

1890-04

Southampton County - Chancery

Bryant, Benj. J.  
Jdn

vs. Daughtry, Henry  
Jct

"Land to be divided,  
or sold and proceeds  
to divided between the  
parties entitled"

joint  
Bailey, Jas. D.  
Bailey, C. Franklin  
Bailey, Jno E.  
Bailey, E. A.  
Bailey, Henry  
Bailey, Lucinda

Bailey, Alice  
Bailey, Jas D.  
Bailey, C. Franklin  
Bailey, Jno E.  
Bailey, E. A.  
Bailey, Henry  
Bailey, Lucinda

March 17<sup>th</sup>, 1887. Recd of B. J. Bryant  
fifty cents justices fee for taking his  
acknowledgement in the bill in  
equity as guardian for the <sup>children</sup> ~~sons~~ of  
E. E. Bailey

R. L. Bryant, J. P.

To the Hon. C. W. Hill. Judge of  
the Circuit Court of Southampton  
County, Va. March, Rules, 1887.

Your orator. Benj. J. Bryant.  
guardian for Jos. D. C. Franklin  
Jno. E. E. A. Henry. L. & Lucinda. R.  
Bailey. all infants under the age  
of twenty-one. complaining: shew-  
eth unto the court, that the grand-  
mothers of said infants. one Polly  
Daughter. was in her lifetime.  
seised & possessed of certain real  
estate. lying in the county of  
Southampton. near the town of  
Franklin. containing by estimation  
about . . . acres. & adjoining the  
lands of P. D. Campbell & H. V. Cobb's estate  
Blackstone River & being so seised & possessed  
the said Polly Daughter in the year  
1887. died intestate leaving five  
children. James. Thomas. Henry.  
Susan & Sarah Daughter. who on  
her heirs at Law & intended said  
piece of land. subject however  
to the custody of her husband  
William Daughter; the said Susan  
Daughter married & has since died  
leaving six children: Alice. Jos. D.

C. Franklin, Jno. E. E. A. & Henry, L.  
Bailey, as her heirs at law: the said  
Sarah Daughtry also married & died  
leaving one child. Lucinda, R.  
Bailey, as her only heir at law:  
that both these daughters of Pally  
Daughtry, died before their father  
did, who held the said land by courtesy,  
that in the year 1848 the said William  
Daughtry died: that now the said Henry  
Daughtry is the owner of a Three-fifths  
of said land, he having purchased  
the undivided interests of James,  
& Thomas Daughtry: that the six  
children of Susan Bailey, deceased,  
are jointowners of one-fifth, the share  
that would have gone to their mother  
& that the child of Sarah Bailey, deceased,  
is the owner of the other  $\frac{1}{5}$ . The  
share that would have gone to her  
mother: that the said piece of land  
has never been divided, but is  
now wholly in the possession of  
Henry Daughtry. And your orator  
states that he believes that the  
said piece of land is not suscep-  
tible of partition in kind among

the parties entitled thereto: and if it be found that it cannot be so divided, then your orator desires that the same may be sold or the proceeds divided among the adults & infants according to their respective rights: and your orator here states & believes: that the interests of those (adults & infants) who are entitled to said land or its proceeds, will be promoted by a sale of the whole, or by a <sup>sale</sup> purchase of the shares of same by the others.

Forasmuch therefore as your orator is unaided in the former case in a court of equity: he prays that the said Henry Daugherty & Alice Bailey, adults, & Jos. D. C. Franklin, Mrs. E. E. A. Henry, L. & Lucinda, R. Bailey, infants, may be made parties to this bill & required to answer the same. The adults in answer for said infants by guardian ad litem: that a proper guardian ad litem be appointed for said infants: that proper process issue: that the said real estate be divided between the parties entitled

therein: or else it be sold & the pro-  
ceeds be divided in case it be in-  
divisible: that all proper orders &  
decrees may be made & accounts taken  
& enquiries directed & that all  
such other further & general  
relief as in the premises may be  
just & right may be granted. And  
your orators will ever pray. etc.

