

1855-044

Chancery Papers, Ryland vs Harris & ux & al

5/1855

Southampton County

Bayland
 as Bill & Co.
 Bayland

1854 Dec. Dec. as filed

1835 Apr. Report.

" May " Conf.?

To the worshipful court of Boutramplois in
chancery sitting

Humble, complaining shew unto your
worships your complainant Martha P Byland that
very lately her son Wm E Byland died intestate seized
and possessed of a small tract of land lying in said
county containing about 250 which he had acquired
by purchase - that the said Wm E Byland left as his
sole heirs at law your complainant his mother,
his sisters Mary E who has intermarried with
Samuel Harris, and his brother Albert A S
Byland are informing under your - that the
interest of all the parties would be promoted by a
sale of the said land and distribution of the pro-
ceeds, and that the dividend of each party would not
exceed the value of \$300 -

In tender consideration of all which and
in as much as she is without remedy in the
premises except in a court of Equity - to the end
that justice may be done, she prays that Samuel
Harris & Mary E his wife & Albert A S Byland may
be made defendants to this bill, that some fit & proper
person may be appointed by the court to de-
pend the income of the said land may
be sold & the proceeds distributed, and that
the court will grant such other & general
relief in the premises as Equity may dictate
& as in due & bound she will ever pray &c

Martha P Byland
By Chamberliss & Mosser her
attys

The answer of James Harris & Mary & his wife to the
above bill of complaint.

These Defs answer saying that the facts
of the above bill are true and having an-
swered they pray leave to be dismissed

Chambliss Whipple
attys for Defs

The answer of Albert H S Ryland & L R Edwards
his good letters to the above bill of complaint

This Defendant for answer to the said bill
answering saying, that he believes the facts
therein stated to be true, but being an in-
fant he submits his rights to the protection
of the court, and having answered he
prays leave to be dismissed

Chambliss Whipple
attys for Defs

Ryland
is } done
Ryland }

This day this cause was docketed by consent of
parties and by like consent came on to be heard on the
bill and answer, and was argued by counsel, on con-
sideration whereof the court doth adjudge order and
decree that James Harris who is hereby appointed a
special commissioner for that purpose after adver-
tising for thirty days at the Court House and at two
or more public places in the vicinity proceed to
sell the said tract of land containing about 250
acres of which Wm S Ryland did seize to the highest
bidder at public auction and after receiving so much
in cash as may be required to pay the expenses of sale
and costs of this suit that for the balance of the proceeds
of sale he take three equal bonds with good security
payable twelve months after date, and assign one to

Martha P Ryland, one to the guardian at law of Albert A
S Ryland, and reserve the other in right of his wife Mary
E Harris and report to court in order for a final
decree - But this decree shall be of no effect until
the said James Harris shall have executed bond
in the Clerk's office of this court in the penalty of
\$2000 with good security conditioned according to
law

Ryland

v. } Copy Deane

Ryland

1855 Apr. Rept.

bonds not ret^d

Southampton County Court - December Term 1854.

Ryland

against

Ryland &c

Jeff

vs

In Chancery

This day this cause was docketed by consent of parties and by like consent 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 James Harris, who is hereby appointed a Special Commissioner for that purpose after advertising for thirty days at the Court house and at two or more public places in the vicinity, proceed to sell the said tract of land containing about 250 acres of which Wm E. Ryland died seized, to the highest bidder at public auction and after reserving so much is cash as may be required to pay the expense of sale and costs of this Suit, that for the balance of the proceeds of sale he take three equal bonds with good security payable twelve months after date, and assign one to Martha P. Ryland, one to the guardian at law of Albert A. G. Ryland and reserve the other in right of his wife Mary E Harris and report to Court in order to a final decree. But this decree shall be of no effect until the said James Harris shall have executed bond in the Clerk's Office of this Court in the penalty of \$2000 with good security conditioned according to Law

blks Costs \$3.50

A Copy

Teste

L. R. Edwards Ck

After giving due notice as above directed I have proceeded to sell as aforesaid directed on Monday the 5th day of Feb 1855 at Courthouse (it being Court day) the above tract of land containing by recent survey two hundred and fifty acres of which Miss Evelyn B. Thorpe became purchaser under the restrictions of the above decree at Five dollars and fifty cents pr. acre making the full amount -

(As follows) 250 Acres land at \$5.50 pr. acre Evelyn B Thorpe purchaser	\$1375 00
By ants retained for Chambliss & Lappenberg	\$ 10 50
" Ditto " for Clerk of Southampton	3 00
" Ditto " " Auctioneer	2 00
" Ditto Com. on \$300. at 5 pr. c.	15 00
" Ditto " on 1075 at 2 pr. c.	21 50 = 52 00
Sub. proceeds of Sales after deducting expenses &c.	\$1323 00
One Bond executed to Martha P. Ryland for her proportion	441 00
One ditto " to Jas Harris Com. for A. A. G. Ryland minor "	441 00
One ditto " to Jas Harris in right of his wife	441 00
Balance	\$1323 00 1323 00

The over balance of Thirteen hundred and twenty three dollars on opposite page (as ^{will} appear by reference) I have caused three equal bonds of Four hundred and forty one dollars each bearing interest from the 1st day of February 1856. to be executed (as follows) One to Martha P. Ryland, One to Jas Harris Jr. Comr. for the benefit of Albert A. G. Ryland Minor. (who has no Guardian at law) and the Other to myself in right of my wife M. E. Harris, which is herewith respectfully submitted

James Harris Jr. Comr.

KNOW ALL MEN BY THESE PRESENTS, That we *James Harris*

are held and firmly bound unto the Commonwealth of Virginia, in the just and full sum of *Two Thousand* Dollars, for the payment of which, well and truly to be made, we bind ourselves, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Scaled with our seals and dated this _____ day of _____, 185*5*

The Condition of the above Obligation is such, That whereas the above bound *James Harris*

has by a Decree of *the County Court of Southampton* pronounced on the _____ day of *December* 185*4*, in a cause therein pending wherein *Martha B Ryland* Plaintiff and *A B Ryland Jr* Defendants, been appointed Commissioner to make sale of certain *real* Estate in the said cause described.—Now if the said *James Harris* shall faithfully discharge *his* duties as such Commissioner under said decree, then this obligation to be void, else to remain in full force and virtue.

Signed, Sealed, and delivered }
in presence of }

L.S.

L.S.

L.S.