

1849-002

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BAILEY

VS. BAILEY et al

11/1849

other surnames: Pretlow,
Baily, Holloway, Burt,
Birt

Bailey

Papers

Bailey &

1838 Aug. Bill filed - Sp. a. Ex. on
all except Edw. & C. H. & Poston &
Bailey - Now Sp. a. to them

Sept. Sp. a. Ex. &

Oct. C. L. Edwards app't for
ad litem to infants.

Nov. ans. of Infants filed G. R.

1839 Mar. set for hearing G. R.

Apr. Marriage of C. L. Edwards
& J. Bailey with Sp. a. Hollway
suggested

1840 Apr. Poston Baileys death sug-
gested

Oct. 6. Sec. fa. app. to remove G. R.

Nov. C. L. Edwards app't for
infants - ans. filed. I Rep. & ans.
to amended bill - Dec. ans. all app.

1841 Jan. New Sp. a. Malisa L Post & Aram
To wife of J. A. Hollway. Robt. Pullon
Jas Bailey -

Feb. Sp. a. Ex. on all except Malisa &
Post - now Sp. a. to her - Robt. Pullon
ans. of infants -

1841

Mar. Sp. a. Post not found - now
Sp. a. to her -

Ans. of Bailey - Robt. Pullon
- set for hearing as to Hollway & Post
& C. Bailey -

Apr. C. L. Edwards on Sp. a. Post -
set for hearing as to Pullon &
Infant Ex. &

May - set for hearing as to Bailey -

June - set for hearing as to Post -

Oct. decree for division -

1842 Oct - Cont.

1843 Apr. Rule & Cont.

Oct. Death of C. L. Edwards
suggested

1844 May - Cont.

Nov - Cont.

1845 May - Cont.

Oct - Cont.

1846 May - Cont.

1847 Nov. Decree for

Sarah Bailey.

7 3/4 Bids

Bailey to this

STP

To the Judges of the Circuit Superior Court of Law &
Chancery for the County of Southampton. humbly
complaining. sheweth to the Court now complaining
-ant Sarah Bailey of Southampton County;
That her late husband Rowland Bailey departed his
life in the County of Southampton on or about
the day of February 1823, intestate, seized of
several valuable tracts of land, as an
estate of inheritance, in the Counties of ~~Southampton~~
-ampton and of Surry - and during the
coverture the said Rowland Bailey was, thus
to his use seized of an estate of inheri-
-tance in Surry County containing
of land, which he acquired under the last
will and testament of one Benjamin Bailey
also to a tract of land called Blair's, which
he purchased of one Thomas Blair, also on
the valuable plantation whereon the said
living, and on which he died; and the said
Rowland Bailey at the time of his death
had eight children, six by a former mar-
-riage, and two by Rowland's coverture. That is to
say Alfred S Bailey, Peyton P. Bailey,
Rowland Copeland Bailey, Melisa Lavinia
Bailey, Araminta A Bailey, Benja. B Bailey,
Georgiana Bailey and James W Bailey,
the last two now infants and children of Row-
land's coverture. That sometime after the intestate's
death, the said Benjamin B Bailey being
of full age & above 21 years old, and in-
-testate, and without having married, &
without issue; leaving the said Alfred, Pey-
-ton, Rowland, Melisa, Araminta, Georgiana
and James W Bailey his heirs at law, &
entitled to his share of the real estate descended
to him from his ancestor Rowland Bailey -
That the said Rowland B Bailey for some reason

charges, and is advised; Tens, has sold and conveyed to one Robert Puttlow of the County of Southampton all his interest in the said real estate so as aforesaid descended; and your complainant charges that the said Meliza Lavinia Bailey is now the widow of one Philip E. Bent. Your complainant is advised that as coheirs of the said deceased Bailey she is entitled to be endowed of one full and equal third part of all the lands, tenements and other real estate which her husband or any other to his use was seized of an estate of inheritance, at any time during the coverture; and she has applied to the said heirs for her just right, which they have refused, and now refuse to grant to her. In tender consideration whereof and as much as she is without remedy in the premises, and in as much as the rents and profits of the said lands have been withheld from her, she asks the aid of this Court, and that the said Alfred S. Bailey, Peyton P. Bailey, Rowd B. Bailey, ~~the said~~ Meliza Lavinia Bent, Araminta A. Bailey, Robt. Puttlow, and Georgian and Isaac W. Bailey the two last under the age of 21 years, may be made defendants to this bill. She prays upon their corporal oath, full, true, just and perfect answers to make to all and singular the allegations aforesaid fully and satisfactorily that they may be required to grant her dower in the lands aforesaid and to pay her one full and equal third part of the rents and profits of the said lands from the death of the ancestor, her late husband, that you will appoint fit and proper

persons to sit apart her dower, ~~and~~ and make any other order or decree in the premises for her relief which may comport with justice, equity, and as in duty bound, she will pray.
G. Atkinson, p. g.