B. J. Bryant Guardian

J. C. Parker, f. q.

Virginia, Southampton County, to wit:-

This day appeared before me R. L. Bryant a  
Justice of Peace for the county aforesaid,  
the above named Benj. J. Bryant, guardian  
of Jos. D. C. Franklin, Geo. E. E. A. Henry,  
L. & Lucinda R. Bailey, plaintiffs in  
the foregoing bill, & made oath that  
he believes the statements contain-  
ed therein to be true.

Given under my hand this 17th  
day of March 1887.

R. L. Bryant

Bryant, Benj. J. Esq.

vs } Bill in Equity

Bailey, Alice & al

Bryant Loin  
w<sup>th</sup> <sup>3</sup>/<sub>4</sub> Costs  
Bailey + also

Spa 20 - 8 Copies 80 Noting return 35. Atty  
10. Filing papers 25. two Rules 1.00 2 decrees  
+ Cof 1.44. Costs + Cof 40. Filing answer  
50 - Filing Comm report 25 Filing answer  
of Gov ad litem 25. taking bond 1.74  
~~administering oath 25~~ Filing 25.

J.B.P. 4.42

B & M. 3.36

7.78 paid - B. & M.

Att. \$ 7.78

Diff. \$ 3.50

Lawyer 16.50

\$ 27.78

#2 104  
Bryant. Edn 4.  
104  
3  
4 3 Comr's Bond  
3  
Daughtrey. & also:

---

Know all men by these Presents, That we *John C. Parker*  
*J. D. Paulson & C. C. Vaughan*

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

*Twelve hundred*

Dollars, 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. And we, the obligors herein, hereby waive the benefit of our homestead exemption as to this obligation, and also waive any claim, right or privilege to discharge any liability arising under said bond in any currency, funds, counter-claims or offsets other than legal tender currency of the United States.

Sealed with our seals and dated this

*21*

day of

*November*

A. D. 18 *87*

THE CONDITION of the above obligation is such that if the above bound

*John C. Parker*

who was appointed Special Commissioner, by an order of the Circuit Court of Southampton County entered at the November Term 1887, in the Chancery Cause of "Bryant, John vs Daughtry & als" to make sale of the tract of land owned jointly by Henry Daughtry and Alice Bailey - Jos. D., C. F., Jno. E., E. A. Henry & Lucinda R. Bailey - shall faithfully perform the duties required of him under said decree - and the duties of any future decree which may be entered in said suit

~~shall faithfully discharge the duties of~~  
or else to remain in full force and virtue.

~~office or trust~~ according to law, then the above obligation to be void,

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

*J. C. Parker*  
*J. D. Paulson*  
*C. C. Vaughan*



The joint personal answers of Jas.  
D. & C. Franklin Bailey, infants under  
twenty-one, but over fourteen, to  
a bill of complaint exhibited against  
them & others in the Circuit Court  
of Southampton by Benj. J. Bryant.  
Edin:

These respondents answering to  
them relate the benefit of all  
just exceptions ~~thereof~~ to said bill,  
for answer thereto, or to so much  
thereof as they are advised it is ma-  
terial they should answer, say:

That they are infants of under  
years, & by reason of their infan-  
cy are incapable of understanding  
or of taking care of their rights  
& interests; they therefore committed  
themselves & their rights & interests  
to the protection of the court, &  
pray that no decree may be pro-  
nounced that will tend to their pre-  
judice, And having fully answered  
these respondents pray to be dismissed  
with their reasonable costs in this  
behalf expended, & they will ever pray.

Witness-

Saml. A. Bryant,

James D. & C. Bailey <sup>this</sup> true  
C. Franklin <sup>mark</sup> Bailey <sup>mark</sup>

Virginia Southampton County, to wit.  
This day personally appeared before me  
R. L. Bryant a justice of the peace  
for the county aforesaid. James  
D. Bailey & C. Frank Bailey, whose an-  
swer is written above, & made oath  
that the statements in said answer  
so far as made of their own know-  
ledge are true; & so far as made from  
information derived from others  
they are believed to be true.

Given under my hand this 25<sup>th</sup>  
day of April. 1867.

R. L. Bryant, J. P.

Bryant, Justice.

or

Bailey, it also

Answer of J. D.

