

1873-024

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BAILEY and Wife VS. BRITTLE & al

6/1873

other SURNAMES: Hart,
Baily

Bailey Miller

2 } Ball of

93 mile short

1871 Deer for sale.

1872 Dept. deer killed

1873 Deer
narrow from

Bailey Miller
v 3

Hart at al

Bull, American

Deer

To be entered

JW Myerhart Judge.

Dec. Term 1871 -

1871 Deer. Deer for Sale

To the Hon. Joseph W. Ingraham, Judge
of the County Court of South Australia
County. In Chancery sitting -
Nov. Term 1871.

Hereby explaining heretofore
your complainant, Joseph Bailey, says
from her own knowledge that Richard Hart died
Barthulia his wife,
some years ago leaving a last will
and testament, by which he gave
a tract of land containing one
hundred acres to his son Thomas
Hart during his life, and at his
death to the children of the said
Thomas Hart. That Thomas Hart
has been long since dead, leaving
a daughter Barthulia who married
Joseph Bailey, who are your Complain-
ants - Thomas ^{grand child} Mittle, son of William
Hart who intermarried with Ruth Mittle -
Elijah Hart, daughter of Margaret Hart.
That the said tract is valued at four

hundred dollars, and is incapable
of division in kind amongst the parties
entitled - that a sale is necessary for
a partition amongst the parties, and
that it would be injurious to the
interests of all parties intended to divide
it in kind - ^{that Thomas Brett and Eliza Hart are} in tender consideration of
all which, and in as much as the
complainants are without remedy
save in a Court of equity, it is
prayed that Thomas Brett and
Eliza Hart be made parties, doth
to this bill - that a guardian ad litem
be assigned them who shall make true
answer to the allegations of this bill -
that your honor will ^{deem} sale of the land
of which Richard Hart died, died
seized and possessed, and which he gave
by his last will and testament to
Thomas Hart during his life, and
that the proceeds of sale be divided
amongst the parties entitled, and
that your honor will deem such further

and general relief as equity may
dictate, and he will ever pray to -
Cobb Jr, 9.

The answer of Thomas Brett and
Eliza Hart, infants, by J R Edwards
their guardian ad litem.

These defendants having to answer
to said bill, say that being infants they
submit their interests to the care and
protection of this honorable Court, and pray
to be recommended.

J. R. Edwards
by W W Cobb atty.

Joseph Bailey and Martha his wife
and
Thomas Brett and Eliza Hart, by J. R.
Edwards their guardian ad litem -
This day this cause was docketed by
consent of the parties and by leave of the Court

and come on to be heard on the bill
of complainant, answer of the infant
defendants by L. R. Edwards their guardian
ad litem, general application there, and
over argued by Council, on consideration
whereof, the Court doth adjudge, order and
decree that Joseph Bailey, who is appointed
a Commissioner for the purpose, after giving
reasonable notice of the time and place of sale,
sell on the premises the tract of land
containing one hundred acres, of which
Richard Hunt died seized and possessed and
which he gave by his last will and testament
to Thomas Hunt during his life - That
he sell the said land on a credit of twelve
months, (except so much as may be necessary
to pay the expenses of this decree and said sale
which shall be for cash) taking bond from
the purchaser with approved security conveying
the interest from date and that he retain the title
until the said purchase money is paid.
But the said Joseph Bailey shall not proceed to
execute this decree until he shall have paid in
the clerk's office of this Court before the said clerk, in
the hands of \$500. payable to the Commonwealth

of Virginia, conditioned for the faithful
performance of his trust under this
decree, or any other decree that may
be entered in this Court

Bailey & Wife
in
Britt & Co. Z. L. L.

Southampton County Court, December Term 1871

Joseph Bailey and Sarah his wife Plaintiffs
against
Thomas Briddle and Eliza Hart by
L.R. Edwards, their Guardian ad litem. Defendants

This day this Cause was docketed by Consent of the parties and by
leave of the Court, and came on to be heard on the bill of the
Complainants, answer of the Infant defendants by L.R. Edwards their Guardian
ad litem, general replication thereto, and was argued by Counsel on Consideration
whereof the Court doth adjudge, order and decree that Joseph Bailey,
who is appointed a Commissioner for the purpose, after giving reasonable
notice of the time and place of Sale, Sell on the premises, the tract of
Land containing one hundred acres, of which Richard Hart died seized and
possessed, and which he gave by his last will and Testament to Thomas Hart,
during his life - That he sell the said Land on a Credit of twelve months,
(except so much as may be necessary to pay the expenses of this
Cause, and said Sale, which shall be for Cash,) taking Bond from the
purchaser with approved Security, carrying interest from date, and that
he retain the title until the said purchase money is paid -
But the said Joseph Bailey shall not proceed to execute this decree,
until ~~the~~ he shall have given Bond in the Clerk's Office of
this Court, before the said Clerk in the penalty of \$4000
payable to the Commonwealth of Virginia, conditioned for the
faithful performance of the trust under this decree, or any other
decree that may be entered in the said.

