

1893.25

Southampton County Chancery - Doughtie, Virginia & Charles T. vs Knight, Susan et al

Sale of real estate

Knight, M. J.
G. A. L.

Minors { Doughtie, Virginia
" , Charles T.

Briggs, W. W.
G. A. L.

No. 129
Doughties Gow

vs. 3 Belle & Exhibits

Knight et als

It will be seen by reference to said will, that said testator gave and devised certain Real Estate to his widow during her life and at her death to his daughter Susanna Knight, who intermarried with Joseph J. Doughtie, and had by said marriage the following minor children to wit Charles Thomas Doughtie, The said Joseph J. Doughtie himself have both since died.

To the Hon. Geo. Blow, Judge of the Circuit Court of Southampton County -
— In Chancery —

Humbly complaining sheweth unto your Honor, M. J. Knight, as follows, That at the term of the County Court of Southampton your Complainant qualified as Guardian of Virginia Doughtie, a minor, aged 7 years, and at the same time of Charles Thomas Doughtie another minor aged 5 years. That by virtue of his qualification, the said Guardian has possessed himself of all the personal Estate of said minors which does not amount to the sum of \$5.00. That under the will of Tho. D. Knight, their grandfather the said minors are entitled in reversion to the lands now held by Susan Knight as Dower, as will be more fully seen by reference to said will, a certified copy of which is herewith filed marked "A" and prayed to be taken as a part of this bill. That the said minors are of very tender age

and not capable of supporting them
selves - That the interest of said
minors in said land yields no
annual revenue, nor in its present
shape, can it be made to do so.
That in the opinion of your Com-
plainant, the said interest would
sell for enough to support the said
minors until they arrive at an age
when they can support themselves.
Your complainant therefore here-
charges that it would be of deci-
ded interest to the said minors, that
their interest in said land should be
sold, in which he is corroborated
by the testimony of witnesses here-
~~with~~ ^{offer to be} filed - In consideration of
all which and inasmuch as your
Complainant has no remedy except
in a Court of Equity, where matters
of this kind are peculiarly cogniza-
ble, to the end ^{therefore} that justice may
be done you, Your Complainant
prays that Susan Knight & Virginia
& Charles Thomas Doughtie, the last two
minors be made parties defendant
to this bill and compelled to answer
its allegations, that some fit and

and proper person be assigned Guardian
in law ad litem to represent and protect
the interest of said minors, That
your Honor will grant an order
directing sale of the interest of
said minors in said land, if
in your opinion you should deem it
necessary so to do. And that your Hon
or will grant all such other, further
general & special relief as the nature of this
Case may require or to Equity may seem
meet, And as in duty bound your
Complainant will ever pray &c.

May it please the Court. &c

J. S. Sebell, P. Y.

The joint & several answer of Virginia & Chas. Thos
Doughter, both minors, by W. W. Biggs, their son, ad litem
to a bill of Complaint exhibited against them in
the Circuit Court of Southampton Co. by E. J. Knight, their son

These respondents saving & reserving to for
answer to said bill say. That they are of tender
ages and know nothing of the facts alleged in said
bill, and being such they submit their interest
to the protection of this Court & having answered
they pray hence to be dismissed -

W. W. Biggs -
son ad litem
Sebell pd

I Thomas D. Knight of the County of Southampton and State of Virginia do hereby make and ordain this my Last Will and Testament, revoking all former Wills by me made, in manner and form following (viz)

1st I wish my Executor, to be hereafter named as soon after my death as may seem to him proper and best for my Estate, to sell the whole of my perishable Estate, and out of the Monies arising therefrom pay all my Debts and funeral Expenses.

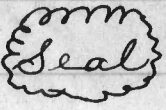
2^d I Doan to my wife Susan Knight the whole of my Estate of every kind, both Real and perishable, after the payment of my debts, during her natural Life, for the support of herself and my Children so long as they may remain with her.

