

Court, NC, Granville, HUNT et. al., Equity, 1825

TO THE HONORABLE the judge of the court of equity for Granville County.

HUMBLY COMPLAINING shew unto your honor your orators and oratrixes

- **WILLIAM HUNT**
- **JAMES HUNT**, son of **JAMES**
- **JOHN HEGGIE** and his wife **MARY**
- **RANDOLPH PURYEAR** and his wife **SUSAN**
- **[GEORGE THOMAS] HOWERTON** and his wife **TABITHA**
- **MARY ANN HOWERTON** who is an infant and sues in behalf by her next friend and father \_\_\_\_\_ **HOWERTON**
- **RANDOLPH RAMEY** and his wife **JANE**
- **SOLOMON HUNT**
- **ABSALOM HUNT**
- **JOHN FARRARD** his wife **NANCY**
- **EATON KITTRELL** and his wife **ROSA**
- **DYER TALLY** and his wife **TABITHA**
- **NICHOLAS TALLY** and his wife Sally
- **JAMES HUNT**, son of **WILLIAM**
- **GEORGE HUNT**,
- **ROBERT LUMPKIN** and his wife **NANCY**
- **JAMES HUNT**, son of **GEORGE HUNT**
- **DANIEL ISBELL** and his wife **NELLY**
- **JOHN HUNT**,
- **SAMUEL HUNT**,
- **WILLIAM HUNT** son of **SAMUEL**
- **ROBERT LONGMIRE** and his wife **ELIZABETH**
- **GROVES HUNT**
- **HAMILTON HESTER** and his wife **FRANCES**
- **ALEXANDER SMITH**

THAT ONE **JAMES HUNT Sr.**, formerly of Granville County, deceased, was in his lifetime, and at the time of his death, seized in fee simple and in possession of a certain tract of land, situate in said County, adjoining the lands now owned by **JAMES HART, JOHN F. PATTILLO, ALEXANDER SMITH, JOHN ELLIOTT, JAMES DANIEL,** [missing] containing by estimation 925 Acres whereon he said **JAMES HUNT Sr.** lived;

AND THAT BEING SO SEIZED he, the said **JAMES**, duly made and published his last will in writing bearing date the 21st day of November A.D. 1794, or thereabouts, and therein and whereby divided and gave the subtract of land to his wife **SARAH HUNT** during her natural life and at her death to be sold by his executors to the highest bidder and the money arising from such sale to be equally divided between:

- **GEORGE HUNT**
- **SAMUEL HUNT**
- **JAMES HUNT** (son of **WILLIAM HUNT**)
- **WILLIAM HUNT** (son of **WILLIAM HUNT**)

To them and their heirs, all of which will be more fully and at large appear, reference being had to the last will, which after the death of the said **JAMES**, the testator, was duly proved in court of pleas and quarter sessions for Granville County and is there in now of record.

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AND your orators and oratrixes further sheweth that the said testator appointed the said **SARAH HUNT**, his wife, **GEORGE HUNT**, **JOHN HUNT** and **JAMES HUNT** the executrix and executors of his will; and that after the said will was proved the said **SARAH**, **GEORGE** and **JOHN**, at February term A.D. period 1798 of said County, obtained letters testamentary to issue to them on the said will and undertook the burden of its execution.

AND that the said **JAMES HUNT**, named as an executor, would qualify as such, and died before the said **JOHN** and **SARAH** did.

AND YOUR ORATORS AND ORATRIXES further show that the said **GEORGE HUNT**, one of the said executors, died before the year 1818; and that said **JOHN HUNT** died on the 22nd day of May 1818; and that said **SARAH HUNT**, the executrix, survived all the said executors and that she duly His last will and testament in writing bearing date the 25th day of August A.D. period 1820 and therein appointed **DAVID TILLMAN**, of the county of Montgomery, the sole executor thereof and then departed this life without altering or revoking the same of or about the \_\_\_\_\_ day of July A.D. 1822, and at Granville County after her death the said **DAVID TILLMAN** offered the said will of the said **SARAH**, deceased, to be duly proved in the county court of Granville viz. at August term thereof A.D. 1822 and therein procured letters testamentary therein to issue to him, the said **DAVID**, and undertook the burden of his execution.

AND YOUR ORATORS AND ORATRIXES further show that they are advised that the said **DAVID** have now the power and authority to make sale of the said land and divide the proceeds amongst the persons entitled thereunto; and that he is the only person to have such power.

IT IS further shown to your honor that the said **GEORGE HUNT**, **SAMUEL HUNT**, **JAMES HUNT** (son of **WILLIAM**), and **WILLIAM HUNT** (son of **WILLIAM**) who were original devisees of the said will, in remainder to, died many years ago and that diligent [missing] hath been made by your orators and oratrixes for their descendants, and heirs at law, that as for far as they have been or could be discovered they are parties of this first as complainants.

IT IS furthermore shown to your honor that the devisee **JAMES HUNT** left your orators and oratrixes:

- **WILLIAM HUNT** (son of **JAMES**)
- **JAMES HUNT** (son of **JAMES**)
- **MARY [HUNT] HEGGIE**
- **JASON [HUNT]**
- **ELIZABETH [HUNT]**
- **JANE [HUNT]**
- **SOLOMON [HUNT]**
- **ABSALOM [HUNT]**
- **NANCY [HUNT]**
- **TABITHA [HUNT] HOWERTON**
- **ROSA [HUNT]**

his children, and heirs at law, at his death.

