

1826-031

SOUTHAMPTON COUNTY  
CHANCERY PAPERS

HOLLOWAY & ux & al VS. BAILEY et al

8/1826

other surnames; Deloach,  
Magee, Hollaway, Baily,  
Leno, Love, Booth

Holloway de.

to 3 Bic

Bailey de.

Janu. 1<sup>st</sup> 1820 not of  
Pub to Sept

Aug. 1<sup>st</sup> 1823 as given as filed  
A side day

For the Worshipful the County Court of Southwicks  
= empton, In chancery sitting, Your Complainants  
Zachariah Holloway & Delila his Wife formerly Deloach  
Homer Deloach and Anna Deloach in infant by Ja-  
= chariah Holloway her next friends Humbly complain  
= in sheweth -

That Benjamin Deloach departed this  
life several years since, having first duly published  
his last Will and Testament, which has been admitted  
to record in this Court, an attested Copy of which is  
hereto annexed as a part of this bill - That the said  
Benjamin Deloach devised the whole of his Lands lying  
& being in this County, to his two sons Allen and  
Thomas Deloach, to be equally divided between  
them - That some time after the devise aforesaid  
and before any division of the aforesaid Land had  
been made between the devisees, Thomas Deloach  
departed this life, having first duly published his  
last Will & Testament, which has also been admitted  
to record in this Court which is hereto referred to as a  
part of this bill, that the said Thomas devised the  
whole of his interest in the aforesaid Land to  
a certain Samuel Bridge, who is prayed a defendant

To this bill - Your Compliments further state  
that Allen Deloach the other devisee departed  
from this state several years since and has not  
been heard of for the last seven years, therefore it  
is unknown whether he be dead or alive - Hence  
a staple your Compliments was advised that from the  
Lapse of time, since any information has been obtained  
concerning the said Allen, the law presumes him dead  
and that a distribution of his Estate can and ought  
to be made between those legally entitled thereto.  
But as it is may it please the Court that a division of  
the said Land cannot be effected without the aid and  
intervention of a Court of Equity, as one of the distributees  
is an infant under the age of twenty-one years Vgt. Ann  
Deloach and one other is not an inhabitant of this  
Commonwealth, Vgt. Polly Deloach - and further that  
the Samuel Bailey has reduced the said Land into  
his possession and absolutely refuses a division of the  
same without the aid of this Court all which actings  
& doings are contrary to Equity & good Conscience - In  
tender consideration whereof & in as much as your Complain-  
ants are remediless save in a Court of Equity, where  
matters of this kind are properly Cognizable, they pray  
your Worship to compel the said Samuel Bailey and

Polly Deloach who are proper defendants, to this  
bill, to answer the allegations herein contained, that  
your Worship will first cause a division of the  
said Land into two equal moieties, and assign  
one moiety to Samuel Bailey as devisee of Thomas  
Deloach, and the other moiety to be equally divi-  
ded - Between your Compliments and the said  
defendant Polly Deloach, that your Worship the  
Premises considered will grant such other & further  
Relief as may be consistent with Equity &c. and  
your Compliments as in duty will ever pray &c.

Lippin Bro. Compt.

Hollaway sol.

H. M. Chy.

Bailey sol.

The order of publication against the deft.  
Polly Deloach have been executed and returned, the bill of the  
Complainants as to that defendant is taken for confessed,  
and the cause coming on to be heard upon the bill, and  
exhibits and the answer of the defendant Samuel Bailey  
and was argued by counsel, on consideration whereof, the  
Court doth order, adjudge and decree that Peter Book, Rich<sup>d</sup>  
B. Kello & William Ricks, or any two of them, assisted by the  
County surveyor if necessary, do divide the tract of Land  
in the bill mentioned of which Benjamin Deloach died  
seized and possessed and allot to the defendant Samuel  
Bailey one moiety thereof - and the Court doth  
further order, adjudge & decree that the said corners,

or such of them as may act, do divide the remaining  
one moiety of the said tract or parcel of land into five  
equal parts, and allot the same as follows, viz, one  
of the said parts to Zachariah Hollaway in right of his  
wife Delilah, one of the said parts to Gran Meyer in  
right of his wife Delitha, one of the said parts to each  
of the co-opts James & Anna Deloach & the remaining  
part to the said Polly Deloach, & make up the

Filed 9<sup>th</sup> Jan'y. 1822

In the honorable Court of Southampton in Chancery  
sitting. The separate answer of Samuel Bailey  
to the bill of Complaint exhibited against  
himself and Polly Deloach by Zachariah  
Hollaway and Rebecca his wife formerly  
Deloach. Mayer and Deborah his  
wife formerly Deloach and James Deloach  
and Ann Deloach an infant by her next  
friend Zachariah Hollaway.

