

1846-012

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BAILY et al vs. BAILY'S ADM'X.

7/1846

other SURNAMES: Burt, Holloway,
Bailey, Holloway, Birt

Baily. L.

M. } Bice and
Baily } ann
Decur
to L. M. city

1845 Feby. Decur as filed.

+

1846 June. Report

July Report Confm.

To the Worshipful the court. Court of
Southampton, in Chancery sitting.

Humbly complaining shew unto your
Worshps, your Complaint, Georgeanna Bailey, sister of
the whole blood. Edward to Bailey, Malissa &
Bent, Liza A Hallway & Anninta his wife. formerly
Bailey - 1st Bailey a child of Alfred & Bailey
2nd Sarah, Clara and Pacahonias Bailey
infant children of Payson P. Bailey, & Mrs E
Nicholson their next friend - all except the
first of whom one of the half blood -

That James D. Bailey has lately died, of full
age, unmarried, without issue and intestate
leaving your Complaints. and Sarah Bailey
his heir at Law. and entitled to the whole
of his property both Real and personal
That the accident at the time of his death
was seized and possession of a small
tract of land not worth \$300 or
thereabouts, and 2 shares. That Sarah Bailey
the Petitioner has qualification, as administratrix of James
D. Bailey. and has the personal estate in
her possession, more than sufficient to
pay all the interests. past & abt. and
unpaid. That they have applied to
the court for an administration of the personal
property but the objections are the proper
grounds that she is entitled to a portion
and not administration can be affected in
them and a sale must be made.

For reasons considerations of
are which are in as much to your
complaints as without limits in the
premises, except in a case of Equity
To the Court therefore

that Justice may be done, they pray your
 wisdom to appoint one or more executors
 to sell the land and choses of which
 James D. Bailey was seized and possession
 and a division of the proceeds according
 to law and the rights of the parties, and
 grant such ^{other} relief in the
 premises, as Equity may require, as in
 and to the same.

Chas. H. Map. J. for Cause.

and son of Sarah Bailey as admr. of
 James D. Bailey, and in her own right
 to the foregoing bill.

This Respondent Sowing & for
 answer says she admits the allegations
 of the bill, and has no objection to the
 decree according to the prayer of the
 complaint, bill, and having answer and
 prayer to the same as before with the
 costs &c.

Chas. H. Map. J. for Deft.

Bailey & Co.
 or
 Bailey. } for Plaintiff.

This day, this cause was called on
 and by consent of parties, and by leave of the
 court came on to be heard on the bill
 and answer, and was argued by counsel.
 On consideration thereof the court
 with advice of law are of opinion that
 Robert. Pettaw, who is hereby appointed an

learn. for that purpose. All to the highest bidder
 on a credit of 12 months. (except cash
 sufficient to pay the expenses of this suit
 and the sale.) after giving 15 days notice of
 the time and place ^{including his interest in Sarah Bailey's share} of sale. The land and
 choses of which James D. Bailey was seized
 and possessed. - and take of the purchasers
 hands ^{with security} in such sums as to assign to Sarah
 Bailey (the mother) two months, and to
 Georgiana Bailey, the same amount - To Edward
 C. Bailey one month - to Malissa & Bust
 one month - To Liza A. Hallaway and
 her husband his wife, one month - To Edward
 E. Bailey son of Alfred & Bailey, one month.
 and To Edward, Sarah A. Clara J. and Pochester
 Bailey children of Peyton P. Bailey and? one
 month - That the S. Court assign the same
 bound to the parties within 10 days of
 full age and to the Guardians of the infants.
 and make report to court in order
 to a final decree.

Barley 90

to } Dried

Barley 100.

Alcocy

Southampton February Court 1845.

Georgiana Bailey sister of the whole blood. Edward O Bailey, Malissa I Burt Jesse A Holloway & Araminta his wife formerly Bailey; E. E Bailey a child of Alfred S Bailey E? Sarah, Clara and Pocahontas Bailey infant children of Peyton S Bailey by John Q Nicholson their next friend - all ~~except~~ the first of whom are of the half blood.

against.