Clerk fees \$5.00 paid R.R. Edwards

Attest,

James R. Tyler, J.C.

Baily Swift

W

Writter

This day the court came on to
be again heard on the paper formerly
read and on the report of Commissioner
Joseph H. Baily to which report no
exceptions have been filed and the
Court confirming the same, doth
adjudge, order and decree that the
Clerk of this Court deliver to the
said Joseph H. Baily Commissioner
an affirmed the bond of Thomas E.
Brettle and Seth Brettle for the sum
of \$155. That he collect the same
and pay over to the parties the
several proportions to which they
are entitled and make report
to this Court, and that he
make a deed with special
warranty of the purchaser on
the payment of the purchase
money.

Sept 16th 1872, Recd. of S.R.
Edwards clerk the bond of Thomas
E. Brattle and Stith Brattle
for the sum of \$105. Discreted
to be delivered to me by the within
Joseph W. Bailey

Dece-
as the
cometh

Bailey
as to clear
Brattle & Brattle
to be entered
J. W. Magowan
Judge

Bailey scribe
on 3 leaves
Brittle & Hard

June Term 1813.

To be entered.
J. W. Maynard
Judge

Bailey v. Deere

vs $\frac{3}{8}$ Deere

Brittle & Hart

This day this cause came on to be further heard on the papers formerly read and the report of Commissioner Bailey filed June 16. 1873, to which no exceptions have been filed and was agreed by counsel. On consideration whereof, the Court considering said report, doth a Judge order & decree that Jos. H. Bailey pay to the lawfully appointed Guardian of Eliza Hart, the sum of Sixty two $\frac{1}{2}$ or dollars with interest from ~~this day~~ June 16. 1873. upon his giving bond properly conditioned with approved security, to be filed in this cause, or pay the same to her when she may become of age. And nothing further appearing to be done in this cause, it is ordered to be removed from the docket.

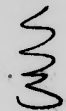
1872. Mar 18.

Pursuant to a decree of Decr. Term 1871
 Jm. Curran bys. Sean to report.
 Sale of Land.
 Cash paid on do. \$50.00 \$205.00
 p^r att^r fee 10.00
 Clerk's fee 5.00
 Curran's fee on do 10.25
 \$75.25
 \$129.85

March 18/72.

Jeph. H. Bail
 Clerk

Baily strike

or 

Butler Hall

Report of
Commr -

June 16, 1873

Bailey & wife
vs ^{2/3} Report of Commish-
Brittle & Hart

In this Cause your Commish
submits the following Report-

That he has collected the bond
of Thos E. Brittle filed in this
Cause and the following state-
ment will show how I have
disposed of the money-

Bond due 16 March 1872. \$155.00
Int to 16 June 1873 11.62

\$166.62
Amt in my hands per last rept. 24.75

\$191.37
Wpd J. B. Miner for writing
deed- 5.00

\$186.37

This has to be divided among
myself, Eliza Hart & Thos

E Brittle-. I have made a deed to the purchase

To pd Thos E Brittle- \$62.12

" Amt due me retained 62.12

" " due Eliza Hart.. 62.12

Eliza Hart has no Guardian.

Respy submitted

June 16. 1873. Jos H. Bailey

To
Hon Judge Co. Ct.

Bailey
n } Com. Bond
Brille &

KNOW ALL MEN BY THESE PRESENTS, That we

Joseph Bailey. G. W. Hart

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of

Six hundred

dollars, good and lawful

money of Virginia, to the payment whereof, well 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

14

day of

February

A. D. 1872 .

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if ~~the above bound~~ *whereas in a suit in*
Chancery depending in the County Court of Southampton in which Joseph Bailey &
Darthea his wife are plaintiffs & Thomas Brindle & Eliza Hart are Defendants
the above bound Joseph Bailey was by a decree of the Court in said suit entered at the
December Term 1871, appointed Commissioner to make sale of certain real estate in said
decree described *Now if the said Joseph Bailey*

under the said decree or any other decree which may be entered in the said suit

shall faithfully discharge the duties of his said office or trust according to law, then the above obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and delivered }
in presence of the Court. }

his
Joseph X Bailey [SEAL.]
make
Gilbert W. Hart [SEAL.]

[SEAL.]

[SEAL.]

Southampton County In the Clerks Office Feby 14. 1872.
This bond was acknowledged by the signers thereof & G. W. Hart the security made
oath that his estate after the payment of all his just debts and all exemptions by law is worth
the sum of six hundred dollars the penalty of said bond

James R. Tyler J. C.