

1868-04 Southampton County - Chancery

Majett, James (Vick, George W. admin.) vs Everette, Thomas. (Bryant
Richard L.
(admin))

Others -

Majett, Penelope (Widow)
Majett, James E
Majett, Wm I.
Majett, R. L.
Majett, W. L.
Pope, H. P.
Pope, Sallie
Parker, Hershey
Hart, Robert
Hart, Cornelia

Others -

Everett, Martha
Carter, Abner
Carter, Sally Ann
Hill, James J.
Hill, Elizabeth P.
Gilliam, Joseph, Jimmy
& Thomas (infants)

$$\begin{array}{r}
 39 \\
 13 \\
 \hline
 117 \\
 397 \\
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 527 \\
 18 \\
 \hline
 545
 \end{array}$$

96 95.

Majors adm of

W. } Papers

Everett's adm of

May trials

25

Carroll

Bill

colubris

1867 October Rules

To the Honorable Richard G. Baker judge of
The circuit court of Southampton County in
chancery sitting

Humbly complaining your orator George
W. Vick late sheriff of Southampton and as such
administrator with the will annexed of James
Mayett dec'd, Purge a Mayett widow of James
~~Mayett~~, and Mrs. J. Mayett, James & Mayett
R. S. Mayett, W. S. Mayett, G. H. Pope and Sallie
A his wife who before marriage was Mayett
Henry Parker and Maria his wife who before
marriage was Mayett, Robert G. Hart and
Cornelia his wife who before marriage was
Mayett children of James Mayett dec'd
shew unto your Honor that in the year
1862 James Mayett of Southampton departed
this life having first duly made and
published his last will and testament which
was duly admitted to probate in the county
court of Southampton a certified copy of
which is herewith filed marked A and
prayed to be taken as a part of this bill and
that his estate was committed to George W.
Vick sheriff of Southampton at that time,
for administration as well more fully appear
by a certified copy of the order of the county
court herewith filed marked B and prays
to be taken as a part of this bill, and that
he left his widow and the children above
named his devisees and legatees

Your Orator further shew unto
your Honor that in the year 1836 James
Mayett in his lifetime sold to Thomas

Everett a tract of land containing eighty
acres (80) more or less for the sum of
three hundred dollars (\$300) and placed
him in possession thereof retaining the
title until the purchase money
should have been paid. Your orators
are and charge that this estate
James Majest. never made a deed for the
same to Thomas Everett during his
lifetime nor has the said Thomas Everett
in his lifetime or his administrator since
his death paid the purchase money a
lien still subsists on the land for the
same. Your orators state further that
Thomas Everett departed this life ^{in the year 1867} intestate
leaving considerable estate both real and
personal and that Richard L. Bryant
qualified as his administrator and that he
left the following children and grand-
children his distributees and heirs at law
to wit. Martha F. Everett, ~~children~~
Sally Anne a child married to Abner
Carter, Elizabeth I. a child married to
James I. Hill and Joseph, Thomas and
Jimmy Gilliam three infants children of
Sally Anne a child, Your orators charge
that these heirs at law of Thomas Everett
did hold this 80 acres of land which
this estate sold Thomas Everett now in
their possession and that they hold a
lien on the same for the purchase money
which has never been paid.

Under consideration whereof and
inasmuch as your orators are without relief

in a court of law and only entitled to relief in
a court of equity where such matters are
peculiarly cognizable they therefore pray that
Richard L. Bryant administrator of Thomas
Everett dec'd, Martha F. Everett, Abner Carter
and Sally Anne Carter his wife, James I.
Hill and Elizabeth I. Hill his wife, and
Joseph, Thomas and Jimmy Gilliam three
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 more fully and especially
interrogated, And that your Honor would
decree that unless the defendants above named
or some one for them should in a reasonable
time stand pay to your orators the purchase
money for the said land, then the
court would direct the sale of the said 80
acres of land and the money arising therefrom
or as much as should be necessary be
applied to the payment of the debt due
James Majest. estate. and your orators state
they are ready at any time to make a deed
with general warranty upon payment of the
purchase money) and that the court would
grant such other and general relief the
premises considered as equity may dictate and
the nature of this case may require and as
in duty bound your orators will ever pray in
Shanclo p. 9.

