

1899-04

Santhampton County - Chancery

Britt, Walter, et al vs. Priddy, Addie et al

"Divide land if possible,
if not, sell, and proceeds
divided among parties entitled"

Britt, Ada

Priddy, E. D.

In Chancery.
Britt &c, v
vs. { Bill &c.
Priddy et al.

1894, 1st Aug - Rules
filed
D. M. H. 66.

✓

W. J. SEBRELL.
ATTORNEY-AT-LAW.
COURTLAND, VA.

Everett Wadley Co., Stationers and Printers, Richmond, Va.

To the Hon. Chas. Keell, Judge of the Circuit
Court of Southampton; In Chancery:

Humbly complaining shew unto
Your Honor your complainants, Walter
Britt and Ada Britt, that the said
complainants and their sister, Addie
Priddy, the wife of Ed. Priddy, are
jointly seized in fee simple of those
two certain tracts or parcels of land
lying in said County of Southampton
and bounded and described as follows,
to-wit: 1st That certain tract or parcel
of land lying in said County, containing
194 acres, more or less, and adjoining
the lands of R. H. Powell, N. G. Felts, the
Elberh Pope tract and others, and com-
monly known as the Woodard Place;
2nd That certain other tract or parcel
of land lying in said County, containing
151 acres, more or less, and adjoining the
lands of C. L. Barden, Dr. J. L. M. Sykes
and others, same being known as Harris
Place. Your complainants further state
that the said real estate is not, as they
believe, susceptible of partition among the
parties entitled thereto, and they would here
state that the parties have endeavored to

effect a division among themselves, but are unable to come to any agreement, and your complainants, therefore, find it necessary to seek the interposition of a Court of Equity. If the said real estate, however, should be divisible in kind, then your complainants desire the same to be so divided; but, if it cannot be so divided, then your complainants desire the same to be sold and the proceeds divided among the parties according to their respective rights. Should the property not be divisible in kind, complainants believe, and here state, that the interests of those who are entitled to said real estate, or its proceeds, will be promoted by a sale of the whole of the same, or by an allotment of part and sale of the residue. Forasmuch, therefore as your complainants are without remedy in the premises, save by the aid of a Court of Equity, they pray that the said Addie Priddy, and her husband, E.D. Priddy, may be made parties defendant to this bill and required to answer the same, though answer under oath is hereby expressly waived; that proper process issue; that the said real estate be divided among the parties

entitled thereto, or else that it be sold
and the proceeds divided in case it
be indivisible in kind; that all
proper orders and decrees may be made,
accounts taken and inquiries directed,
and that all such other further relief
may be granted as in the premises
is just and right.

And your complainants will ever pray &c.

May it please the Court &c.

W. J. Sebrall, &c.

Bruce Simons & P. D. White, P. G.

hence to be dismissed with their proper costs, &c.

And now having fully answered, these defendants pray
whose matter to the Court.

among themselves but without success; and they here submit the
to have a settlement of the whole matter out of Court by agreement
the proceeds divided among those entitled, and they have discovered
that they have always been willing to a sale of the same and have
to have a sale of the same and the proceeds divided, but always
ever have been unwilling to partition or divide the said land or
proceeds of sale divided, but your defendants deny that they are or
interests of all parties to have the said real estate sold and the
filled, and they believe and charge that it would be to the best
tion in kind, and can not be conveniently divided among those en-
that the real estate described is not susceptible of partition.

Your defendants admit the allegations of the bill,

in an undivided one third interest of the said land, and no other.

D. Bridgely has in and to the said land is an inalienable curtesy right
described in the bill; and that the only interest that the said

certain tracts of land situated in Southampton County, Virginia, as
and), is jointly seized in fee with Walter and Addie Britt, of two

These defendants admit that Addie Bridgely (nee Addie

Walter Britt and Addie Britt.

Addie Britt), and E. D. Bridgely, her husband, to the bill of complaint

The joint and several answer of Addie Bridgely (nee

Addie Bridgely et al.) Defendants.

vs.

IN CHANCERY.

Walter Britt et al.) Plaintiffs.

IN THE CIRCUIT COURT OF THE COUNTY OF SOUTHAMPTON COUNTY, VA.

Walter Britt and Addie Britt
Attorneys for the Defendants
3
Chancery

IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY.

Walter Britt et als.) Plaintiffs.

vs.

IN CHANCERY.

Addie Priddy et al.) Defendants.

The joint and several answer of Addie Priddy (née Addie Britt), and E.D. Priddy, her husband, to the bill of complaint exhibited against them in the Circuit Court of Southampton County, by Walter Britt and Ada Britt.