Sarah Bailey

N. Y. City.

Bailey Folios

amended here

to Rev. Mr.

1840. —

Q. R. P. 9

To the Hon^{ble} H. B. Baker Judge of the
Circuit Sup^r. Court of law and ch^g.
for Southampton County humbly complains
shews to the Court your matrix Sarah
Bailey of Southampton County - that some
time ago she filed here in this Court
against Alfred S Bailey and others,
setting out, among other things, that
she was the widow of one Isaac Bailey
late of S^oampton County and entitled to
her dower in his real estate in the Counties
of Henry and S^oampton, and prays
for relief, all which will appear by
the papers in said cause which are
made part of this bill - that a controversy
has existed for some time between the heirs
at law of the said Isaac and Bailey &
one Alfred S. Bailey of Henry, as to the
title to a tract of land in Henry County
containing about 500 acres, wherein the
said Alfred S Bailey has lived for some
years back, the said Bailey has set up
a claim in fee simple to same, whereas
in truth it belongs to the estate of the
said Isaac Bailey and succeeded to his
heirs at law subject to your notori-
ally to record therein - and by way
of amendment to the said original bill
of complaint, your matrix by leave of
the Court first had and obtained, for
chays that a suit at law (to wit a
bill of right) was instituted in the
Court of law for Henry Circuit Sup^r &
in favor of Robert Pullen who had been
charged from record one of the heirs at law,

of the said case? Bailey, to wit, on record
C Bailey — Row? W Bailey, Sarah Ann Bailey
John —
against the said Alfred S Bailey to
try the title to said tract of land in
Sunny County of about 500 acres —

and the cause came on to be heard
at the last Circuit Supr. Court of law
in Sunny County, and on the trial of
the same, a verdict was returned
in favour of the plaintiffs for four hundred
and 28 acres — a part of 500 acres bounded
by the lands of Jm. Puttore, also: Lason,
John — as stated in the verdict
whereby the fact that the same lands
belonged to Row? Bailey, he, being
now oratrix at his death, has been
completely established and put at rest.
all which will more fully and at
large appear by a paper herewith filed
marked X
and prayed to be taken as part of the
bill — And now oratrix begs other relief
without relief — pray that the said
parties to the original bill, to wit,
Alfred S Bailey, Row? C Bailey, Alfred
L. Pitt Esq. & H. Moray and Alexander
his wife, Robert Puttore, Georgiana Bailey,
Larus Bailey, Row? W Bailey, Sarah Bailey,
Clara Bailey, Henrietta P. Bailey, the
last infant children of Peyton Bailey
and all other proper persons be made
defendants to this amended bill and that they be compelled
to answer the same fully and as is justly,

that you will deem to his own peace &
equal this part for life of all the
real estate whosoever he late her land
Row? Bailey died seized as a co-tenant
of inheritance, in and of the tract
of land mentioned or referred by the
verdict of a jury at the last Supr. Ct.
in Sunny County, and that you
will also deem just and proper
to her for the time she has been kept
out of her rights &c. and that you will
grant any other or further relief
in the premises that may seem proper
and as is justly bound she prays for

A. M. Keiser
atc. for plff

A. T. Bailey's
successor

Bailey

2 {

Bailey & Co

1821 March 1st

To the Judge of the circuit superior
court of law and chancery for the county
of Southampton in chancery sitting

The answer of Alfred T Bailey to an
original and amended
bill exhibited against him and then
in said court by Luciah Bailey

This deponent saving and reserving
to himself all advantages and exception
to the many errors and insufficiencies
of said bill for answer thereto answers
and says that it is true he is one
of the children of Edward Bailey dead
who died about the time mentioned
in said bill possessed of a tract of
land in the county of Southampton on
which he resided and also of the land
called Clary's in the county of Lucy
but your ^{respondent} denies that the said
Edward Bailey at the time of his death
or for many years before was pos-
sessed of the land devised to him
by Benjamin Bailey dead, this last
named land ^{was} for many years
before the death of the said Edward
and up to this time is in the posses-
sion of your respondent and he
claims this same as a reasonable
advancement made to him by his
father more than twenty years ago
he has ever since remained in
possession thereof, improved and cul-
tivated the same by virtue of said
advancement without ever settling