Sarah Bailey administratrix of James O Bailey

Plffs. } In Chancery
Deft. }

This day this cause was docketed by consent of parties and by leave of the Court came on to be heard on the bill and answer, and was argued by Counsel. On consideration whereof the Court doth adjudge order and decree that Robert Brettow, who is hereby appointed Commissioner for the purpose, sell to the highest bidder on a credit of twelve months (except cash sufficient to defray the expenses of this suit and of the sale) after giving fifteen days notice of the time and place of sale the land including his interest in Sarah Baileys dower, and slaves of which James O Bailey died seized and possessed, and take of the purchasers bonds with security in such sums as to assign to Sarah Bailey (the mother) two ninths and to Georgiana Bailey the same amount. To Edward O Bailey one ninth. to Malissa I Burt one ninth to Jesse A Holloway and Araminta his wife one ninth. to Edward E Bailey son of Alfred S Bailey one ninth and to Edward Sarah A. Clara I. & Pocahontas Bailey children of Peyton S Bailey dec^d one ninth - that the said Commissioner assign the said bonds to the parties entitled who are of full age and to the guardian of the infants, and make report to the Court in order to a final decree.

Costs \$2.28

Attest. Teste. J R Edwards Clk

1846 June

Agreeably to a Decree of the County Court of Southampton
 bearing date February Court 1845, and herewith annexed, after
 having advertised as directed by said Decree, - I have sold at
 public auction on a Credit of Twelve Months from the 5th, day
 of April 1845, - the Land and Negro Slaves belonging to the Est,
 of James, D, Bailey dec^d. Mr^r Salley Bailey became the purchaser
 of the old Negro Man Moses for the sum of \$50. - , Henry Ellis
 became the purchaser of the Negro Woman Patey for the sum
 of \$270. - , and Myatt Hancock became the purchaser of the
 Land for the sum of \$131. - , The annexed Decree does direct
 the sale of said Dec^d's right in the dower land, but through
 mistake, omitted to order the sale of his right in the dower slaves,
 in consequence of which omission I have thought it best not to
 sell his right in said land, knowing that there must be ~~as~~
 another sale to sell his right in the dower slaves and thinking it
 would be best to sell his right in all the dower property at the
 same time I have therefore omitted to sell his right in the
 dower Land, - I have in the first place deducted from the
 amount which I have sold the sum of \$17. - for to pay the
 Lawyers, Clerks and appraisers fees, and this further sum of
 Twenty two Dollars and fifty five Cents for Commissions for
 advertising, selling &c, leaving a Net Balance then due
 of \$411.45. for which balance I have taken Bonds for the
 following amounts to the following persons (to wit) one Bond to
 Mr^r Salley Bailey the Mother of said Dec^d. for \$91.43 ²/₃
 one other Bond to Georgiana Bailey for 91.43 ²/₃
 one other Bond to Everitt, C, Bailey for 45.71 ²/₃
 one other Bond to Edward, C, Bailey for 45.71 ²/₃
 one other Bond to Melissa, L, Birt for 45.71 ²/₃
 one other Bond to Jesse, A, Holloway for 45.71 ²/₃
 and one other Bond to John, C, Nicholson
 Guardian for Peyton, P, Bailey's Children } for 45.71 ²/₃
 \$411.45 -

I have paid over the above mentioned Bonds to the persons
 entitled to receive them and taken their receipts for the
 same as will appear on the back of this report,

Given under my hand this 25th day of May 1845 -
 Rob^t Mellow Com^{rs}

We and each of us do hereby acknowledge ourselves, to have received of Robert Pictor whom was appointed Commissioner by the County Court of Southampton to sell the Land and Slaves belonging to the Est, of James, D. Bailey dec^d. Bonds corresponding with the list in the within report in full for our perceptions of the sales of said Land and Slaves, agreeably to the Decree for the sale of the same, as hereto annexed,

Given under our hands this 25. day of August 1845.
W. J. Booth as T. J. H.

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