3rd At the death of my wife Susan Knight I give to my daughter Susanna Knight the House in which I live with all the out Houses, and Forty acres of Land attached thereto, to be laid or cut off by two or three neighbors, so as to have it all in one body, and to injure the balance of the Tract as little as possible, which I give to her and her Heirs forever.

4th At the death of my wife Susan Knight I wish, and my will is that, all of my Landed Estate not heretofore given away, may be sold at public Auction and the Monies arising therefrom I give to my Children Lewis J. Knight, Francis D. Knight, Daniel P. Knight, Charles Knight, Benjamin

Knight, Alexander Knight, Mark Knight,
Susanna Knight, Mary Knight, Cherry Ann
Knight and Roda Jane Knight to be equ-
ally divided between them all, to them and
their heirs forever.

Fifth & Lastly, I do hereby constitute and
appoint Ben E Pope Executor to this my
last Will and Testament. In Witness
whereof I have hereunto set my hand
and affixed my seal this 2nd day of
February 1855.

Signed sealed and
acknowledged in Thos. D. Knight 
the presence of
Ben E Pope
William R. Worrell
Geo. C. Pope

At a Court held for the County of Southampton
the 16th day of July 1855. His last Will and Testa-
ment of Thomas D. Knight deed, was this day
proved by the oaths of Benjamin E. Pope & George C.
Pope two of the subscribing witnesses thereto, and
thereupon ordered to be recorded. And Benjamin
E. Pope the Executor therein this day appeared in
Court & refused to take upon himself the burthen
of the execution thereof.

A. Copy - Teste -

L. R. Edwards C. C.

Doughtie's Son

vs

} Depositions

Knight v. al.

1879 Oct. 24th

Sealed in by J. C.

Sevell, for David H.

Kennard, J. P.

The depositions of A. B. Ridley, G. L. Barden, Dr. Wm. P. Sebrell, Alexander Knight and M. J. Knight taken at Boykins Depot in Southampton County, on Thursday 23 Oct. 1879, before me David H. Kinsred, a Justice of the Peace in and for the County of Southampton, to be read in behalf of M. J. Knight Gdn of Virginia and Charles Thomas Doughtie in a certain suit in Chancery, now pending in the Circuit Court of Southampton in which the said M. J. Knight Gdn as aforesaid is Plaintiff and Virginia Doughtie, Charles Thomas Doughtie and Susan Knight are Defendants.

Present Jn. Sebrell atty for Plaintiff
+ Wm W. Rigg Gdn ad litem, + Susan Knight
Dr. W. P. Sebrell, being first duly sworn
deposes & says as follows.

Question How old are you and where do you
reside

Ans: I am 29 years old and live in
Boykins Depot, Southampton Co. Va

Question Do you know the parties to this suit?
Ans, I know them well, they live within
one mile of my house.

Question: What are the ages of Virginia and Charles Thomas Doughtie?

Ans Virginia is about 8 years old & Charles about 6 years old.

Question What means of support have they, if any income state in what it consists.

Ans, I attended their mother just prior to her death, in fact in her last illness, and am certain they have no means of support whatever.

Question Do you know anything of any interest, which they have in the Real Estate formerly belonging to the Estate of Thomas D Knight

Ans: I have read the will of Tho^s D Knight and find therein that they own at the death of Mrs Susan Knight his widow, a small parcel of land, 40 acres with the houses attached.

Question Do you think, knowing this land, that it would be to the interest of the dependants to sell this land at the present time.

Ans.

Knowing their condition in life that they are without other means of support, and believing that their ^{interest in this} land would sell for more now, than after the death of their grandmother, the life tenant, I am satisfied it would be to their interest. The buildings are depreciating in value every year, and no repairs are being made.

Question,

What would this interest sell for at public sale -

Ans:

about 350. or 400 dollars and I think this is a large price & further this deponent saith not.