up any claims to any other portions
of the real estate of his said father
and being willing for the other heirs
to claim and divide the same as
might their wishes or interests. He
has gone on to make improvements
on the land in his possession of great
value under the full belief that
the land was his own, although
he did not receive a deed for the
same, and this he did before
the plaintiff claimed to have in-
termarried with his father, an
intermarriage which your respon-
dent denies and calls for proof
of the fact and he denies that
the plaintiff has any title to derive
in the lands of his late father.
If your respondent were now to be
required to surrender any portion
of the land so long in his possession
on which he has made most
valuable improvements, and man-
aged in all respects as his own
great injustice would be done him
and he would be deprived of his
honest labour through a long
course of years for the benefit of
others, he claims the same as his
right by reason of said advancement
and desires that the plaintiff or
any other persons have any right
to interfere with his long and
quiet possession both before and

since the death of his said father.
The said plaintiff for a long time
has been in possession or had the
use and benefit of the massive
house and plantation on which
his father resided and has there-
fore had no cause to complain
for long & down even if she had
any right or title thereto, and can
not therefore complain of about rents
and profits as she had had the
use & more than her full share
your respondent asks that if any
doubt is to be made in the case
the land on which he resides and
claims as his own may not be in-
cluded in the division, but be
reverted to him according to his rights
as received from his father. Having
thus answered he prays to be dismissed
with his costs &c.

signed
Alfred Bailey

Trinity county to wit

This day Alfred Bailey
personally appeared before me as justice
of the peace for the county of Trinity and
made oath to the truth of the foregoing
answer and the matters therein
contained. Given under my hand
this 22nd Feb'y 1841

Bolling Jones J.P.

v^o apter to end; the for the value
against for v^o County, Little
Kiss was made with that the
within a man is true, so far
as he knows - from under
my name this 20. Nov. 1838 -

John E. Howard

Barley
to 3 Mrs. of infants
Barley &

1838 Oct 31

To the Judge of the Circuit Sup. Ct. of La. & C.
Chy: In 5th Auditor County. The answer of
James W Bailey and Georgiana Bailey
infant, by Littleton R Edwards guardian
ad litem to said infant. The defense
saying and reserving to themselves all
manner of benefit ~~to the same~~ to advantage
of exception to the errors and imperfections
in the comp. bill contained, for answer
say they are of very tender years, and
incapable of protecting their rights. They
know nothing of the justice of the possi-
sions, and call for strict proof.
and say answer they pray leave
to be dismissed with their reasonable
costs unjustly sustained —

(Signed

L R Edwards G. W

Baileys infant

and $\frac{1}{2}$ arm

Bailey

2000

To the Judges of the Circuit Superior
Court of law and chancery for the
County of Southampton - in ch. set.
The answer of Edward W Bailey, Sarah Bailey, Eliza
Bailey, & Henrietta P Bailey

by Littleton R Edwards

that we do hereby specially appoint
to defend them, to the bill of complaint
in said Court against them exhibited
by Sarah Bailey

The defendants for answer to the
said bill of complaint, say they
are infants of tender years and capa-
ble of protecting their rights. They
are the heirs at law of Peyton
Bailey and know nothing of the
truth or falsehood of the charges
in the complainant's bill - they
call on the people for strict
proof, deny the allegations in the
bill & pray the Court to protect
their interest and that they be
heard as, resp. &c.

Witness my hand, Littleton R Edwards for

S. C. Southampton County, Ga. The above answer
was given to this day by Littleton R Edwards Esq.
before me as Justice of the Peace for the

said County - piece under
my hand & seal this 3^d day of
October ~~1840~~ 1840. —

Car Bowers 

Baileys infant
and:

Bailey —
to answer
Rule —

For Baileys only
1840

1841 Jan'y Rules.

As the Judge of the Circuit Supr. Court of
Law and Chy. for &c. &c. &c. -
The answers of James M Bailey, Georgia
- na Bailey, Edward M Bailey, Sarah
Bailey, Clara Bailey and Minnie
P. Bailey infants by Littleton R Edwards
their next friend - the defendants by
their guardian say, that they are of
very tender years and incapable of
protecting their just rights; they know
nothing of the rights of the p[er]son and
submit to the Court the protection of
their interest. and have agreed
they pray leave to be signed for

Signed, L. R. Edwards Esq.

Southampton County Court

This day Littleton R Edwards personally
appeared before me a Justice of the Peace for the County aforesaid and made oath to
the facts stated in the foregoing answer - Given under my hand this 9th day
of January 1841.

Jan 13 1841

Bailey

7 1/2

Bailey & Co

acts of the peffs!
atto: ds

have to amend bill.