This respondent now and at  
all times saving and reserving to himself all  
and every benefit of exemption to any errors  
imperfections or misstatements in said bill  
contained for answer thereto or to so much thereof  
as ~~he~~ he is advised is material and necessary  
for him to make answer unto answering  
verily. That he admits that as devise of Mrs  
Deloach he is entitled to one half of the tidel of  
land in question and that he feels no disposition  
to retain in his possession more of the land than  
he is entitled to. Your respondent having answered  
may be here dismissed &c.  
Samuel Bailey

Southampton. Janry 9th 1822. This day Samuel  
Bailey personally appeared before me a Justice  
of the Peace for said County and made oath  
to the truth of the foregoing answer. Given under  
my hand -  
Benj. Gwary J.P.

Virginia  
Southampton County June Court 1820  
Zachariah Holliday and Delilah his wife

To be put up at the St house above —

Virginia

Southampton County June Court 1820.

~~Zachariah Holloway and Delila his wife formerly  
DeLoach — ~~Wife~~ and Delicha his wife formerly  
DeLoach, James DeLoach and Ann DeLoach on infant by  
Zachariah Holloway her next friend. — Complainants~~

~~against~~

~~Samuel Bailey and Polly DeLoach. — Defendants~~

} In chancery

~~The defendant Polly DeLoach, not having entered her appearance  
and given security according to the act of Assembly and the rules of  
the Court. And it appearing to the Court that she is not an  
inhabitant of this Commonwealth. Therefore on the motion of  
the Complainants by their Counsel. It is decreed and ordered that the  
said Polly DeLoach, doth appear here on or before the third Monday  
in September next and answer the bills of the said Complainants  
and that a copy of this order be forth with inserted in some public  
paper published in the town of Petersburg and another copy posted at  
the front door of the Court house of this County on two several Court~~

~~days~~

A Copy test

A. Middleton De

Holloway & Co

(7)

Recd

Bailey & Co

Deere

A Copy

August 21<sup>st</sup> 1826 Rec<sup>d</sup> at

& final Deere —

So. ampton. County January Court 1826

Hollisway &

apl.

vs. Jm. Chy.

Bailey

This day this Cause came on again to be heard  
Whereupon on Consideration the Court doth adjudge order and  
decree that Shadrach Boykin in Conjunction with the other  
Commissioners herein appointed, or any three of them, Carry  
the within Decree into effect, and report thereof to the  
Court

Teste A. Middleton D.C.

St. Ampton County August Term 1823

Zachariah Holloway and Delila his wife, formerly Deloach  
Mayer and Delitha his wife formerly Deloach

vs. Deloach and Ann Deloach an infant by Zachariah

Holloway her next friend

Complainants

vs. chf.

Samuel Bailey and Polly Deloach

Defendants

The order of Publication against the defendant Polly Deloach.  
Having been executed and returned, the bill of the Complainants as to that  
defendant is taken for confessed, and the Cause coming on to be heard upon  
the bill and exhibits and the answer of the defendant Samuel Bailey and  
was argued by Counsel, on Consideration whereof the Court doth order,  
adjudge and decree, that Peter Boothe, Richard B. Kells and William  
Richs, or any three of them, assisted by the County's attorney if necessary  
do divide the tract of Land in the bill mentioned of which Benjamin  
Deloach died seized and possessed, and allot to the defendant Samuel  
Bailey one moiety thereof, and the Court doth further order, adjudge  
and decree that the said Commissioners or such of them as may act  
do divide the remaining one moiety of the said tract or  
parcels of Land into five equal parts, and allot the same as  
follows, Vizt, one of the said parts to Zachariah Holloway in  
right of his wife Delila, one of the said parts to Isaac Mayer  
in right of his wife Delitha, one of the said parts to each of  
the Complainants, James and Ann Deloach and the remaining  
part to the defendant Polly Deloach, and make a report thereof in  
order to a final decree

Teste S. Middleton D.C.

Holloway St }  
27 }  
Deloach } Spa in  
Chy. C

To June Court 1820.