C. Frank Bailey

The answer of Henry Daugherty,  
& Alice Bailey, jointly & separately,  
to a bill of complaint, filed against  
them & others, in the Circuit Court  
of Southampton County, by Benj. J.  
Bryant, Guardian, complainant.

These respondents answering to  
themselves the benefit of all  
just exceptions to said bill, for  
answer thereto, answers says, that  
true it is that they are possessed  
of an undivided interest in said  
land mentioned in said bill,  
in the manner mentioned there,  
& they do not object to a division  
of said land according to the respec-  
tive rights of each one interested; or  
if said land cannot be divided to  
a sale thereof & a division of the  
proceeds, which case to the court  
may seem just & right. And these  
respondents deny all fraud & con-  
spiracy, and having fully answered  
the complainant's bill, pray to be  
dismissed with their costs in this  
behalf refunded, & they will ever pray.

Witness -

A. B. Norton

<sup>her</sup>  
Alice & Bailey  
<sup>marks</sup>

Virginia Southampton County Co. civil.  
This day personally appeared before  
me - R. L. Bryant a justice of peace  
for the county aforesaid. Alice  
Bailey, whose answer is above writ-  
ten & made oath that the statements in  
said answer so far as made of her  
own knowledge are true: & so far as  
made from information derived  
from others they are believed to  
be true.

Given under my hand this 30<sup>th</sup>  
day of April. 1887.

R. L. Bryant, J. P.

Answer of  
Henry Daugherty &  
Alice Bailey. Ex. d.

Bryant. Edie

as  
Bailey. It. also.

The joint and several answer of Jos D, C.  
Franklin, Mrs E, E.A, Henry L, and Lucinda  
R. Bailey, all infants by L.B. Paine  
their Son as litigant to a bill of Complaint  
exhibited in the Circuit Court of Southamp-  
ton, by Benj J Bryant Son, against them-  
selves & others..

These respondents, saving and reserving &c.  
for answer to said bill say - that they  
are infants and know nothing of  
the facts or set forth in the said bill.  
They submit their rights therefore to the  
protection of this Court. and having  
answered may hence be dismissed  
&c. -

L.B. Paine Son as  
litigant -

Bryantson  
m G ~~#1~~  
Daughter Jr

Answer of  
Gon ad letter

Web Rules  
Filed  
L B Poe

Byant. Edin.

as } Report of  
Commissioners

Bailey children

1887 Nov. 4. Filed

B. F. M. C. C.

To the Hon. C. W. Will. Judge. of the  
Cir. Ct. of Southampton Co.;

Pursuant to a decree of the Cir-  
cuit Court of Southampton Co. ren-  
dered on the 5<sup>th</sup> day of May 1887. in a  
suit in Chancery depending in said  
court between B. J. Bryant, Edin. and  
Alice Bailey others, we the undersigned,  
three of the Commissioners appointed  
by said court in said decree for the  
purpose of examining the tract of land  
near Franklin, formerly possessed by  
William Daugherty, dec'd & now belonging  
to Henry Daugherty, Alice Bailey & others,  
all defendants in said suit, & report to  
the court if it be practicable to divide  
it in kind among those entitled  
thereto, & if not practical to divide,  
to report if any one of the owners  
will agree to pay the others a fair  
share for their parts. Now therefore  
we report as follows: it is not  
practical to divide the said tract  
of land in kind among the owners,  
inasmuch as it is comparatively a small  
tract of land & would have to be divided  
into so many tracts, which would  
give each one a very small & detached

portion, which would be almost value-  
less so situated. We also report that  
Henry Daughtry, one of the defendants in  
this suit & the owner of  $\frac{3}{5}$  of the  
land, agrees to pay to the owners of  
the other  $\frac{2}{5}$ . (The Bailey children  
defendants in said suit.) The sum of  
Six Hundred — <sup>or \$300.00 for share,</sup> Dollars, which  
we consider a fair & reasonable  
price for said shares & recommend  
a sale of the interests of those infants  
on those terms.

Respectfully,

L. T. Jagers

Henry A. Brails

James <sup>his</sup> Bryant  
mark

Witness

W. F. McGarry

146

Bryant Co  
as Y State Rules  
Daughter J.