May 11th 1867

as 3

Count 1867

Account of infants

by gr ace letters

1867. October Rules

Answer of Joseph, Thomas and Emily Gilman
then infant defendants by L. R. Edwards their
guardian ad litem appointed for that purpose
to a bill in chancery in the circuit Court of
Southampton by J. W. Vick shuffie et al vs them
and others

This defendant for answer to the
said bill or as much thereof as he is advised to
answer, answering says that he knows
nothing of the facts set forth in the plaintiffs
bill, but places the interests of his ward under
the care of this court whose judicial duty
it is to protect the rights of infants, and
having fully answered, prays leave to be dismissed
with his costs &c

Read by consent

Wm B Shances counsel for plaintiffs

Everitt's heirs

Ad. S.

Maple's heirs

=

Answer of Defendants

1864 NW

The Joint & several Answer of
Richard L. Bryant Administrator of Thomas Everitt
deceased; Martha F. Everitt; Abner Carter & Sally
Ann, his wife; James T. Hill & Elizabeth, his wife;
to a Bill filed in the Circuit Court of Southampton
County, by George W. Vick, Administrator with the will
annexed of James Chapette deceased; and Permelope Ann
Chapette and William J. Chapette & others, the heirs &
distributors of the said James Chapette deceased.

These Defendants for Answer to so much
of the Bill of the said Plaintiffs as they are advised it
is material for them to answer, say, that they ^{do not} know
~~nothing of the fact~~ whether the said Thomas Everitt
ever paid the said James Chapette for the tract of land
in the Bill mentioned or not - But if the Court believe
that the debt for the purchase money is still due and
unpaid, these Respondents have no objection to the
Court's directing a sale of the said tract of land -
that the amount still due to the estate or heirs of the said
James Chapette may be paid; and that the residue of the
money, after paying the said Chapette's estate and the ex-
penses of sale &c, may be paid over to the said Thomas
Everitt's heirs, or to his Administrator, the said Richard
L. Bryant, if necessary for the payment of the debts of
the said Thomas Everitt deceased.

And having answered, they pray to be dis-
missed, with their reasonable costs &c.

Wm J. Kinners
P.D.

At & B

Algeth & J.

& } Ex: with bill

Ex: with bill

Southampton County, Virginia.

I James Magitt do Make and declare this my last Will and testament (to wit:) Item 1st. I leave, to my beloved wife Penelope Ann, during her Natural life or widowhood, my Manor plantation, wherein I reside, my negro man Jacky, Old Jim, Mills, Henry, Woman Caroline & children, Woman Isabel & son, John & Woman Emeline & children. All my household and Kitchen furniture & plantation utensils, or as much of it, as she may require, or select, my Carriage & horses & buggys, Such of my horses, Cattle, hogs & Sheep as she may select, also Corn meal & other provisions: ^{as she may select.} At her death I give the said personal Estate so loaned to my Children share & share alike as in Item No. 2. —

Item No. 2. All the balance of my Estate, after paying my debts, to wit: My lands in Texas including about 1400 acres, by recent Survey, lying upon Chupedarns Creek, about 12 miles East of San Antonio, one league & later on Rio-Griso above and one half league & later, below the junction of Leona River, one league and later, in the Canon de Uraldo, set apart to me in the Subdivision of the land belonging to the said Canon de Uraldo Land and Trading Company, (one fourth of which league & later will belong to Doctor Charles Skinner as assigned of Thomas S. Little and, provided he comply with conditions stipulated in said agreement entered into between said T. S. Little and myself, as to payt. of expenses & claim against John M. Gurley Exor. of Wm. A. Sparks & Co.) and of record in the Clerk's Office of Bexar County and all other property of mine in Texas: Also my lands in Arkansas including about 900 acres in Township No. 8 North, range 5 East principal Meridian in ^{Pointsett} ~~Pointsett~~ County on St. Francis River, near Neely's ferry, also about ninety acres in said County of Point ~~Sett~~ ^{Sett} adjoining David Hard, which I purchased of Charles C. Knight assigned of Thomas S. Lloyd & wife, also, about 900 acres lying on S. ~~Anguilla~~ ^{Anguilla} River, in ~~St. Francis County~~ ^{in St. Francis County}, below Neely's ferry & above Mariana, also Eighty seven acres part of Section 35 ~~in~~ ⁱⁿ Mud Lake in Crittenden County Arkansas. —

All my lands in States of Virginia & North Carolina, also all the balance of my Negroes and land and all other property

wherein Situated, I wish to be equally divided, between all my children or their descendants Share and Share & Share alike as follows. -

In the Share Set apart to my Son Roswald S. I wish included my Manor place Subject to his Mother's dower or life Estate, also the tract purchased of the Mays Crump & Wives and of the trustee, of Bray Sanders, at the Value of three thousand (\$3000.) dollars, also, my Negro Man Abram at his then Value. -