These defendants admit that Addie Priddy (née Addie Britt), is jointly seized in fee with Walter and Ada Britt, of two certain tracts of land situated in Southampton County Virginia, as described in the bill; and that the only interest that the said E.D. Priddy has in and to the said land is an initiate curtesy right in an undivided one third interest of the said land, and no other.

Your defendants admit the allegations of the bill, that the real estate therein described is not susceptible of partition in kind, and can not be conveniently divided among those entitled, and they believe and charge that it would be to the best interests of all parties to have the said real estate sold and the proceeds of sale divided, but your defendants deny that they are or ever have been unwilling to partition, or divide the said land, or to have a sale of the same and the proceeds divided, but allege that they have always been willing to a sale of the same and have the proceeds divided among those entitled; and they have endeavored to have a settlement of the whole matter out of Court by agreement among themselves but without success; and they here submit the whole matter to the Court.

And now having fully answered, these defendants pray hence to be dismissed with their proper costs &c.

Addie A. Priddy
E. D. Priddy

Know all men by these Presents, That we, W. J. Sebrell
and James E. Sebrell
are held and firmly bound unto the Commonwealth of Virginia, in the sum of Two
Thousand five hundred Dollars,
to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind
ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally,
firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligation,
and any claim or right to discharge any liability to the Commonwealth arising under this bond, or by
virtue of said office, post or trust, with coupons detached from bonds of this State. Sealed with our
seals, and dated this 27th day of November one thousand
eight hundred and ninety four.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound W. J.
Sebrell
shall faithfully perform the duties of his office or trust, as Special Com-
missioner
under a decree of the Circuit Court of the County of Southampton
pronounced on the 8th day of November, 1894, in the suit therein
depending under the name and style of Walter Britt & Ada Britt
vs Addie Priddy & E. D. Priddy her
husband.

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in
the presence of

W. J. Sebrell

J. E. Sebrell



In the Clerk's Office of the Circuit Court of the County of Southampton.

This day

James E. Sebrell

surety on the above bond, made oath before me, T. M. Howard Clerk
of the Circuit Court of the County of Southampton
that his estate, after the payment of all his just debts, and those for which he is bound as
security for others and expect to have to pay, is worth the sum of Two thousand
five hundred dollars.

Given under my hand this 27 day of November, 1894.

Teste:

T. M. Howard

Clerk.

Executed July 30th 1894
as to the within named
Addie Priddy by delivering
a copy hereof to the said
Addie Priddy; and, not
finding the within named
E.D. Priddy at his usual
place of abode, I executed
this process as to him,
on said 30th day of July 1894
by delivering a copy hereof,
and giving information of
its purport to Addie Priddy,
his wife, & members of his
family, above the age of
sixteen years, found there-

at Mercer

for J. E. Burke
Sergeant at Law of Norfolk
Deputy

Boritt et al,

vs } Sum.

Priddy, et al

1894, 1st Aug Rules
Cir. Ct.

~~Executed the 30th
day of July A. D.
1894 by serving a
copy hereof on Addie
Priddy and not
finding E. D. Priddy,
I served a copy for
him on Addie Priddy
the said Addie Priddy
being the wife of E. D.
Priddy at the home of
said E. D. Priddy
for J. E. Burke Sergeant at Law
Deputy
Dwight W. P. R.~~

THE COMMONWEALTH OF VIRGINIA,

City of Norfolk
TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON

Addie Priddy and
her husband, E. D. Priddy

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 *August 1894* next, to answer a Bill in Chancery
exhibited against *them* in our said Court by *Walter Britt and*

Add Britt

And this *they* shall in no wise omit under penalty of law: And have then there this writ.

WITNESS, T. M. HOWARD, Clerk of our said Court, at the Courthouse, this *26th* day of

July, 189*4*, in the 11*th* year of the Commonwealth.

TESTE:

T M Howard, C. C.

Know all men by these Presents, That we, W. J. Sebrell and
Benj. D. White James E. Sebrell & Bruce Simmons
are held and firmly bound unto the Commonwealth of Virginia, in the sum of Twenty
five hundred Dollars,
to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind
ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally,
firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligation,
and any claim or right to discharge any liability to the Commonwealth arising under this bond, or by
virtue of said office, post or trust, with coupons detached from bonds of this State. Sealed with our
seals, and dated this 26th day of November one thousand
eight hundred and ninety four.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound W. J. Sebrell
+ Benj. D. White
shall faithfully perform the duties of their office or trust, as Special Com-
missioners
under a decree of the Circuit Court of the County of Southampton
pronounced on the 8th day of November, 1894, in the suit therein
depending under the name and style of Walter Britt & Ada Britt
against Addie Priddy & E. D. Priddy her
husband

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in
the presence of

W. J. Sebrell. SEAL
Benj. D. White. SEAL
James E. Sebrell. SEAL

In the Clerk's Office of the _____ Court of the _____ of _____

This day _____

suret _____ on the above bond, made oath before me, _____ Clerk
of the _____ Court of the _____ of _____
that _____ estate, after the payment of all _____ just debts, and those for which _____ bound as
securit _____ for others and expect to have to pay, _____ worth the sum of _____
dollars.