---

In Southampton Circuit Court.  
 Benj J. Bryant: Gov. Plff  
 Against  
 Henry Daughtery & Alice Bailey  
 (adults) - and J. D. C. Franklin  
 Jno E, S. A, Henry D. & Lucinda  
 R. Bailey - infants by J. B. Pinner  
 their Gov as tutor Defts  
 In Equity.

1887

Feb/23.

Decrees to Mch Rules.

Mch Rules.

Decrees not executed on all defts except Alice Bailey - not executed on her. Bill filed. J. B. Pinner appointed Gov as tutor to infant defts. Answer of Gov as tutor filed. True Replication thereto.

Decree nisi vs deft Hy Daughtery.

Apr ..

Bill taken for confessed as to Hy Daughtery. and Cause set for hearing as to all defts except Alice Bailey.

Bryant, Edw.  
17 Sum

Laughtrey & als:  
1887. ~~Thos~~ Ruler  
Cir: Ct

Executed March 5<sup>th</sup>  
1887. on each of the  
within named parties  
except Alice Bailey she  
not a resident of my  
County.

Noted and Sdity  
For J. Barham Shiff

**The Commonwealth of Virginia,**

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *Henry Danghty & Alice Bailey*  
(adults) and *Jos. D., C. Franklin, Jas. E. & E. A. Henry, Jr.*  
& *Lucinda R. Bailey*—infants. by *J. B. Prince*, their  
*gon. ad litem.*

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 *March* next, to answer a bill in  
chancery exhibited against *them* in our said Court by *Benj. J. Bryant*  
*gon.*

And this *they* shall in no wise omit; and have then there this writ.

Witness, J. B. PRINCE, Clerk of our said Court, this *23* day of *February*  
188*7*, in the *///* year of the Commonwealth.

*J. B. Prince* C. C.

Alice Bailey

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The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *Alice Bailey*

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 *March* next, to answer a bill in chancery exhibited against *her & others* in our said Court by

*Gon*

*Benj. J. Bryant*

And this *she* shall in no wise omit; and have then there this writ.

Witness, J. B. PRINCE, Clerk of our said Court, this

*23* day of *February*

1887, in the *111*<sup>th</sup> year of the Commonwealth.

*J. B. Prince* C. C.

---

Recd of J. B. Parker. Special claim  
in suit of Bryant & Co. as  
Daughter of J. B. Parker. There is \$100,000.00  
Sheriffs fees. J. W. Williams Shff.

Southampton

June

Co Va

Boykins  
Southampton

Co Va

Franklin  
Southampton

Co Va

Received of J. C. Parker. Special Commissioner  
in civil of Bryant Edie as saughtney  
it also. the sum of Thirty-Five  $\frac{36}{100}$   
dollars. in full of balance of  
my share of land. this January  
14<sup>th</sup> 1890.

Alice G. Bailey

Witness -

D. V. No. 12

Received of J. H. Parker, Special Commissioner in the  
 suit of B. J. Bryant Edie, vs. daughters &  
 others, the sum of \$281.<sup>08</sup>/<sub>3</sub>, as ~~for~~ <sup>per</sup> statement  
 ordered, in the following capacity,

|                                    |                                          |
|------------------------------------|------------------------------------------|
| As guardian for Lucinda R. Bailey. | \$158. <sup>32</sup> / <sub>3</sub>      |
| " " " Jas. D. Bailey               | 25.55 <sup>1</sup> / <sub>3</sub>        |
| " " " C. Franklin Bailey           | 25.55 <sup>1</sup> / <sub>3</sub>        |
| " " " Jos. E. Bailey               | 25.55 <sup>1</sup> / <sub>3</sub>        |
| " " " E. A. Bailey                 | 25.55 <sup>1</sup> / <sub>3</sub>        |
| " " " Henry L. Bailey              | 25.55 <sup>1</sup> / <sub>3</sub>        |
|                                    | <u>\$281.08<sup>3</sup>/<sub>3</sub></u> |

Given under my hand this 3<sup>rd</sup>  
 day of January 1890.