Included in the Share Set apart ~~for~~ my Son Walter now a patient in the Asylum in Williamsburg provided he is restored to his right Mind, I wish included the tract of Land near Merson's depot on Seaboard Road formerly owned by Benja. P. Barrett decd. at the Value of \$2500.00. -

In the Share Set apart to my Son James Edward, I wish included the Gay tract 270 acres on which he now resides and the Knight tract of about 245 acres at the Value of (\$3000) three thousand dollars, also my Negro Man Jacob, at his then Value. In Case either of my children now living shall die not leaving lawful issue, then I give the portion Set apart to him, or her, to the Surviving brothers or Sisters and their children, who may arrive to lawful age, or leave lawful issue. -

That portion Set apart to my unfortunate Son Walter, in case he is restored to himself, I wish the Annual income or profits of Land, to be allowed him, and given to his lawful issue, provided he leave any, otherwise to go as herein before directed. In the Share Set apart to my daughter Maria Agnes, I wish her and children to enjoy the Annual profits and at her death, I give the Land to her children or such of them as may leave lawful issue, or her grandchildren. -

In Case ~~either~~ of my children to wit: William S, James E. Walter, Roswald S, Sallie A, Maria Agnes or Cornelia C. shall die not leaving lawful issue, I give such Share so Set apart to him or her to the Survivors and the children of those decd. who may leave lawful issue. - I hereby Nominate and appoint my beloved Wife Phebe Ann

My Executrix during her Natural life or Widowhood, hereby revoking all former Wills, Made by me, This in my own hand, Witness my hand and Seal this 4th April 1867. -

James Majett (Seal)

At a Court held for the County of Southampton on the 15th day of November 1862. —
This writing bearing date the 4th day of April 1862. purporting to be the Last Will and
Testament of James Majett decd. was this day produced to the Court and there being
no Subscribing Witnesses thereto, Benjamin E. Pope and W^m B. Shands being first duly sworn
depose and say, that they are well acquainted with the handwriting of the said James Majett
decd. and that they verily believe that the said writing and the name therein Subscribed are wholly
in the hand writing of the said James Majett decd. and thereupon the said writing is ordered
to be recorded as and for the Last Will and Testament of the said James Majett decd. & And Envelope
And Majett the Executrix therein named having refused to take upon herself the burden of the
execution thereof or any part. It is ordered that George W. Vick, Sheriff of this County take
into his hands the estate of the said James Majett decd. to be administered according to law. —

Teste.

L R Edwards, cly

In the Clerks Office of the Circuit Court of Southampton County the
20. day of April 1867

The within bond was acknowledged before me Clerk of the said Court by the obligors thereto
and Charles E. Bryant

the securities thereto made oath that his estate after the payment of all
his just debts is worth the sum of five hundred dollars
the sum of the said bond as he verily believes

L. R. Edwards Ck

Charles E. Bryant

W. J. Edwards
Clerk of Court

Know all men by these presents, that we Richard L Bryant & Charles
B Bryant are held and firmly bound unto the
Commonwealth of Virginia in the just and full sum of five hundred — dollars
to the payment whereof with and truly to be made, we bind ourselves our heirs, executors and
administrators jointly and severally firmly by these presents. Sealed with our seals and
dated this 10 day of April 1868

The condition of the above obligation is such that whereas by a decree of the
Court of Southampton County rendered on the 11th day of November 1867 in a suit in
Chancery therein depending between May the admo^r & ad^r against Everett's admo^r & ad^r.

the above bound Richard L Bryant was appointed Commissioner to make sale
of certain real estate in the proceedings in the said suit described. Now if the said Richard L
~~the said Richard Bryant~~ shall faithfully discharge the duties of his said office or trust under
the said decree and under any other decree which may be rendered in the said suit then the
above obligation to be void or else to remain in full force and virtue.

Richard L. Bryant (Seal)

Charles B Bryant (Seal)

(Seal)

Maple leaves

3

Counters leaves

Deposition of J. N. Wick

The deposition of George W Vick taken at the
office of Saw & Kinkaid on the 4th day of November
1867 pursuant to notice duly given to be read
as evidence in favour of Thomas Cornutt him
in the said cross funding in the chancery
in the circuit court of Southampton return
Mayetts him & als as Cornutt him & als

George W Vick having been first duly sworn
on the Holy Evangelists of Almighty God
deposes and says as follows