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THAT the said **ELIZABETH** intermarried with \_\_\_\_\_ **HOWERTON** and had issue, your oratrix **MARY ANN HOWERTON**, and died.

THAT your orator and oratrix **JOHN HEGGIE** and **MARY HEGGIE** have intermarried with each other

THAT your orator and oratrix **RANDOLPH PURYEAR** and **SUSAN** have intermarried with each other

THAT your orator and oratrix **RANDOLPH RAMEY** and **JANE RAMEY** have intermarried with each other

THAT your orator and oratrix **JOHN FARRON** and **NANCY FARRON** have intermarried with each other

THAT your orator and oratrix [**GEORGE THOMAS**] **HOWERTON** and **TABITHA HOWERTON** have intermarried with each other

THAT your orator and oratrix **EATON KITTRELL** and **ROSA** have intermarried with each other

THEY FURTHER SHEW that each of the said children of the said **JAMES**, the devisee:

YOUR oratrix **MARY ANN**, by representation of her mother, was entitled to one 11th part of the share of said **JAMES** died of and in said land viz. of one equal fourth part thereof and is now so entitled, excepting:

YOUR orators and oratrixes:

- **JAMES** (son of **JAMES**)
- **JOHN HEGGIE** and his wife **MARY**
- **RANDOLPH PURYEAR** And his wife **SUSAN**

have respectively, for valuable considerations, sold and duly conveyed their shares of the said land and the proceeds of the sale thereof to your orator **ALEXANDER SMITH**.

IT IS FURTHER shown to your honor that the devisee, **WILLIAM HUNT**, at his death left your oratrix, **TABITHA TALLY** and **SALLY TALLY** and your orator **JAMES HUNT** (son of **WILLIAM**) his children and heirs at law

AND that your orator and oratrix **DYER TALLY** and **TABITHA TALLY** have intermarried with each other and your orator and oratrix **NICHOLAS TALLY** and **SALLY** have intermarried with each other and they show that the share of the said land belonging to their said father is subject to be equally divided between them, that is to say, to each of them one third part of one fourth part of the whole.

IT IS FURTHER shown to your honor that the devisee ,**GEORGE HUNT**, left at his death your orators and oratrixes **GEORGE HUNT**, **NANCY LUMPKIN**, **JAMES HUNT** (son of **GEORGE**), and **NELLY**, his children and heirs at law

AND that your orator and oratrix **ROBERT LUMPKIN** and **NANCY LUMPKIN** have intermarried with each other

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AND your orator and oratrix **DANIEL ISBELL** and **NELLY** have intermarried with each other and they show that the share of the said land belonging to them there said father is subject to be equally divided between them one fourth part of the whole

IT IS FURTHER shown to your honor that the devisee **JOHN HUNT, SAMUEL HUNT, [WILLIAM] HUNT** (son of **SAMUEL**) left at his death your orators and oratrixes **JOHN, SAMUEL, HUNT, (son of SAMUEL), ELIZABETH, [missing], FRANCIS** his children and heirs at law

AND that your orator and oratrix **ROBERT LONGMIRE** and **ELIZABETH** have intermarried with each other

AND your orator and oratrix Hamilton Hester and **FRANCIS** have intermarried with each other

AND that all of your said orators and oratrixes the sons and Daughters of said **SAMUEL** [missing with the husband's of said daughters have for valuable considerations sold and duly conveyed to your orator **ALEXANDER SMITH** Their shares of the said land and of the proceeds of the sale thereof that is to say one equal fourth part of the whole.

AND your orators and oratrixes further show that the said land could not be specifically divided between them without greatly impairing the value of their said shares and thereby doing to them material injury and further that no part and Equitable division thereof can be made best by a sale and distribution of the money.

AND they show that they have, in a friendly way, requested the said **DAVID TILLMAN** do make such sale and distribution of proceeds amongst them, according to their said rights, and did well hope that the said **DAVID** would so do.

BUT NOW, so as it is, may it please your honor that the said **DAVID TILLMAN**, combining and considering does wholly refuse to make any such sale upon the grounds that it is doubtful, in law, whether he has such power and authority, unless under the direction and order of your honor.

SO THAT your orators and oratrixes are likely to sustain great damage all which is contrary to equity and good conscious and for as much as your orators and oratrixes are without remedy in the premises except in this honorable court and to the end that the said **DAVID TILLMAN** may, upon his corporal oath, full and true answer may be to all and singular the premises, and that by order of your honor, that the said land may be sold and the money arising from the sale be divided amongst your orators and oratrixes agreeably to their said rights.

AND THAT YOUR orders and or treatments may have all of their proper relief, may it please your honor to grant to your orators and oratrixes the ??? writ of subpoena to be ordered to the said **DAVID TILLMAN**, commanding him ??? and to be and appear at the next term of this court to be held and then and there according to the course of the court and the only order of equity

and your orators and oratrixes will ever pray

**RUFFIN S???**

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