Given under my hand this _____ day of _____, 189 _____

Teste: _____ Clerk.

[The page contains faint, illegible markings and bleed-through from the reverse side.]

1048. *Euphrasia*.

Year 1897.

Given under my hand this 23rd day of November, in the
 1877.

him by the laws of the State of Virginia, the sum of Three Thousand as a security for others, and over and above all the exemptions allowed of all the debts and liabilities due or owing by him for himself or duly sworn, did depose and say that he is worth, after the payment of that the said Bruce Simmons, after ~~xxxxxxx~~ first ~~xxxx~~ being therefor seized. And I, the said Notary Public, do further certify and certify that, has acknowledged the same before me in my Corporate Office on the 12th day of November, in the year, Eighteen Hundred and that Bruce Simmons, who so name is signed to the within above paper, is a citizen of the State of Virginia, in the State of Virginia, do certify

... of the life of Mark Twain.

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Bruce Simmons, ^{over} ~~over~~ Attorney
to
J. E. Lawrence

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(2EVI)

In witness whereof, I have hereunto set my hand and seal
 this 1st day of January, 1904.

new full power to do every thing whatsoever, judicious and necessary, to
ceed the sum of Three Thousand Dollars, hereby giving my said attor-
ney, L. D. Bridgely, the benefit of the said bond in no event to ex-
Walter Britt and Ada Britt against Addie Bridgely (nee Addie Britt)
of sale (in conjunction with W. L. Sebrell), in the Chancery suit of
and deliver, as security for Bond, D. White, as Special Commissioner
ney, for me in my name, place and stead to sign, seal, acknowledge
I more, of Southampton County, Virginia, my true and lawful attor-
and by these presents, do make, constitute and appoint J. I. Mc-
the City of Norfolk, Virginia, have made, constituted and appointed
Know all men by these presents, that I, Bruce Simmons, of

Know all men by these presents, that I, Bruce Simmons, of the City of Norfolk, Virginia, have made, constituted and appointed and by these presents, do make, constitute and appoint J. L. Mc-Lemore, of Southampton County, Virginia, my true and lawful attorney, for me in my name, place and stead to sign, seal, acknowledge and deliver, as security for Benj. D. White, as Special Commissione of sale (in conjunction with W.J. Sebrell), in the Chancery suit of Walter Britt and Ada Britt against Addie Priddy (nee Addie Britt) and E. D. Priddy, the penalty of the said bond in no event to exceed the sum of Three Thousand Dollars, hereby giving my said attorney full power to do every thing whatsoever requisite and necessary to be done in the premises, as fully as I could do if personally present, hereby ratifying and confirming all that my said attorney shall lawfully do, or cause to be done by virtue thereof.

In witness whereof I have hereunto set my hand and seal this the 12th, day of November, in the year 1894.

Bruce Simmons (SEAL)

Virginia:

Corporation of the City of Norfolk, to wit:

I, J. Sydney Smith a Notary Public for the Corporation of the City of Norfolk, in the State of Virginia, do certify that Bruce Simmons, whose name is signed to the writing above bearing date on the 12th, day of November, in the year Eighteen Hundred and ninety four, has acknowledged the same before me in my Corporation aforesaid. And I, the said Notary Public, do further certify that the said Bruce Simmons, after ~~having taken~~ first ~~and~~ being duly sworn, did depose and say that he is worth, after the payment of all the debts and liabilities due or owing by him for himself or as surety for others, and over and above all the exemptions allowed him by the laws of the State of Virginia, the sum of Three Thousand Dollars.

Given under my hand this the 26th day of November, in the year 1894.

J. Sydney Smith
Notary Public.

Britt et al

Or $\frac{1}{3}$ Stah Rules

Priddy et al

1st Aug Rules

✓

Walter Britt and Pittf.
Ada Britt

Dr"

3 In Chancery

Addie Priddy and
her husband E. D. Priddy. Deft.

1894, July 26. Process filed to 1st Aug Rules
" 1st Aug. Rules Process returned Executed
Bills Exhibits filed, decrees misc.
1894, 2nd Aug Rules Bill taken for con-
fessed & cause set for hearing.

