

1882 - 10

Southampton County - Chancery -

Edwards, J. M. vs.

Schrell, Romine L.
et al

"to Comply with Contract"
and agreement

Briggs, W. S. +
Briggs, Martha
his wife

Schrell, Romine L.

Schrell, Lucy B.

Schrell, B. M. W. +

Schrell, James E.
Esq. et al

Schrell, B. W. decd

To the Hon Geo Blow, Judge of the
Circuit Court of Southampton County

Humbly Complaining sheweth unto
your Honor your Complainant J.
M. Edwards - as follows. That during
the year 1876, he contracted to purchase
and did purchase of one B. W. Sebrell
a certain Tract of Land situated in
Nash County N.C. containing 257
acres and bounded by the Lands of
Conyers, Price & others, and lying
upon Fishing Creek, upon the
following terms to wit: Your Complain
ant was to pay Nineteen Bales of
Cotton in the following installments
four bales on 1st Dec'r 1876, four
bales on 1st Dec'r 1877, four Bales
on 1st Dec'r. 1878, four bales 1st Dec-
1879. And three bales 1st Dec'r 1880.
as will more fully appear from a
memorandum found among the pa
pers of B. W. Sebrell ^{herewith filed as an Exhibit marked "A"} dec'd and by the
deposition of Jas. E. Sebrell & others
filed with the papers in this Cause.
That in pursuance of said Contract
the said B. W. Sebrell put your Com
plainant in possession of said
Land & he has been in possession of

* ~~That after these grounds were introduced into a bill of foreclosure~~

the same since that time, and is now,
That your Complainant punctually
& promptly, on the 1st day of Dec'r 1876,
1877-1878-1879 & 1880, complied with
his part of this Agreement & that the said
B. W. Sebell, promised & agreed, that
whenever he should comply with his
part of the Agreement, that he would
execute to him a good, valid, & suffi-
cient Deed for said Land, and that
your Complainant has no doubt
but that the said Agreement would
have been faithfully complied with
but for the fact that B. W. Sebell depart-
ed this life in 1879, leaving the following
parties as his devisees & heirs at Law
to wit: Romine J. Sebell, Lucy B. Se-
brell, & B. W. M. Sebell, all three in
fants & this widow Martha S. who
has since intermarried with W. J.
Biggs, as will appear by his last
will, herewith filed marked "X" & prayed
to be taken as a part of this bill -
and that James E. Sebell, has qualified
as the Executor of said B. W. Sebell,
a copy of his qualification being
also filed marked "Y" & prayed to
be taken as a part of this Bill

Your Complainant is now

advised that it is necessary for him to resort to a Court of Chancery to complete his title to the said Land, in tender consideration of all which and inasmuch as your Complainant is without remedy save in a Court of Equity, where all such matters are peculiarly Cognizable your Complainant prays that W. S. Briggs & Martha & his wife, Romine J. Lucy B. & B. W. M. Sebell, and James E. Sebell Ex^{ors} of said B. W. Sebell do be made parties to this Bill and compelled to answer its allegations - That some fit & proper person be assigned Guardian ad Litem to protect the interest of the infant Defendants, and that if your Honor shall be satisfied from the Exhibits & evidence in this cause of the truth of the Agreement as set forth in this Bill, and of the Compliance on the part of your Complainant with his part of said Agreement, That your Honor will appoint a special Com^r, who together with W. S. Briggs & Martha & his wife shall convey to your Complainant the said Tract of Land & that your Honor will grant such other further, general & special relief, as to Equity may

seem meet or the nature of this case
may demand And as in duty bound
to May it please the Court so,

W. J. Sebell p. q

The joint & several answer of Romine
J. Lucy B & B. W. M. Sebell, the infant
defendants by W. W. Briggs their Gon ad.
litem, to a Bill in Chancery exhibited
in the Circuit Court of Southampton, by
J. M. Edwards, against themselves & others

These Respondents saving & reserving
to. for answer to said Bill say, that
they are infants & being such know
nothing of the facts alleged in said Bill.

