

To the Honorable the Judge of the Court of Equity for Granville County:

Humbly complaining shew unto your Honor your Orators & Petitioners
William Hunt, James Hunt ^(son of George) John Hegie & his wife Mary, Randolph Puryear &
his wife Susan, Howerton & his wife ~~Elizabeth~~ Mary Hunt,
Howerton who is an infant & sues in his behalf by her next friend father
Howerton, Randolph Ramsey & his wife Jane, Salomon Hunt, & Salomon
Hunt, John Farrar & his wife Nancy, Eaton Kittrell & his wife Rose, ^{Dyer}
Tally & his wife Tabitha, Nicholas Tally & his wife Sally, & James Hunt ^(son of William)
George Hunt, Robert Lumpkin & his wife Nancy, James Hunt ^(son of George)
& Daniel Isbell & his wife Kelly, John Hunt, Samuel Hunt, William Hunt
(son of Samuel) Robert Longmire & his wife Elizabeth, Groves Hunt, Hamilton
Hunt & his wife Frances, & Alexander Smith, That One James Hunt
formerly of Granville County deceased was in his life time at the time
of his death seized in Fee simple 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
Hunt, & contained by estimation five hundred & twenty-five acres,
more or less, the said James Hunt in his last will & testament bearing
date the 25th day of November A. D. 1794 or thereabouts & therein & there-
by devised & gave the said tract of land to his wife Sarah Hunt during
her natural life & at her death to be sold by his Executors to the highest
bidder & the money arising from such sale to be equally divid-
ed between George Hunt, Samuel Hunt, James Hunt (son of William
Hunt) & William Hunt (son of William Hunt) to them & their heirs;
All which will more fully & at large appears, reference being had to the
said last will, which, after the death of the said James, the Testator, was duly
proved in the Court of Pleas & Quarter Sessions for Granville County
& is therein now of record. And your Orators & Petitioners further shew
that the said Testator appointed the said Sarah Hunt, his wife & George
Hunt & John Hunt & James Hunt, the Executors & Executrix of his
said will; and that after the said will was proved, the said Sarah &
George & John at February Term A. D. 1798 of said County Court ob-
tained letters testamentary to issue to them on the said will & undertook
the burden of its execution; & that the said James Hunt, named as an
Executor never did qualify as such & died before the said John & Sarah
did:—

And your Orators & Oratrices further shew, that the said George Hunt, one of the
said Executors, died before the year 1818 & that the said John Hunt the other
of the said Executors, died on the 22nd day of May 1818; & that said Jacob
Hunt, the Executor survived all the said Executors; & that he duly made
his last will & testament in writing bearing date the 25th day of
August A.D. 1820 & therein appointed David Tillman of the
County of Montgomery the sole Executor thereof & then departed this life with-
out altering or revoking the same on or about the day of
July — A.D. 1822, & after his death, the said David Tillman
covered the said will of said Jacob Hunt to be duly proved in the County Court
of Granville, viz. at August Term thereof A.D. 1822 — & then &
there procured letters testamentary thereon & issued him the said let-
ters & under took the burden of its execution: And your Orators & Ora-
trices further shew, that they are advised, that the said David
hath now the power & authority to make sale of said lands & divide the proceeds
amongst the persons entitled thereto & that he is the only person who hath
such power: — It is further shewn to your Honor, that the said George
Hunt, Samuel Hunt, James Hunt / son of William / & William Hunt / son of
William / who were the original devisees in the said will in remainder, &
did many years ago & that diligent inquiry has been made by your
& Oratrices for their descendants heirs at Law & that as far as they have been
or could be discovered they are parties to this further Complaint. —
It is further more shewn to your Honor, that the devisee James Hunt
left your Orators & Oratrices William Hunt / son of James / James / son of
James / Mary Hegie, Susan, Elizabeth, Jane, Solomon, Abigail, Nancy,
Tabitha Howerton & Rose, his children & heirs at Law at his death, that
the said Elizabeth intermarried with Howerton & had issue
your Oratrices Mary Ann Howerton & died; that your Orators & Oratrices John
Hegie & Mary Hegie have intermarried with each other; your Orator
& Oratrix Randolph Puryear ^{& Susan} have intermarried with each other; your
Orator ^{Oratrix} Randolph Puryear & Jane Roney have intermarried with each
other; your Orators & Oratrices John Farrow & Nancy Farrow have intermar-
ried with each other. your Orator Howerton & Tabitha
Howerton have intermarried with each other, & your Orators & Oratrices
Eaton Kittrel & Rose have intermarried with each other: They further
shew, that each of the said children of said James, the devisee, & your Oratrix
Mary Ann, by representation of her mother, was entitled to one eleventh
part of the share of said James, died of & in said land, viz. of one equal fourth
part thereof, & is now so entitled, excepting your Orators & Oratrices James