R. H. B.

Count both further, adding, even &
over that a Courtth of this Court took
an ap of the rent and profit of
the real estate of the s^d Edward Bailey
since his death, and shew by
where the same have been read.

and that the Courtth make up with
any matters annexed pertinent by
himself or required by the parties
to be stated by

Baily^x
~

Baily L.

rough sun

in the St.

to be entered

R. H. Baker

Sarah Bailey, Alfred S. Bailey &c.

The sp^y in this cause having been executed
and the original ~~and amended~~ bills
filed more than ^{two} ~~three~~ months, and the
defendants Peyton J. Bailey, Edw. C
Bailey, Melinda L Birt, John A H Moray
and Araminta his wife, Rob^t. Pettow,
who have failed to answer, the Bida is
taken for confessed against them, and the
cause came on to be heard on the origi-
-nal ^{the answer of the def^t. Alfred S. Bailey to the original bills and} and amended bills, the answer of
the infants defendants Edw. W Bailey,
Sarah Bailey, Clara Bailey, Henrietta
P. Bailey, James W Bailey, and Georgiana
Bailey, applications thereto, exhibits filed
and was argued by counsel; On consid-
-eration whereof the Court doth adj. and it
seem that Edwin White, Rich^d. A. Lunge-
-hart, John Barker, Benjamin L Bess
Alexander Fairer and Joel Purson

or any 3 of them, with the aid of a surveyor
or surveyors, do perceive to set apart to
the compl^t. Sarah Bailey one full bequest
their part of the real estate whereof Edw.
Bailey or late of &c. after his said
an estate of inheritance, having regard to
quality and quantity, and that they
now rpt. to this Court.

The Clerk of Southampton County
May order please discontinue
this suit -

Sarah Buile
30 Nov: 1848

656

Bailey

" } Sp^a in Chy -

Bailey &

To August Rules 1858

A copy delivered.

J. N. Dill For
A. W. Holleman Siff.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of ^{Surry}~~Southampton~~ County, Greeting:

We command you that you summon *Alfred I Bailey*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *August* next, to answer a Bill in Chancery exhibited against *him & others* in the said Court by —

Sarah Bailey

And unless *he* shall answer the said Bill within four months thereafter, the Court will take the same for confessed, and decree accordingly. And this *he* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *25th* day of *June* 183*8*, in the *62^d* year of the Commonwealth.

L.R. Edwards Clk

[One Copy to be delivered each Defendant.]

Bailey

" { Sp. in Chy

Bailey Jr

To August Rules 1838.

Executed on Male

Levinia Burt. As witness

A Bailey & Robert.

Printed James W Bailey

& Edward C Bailey not

found Wm Lebrille &

Jas D Mafomburg off

Executed on Georgia

Bailey

Wm Lebrille Jpy of

Jas D Mafomburg S W

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Edward & Bailey, Milisa & Linnia*
Burt. Araminta A Bailey. Robert Pethlow and Georgiana &
James W Bailey

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County
of Southampton, at the Rules to be holden for the said Court on the first Monday in *August*
next, to answer a Bill in Chancery exhibited against *them* ^{others} in the said Court by

Sarah Bailey

And unless *they* shall answer the said Bill within four months thereafter, the Court will take
the same for confessed, and decree accordingly. And this *they* shall in no wise omit, under
the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk
of our said Court, at the Court-house, the *25* day of *June* 183*8*, in the
62^d year of the Commonwealth.

L.R. Edwards

[One Copy to be delivered each Defendant.]

Executed the 22^d July 1838. by delivering a
copy.
Wm. J. Harrison Secy.
of Henry Malon Sheriff

L. 56

W. J. Harrison

" { Secy in Charge

W. J. Harrison

do August Rules 1838

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of ^{Isle of} ~~Southampton~~ County, Greeting:

We command you that you summon *Payton P. Bailey*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *August* next, to answer a Bill in Chancery exhibited against *him & others* in the said Court by

Sarah Bailey

And unless *he* shall answer the said Bill within four months thereafter, the Court will take the same for confessed, and decree accordingly. And this *he* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *25th* day of *June* 183*8*, in the *62^d* year of the Commonwealth.

L. R. Edwards

[One Copy to be delivered each Defendant.]

1056

Bailey

v } Sp^a. in lth

Bailey J^r

To September Rules 1835

A copy delivered.