Wm. Schell
" "

C. L. Barden being duly sworn deposes & says as follows -

I am 27 years old & live at Boykins depot in Southampton County, Va. and know the parties to this suit well, I see them once or twice each week, I have heard the deposition of D. W. P. L.

well read and concurs with him
as to the value of the interest
of the Defendants Charles & Virginia
Daughter in the Real Estate mention-
ed in the proceedings, and believes it
altogether to the interest of said de-
fendants that it should be sold
at this time for their support.

I think I know parties who would
give 350 \$ for said interest.

This I consider a big price
for said land even if possession
was given immediately.

The houses are in bad order and
the land poor - no repairs are
being made.

I further this deponent with noh.

A. L. Barden

Ch. B. Ridley being duly sworn, deposes
& says as follows.

I am 31 years old and live in
Boyskin's District within five miles
of the Real Estate mentioned in the
depositions of Dr. Sebell & Mr Bar-
den which I have heard read, I
know this land well, and think

that it would be to the interest
of the Defendants if it could be
sold for 350\$. It is more
than I would give for it if I could
get possession immediately.

I believe they have no other
means of support.

As further this dependent saith
not. N.B. Ridley

Alexander Knight, being duly sworn
deposes and says as follows

I am 39 years old, and live at
Boykins Depot, Va. I am the un-
cle of Charles Thomas & Virginia
Soythie, the Defendants, and am
brother to M.J. Knight the Plain-
tiff. I have heard the deposi-
tions of D. Sebrell & L. Barden
& N.B. Ridley read and concur
with them in their depositions.
I think the whole interest of
the Defendants in my father's
(J.D. Knight's Est.) would be well
sold at \$350.⁰⁰ - I know a
party who would give that sum.
The Defendants have no other in

income, nor is this land any source
of income to them - They have no
other means of support -

& further this Deponent
saw not -

Alexander Knight

The above depositions were taken
and subscribed to before me this
23rd day of October 1879 at Bay
Kins Depot Va

Given under my hand this 23rd
October 1879.

David Alexander, J.P.

Fee for taking 3
depositions \$2⁰⁰ 3

Copies for ~~James~~ ~~throughly~~

Daughters ~~to~~

to { Sons Chy

Knights &c

1879 Oct 6 or 7

Executed Sept 27 1879 of
delivering copies of the
within to J. J. Briggs acting
Guardian for those of Virginia
Doughty and Jewel Hamner
Susan Knight for J. J. Briggs Shff
also. Not
to J. J. Briggs

The Commonwealth of Virginia.

To the Sheriff of Southampton County: Greeting.

We command you to summon Susan Knight, Marcy The
Daughter of Virginia Daughton, et al by the name of
to appear at the Clerks Office of our Circuit Court for South-
ampton County, at the Rules to be holden for the said Court on the first
Monday, on October 1st to answer, a Bill in
Chancery exhibited against them in and said Court
by J. S. Knight Guardian of Virginia & Marcy
The Daughter

and have then there this Writ: Witness, Littleton R. Edwards, Clerk of
our said Court, at the Court House this 23^d day of September 1879
in the 17th year of the Commonwealth.

L. R. Edwards CC

Know all Men by these Presents, That we J. N. Sebell
& Jas. E. Sebell

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

Seal with our seals, and dated this 3rd day of January
A. D. 1880

The condition of the above obligation is such, that if ~~the above bound~~ whereas in a suit in Chancery depending in the Circuit Court of Southampton County in which Knight Gen. of Daughters is Plaintiff and Susan Knight & others Defendants a decree was rendered on the 8th day of November 1879 appointing the above named J. N. Sebell Commissioner for certain purposes therein mentioned. Now if the said J. N. Sebell

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

Signed, sealed and delivered
in presence of the Court.

J. N. Sebell [SEAL]

Jas. E. Sebell [SEAL]

[SEAL]

[SEAL]

Doughties by
or 3 Decree
Knight & others
25-

May Term 1880

To be entered

Geo. B. Lord.

Doughty, Gov
27 3 Decree
Knight & others

This cause came on this day to be heard on the papers formerly read & the report of special Comr Sebrall now filed by leave of Court, and the Court confirming said report, doth adjudge order and decree that the said Comr execute to Alexander Knight, purchaser of the Real Estate in the proceedings mentioned, a deed with special warranty, conveying same, and report to Court.