B. J. Bryant Edie

July, <sup>78</sup>

Camden Va. Sept-19/89  
Recd of J. C. Porks. Special  
basis in suit of Bryant. Edin  
as Daughtry et al. recd & \$100  
dollars. Clerk fee in said suit  
to & including record fees

P. D. A. McLeary

Received of J. C. Parker. Special Commissioner  
in and of Bryant City as Daughters  
et al. Five,  $500.00$  dollars for making  
motions to qualify as guardian  
+ Five  $564.00$  dollars taxes paid  
for 1886.

J. C. Parker. atty

Recd of J. C. Parker Through  
The hands of B. F. Bryant  
Fifteen + 49/100 dollars in part  
of sale of Land belonging to  
James Langley East

W. B. Charnell Alice V. Bailey

Received of J. C. Parker. Special  
Carr's in the suit of B. J. Bryant.  
Edw as Daughty, et. al., the following  
sums of money in the capacity  
'named. as per statement rendered.  
As guardian for Lucinda R. Bailey.  
\$92.<sup>42</sup>/<sub>100</sub>; as guardian for Jas. S. Bailey.  
\$16.<sup>40 1/2</sup>/<sub>100</sub>; as guardian for C. Franklin  
Bailey. \$18.<sup>40 1/2</sup>/<sub>100</sub>; as guardian for Geo. E.  
Bailey. \$18.<sup>40 1/2</sup>/<sub>100</sub>; as guardian for E. E.  
Bailey \$18.<sup>40 1/2</sup>/<sub>100</sub>; as guardian for Henry L.  
Bailey \$18.<sup>40 1/2</sup>/<sub>100</sub>; as agt for Alice Bailey  
\$18.<sup>40 1/2</sup>/<sub>100</sub>. Given under my hand this  
24<sup>th</sup> day of April 1888.

B J Bryant Edw

Received of J. C. Porter. Special  
Carrs in the suit of B. J.  
Bryant & Edie as Daughters &  
others. The following sum of  
money in the capacity named  
as per statement rendered  
as guardian for Lucinda, R.  
Bailey \$8.<sup>90</sup> as guardian for Jas.  
D. Bailey \$9.<sup>81</sup><sup>2</sup>/<sub>3</sub>; as guardian for C.  
Franklin Bailey \$9.<sup>81</sup><sup>2</sup>/<sub>3</sub> as guardian  
for Mrs. E. Bailey \$9.<sup>81</sup><sup>2</sup>/<sub>3</sub> as guardian  
for E. A. Bailey \$9.<sup>81</sup><sup>2</sup>/<sub>3</sub> as guardian  
for Henry L. Bailey \$9.<sup>81</sup><sup>2</sup>/<sub>3</sub>

Given under my hand this  
18<sup>th</sup> day of Jan 1889.

B J Bryant & Co

To the Hon C. W. Hill, Judge  
of the Circuit Court of South-  
ampton County, Va

The undersigned, a special  
commissioner in the suit of  
Bryant Edin. vs ~~Spiller~~ <sup>Appointed</sup> et al.  
now pending in said court, at  
the November Term 1887. there-  
of, respectfully reports, that  
pursuant to said decree he  
has collected of the said Henry  
Daughter the balance of the  
proceeds money for the land  
sold, & has ~~paid out the same~~  
made a deed to the said  
Daughter for the same, & has  
paid out the money as is  
shown by the following state-  
which is supported by vouchers.  
By ~~the~~ Statement

By Total amount collected  
with interest in full.

& rent for one year.

\$674.20

To Ed J. C. Parker for motion to  
qualify

\$5.00

" Coxes fd for 1886

\$5.64

" fd 2/5 of expenses of suit 27.28

11.10

" " 2/5 of atty fee 88.80

14.00

|    |                          |                      |
|----|--------------------------|----------------------|
| To | fd B. J. Bryant Edu      | 184.881              |
| "  | " " "                    | 107.99               |
| "  | " Alice Bailey           | 9.81                 |
| "  | " for writing aud        | 2.50                 |
| "  | reserved for future cost | 25.00                |
| "  | fd B. J. Bryant Edu      | 281.08 $\frac{2}{3}$ |
| "  | " Alice Bailey           | 25.55 $\frac{1}{3}$  |
| "  | Carry on total receipts  |                      |
|    | @ 6% + 2%                |                      |

|                 |                 |
|-----------------|-----------------|
| 24.17           |                 |
| <u>\$674.20</u> | <u>\$674.20</u> |

Respectfully submitted,  
J. C. Parker  
Special Commr.