They therefore submit their rights to the
protection of this Court, and having
answered pray hence to be dismissed
so

W. W. Briggs, Gon ad
litem —

~~(127)~~
Edward
vs 3 Bills & Exhibit
Sebell Exor & others

1881 April Rules

W. J. Sebell & Co

In the name of God, Amen, I Benjamin W. Sebrell, being of sound and disposing mind and memory, and considering the uncertainty of this mortal life, do make and declare this my last will and Testament, in manner and form following;

Item 1st I desire all my real and Chattel Estate to be kept together as at present, and all necessary repairs to be done, during the natural life of my beloved wife, Marsha Susan Sebrell, and my Land to be rented or conveyed out in such manner as my Executors hereafter to be named, shall deem best for the interest of my Estate, and One third of the net annual proceeds to be given to my beloved wife, Marsha Susan Sebrell, and the remainder Equally to my three children Ransom, Lucy, Lucy, Blanch and Wilmer Maynard Sebrell;

Item 2^d I give, bequeath and devise to my beloved wife, Marsha Susan Sebrell, One third of all my moved Estate, and the remainder of said moved Estate equally to my three children Ransom, Lucy, Lucy, Blanch, and Wilmer Maynard Sebrell;

Item 3^d At the death of my beloved wife, Marsha Susan Sebrell, I desire that all my real Estate wherever found, or wherever it may be, shall be sold and the proceeds arising therefrom equally divided among my three children, Ransom, Lucy, Lucy, Blanch and Wilmer Maynard Sebrell;

Item 4th I hereby constitute and appoint my brother James E. Sebrell, as Guardian of the persons and property of my three children Ransom, Lucy, Lucy, Blanch, and Wilmer Maynard Sebrell.

I then 5th I hereby Constitute and appoint my beloved
Wife, Martha Susan Sebel, and James E. Sebel,
Executors of this my last will & Testament, hereby
repealing all others made by me.
Witness my hand and Seal this 28th day of
June 1879.

B. W. Sebel



Signed, Sealed & delivered, as his last
will & Testament in the presence of us
the Subscribing Witnesses, who Subscribed
our names hereto, in the presence of said
Testator, (at his Special instance and request)
& in the presence of each other, this the
5th day of July 1879.
Wm. W. White
R. H. Rollings

At a Court held for the County of Southampton,
on the 15th day of December 1879, This last will
and Testament of Benjamin W. Sebel decd.
Was proved by the Oaths of Wm. W. White and R. H.
Rollings, the two Subscribing Witnesses thereto, and
Ordered to be recorded and at a Court held
for the said County, on Monday the 19th day of
January, 1880, On the motion of James E. Sebel,
One of the Executors named in the last will
and Testament of Benjamin W. Sebel, (Which was
proved and recorded at the last Term of this
Court,) who made Oath according to law, and
testifies unto Wm. A. Sebel, & Emmett F. Reed,
his Executors, who justified on Oath as to their

Sufficiently,) and entered into and acknowledged
a bond in the penalty of Six Thousand dollars,
conditioned according to law, Which, bond is
Ordered to be recorded Certificate is granted
to said James E. Seabro, for obtaining a patent
of the said bill in due form, liberty being reserved
to Master Susan Seabro, the other Inventor, therein named,
to be joined in the said patent, When She thinks
fit.

Test,

SR Edwards Clk

A Copy

Test,

James E. Seabro J. C.
" " " "

J. M. Edwards - To B. W. Schell Dr
To 4 B/c due Decr 1st 1876 Paid
To 4 B/c due " 1st 1877 Paid
To 4 Bales cotton due Decr 1st 1878 Paid
To 4 Bales cotton due Decr 1st 1879 Paid
To 4 Bales cotton due " " 1880
To 3 Bales " " " "

J. M. Edwards
Statement of
Cotton due &
what has been
Paid

Exhibit
"1"

Edwards

or

Abigail Lee Jr

of the Court of the

Honorable the

1881, in the

of the Court of the Honorable the

Edward

} Summons Chy

Sebrall Exd Yall

1881 April Rules

I acknowledge
service of the
within summons.

Jas E. Sebrall

Executed by deposing
W.S. Drugg & Martha
S. his wife on the 2^d
day of April 1881.

W.W. Drugg Shff

ALL COMMISSIONS FOR THE

To the Honorable the Court of the

The Court of the Honorable the

The Commonwealth of Virginia,

To the Sheriff of Southampton County - GREETING,

WE COMMAND YOU TO SUMMON

Ja^s E. Sebrrell Exor of B W Sebrrell dec^d
W I Briggs & Martha I his wife late Martha I Sebrrell Romme I
Sebrrell, Lucy B Sebrrell & B. W. M. Sebrrell the last three being minors

to appear at the Clerks Office of our Circuit Court of Southampton County
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 them in our
said Court by

J. M. Edwards

and have then there this writ.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court at the Court
House, this 30th day of March 1881, in the 105 year
of the Commonwealth.

