

1866-120

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BRYANT and Wife vs. HILL'S EXECUTOR et al

4/1866

Bayant is wife

as 3

Hills was not

Bill answer is clear

is exhibits filed

1866. April. Dena as filed 1?

To the worshipful County Court of Southampton
in chancery sitting

Humly complaining your orators Richard L Bryant
and Martha L his wife who before her marriage was
Hill, sheweth unto your worships That in the year
1860 - Mason Hill of Southampton died leaving
considerable estate both real and personal having
first made her last will and testament which was
duly proved in the county court of Southampton and
James Barnes one of the executors therein named qualifies
as such in the mode prescribed by law all of which
will more fully appear by a certified copy of the said
will and probate herewith filed marked A and prays
to be taken as a part of this bill, Your Orators shew
further that Mason ^{Hill} by her said will after making
certain devises and bequests gave "All the balance
of her estate to her four ^{graceful} children to wit Martha L
Hill one of your orators and Samuel W Hill, Henry
L Hill and Cornelia M Hill, They state further
that James Barnes executor as aforesaid has paid all
the debts and special legacies and has settled his
executorial account before one of the commissioners of
this court who also states a distributive account at
the request of the executor by which it appears
that there is a balance due each of the said residuary
legates of \$1168.30 ^{cts} on the 31st of December 1863
all of which will more fully appear by a certified
copy of the said account herewith filed marked B

and prayed to be taken as a part of this bill, The court will perceive by an examination of this account that commissioner reports that all the monies received and disbursed by the executor was in Confederate states currency or Treasury notes, Your orators are advised that under such circumstances it is discretionary with the court by its order or decree to say what amount the executor shall pay in lawful money in lieu of the Confederate currency to them, They state that the executor is willing and anxious to pay the legacies due each of the parties but that of them to wit Saml W, Henry L, and Cornelia M Hill being ^{age} minors knows no way of ascertaining what amount he is to pay each, as these minors cannot consent to any arrangement made between your orators and the executor, In tender consideration whereof and inasmuch as your orators are entitled to relief at law and only entitled to relief in a court of equity, where such matters peculiarly cognizable They therefore pray that James Barnes ex- of Mason Hill died and Saml W, Henry L and Cornelia M Hill their infants by some fit and proper person their guardian ad litem appointed for that purpose may be made parties defendant to this bill and compel them as full and perfect answer make to the allegations therein contained as if they had been thereto personally and specially interrogated and that the court could would decree that James Barnes as executor of Mason Hill died pay to them the

true value in lawful currency of \$1168.50 cts b. States currency due Dec-31st 1863 estimating its value at that time or at such other period as may to the court seem right and that the court would grant such other and general relief as to them may seem right and as in duty bound your orators will ever pray &c
Shands p. 7

The answer of James Barnes ex- of Mason Hill died to a bill in chancery by R. L. Bayard and wife vs him is als

This defendant for answer to the said bill or as much thereof as he is advised it is material for him to answer, answering says that he wishes the court to order such a decree as is asked by the plaintiffs and that the court would also decree the amount he is to pay to the lawful guardians of the three infants named in the bill and having fully answered prays him to be discharged with his costs &c
James Barnes ex-
Shands for
def

This answer is received by my consent
Wm B Shands atty for plaintiffs

The answer of Saml W, Henry L, and Cornelia M Hill their infant defendants by L R Edwards their guardians ad litem appointed for that purpose to a bill in chancery by Bayard and wife vs them is als
This defendant for answer to the said bill

or as much Throp as he is advised it is material for
him to answer answering says he submits the interests
of his wards to the care of this court whose peculiar
duty it is to protect the rights of infants and having fully
assumed prays leave to be dismissed with his costs &c
Shands for clkt



1866 And. 64.

Bryant & wife
Hill & Deane
Hill's exors

By consent of parties This day this cause came on to be tried on the plaintiffs bill the defendants answers and general replication thereto and was argued by counsel on the hearing whereof the court doth adjudge order and decree that James Barnes executor of the estate of Mason Hill did pay to Richard L Bryant and Martha his wife the sum of \$379.50 cts to the lawful guardians of Anne Hill the sum of \$339.50 cts to the lawful guardians of Henry L Hill the sum of \$339.50 cts to the lawful guardians of Cornelia M Hill the sum of \$339.50 cts with interest on each of the said sums of money from the 31st of December 1863, The said several sums of money being in full of the balances found due them by the report filed in this cause and the court doth further adjudge order and decree that the said executor pay the costs of this suit out of the assets of Mason Hill's estate

(copy)

Account current
Mason Mills East



B

Albany

Post

J. R. Edwards Esq

J. R. Edwards Esq

The Estate of Mason Hill dec^d
In Account with James Barnes her Executor.