Bryant Edu  
at 3 Reford  
Bailey, it also

Ed Staff Receipt

Bryant, Edw

17 1/2 Dec 1891

Danghtrey & also

In the Circuit Court for Southampton County. November Term. 1887  
Benj. J. Bryant, Gdn  
vs  
Alice Bailey, et als } Decree

This day this cause came on to be heard upon the papers formerly read & upon the report of Commissioners L. S. Joyner, Henry G. Garits, & James Bryant to which report no exceptions have been filed; and was argued by counsel.

In consideration whereof the court doth adjudge, order and decree, that J. B. Parker, who is hereby appointed - a special Commissioner for that purpose, proceed to make sale of the shares of the adult Alice Bailey & the infants Jos. D. & Franklin, Jos. E. & H. Henry L. & Lucinda R. Bailey, to the said Henry Daugherty, for the amount recommended by said report; sale to be made upon following terms,  $\frac{1}{3}$  cash & balance in one & two years, title reserved by Court in-

til or purchase money paid,  
but with privilege to said  
Daughtry to pay whole of pur-  
chase money cash & take deed  
at once. And said Parker as  
Court shall proceed to collect  
from said Daughtry three  
fifths of the expenses of this  
suit, (including an attorneys  
fee of thirty five Dollars, & the  
cash payment made by Daught-  
ry, & out of the amount so col-  
lected shall pay first; the 4<sup>th</sup> pr-  
ize of this suit, including said  
attys fee as above stated. second  
he shall pay one half the balance  
to Benj J. Bryant, as Guardian  
for Lucinda R. Bailey & one  
twelfth to Benj J. Bryant as  
Guardian for Jos D. Bailey & one  
twelfth to said Bryant for  
Franklin Bailey & to said  
Bryant for Mrs. C. Bailey one  
twelfth: & to said Bryant for  
C. F. Bailey one twelfth: & to said  
Bryant for Henry L. Bailey  
one twelfth: & to Alice Bailey  
one twelfth: And if said

Daughtry does not pay the whole of the said amount-cash, then said Parker Comr shall continue to collect the deferred payments with interest until all are paid & divide it up between the parties entitled thereto in the proportion above stated. But before said Parker shall proceed to execute this decree he shall enter into bond with approved security in penalty of \$200.00 conditioned to faithfully discharge his duties under said decree, and he shall make report to this court at the next term after he shall have finally executed this decree.

A Copy. Into: B. F. M. Leonard C. C.

Bryant. B. J. Edie  
as } Decree  
"Copy"  
Daughter it also

order for a final decree.

Flaherty

State Q. J. McLaughlin

In the Circuit Court for Southampton  
County May Term 1887.  
Benja J. Bryant Jan

Alice Bailey et als.

This day this cause came  
on to be heard upon the answer of Henry  
Daughtery & Alice Bailey adults Jos. D. V.  
& L. Franklin Bailey infants over fourteen  
& of Guardian ad litem for Jos. D.  
L. Franklin, Jos. E. E. A. Henry L. and  
Laginda R. Bailey, all infants, and was  
argued by Counsel.

In consideration whereof the Court  
doth adjudge, order and decree that L. R.  
Edwards, Henry Rawles, Allen Brantley,  
L. J. Joyner and James Bryant, who are  
hereby appointed special Commissioners  
for that purpose, or any three of them, shall  
examine said tract of land, and see  
whether it be practicable to divide the same  
in kind, among the parties entitled thereto  
& if so, to so divide it: & if not, to ascertain  
if any one of the joint owners thereof will  
pay to the others, a fair price for their share.  
And the Commissioners are directed to report  
their proceedings in pursuance of this  
decree to the next Term of this Court in

Bryant, Edie

to } Deane

Bailey, Alice, et. al

Roomed Term  
1887

To be entered.