J. N. Dill D^r for

H. W. Holcomen Sh^{ts}.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of ^{County} ~~Southampton~~ County, Greeting:

We command you that you summon *Edward L Bailey*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *September* next, to answer a Bill in Chancery exhibited against *himself* ^{& others} in the said Court by

Sarah Bailey

And unless *he* shall answer the said Bill within four months thereafter, the Court will take the same for confessed, and decree accordingly. And this *he* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *6* day of *August* 183*8*, in the *13th* year of the Commonwealth.

L R Edwards

[One Copy to be delivered each Defendant.]

c
Bailey

or

Bailey & Co

} Spa in lchng.

1838. Sept R.

Executed

H. Allen Dr 7/4

J. M. Allen Dr 5/4 1/2

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon

James D. Bailey

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *September* next, to answer a Bill in Chancery exhibited against *him & others* in the said Court by *Sarah Bailey*

And unless *he* shall answer the said Bill within four months thereafter, the Court will take the same for confessed, and decree accordingly. And this *he* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *7th* day of *August* 183*8*, in the *63rd* year of the Commonwealth.

L. R. Edwards cl. p.

[One Copy to be delivered each Defendant.]

6.56

Barley
to { Sci Soc

Barley Jas
To October Term 1840.

Executed

John J. Ludkins Deputy
Sho. Prothon. Hoff;

The Commonwealth of Virginia - To the Sheriff of Southampton County -
Greeting. Whereas Sarah Bailey heretofore exhibited ~~to~~ ^{to} ~~the~~ ^{the} ~~bill~~ ^{bill} ~~present~~ ^{present} Superior
Court of Law and Chancery for the County of Southampton her bill of complaint
against Alfred S. Bailey, Peyton P. Bailey, Edward W. Bailey, Malissa Lavinia
Burt, Araminta A. Bailey, Robert Prutton and Georgiana and James W.
Bailey whereupon sundry proceedings have been had as appears from the Records &
files of the said Court, but before a final decree could be pronounced in the said
Cause the said Peyton P. Bailey departed this life leaving the following children
infants and his heirs at law, to wit Edward W. Bailey, Sarah Bailey, Clara
Bailey and Henrietta P. Bailey. And the said Sarah Bailey having suppli-
cated us for a proper remedy in this behalf and we being willing that what is right &
just should be done command you that you make known to the said Edward
W. Bailey, Sarah Bailey, Clara Bailey and Henrietta P. Bailey that they be before
the Judge of our Circuit Superior Court of Law and Chancery for the County
aforesaid at the Courthouse of said County on the first day of the next Term of the
said Court to show cause if any they have or can why the action aforesaid
should not be proceeded in to a final decree against them and be in all things
in the same plight and condition as it was at the time of the decease of the
said Peyton P. Bailey and further to do and receive what our said Court shall
in that part consider. And have them shew this writ. Witness Littleton R. Ed-
wards Clerk of our said Court at the Courthouse this 6th day of October 1840 in
the 65th year of the Commonwealth

L. R. Edwards clc

Bailey

to } Spa in (the)

Bailey & Co

1841 January Rules

Expended on a spec. of Holloway
by delivering a true copy of

Dec. 22/1840-

Robert Prattow, Georgiana

Bailey, James Bailey,

Eawbra W Bailey, not

found, ^{Charles Bailey} Sarah Bailey,

Clara, Bailey & Hymanella

Bailey no inhabitants

Spec. Drewry out of

The Prattow ship

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Malissa L Burt, Jesse A Hollaway,*
Armenta his wife, Robert Patton, Georgiana Bailey, James
W Bailey, Edward W Bailey, Sarah Bailey, Clara Bailey &
Hennetta P Bailey

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County
of Southampton, at the Rules to be holden for the said Court on the first Monday in *January*
next, to answer ^{*an amended*} Bill in Chancery exhibited against *them & others* in the said Court by

Sarah Bailey

And unless *they* shall answer the said Bill within ^{*two*} ~~four~~ months thereafter, the Court will take
the same for confessed, and decree accordingly. And this *they* shall in no wise omit, under
the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk
of our said Court, at the Court-house, the *7th* day of *December*, 18*70*, in the
65th year of the Commonwealth.

L R Edwards Clk

[One Copy to be delivered each Defendant.]

C. 3. 6

Bailey

2 } Sp^a in Chy.

Bailey & Co

1844 January Rules

Exacted.

No. communicate copy
for Examine White Chy

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of ^{Surry} ~~Southampton~~ County, Greeting:

We command you that you summon *Alfred I Bailey* *Edward & Bailey & Jesse A Holloway and Araminta his wife*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *January* next, to answer ^{an amended} a Bill in Chancery exhibited against *them* ^{thems} in the said Court by

Sarah Bailey

And unless *they* shall answer the said Bill within ^{two} ~~four~~ months thereafter, the Court will take the same for confessed, and decree accordingly. And this *they* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *7th* day of *December* 18*40*, in the *65th* year of the Commonwealth.