L R Edwards cc

The answer of Jas. E. Sebrill as
Executor of B. W. Sebrill deceased
to a bill of complaint exhibited
against him and others in the
Circuit Court for the County of
Sonthampton, by J. M. Edwards:

The respondent reserving to himself
the benefit of all just exceptions
to the said bill, for answer thereto,
or to so much thereof as he is ad-
vised it is material that he should
answer, answers and says:

That true it is the said B. W. Sebrill
died at the time alleged in the bill,
leaving a will as therein stated
and leaving as his heirs and distributees
the parties therein named, and that
the respondent qualified, as in the
bill is stated, as the executor of the
said B. W. Sebrill dec'd, and that,
after his qualification as executor as
aforesaid, he found among the
private papers of the deceased, the
memorandum filed in this cause
as an exhibit and marked "A", which
he is satisfied is in the hand-
writing of the said B. W. Sebrill dec'd,
which memorandum fully accords

with information obtained in a conversation had by the respondent with the said B.W. Sebrice prior to his death, in which he told the respondent that he had sold the land mentioned in the bill and proceedings to the said J. M. Edwards for the consideration, mentioned in the bill and also indicated in exhibit "A", and he is also satisfied from conversations had with the deceased as well as from said memorandum that the first three installments were promptly discharged and paid by the purchaser, the said J. M. Edwards, and the respondent further avers that since the death of the said B.W. Sebrice, to-wit, Dec. 1st 1879, the fourth installment became due and was paid to the respondent, as executor of the said B.W. Sebrice deceased.

The respondent further states & avers that the fifth & last installment has been placed in the hands of his Commission Merchant, to be subject to the order of the respondent as Executor of said B.W. Sebrice, dec'd.

whereupon a good, valid & sufficient Deed shall be executed to the purchaser, the said J. M. Edwards.

The respondent would further state that he knows it to be a fact, as in the bill is alleged, that the purchaser, the said J. M. Edwards was put in possession of the said land by the said B. W. Schell, decd, and that he has been in possession of the same since that time, and now is.

The respondent denies all fraud, unlawful combination and confederacy; and having fully answered the complainant's bill, prays to be hence dismissed with his reasonable costs in this behalf expended, and he will ever pray &c.

Jas. E. Schell.

Virginia:

County of Southampton, to-wit:

This day personally appeared before me J. N. Schell a Commissioner in Chancery for the Circuit Ct for the county & state aforesaid Jas. E. Schell, whose answer is above written, & made oath that the statements contained in the said answer, so far as made of his

own Knowledge are true; and so
far as made from Knowledge or
information derived from others, he
believes to be true.

Given under my hand this 30th day
of April in the year 1881.

Julius C. Schell
Clerk in Chief

Edward A. Anderson.
vs. J. C. Schell
Schell Ex'or vouch

1881 May 4th

In Southampton Circuit Court

J M Edwards

Plaintiff

^{against}
W. S Briggs of Martha Shis wife, Romine I. Lucy B. & B W
M Sebrell & James E. Sebrell Executor of B W Sebrell dec - Defendant

1881 March 30th Summons issued

Apl. R Summons ret? Executed - Bill filed W W Briggs

assigned Gov ad litem to infant Defs Romine I. Lucy B. &
B W M Sebrell answer of infants filed Gen. Ref. Thords - Decree
Nisi to Dft Briggs wife & J. E. Sebrell Exor

May " Bill taken for confessed as to Dft. Briggs wife & Sebrell
Exor & Cause set for hearing as to all Dfts.

1882 May. Removed from the Docket

~~75~~ ~~72~~ ~~77~~ ~~77~~
Schell ~~or~~ 29

or } State Rules

Schell 8th

Edward
vs 3 Deere
Sebel

Nov Term 1881
Take entered

Edwards 3
vs 3 Decree
Sebrells Ex or others

This Cause was this day heard on the Complainants bill, Exhibits therein filed, ~~the answer of the infant defendants~~ taken for confessed as to the adult defendants, the answer of the infant defendants by their Guardian ad Litem, ~~with the~~ and was argued by counsel. On consideration whereof the Court being of opinion that the said Complainant has fully paid for the tract of Land in the proceedings mentioned

It is ordered that Wm J. Sebrell be and he is hereby appointed a Special Commissioner, with full Authority to execute a deed with special warranty to said Complainant conveying the Tract of Land in the proceedings mentioned, and report to Court

Edwards
vs { Deane
Adm's Exor. &c

May Term 1882-

To be ruled

Geo. B. Dow.

Edraids

vs. { Devere,
Devere's Ex'or & others

This day this cause
was again heard on papers formerly
read and it appearing to the Court that
nothing further remains to be
done therein it is ordered that the
same be dismissed from the docket.