C. W. Hill

Entered 267

In the Circuit Court for Southampton  
County, November Term, 1887  
Benj. J. Bryant, Esq. }  
                                  to } decree  
Alice Bailey, et als. }

This day this cause came on to  
be heard upon the papers formerly  
read & upon the report of Commis-  
sioners L. P. Jaynes, Henry A. Rawls,  
& James Bryant, to which report no  
exceptions have been filed, and was  
argued by counsel.

In consideration whereof the court  
doth adjudge, order, & decree, that J.  
C. Parker, who is hereby appointed  
a special Commissioner for that  
purpose, proceed to make sale of the  
shares of the adult Alice Bailey & the  
infants Jos. D., C. Franklin, Jos. R., E. A.,  
Henry L., & Lucinda R. Bailey, to the  
said Henry Daughtry, for the amount  
recommended by said report; sale to be  
made upon following terms,  $\frac{1}{3}$  cash  
& balance in one & two years, title  
reserved by said until or purchase  
money paid, but with privilege to  
said Daughtry to pay whole of purchase  
money cash & take deed at once.  
And said Parker as Commissioner shall

proceed to collect from said Daughtery  
three-fifths of the expenses of this  
suit, (including an attorney's fee of  
thirty-five dollars), & the cash payment  
made by Daughtery, & out of the amount  
so collected shall pay first, the ex-  
penses of this suit, including said atty's  
fee as above stated, second he shall  
pay one half the balance to Benj. J.  
Bryant, as Executor for Lucinda K. Bailey  
& one ~~twelfth~~ to Benj. J. Bryant as Execu-  
tor for Jos. D. Bailey; & one ~~twelfth~~ to said  
Bryant for C. Franklin Bailey; & to said Benj.  
Bryant for Jos. E. Bailey, one ~~twelfth~~; & to said  
Bryant for E. A. Bailey, one ~~twelfth~~; & to said  
Bryant for Hany. L. Bailey, one ~~twelfth~~; & to  
Alice Bailey one ~~twelfth~~; and if said  
Daughtery does not pay the whole of the  
said amount cash, then said Parker,  
Carr, shall continue to collect the  
defined payments with interest, until  
all are paid, & divide it up between  
the parties entitled thereto in the  
proportion above stated.

But before said Parker shall  
proceed to execute this decree he  
shall enter into bond, with approved  
<sup>in finalty of 8/20/00</sup> security, conditioned to faithfully

In the Circuit Court for Southampton  
County.

Benj. J. Bryant. Esq.

Alice Bailey, et al

This day this cause came on  
to be heard upon the answers of  
Henry Daugherty & Alice Bailey,  
adults. Jos. D. & C. Franklin Bailey  
infants over James, & of

Guardian ad litem for Jos.  
D. C. Franklin, Jos. E. E. A. Henry  
L. & Lucinda R. Bailey, all infants,  
and was argued by counsel.

In consideration whereof the  
court doth adjudge order & decree  
that L. R. Edwards, Henry Rawls, Allan Baunty,  
L. T. Joyner, & James Bryant,  
who are hereby appointed special  
commissioners for that purpose,  
or any three of them, shall examine  
said tract of land & see whether it  
be practical to divide the same in  
kind among the parties entitled  
thereto, & if so to so divide it: or if  
not to ascertain if any one of the  
jointowners thereof will pay to the  
others a fair price for their share

And the commissioners are directed  
to report their proceedings in fur-  
mance of this decree to the next  
term of this court, in order for a  
final decree.

Bryant. B. J. Eldin

118

oo } decree

Railway Alice: it also

May 4/87  
to be included.

C. W. H. ice

Byant Edu  
or { Final decree  
Bailey it als

To be entered  
C notice  
May 6, 1890

Entered

Bryant & Co }  
as } Final decree  
Bailey it also }

This day this cause came  
on to be heard upon the  
papers formerly read upon  
the report of J. C. Parker. Special  
counsel. to which reports no  
exceptions have been filed, and  
was argued by counsel.

Upon consideration whereof,  
the court hath confirmed  
said report, & it appearing that  
there is nothing further to  
be done in this cause, it is  
ordered that the same be  
removed from the docket.