L.R. Edwards Clk

[One Copy to be delivered each Defendant.]

Barley
 ~ 3 Sp^a in lhy

Barley & Co
 1841 February Rules

Executed. by delivering a
 true copy to each L
 January 27/1841

J. P. Drury sup of
 The Fulton shiff—

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Robert Prethor, George Bailey, & James Bailey*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *February* next, to answer ^{*an amended*} Bill in Chancery exhibited against *them & others* in the said Court by

Sarah Bailey

And unless *they* shall answer the said Bill within ^{*two*} ~~four~~ months thereafter, the Court will take the same for confessed, and decree accordingly. And this *they* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *3^d* day of *January* 18*91*, in the *65th* year of the Commonwealth.

LR Edwards

[One Copy to be delivered each Defendant.]

6.5.6

Bailey

n { 3 sp.

Bailey & Co

March Rules 1841

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Mahpa L Burt & Annita*
Holladay (wife of Joseph Holladay)

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *March* next, to answer a Bill in Chancery exhibited against *them* ^{*thurs*} in the said Court by

Sarah Bailey

And unless *they* shall answer the said Bill within ^{*two*} ~~four~~ months thereafter, the Court will take the same for confessed, and decree accordingly. And this *they* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *1st* day of *February* 18*41*, in the *65th* year of the Commonwealth.

L R Edwards ds do

[One Copy to be delivered each Defendant.]

Wiley

to Spain in 1847

Wiley Galt

1841 April Rules

Executed by delivering
a true copy of the within
To Melipia & Burt

J. H. Schell Deputy of
Hos. Prattow - S. H.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Melissa I Bird*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *April* next, to answer a Bill in Chancery exhibited against *her & others* in the said Court by

Sarah Bailey

And unless *she* shall answer the said Bill within *four* months thereafter, the Court will take the same for confessed, and decree accordingly. And this *she* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *12* day of *March* 183*4*, in the *65* year of the Commonwealth.

L R Edwards

[One Copy to be delivered each Defendant.]

To Alfred S Bailey - Sir, take notice, that on the
30th instant, at the house of Fielding Jackson
in Jerusalem in the County of Southampton
between the hours of 8, O'clock A. M. & 8
O'clock P. M., of said day, I have taken
the deposition of James Clayton & others,
to be read as evidence in the suit in the
Circuit Superior Court of Law & Chancery
(on the Chancery side of said Court, in
which Sarah Bailey is plaintiff & one
other are defendants - Yours, &c

Sarah Bailey
29 Octbr 1841

Routhampton City Tex. This
day I have ~~the~~ received from
Sathupen me a letter for
said County, that on the 29
of October 1861, in the town
of Merced, Cal., he delivered
a true copy of his petition
to Alfred S Bailey -
given under my hand
and seal this 29th of October
1861 -

Jacob Barnes (D)

C. S. B.

Bailey

to } Sums.

Bailey had
1843 October Term

By order of the Court

JR Edwards

Executed Alexander Faison and

Benjamin S. Drew

Edwin White Richards A longheart

John Boykin and Joel Poffenb.

James Witham A Will Deputy of

William L Everett Sheriff

The Commonwealth of Virginia To the Sheriff of Southampton County -
Greeting. We command you to summon Edwin White, Richard A Urguhart, John
Boykin, Benjamin L Drew, Alexander Faison and Joel Prepon Commissioners ap-
pointed by a decree of the Circuit Superior Court of Law and Chancery for Southampton
County pronounced on the 1st. day of November 1841 in a suit therein pending between
Sarah Bailey plaintiff and Alfred S Bailey & others defendants, to set apart to
the Complainant Sarah Bailey one full & equal third part of the real estate whereof
Edward Bailey Sr. late of Southampton died seized as an estate of inheritance - to appear
before the Judge of our Circuit Superior aforesaid at the Courthouse on the first
day of October Term next to show cause why they have not made this report -
And have then there this writ. Witness Gulleton R Edwards Clerk of our said
Court at the Courthouse the 30th day of September 1843 in the 68th year of
the Commonwealth.

I R Edwards Ck

Given under my hand and seal this 30th
of October 1841.

H. T. Smith 

Paidey & Co.
Paidey & Co.