1863		Dr	Cr
July	By amount of Sales		5209 56
	" Cash from Sale of forage		240 00
	" Cash found in house		122 00
	" Cash from Jas. W. Hill		60 00
	To Commission on \$5631.56 cts at 5 p. cent	281 57	
	" paid Jas. J. Darden account	1 00	
	" paid Peleg Carvon "	20 00	
	" paid T. J. Deans "	40 00	
	" paid Clarissa Hill bond	67 25	
	" paid Clarissa Hill "	96 14	
	" paid Clarissa Hill account	60 00	
	" paid Clerks tickets	7 26	
	" paid James Barnes account	57 62	
	" paid P. D. Story "	21 00	
	" paid Judy Beon "	6 00	
	" paid S. B. Pretlow "	15 00	
	" paid J. R. Richelle "	115 00	
	" paid Hill & Spices "	57 19	
	" paid John S. Kimbrell "	100 00	
	" Commissioners fee for this copy act ^d	10 00	
	" Clerks ticket act ^d	2 50	
	" Balance	4674 03	
		5631 56	5631 56
Dec 31	By balance due the estate with interest from this day		4674 03

The Commissioner at the request of the Executor makes out the following distributee account. He states that Mason Hill by her Will left the residue of her estate after the payment of her debts and Special legacies to be equally divided between Lewis Bryant & Martha Chiswife and Samuel W., Henry Q. and Cornelia M. Hill and therefore it will be distributed as follows.

Amount to be distributed

\$ 4674 03 cts

To Lewis Bryant & Martha his wife

" Samuel W Hill

" Henry L Hill

" Cornelia M Hill

\$ 1168. 50³/₄

1168 50³/₄

1168 50³/₄

1168 50³/₄

4674.03 4674 03.

All of which is Respectfully Submitted by

Wm B Shands Commissioner

The Commissioner would state further that all the monies received and paid out was in Confederate currency or money

W. B. Shands Comm.

Southampton County In the Clerks Office the 1st day of December 1865
This account of Jannis Barnes executorial proceedings on a Mason Hills estate was this day
returned and filed for exceptions. And at a court held for the said County on the 13th day of
January 1866 the said account having lain one month and upwards in the Clerks Office and
there being no exception thereto, was examined, confirmed and ordered to be recorded.

Teste

J R Edwards Clk

A Copy

Teste

J R Edwards Clk



B

(Copy)
Account Current
Mason Hills Est.

(Copy)

Mason Hills

Will

A

In the name of God, Amen, I Mason Hill of Southampton County being of sound mind and disposing memory do make & ordain this to be my last will and testament in manner and form to wit

Item 1st I give and bequeath to my son Everett F. Hill 2 beds and furniture, Six walnut chairs, one pine table, 1 pine press, 1 pine chest, 1 spinning wheel which property he now has in possession also the following named negro slaves and their future increase, Vizt. Rose, Louisa, Emaline, Malinda, Frank, Peter Jacob to him and his heirs forever. now in case E. F. Hill shall ever claim any thing from his father W^m Hills estate then whatever amount he may claim shall be made out of the above named negroes as I have paid more in the settlement of S^r W^m Hills estate than it was worth.

Item 2^d I give and bequeath to my grand children the children of my son Henry H Hill die^r, the 20 acres of land I bot. of Nicholas Boon and Benj^a Hill which S^r land is bounded entirely by the land of W^m Hill my die^r husband also the following named negro slaves, To wit. Joe, Margaret, Lotty, John Lawrence David Caroline Zeph Olive Tom and their future increase to them and their heirs forever my desire is that all the above named negroes should be kept as common stock and the hire of S^r negroes with the rent of the land be apply^d to the maintenance and education of my above named grand children whose names are as follows. Martha L. Cornelia M. Samuel W. & Henry L Hill and when any of my above named grand children shall come of age or marry then his or her share to be given to him or her and the rest remain as common stock as before untill they shall all become of age or marry or die.

Item the 3^d all the bal^y of my estate I give to my four above named grand children children of my son Henry H Hill whose names are Martha L. Cornelia M. Sam^l W. & Henry L Hill to them and their heirs forever.

Item 4th I hereby appoint James W Hill and James Barnes Executors to this my last will and testament. Given under my hand and Seal this 19th day of January 1853.

Witness

Mason^{her} Hill (Seal)
mark

Alex Myrick

L. F. Hill

James F. Hill

At a Court held for the County of Southampton on the 19th day of January 1863.

This last Will and testament of Mason Hill die^r was proved by the oath of L. F. Hill one of the subscribing witnesses thereto, and Alexander Myrick another subscribing witness thereto being dead Benjamin E. Pope being sworn deposes and says that he is well acquainted with the hand

writing of the said Alexander Myrick and verily believes that the name of the said A. Myrick
to the said Will subscribed as a witness is in the proper hand writing of the said Alexander Myrick
dec. Whereupon the said will is ordered to be recorded. And on the motion of James Barnes one of the
Executors therein named who made oath and together with Richard E. Bryant, Benj. J. Bryant,
Orman M. Bryant & Parker D. Story his Securities (who justified on oath as to their sufficiency)
entered into and acknowledged a bond in the penalty of thirty thousand dollars conditioned as
the law directs, certificate is granted him for obtaining a probat of the said will in due form, liberty
being reserved for the other executor therein named to be joined in the said probat when he may think fit.

Teste

J. R. Edwards lb

Attest

Teste

J. R. Edwards lb