In January 1863 I as administrator of
James Mayett had a settlement with Thomas
Cornutt above deceased of the accounts then
incurred between the said James Mayett
estate and Thomas Cornutt, in the account
book of the said Mayett I found charged
to the said Cornutt \$~~100~~ 50 - for ^{the} price
of land sold by Mayett to Cornutt of which
Cornutt ^{but had previously no debt} was then in possession upon the
principal sum interest was charged each
year apparently leaving the principal
unpaid. Cornutt paid the interest regularly
up to the 1st of January 1863 so far as I
know or believe my impression and belief
is that Thomas Cornutt has never paid
the principal or interest since 1st January
1863 and further this deponent saith not
G. W. Vick

The above deposition was taken sworn to and
signed before me at the time and place mentioned
in the Caption given under my hand this 4th of January
1867
Wm B Shandas Commissioner
in chancery in Co Court

May 1868
as 3 Dec 1868

Count's Adm. v. als

May count 1868

To be entered

Rich. H. Baker

Mayell's admorsals
as 3 Decem
Event's admorsals

This day This cause came on again to hear on the papers formerly read and the report of special commissioner Richard L Bayard made pursuant to a decree entered at the November Term 1867 of this court and was argued by counsel on consideration whereof the court doth adjudge, order, and decree that the said report be confirmed, and it further appearing by the said report that the said commissioner has received the costs of the suit and the sum of \$230.70cts from Countess Linn and made to them a deed, The court doth further adjudge, order, and decree that Richard L Bayard pay to George W Vick administrator of James Mayell the sum of \$230.70cts the amount received as the purchase money of the land and also the sum of \$23.90cts his costs by him in this suit expensed the said sums of money to be held and accounted for by him as the agent of the said estate and there being nothing further to be done in this case it is ordered to be removed from the docket

May 11 is also
on 3 Decem
Court & also

This cause came on this day to be heard on the joint and several answer of the defendants Richard L Bryant administrator of Thomas Corbett dec'd. Matthew F Everett, Abner Carter and Sally Ann Carter, and James T Hill and Elizabeth Hill, the answer of the three infant defendants Joseph Gilliam, Thomas Gilliam and Jimmy Gilliam by L. R. Colver as their guardian ad litem assigned for that purpose with general replication thereto by the plaintiffs, examination of ~~witnesses~~ ^{depositions}, exhibits filed and was argued by counsel on the considerations whereof the court doth adjudge order and decree that Richard L Bryant who is hereby appointed a special commissioner for ~~that~~ ^{the} purpose aforesaid after having given at least twenty days notice by public advertisement at the court house and at least two public places in the neighbourhood thereof to sell on the premises at public auction to the highest bidder the tract of land now held by Thomas Corbett's heirs containing by estimation eighty acres it being the tract of land sold by James Maynt to Thomas Corbett, on the following terms to wit sufficient cash to pay expenses of sale and costs of this suit ~~including a fee of thirty dollars to the sheriff & costs~~ the balance of the purchase money on a credit of twelve months taking from the purchase a bond with approved security and return the same with his report to this court in order to a further

and obtaining the title unless all the purchase money shall have been paid

deem, but the said commissioners shall not
 proceed to act under this decree until he or some
 one for him shall have executed in the clerk's
 office of this court a bond in the penalty of
 five hundred dollars with good and sufficient
 security conditioned for a faithful performance
 of this and any subsequent decrees which
 may be entered in this cause

Magill & Co
 as 3 Decree
 Counselors
 Nov. 10. 1867
 To be entered
 R. H. D.

When receiving the purchase money, to wit, the
 sum of \$225 with interest therefrom the
 12 day of Nov. 1867 the cash of this court, at my
 own motion duly say before the date of this decree
 that the defendant is one of them as appears
 from the bill, copy to the clerk, and from the
 fact that Thomas Burke received the tract of land
 in the late purchase, and after finding as
 appears to say the sum of money due to
 them the said corner is directed

Maletti's admⁿ Ac

Everett's admⁿ Ac

Leon's admⁿ Report

1868 Apr. 27

Q 530.26

To the Hon Richard W. Baker
Judge of the Circuit Court of Southampton County

The undersigned, who was appointed a Special Commissioner by a Decree of the Circuit Court of said County in the suit of Maffette's admors & others vs Everitt's admr & others rendered at the November Term thereof AD 1867, begs leave to report That he has executed the directions of the said Decree ~~by~~

that on the 20th day of April AD 1868, he executed his bond in the penalty of five hundred dollars with security as required by said decree and on the same day the heirs of the said Thomas Everitt paid to him the sum of \$225.00 with legal interest thereon from November 12th 1867 that is to say, two hundred and thirty dollars and seventy cents (\$230.70) with the costs of the said suit -

and on the 27th day of April AD 1868 he executed a Deed with special warranty to the heirs of the said Thomas Everitt conveying the real estate, to them, in the proceedings mentioned.