Brett & Co.

vs. } Statement of costs

Riddley et als.

Sum. 25. Copy 15. Receipt 18. atty. 10. Dock. 18. = 84

Rules \$1.⁰⁰. Entering return 35. Filing Bill 15 = 1.50

D. Exp. 15. replication 15. 1 Deam 7^{1/2} - Lim. bond ^{41.⁰⁰} 2.42

Paid by W. S. R. Howard Adm. J. M. Howard 4.76

5 Continuances \$1.²⁵ Jan. costs ~~copy~~ 40 = 1.65

Filing away papers 25. Future costs 1.²⁵ 1.50

1899. Oct. 30

5 Continuances 1.²⁵ 1.25

Paid by W. S. 1/18/1900 \$4.40 L. A. Gay Clerk 9.76

Surg. Portsmouth .50

Law re. 16.50

In July 30th. 1899 26.86

Teste: L. A. Gay C. C.

Brown

vs. } Stat: of Rules

Brown et als

Lillie Brown

Plaintiff

vs.

Alex A. Brown. Laura A.

Hunt. Geo. Hunt & Vanderbilt

Whitehead an infant

} Defendants

1900. 14th September. Process issued to 2nd Sept. Rules

1900. 2nd Sept. Rules. Cause dismissed by order

of plaintiffs atty. through

J. W. Burges.

Print of ^{sett.} 4
Priddy & ^B J M Chaucer
Solic.

Decree.

Enter this
cost -

November 8th 1894.

We consent to this decree.
W. J. Sebrill, P. G.

Priddy & J. M. Chaucer
Esqrs = 686 Attys for defendant.
W. J. Sebrill

In the Circuit Court of Southampton
County:

Walter Britt and Alta Britt	}	Plaintiffs.
^{vs.}		& Chancery.
Addie Priddy (nee Alta Britt) and E. D. Priddy, her husband		Defendants.

This cause came on this day to be heard upon the bill and answer (this day filed by leave of the Court) and the general replication thereto, and was argued by counsel: In consideration whereof the Court doth adjudge, order and decree, (with the consent of all parties, no reference to a Commissioner being desired by either party, and it appearing to the Court from the bill and answer, that the interests of all parties will be promoted by a sale) that H. J. Schell and Ruf. D. White, be and are hereby appointed Special Commissioners for the purpose (with power to either to act and execute this decree in the event the other does not qualify and give the required bond) to proceed, after having advertised the time, place and terms of sale by poster or notices posted at three or more public places in the County of Southampton and

also at the front door of the Court House of said County (and by any other means as to them may see fit), for at least twenty days before the day of sale, to see the real estate in the bill and proceedings mentioned and described, of which Pitt did seize and possessed, consisting of two tracts of land, one, containing 194 acres more or less, and known as the Woodard tract, and the other tract, containing 151 acres more or less, and known as the Harris tract, both in the County of Seneca, at public auction to the highest bidder, in front of the Court House of said County, upon the following terms, to wit: one third in cash, and the residue on a credit of one and two years, the credit installments to bear interest from the day of sale, taking from the purchaser or purchasers, negotiable notes for the deferred payments, said notes to contain a waiver of the Homestead exemption, and the title to be retained until the further order of the Court, or at the option of the purchaser, the whole of the purchase money, may be paid in cash, and in this event the said Commissioners are directed to execute and deliver a proper deed, with a covenant of special warranty, to the purchaser, and out of the cash in-

statement of said sale, the said Commissioners are directed to pay all costs arising from the execution of this decree, including costs of and deposit the money in the bank of England or any other bank, and to pay the same to the said Commissioners, or either of them, shall receive any money under this decree, they or either of them, shall give bond in the penalty of ^{with sufficient security} £2500, —, conditioned according to law. And the said Commissioners are directed to make report of their proceedings hereunder. 25

And by consent of parties, it is ordered that this cause be made a vacation cause, and such orders be entered in the vacation of this Court as could be entered in term time.

Britt
vs.
Priddy & als.
Derece.

Oct. 2, 1900.

Enter this,
Robert A. Antis

1206

W. G. Schell, p. 1

Britt

vs.

Priddy

This day this cause came on to be further heard upon the papers formerly read, and was argued by Counsel. On consideration whereof, and it appearing to the Court that the parties to this suit — plaintiff and defendant — all being adults, have disposed of all their interest and estate in the lands in the bill mentioned, as will appear by their deeds of bargain and sale to R. H. Powell, of record in the Clerk's office of Southampton County Court, and that there is now nothing further remaining to be done in this suit, it is ordered that the same be removed from the docket.