant for balance of any funds owing to the estate of the said in this cause.

J. F. Hedgepeth
P. Q.

THE COMMONWEALTH OF VIRGINIA,

Loe of Wight
To the Sheriff of Southampton County--Greeting:

We command you to summon *Zachariah Hedgeforth*

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court on the *3rd* Monday in *March 1899* next, to answer a bill in Chancery exhibited against *him et als* in our said Court by *R. P. Hedgeforth*

And this *he* shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, L. A. GAY, Clerk of our said Court, at the Courthouse, this *8th* day of *March*, 18 *99*, in the *12th* year of the Commonwealth.

Teste: *L. A. Gay* C. C.

A Copy—Teste: *L. A. Gay* C. C.

THE COMMONWEALTH OF VIRGINIA,

Joh of Light
To the Sheriff of Southampton County--Greeting:

We command you to summon Mary E. Hodgson

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court on the 2d Monday in March 1899 next, to answer a bill in Chancery exhibited against her et als in our said Court by R. P. Hodgson

And this she shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, L. A. GAY, Clerk of our said Court, at the Courthouse, this 8th day of March, 1899, in the 12th year of the Commonwealth.

Teste: L. A. Gay C. C.

A Copy—Teste: L. A. Gay C. C.

Hedgepeth

vs. { Spa: In chy.

Hedgepeth et als.

1899. 2nd. Mch. Rules
bir. let

✓

In

Isle of Wight Co

Not found

W. Williams
Sh. 8/11

J. H. Deane Jr. / 9

Not found in my County
New York 1899
D. A. Deane
Sh. 8/11
W. Williams

THE COMMONWEALTH OF VIRGINIA,

Sole of W. S. H.
To the Sheriff of ^ASouthampton County--Greeting:

We command you to summon *Zachariah Hedgepeth, Mary E. Hedgepeth,
Thomas Dewick Hedgepeth & Lacey Hedgepeth, the last two infants*

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden
for the said Court on the *2^d* Monday in *March 1899* ~~next~~, to answer a bill in Chancery
exhibited against *them* in our said Court by *R. H. Hedgepeth*

And this *they* shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, L. A. GAY, Clerk of our said Court, at the Courthouse, this *8th* day of
March, 18*99*, in the 12^{*th*} year of the Commonwealth.

Teste: *L. A. Gay* C. C.

Hedgepeth

copy of G.
vs. j

Ex. A.

Hedgepeth et al.

1899. 2nd. Mich. Rules filed

L. A. Gay to L.

This Indenture made and entered into
this 27th day of March 1897 between R. J.
Hedgepeth of the first part, and Zachariah
Hedgepeth and Mary E. Hedgepeth, his wife,
and the children of the said Zachariah -
Hedgepeth and Mary E. his wife. Hereineth,
that for and in consideration of the services
of labor, kindness, and Love performed and
done by the said parties of the second part,
for and to him, the said R. J. Hedgepeth,
and the natural affection that he, the said
R. J. Hedgepeth, party of the first part, bears
toward them, the said parties of the second
part, all of said parties of the County of
Southampton and State of Virginia, the said
party of the first does hereby grant, and by these
presents, make conveyance, with general warrant-
ty, unto the said parties of the second part
all of that certain tract or parcel, of Land
lying and being in Southampton County,
Virginia, and on what is known as the Sarah-
Branch, and between said branch and the Round
Hill Swamp and situate 2 miles E. from the
Village of Berlin, it being the same on
which the said parties of both the first and
second parts now reside, and adjoining the
lands of R. A. Bristow, John Babb, Fabe-

Raiford, George H. Raiford and M. Hedgepeth,
and containing (65) sixty five acres, more
or less, to them the said Zachariah and
Mary E. Hedgepeth, for their natural life, and
at their death to their children as aforesaid,
for ever, and it is furthermore known by these
presents and evidenced by this writing that
together with the grant of the tract of land
aforesaid, there has, this day and date, been
granted, and conveyance made, by the said
party of the first part, to the said parties of
the second part, also, all his personal property
of which he is seized and possessed, in the
manner and form, as the tract of land aforesaid,
All this grant and conveyance being null and
void in default of proper care and support
of grantor for life.

Witness the following signature and seal,
the day and date aforesaid

R. J. Hedgepeth Seal

State of Virginia. }
County of Southampton } to wit:

J. R. A. Bristow a Notary Public in and for
the State and County aforesaid, do certify that
R. J. Hedgepeth whose name is signed to
the foregoing writing, bearing date on the

27th. day of March 1897. has acknowledged
the same before me in my County aforesaid.
Interlined before acknowledgment.
Given under my hand. This the 27th. day
of March. 1897.

R. A. Bristol A.P.

Virginia:

In the Clerk's Office of Southampton County
County June 10th. 1897. The foregoing Bond
was this day presented and with the certificate
thereon annexed admitted to record.

Attest: B. F. McLennan. C. C.

Copy

Attest: L. A. Gay

Hedgepeth R. A.

V. } Statement of Rules

Hedgepeth et al.

R. P. Hedgepeth

Plaintiff

vs.

Zachariah Hedgepeth, Mary E. -
Hedgepeth, Thomas Lewis Hedgepeth, }
v. Lacey Hedgepeth, the last two infants } Defendants

1899. 8th. March. Process issued to 2nd. March Rules

1899. 2nd. March Rules. Process returned not executed.

Relief issued to

J. B. Prince appointed Gen. addition

to infant defendants,

Bill and exhibits filed.

1899 3rd. ^{March} ~~April~~ Rules, Cause dismissed by
order of Plaintiffs atty.

Hedgepath

vs. } Statement of costs

Hedgepath et. als

Hedgepeth

vs. } Statement of Costs

Hedgepeth et al

Sum. 25. 2 copies 26 - receipt 18. atty. 10 = 179

Docketing 18. Rules 1.⁰⁰ entering return 35 = 1.53

Filing brief 15. D. Exhibits 15. Copy 24. 75 = 1.05

Order to dismiss 36 - Tax costs &c. 40 = 76

Filing away papers 25 = 25

Paid L. A. Gay to wife \$4.39

fr. Subscrip. att. - Shpp. of J. W. Co 1.00

fr. Subscrip. fig. Law &c. 16.50

Done 6th. 1899

\$21.89

Teste: L. A. Gay b. b.