Executed on Samuel  
Bailey Polly Deloach  
no inhabitant -

Edw. & Ruths City of  
George Himes shff

The Commonwealth of Virginia to the Sheriff of S. Ton  
county Greeting You are hereby commanded to Summon  
Samuel Bailey and <sup>Polly</sup> ~~Samuel~~ Deloach to appear before  
the Justices of our county court of Southampton at the  
courthouse on the third Monday in June next to answer  
for bills in chancery exhibited against them by Zachariah  
Hollaway & Delila his wife formerly Deloach, Mages  
& Delitha his wife formerly Deloach, James Deloach and  
Ann Deloach an infant by Zachariah Hollaway her  
next friends - And this they shall in no wise  
omit under the penalty of \$100 each - And have then  
there this writ - Witness James Rochelle clerk of our  
Said county court of Southampton at his office the  
24<sup>th</sup> day of May 1820 and 44<sup>th</sup> Year of the Comm<sup>o</sup>

James Rochelle Clk.

176.59

$$\begin{array}{r} 165 \\ 150 \\ \hline 315 \\ 495 \\ \hline 805 \\ 176 \\ \hline 629 \end{array}$$

Southampton

$$\begin{array}{r} 947:66_4 \\ 5/3790.64 \\ \hline 758.10 \\ 14.50 \\ \hline 772.60 \\ 100. \quad 620.03 \\ \hline 152.57 \end{array}$$

6203

$$\begin{array}{r} 150_{10} \\ 330 \\ 165 \\ \hline 495 \end{array}$$

$$\begin{array}{r} 330 \\ 19.80 \\ \hline 225 \\ 99.00 \\ \hline 396.00 \\ 49.500 \\ \hline 380 \\ 5/825 \\ \hline 165 \end{array}$$

$$\begin{array}{r} 4500 \\ 5/750 \\ \hline 150 \end{array}$$

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Battery  
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 22



Foron of Potentary to wit:

This day personally appeared before me, an Alder-  
Man of said Town Francis G. Yancy editor  
of the Intelligencer newspaper, who made  
oath that the annexed order of South-  
ampton Court hath been regularly inserted  
in said paper for two months successively  
given under my hand this 13. <sup>th</sup> day  
of Dec. 1890. J. W. Williams ad.

#### Virginia:

At Rules, holden in the Clerk's Office of the County Court of Southampton, the 7th day of August, 1890.

Zacariah Holloway and Delila his wife, formerly Deloach, ——— Magee and Deletha his wife, formerly Deloach, Jas. Deloach and Ana Deloach an infant, by Z. Holloway, her next friend: Compls.

Against:  
Saml. Baily and Polly Deloach. Defs.  
IN CHANCERY.

**T**HAT defendant Polly Deloach, not having entered her appearance and given security according to the act of Assembly and the rules of this court, and it appearing by satisfactory evidence that she is not an inhabitant of this Commonwealth: *It is therefore Ordered*, That the said Polly Deloach, doth appear here on the 3d Monday in November next and answer the bill of the said complainants, and that a copy of this order be forthwith inserted in some newspaper edited in the town of Petersburg, for six weeks successively, and posted at the front door of the courthouse of this county on two several court days.

A copy—Teste,

A. MIDDLETON, C. C.

Sept. 15

2m\*

In obedience to a decree of the county court of Southampton,  
bearing date August court 1823, we the undersigned,  
have divided the land of Benjamin Deloach dec'd as  
follows, first by a line beginning in the line of  
William Spoz, thence a new line N $\frac{1}{2}$ W to the  
run of the Lightwood swamp, leaving on the  
east of said line three hundred forty five acres, which  
we assigned to Samuel Bailey for his portion of said  
tract of land - Secondly, by a line beginning at  
a small dead pine corner for Elias Love, thence  
a new line N88°E to the line last run for Samuel  
Bailey, leaving on the south of said line one hundred  
some acres, which we allotted to Peter Booth,  
who had purchased the interest of Zachariah  
Holloway & wife Delila, & James Deloach, together  
with their interest of Polly Deloach's portion. -  
Thirdly, by a line beginning in the one last run, thence  
a new line N $\frac{1}{2}$ W to the run of the Lightwood swamp,  
leaving on the west of said line sixty five acres, which  
we allotted to Elias Love, who had purchased the  
interest of Henry Leno, who had purchased the  
interest of Ann Deloach, together with her interest  
of Polly Deloach's portion: Now the east of said  
line sixty five acres, which we allotted Green  
Magee in right of his wife Delitha, together  
with her interest in the portion of Polly Deloach.  
Given under our hands This 21<sup>th</sup> day of Aug. 1826

Rich<sup>d</sup>. B. Killo.

Shirley Killo  
Wm. Killo  
{ Comps