Received by H. T. Smith a
Sum of the sum of \$20.00

The deposition of Jeph Drury

taken at the town of Field's Junction
in Lenoir County, and County of Southampton
on the 30th of October 1841, according to
notice, between the hours of 8 o'clock a.m.
and 6 o'clock p.m. of same day, to
be made as evidence in the suit in the
Circuit Superior Court of Law & Ch. for
Southampton County, in which Sarah
Bailey is p[er]f. and Alfred S. Bailey
and others are defendants.

The deponent having been sworn to speak
the truth as per, and says that to the
following interrogatories -

First question by p[er]f.'s att[or].. Did you
know Edward Bailey (called Major
Bailey of Southampton formerly known as Ed.)
if so, did you know his wife, and
do you know Sarah Bailey the p[er]f.?
if so, say whether in the life of said Ed.
Bailey she the p[er]f. was esteemed in the
neighborhood to be his wife?

Answer of Jeph Drury.

I did know Edward Bailey and his wife.

She was esteemed as his wife, they lived together, and had
several children, that wife was Sarah Bailey the plaintiff.

Just timely p/s: Liea Maja Kowale
Bailey recognize and claim the p/s.
Sarah Bailey as his wife and did
he have any children by her?

Business of the Society - he did not recognise her as his
Wife and acknowledged her as such.

Life & Drury

5:00 ampton County Jto: The 30th of October 1841, at the
town of Fielding Mahone in Lenoir Co. the
County of Southampton, appears before me
Jeph Drennon, who after he is sworn according to
law, gave the annexed & foregoing exposition
before me & signed the same - to be read as evidence
in the suit aforesaid in the Circuit Superior Court
of Law and Chy. for S: ampton, in which Sarah Bailey
is p't: and Alford S. Bailey & others are defendts

Bailey

to } Report.

Bailey & Co.

1846 Nov. 9th

In Obedience to a Decree of the Honourable Southamptone
Circuit Superior Court, bearing date November 18th, 1841, and hereunto
annexed, We the undersigned Subscribers have with the aid of the County
Surveyor of the said County proceeded to set apart to the Complainant-
 therein namely Sarah Bailey Relict of Maj.^r Corran Bailey Sen.^r dec.^d
One full equal third part of the real estates whereof the said Corran
Bailey Sen.^r late of the County of Southamptone died seized and possessed,
as an estates of inheritance, having regard to quality and quantity, - which
equal third part does consist of the Mansion House, with all the surround-
- ing and adjacent buildings, Orchards &c, - and being bounded in the following
Manner, beginning at a Maple Stump in the hanging barrow branch
near the proctor road, standing on the West side of said road, thence
a long or line of well marked trees S. 70.° W, to a pine corner in
Thomas Atkinson's line in Surry County, thence by the said Atkinson's
land lying in the County of Surry, thence by the lands belonging to the Heir
of Henry Holliman dec.^d lying in the County of Southamptone, thence by the
lands of the said Thomas Atkinson lying in the County of Southamptone,
thence by the lands of Phineas, M. Bailey, and thence by the lands of
Robert Pittauz, - Containing 628 $\frac{1}{2}$ Acres, which will more fully appear
by referring to the Plat of the Survey and the division, - It being all
the lands lying South of said line of well marked trees in the County of
Southamptone belonging to the estates of the said Corran Bailey dec.^d, -

The above is respectfully submitted to the Honourable Court,
Given under our hands this 18th, day of November 1845. -

Benjamin J. Drem
R. A. M. Culcutt
Alex^r. Haison

Clerks of the Court

Barley

Co. Duran

Barley

Southampton Circuit Superior Court. November 1, 1841.

Sarah Bailey

Plff

In Chancery

Defts

against
Alfred S Bailey & others

The subpoenas in this cause having been executed and the original and amended bills filed more than two months and the defendants Peyton S Bailey, Edward C Bailey, Malapa S Wirt, Jeph A Holloway and Araminta his wife and Robert Pretton who have failed to answer the bill is taken for confessed against them. And the cause came on to be heard on the original and amended bills, the answer of the defendant Alfred S Bailey to the original bill and the answer of the infant defendants Edward W Bailey, Sarah Bailey, Clara Bailey, Henrietta P Bailey, James W Bailey and Georgiana Bailey, replications thereto exhibits filed and was argued by counsel. On consideration whereof the Court doth adjudge, order and decree that Edward White, Richard A Urquhart, John Boykirk, Benjamin S Drew, Alexander Faison and Joel Prepost or any three of them with the aid of a surveyor or surveyors do proceed to set apart to the complainant Sarah Bailey one full & equal third part of the real estate whereof Edward Bailey Sr. late of Southampton died seized as an estate of inheritance having regard to the quality & quantity and that they make report to Court.