Doughties Gow
vs ³ Deere
Knight

Nov. Term 1829

To be entered

Geo. Blow.

Doughtie, Jon
vs. } Decree
} Knight & others

This cause was this day heard on the Bill & Exhibits filed and the examination of witnesses, the said being taken for confessed as to Susan Knight one of the defendants, the answer of Wm. ^{Biggs} Jon ad litem to the minors Charles Thomas ^{Doughtie} & Virginia Doughtie application thereto and was argued by Counsel -

On consideration whereof the Court doth adjudge order and decree that J. N. Seber be appointed a special Comr for the following purpose to wit: That he sell at public Auction the reversionary interest of the infant defendants, Charles Thomas Doughtie & Virginia Doughtie in the tract of land in the proceedings mentioned and now held by Susan Knight as her dower, on the following terms to wit: One third cash, the balance on a credit of one and two years, taking ^{with sufficient security} bond, bearing interest from date, from the purchaser, and title retained till the whole of purchase money is paid, or the whole purchase money may be

received in cash by the Court, if tendered by the purchaser after the sale.

The said Court shall sell the said reversionary interest on some County Court day after having duly advertised the same but at not for a less sum than \$350⁰⁰ -

And if the said reversionary interest shall be so sold for the sum of \$350⁰⁰ or upward, the said Court is hereby ordered to pay the same over to the legally qualified guardian of said minor defendants on the said guardian giving bond with sufficient security in the penalty of \$700.⁰⁰ in the County Court of this County - and the said guardian after having so executed said bond is hereby authorized to expend annually for the maintenance, support and education ^{each of} of the said minors the sum of Thirty Dollars per year.

But the said Court before proceeding to act shall execute before the Clerk of this Court, Bond with sufficient security in the penalty of \$700.⁰⁰ conditioned for the faithful performance of the duties

enjoined by this decree & report of
Court —

274.⁸⁷

Received Dec. 24¹⁸⁷⁹ of J. S. Sebell, ^{com}
Two Hundred & seventy four ³⁷/₁₀₀ Dollars
balance due after paying costs &c to
my wards Charles J. & Virginia Wright
from proceeds of sale of their inter-
est in land formerly belonging to Thos
A. Knight dec'd.

H. J. Knight

Doughties Gow

no 3

Knights & others

Report of
Special Comm

To The Hon. Geo. Blow,
Judge of the Circuit Court of Southampton,

Doughtie, Son

vs
3.

Knights & others

In case with J. N. Sebrell, Comr.

1879

Dec 15. By amount received for
sale of land in the
proceedings mentioned 351 00
To paid Comr's 16 02
" " Costs of this suit
and Doughtie vs Doughtie 60 61
" Cash paid Mr. J. Knight
son for Charles Thomas Doughtie
& Virginia Doughtie 274 37
Receipt herewith filed he ~~351 00~~ 351 00
having qualified in a bond
of \$ with sufficient security.

Respectfully submitted

J. N. Sebrell
Special Comr

~~46~~ ~~107~~ ~~87~~ ~~50~~
~~82~~

Daughters Gov. 10

~~27~~
25 } Stat. Rules

Knight

In Southampton Circuit Court

M. J. Knight Gov of Virginia & Charles ^{Thomas Daughter} Plaintiff
against } In Chancery.
Susan Knight and Virginia & Charles Thomas Daughter. Defts
Let two infants }

1879 Sept 23 Summons issued

" Oct R - " Returned executed Bill filed - W. W. Briggs
Gov. ad litem to infant Defts Ans^r of infants Gov. Rep. thereto
Decree nisi to Dft Susan Knight -

" " 24 Depositions filed -

" Nov R - Bill taken for Confessed as to Dft. Susan Knight & cause
set for hearing 8th

" " T Decree for Sale

1880 May Decree set to execute a deed