Respectfully Submitted

Richard L. Boyant
Commissioner

1868 May toll

blks.

17.45

Majors adm. Gab.

v. } Stat. Rules.

Enrich's adm Gab.

1867 Nov

blks.

16.40

Shy.

2.00

Law 12

15.50

173.90

Sfr. Gab.

blks

16.44

Shy

20

Law.

15.00

16.34

In Southampton Circuit Court

George W Vick late Sheriff of Southampton and as such administrator with the will annexed of James Majett dec^d. Penelope A. Majett widow of James Majett dec^d. and Wm J. Majett. James E. Majett. R. S. Majett. M. S. Majett. St. P. Pope & Sallie A. his wife who before marriage was Majett. Hershey Parker & Maria his wife who before marriage was Majett, Robert A. Hart & Cornelia his wife who before marriage was Majett children of James Majett dec^d.
against.

Richard L. Bryant administrator of Thomas Everett dec^d, Martha F. Everett. Abner Carter & Sally Ann Carter his wife. James T. Hill & Elizabeth T. Hill his wife & Joseph, Thomas, & Jimmy Gilliam three infants.

1867 Sept. 19. Summons issued.

Oct. Rules. Summons ret^d. Executed on all but Joseph, Thomas & Jimmy Gilliam the infant Def^s. Bill filed. L. R. Edwards assigned Geo. ad litem to Infant Def^s. Answer of Infants. Gen. Rep. thence. Dece nisi v. adult Def^s.

Nov. R. Bill taken for confessed as to the adult Def^s & the cause set for hearing t^o.

Nov. T. Dece for sale

1868 Apr. 27. Rept.

May T. Dece t^o.

Mayell v. ~~Wells~~ ~~Wells~~

vs 3 execution from decree in
County Court was chancery court

When execution is made out deliver it
to me

May 23rd 1868

Wm B. Shuman
counsel for plaintiffs

It is agreed between counsel
that the amount of purchase
money is \$225 -

Wm B Shaw
Jno J. Knicker

Executed September 28/1867 on R. S. Boyant,
 Martha H. Eviner, James T. Hill, & Elizabeth T. Hill, —
~~Abner Carter~~, Elizabeth Ann Carter Joseph William, Thomas
 William & Jimmy William are not residents of my
 County.

P. Carson Sept.
 for J. Keller Shff

Majors ad.

Sum's Chy

Enrollment

1867 October Rules

~~Executed on each
 Sept. 28/1867 by deliv
 ering them to the
 chf. Sept. 28/1867.
 P. Carson Sept.
 for J. Keller Shff~~

28

October 7th 1867 service of process
 acknowledged for Abner Carter and
 Elizabeth Carter his wife

I and J. K. Kinsler
 atty for Shffs

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU to summon

*Richard G. Bryant admor: of Thomas Cartier & Sally Ann Cartier
Martha J. Overitt. Abner Cartier & Sally Ann Cartier
his wife. James T. Hill and Elizabeth T. Hill his wife. & Joseph Gilliam. Thomas
Gilliam & Jimmy Gilliam*

to appear at the Clerk's office of our

Circuit

Court of Southampton County, at the Rules

to be holden for the said Court on the first Monday in

*October next to answer a bill in chancery
exhibited against them in our said Court by George W. Vick late Sheriff of
Southampton County and as such admor: with the will annexed of James
Mazitt dec^d & others*

and have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-
house, this *19* day of *September* 1867, in the *92*
year of the Commonwealth.

L R Edwards Clk

Memorandum
for
Clark

Memorandum for clerk James to copy and file
Copy James Majell's will

A

copy order committing James Majell's
estate to George W Vick sheriff

TB

✓
Enallagma

as { Sp^a

Mazette hui

Li day Nov. 1967

Ex-ent

Kills off.

The Commonwealth of Virginia

To the Sheriff of Southampton County. Greeting -
we command you to summon George W Vick

to appear ^{at} before the Office of John J. Kindred ^{in Jerusalem} Count of Southampton County at
the Courthouse on the 1st day of November Term next to testify and the truth
to speak in behalf of The Heirs of ~~James Napelt~~ ^{Thomas Everett} against the heirs of
~~Thomas Everett~~ James Napelt

and have them done this writ. Witness Littleton R. Edwards Clerk of our said
Court at the Courthouse this 28th day of Oct 1867 in the 32nd year
of the Commonwealth

L. R. Edwards Clk