Attest

Teste

J R Edwards

7.³
Yellow 38

no } copy endowment
Bailey

to be filed in
Ch. & of
Bailey
Bailey &

Virginia: At a Circuit Superior Court of Law and Chancery
held for the County of Surry at the Courtroom thereof
the 16th day of October 1880.

Robert Patton, Edward L Bailey, Sarah Ann Bailey,
Henrietta F Bailey, and Clara J Bailey, children and
heirs at law of Peyton D Bailey, deceased, Malissa L
Patt, wife of Holloway, and Araminta C his wife
late Araminta C Bailey, Georgiana Bailey and
James D Bailey, the two last infants suing by Sarah
Bailey their next friend
against
Alfred D Bailey

Upon a
verdict of
Right

This day came the parties by their attorneys, and
thereupon came also a jury consisting of John Bennett, William H Perriman,
Thomas Howell, Thomas West, James Richardson, Harrison Thomas,
Richard Howell, Cheslon Monroe Henry, M Lockes, John P. Hopkins,
Lewis E Williams, and David W Taylor, who being sworn and
and sworn the truth to speak upon the issue joined upon their
oath do say "We the jury find that the demandants have
more right to have the tenement of four hundred and twenty
eight acres part of the tract of five hundred, in the county
mentioned, which tract of five hundred acres is bounded by the
lands of Joseph Patton, Alexander Faison, the lands of Edward
Bailey deceased, called "Clays" and other lands of the heirs
of said Edward Bailey, which they demand against the tenant
by their writ of right, than the tenant has to hold it, as
he holds it, and we award the plaintiff damage to two
hundred and fifty seven dollars and fifteen cents. Therefore
it is considered by the court that the said demandants recover
against the tenant, their assign of the said four hundred and
twenty eight acres of land with their appurtenances, to hold
to them and their heirs quit of the said tenant and his
heirs forever, and two hundred and fifty seven dollars and
fifteen cents, their damages aforesaid, in form aforesaid specified.
And that the said demandants recover against the said tenant
their costs by them about their suit in this behalf expended
(and)

And the said tenant in money 3.

Plus costs \$27.95

Copy 24

W. L. Henderson &c.

H.
Pettus Jas
vs { Copy Verdict and
Judgment.
Bailey

A. Atkinson Esq.

X

exhibit

Virginia At a Circuit Superior Court of Law and
Chancery held for the County of Surry at the Courthouse
thereof the 16th day of October 1840.

Robert Pretlow, Edward W. Bailey, Sarah Ann Bailey
Henrietta P. Bailey and Clara J. Bailey children and
heirs at law, of Peyton P. Bailey deceased Melissa L
Burt, Jesse A. Holloway and Araminta A his wife late
Bailey, Georgiana Bailey, and James S. Bailey the two
last infants suing by Sarah Bailey their next friend Pls
against
Alfred S. Bailey. Dft

This day came the parties by their attorneys, and
thereupon came also a Jury to wit. John Bennett, William H.
Benniman, Thomas Rowell, Thomas West, James Richardson, Harrison
Thomas, Richard Rowell, Chisolm Morris, Henry M. Locke, John P.
Hopkins, Lewis E. Williams, and Travis W. Taylor who being elected
tried and sworn the truth to speak upon the issue joined
upon their oath do say "We the Jury find that the demandants
have ~~no~~ right to have the tenement of four hundred and twenty
eight acres part of the tract of five hundred in the County, men-
tioned which tract of five hundred acres is bounded by the
lands of Joseph Pretlow, Alexander Faison, the lands of Edward
Bailey deceased, called "Clays." and other lands of the heirs of
said Edward Bailey which they demand against the tenant
by their writ of right, than the tenant has ^{as he alleges it} to hold it, and we
assess the plaintiffs damage to two hundred and a fifty seven
Dollars and fifteen cents. Therefore it is considered by the Court
that the said demandants recover against the tenant their seizure
of the said four hundred and twenty eight acres of land with
their appurtenances, to hold to them and their heirs, quit of the
said tenant and his heirs forever, And two hundred and a fifty
seven Dollars and fifteen cents their damages aforesaid in form
aforesaid assessed. And that the said demandants recover
against the said tenant, their costs by them, about their suit in
this behalf expended. And the said tenant in mercy &c.
Attest Teste Wm. F. Underwood, cc.

Black sup. 1.

✓^c caption

Miss Th. in ch. & after of
Bailey Bailey - in name of
Edward W Bailey, Sarah Bailey
Clara Bailey, & Minnie P. Bailey
infants by Ann J Bailey next
to — A. McKim