(Son of James) John Hegie & his wife Mary & Randolph Pen yon & his wife Susan
~~who~~ have respectively for valuable considerations sold & duly conveyed their
shares of the said land & the proceeds of the sale thereof to your Orator Alexander
Smith:— It is further shown to your Honor that the Deceased William Hunt
at his death left your Orator's Tabitha Tally & Sally Tally & your Orator John
Hunt / son of William / his children & heirs at Law; & that your Orator & Oratrix
Sally Tally & Tabitha Tally have intermarried with each other, & your Orator
& Oratrix Nicholas Tally & Sally have intermarried with each other; & 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 Deceased George Hunt left at his death your Orator & Oratrix George
Hunt, Nancy Lumpkin, James Hunt / son of George & Kelly, his children &
heirs at Law; & that your Orator & Oratrix Robert Lumpkin & Nancy Lump-
kin have intermarried with each other & your Orator & Oratrix Daniel
Isbell & Kelly 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 fourth part of one
fourth part of the whole:— It is further shown to your Honor, that the Deceased
Samuel Hunt left at his death your Orator & Oratrix John
Hunt, Elizabeth Hunt, & Elizabeth Hunt, & Elizabeth Hunt, & Elizabeth Hunt,
Frances, his children & heirs at Law, & that your Orator & Oratrix Robert
Longmire & Elizabeth have intermarried with each other & your Orator &
Oratrix Hamilton Hester & Frances have intermarried with each other,
and that all of your said Orator & Oratrixes, the ~~children~~ sons & daughters
of said Samuel & second, with the husbands of said daughters have for val-
uable considerations sold & duly conveyed to your Orator Alexander
Smith their shares of the said land & of the proceeds of the sale thereof, that
is to say, one equal fourth part of the whole:— And your Orator & Or-
atrixes further show that the said land cannot be specifically divided
between them without greatly impairing the value of their said shares,
& thereby doing to them material injury; & further, that no just & equi-
table division thereof can be made best by a sale & distribution of
the money: And they show that they have in a friendly way re-
quested the said David Tillman to make such sale & distribute the pro-
ceeds amongst them according to their said rights & did well hope
that the said David would so do: But now so it is may it please
your Honor, that said David combining & confederating wth both
wholly refuse to make any such sale, upon the ground that it is dubi-
ous in Law, whether he hath such power & authority, unless under the
(direction

direction & decree of your Honor; so that your Orators & Oratrix are likely to
 sustain great damage: All which is contrary to Equity & good Conscience
 - In tender consideration whereof & for as much as your Orators & Oratrix are
 without remedy in the premises except in this honorable Court & to the end
 that the said David Tillman may upon his Corporal Oath full & true an-
 -swere make to all & singular the premises & that by decree of your Honor
 that the said land may be sold & the money arising from the sale be divid-
 -ed amongst your Orators & Oratrix agreeably to their said rights & that your
 Orators & Oratrix may have all other proper relief may it please
 Honor to grant to your Orators & Oratrix the Statute writ of Subpoena duces
 -tecum to the said David Tillman commanding him under &c. to be appear-
 at the next term of this Court to be held on the 1st day of June & then &c. accord-
 -ing to the course of the Court & the rules of Equity: And your Orators & Or-
 -atrix will ever pray &c. -

Ruffin Salt

John Humphreys & Son
 Esqrs & wife & Children
 Adam
 David Tillman

Original Bill

In presence of
 To the Court of Equity
 To the Court of Equity

Subpoena & a copy of the Bill
 in this Court & with a subpoena
 out further service.

David Tillman

Filed 3^d May 1825

Top paid 20/-
 by Wm. Smith
 Filed 1825

direction & order of your Honor; so that your Oration & Oration are likely to
sustain great damage: All which is contrary to Equity & good Conscience
- In tender consideration whereof & for as much as your Oration & Oration are
without remedy in the premises except that this honorable Court & the end
that the said David Tillman may upon his Corpnal Oath the full & true
- own value to all & singular the premises & that by decree of your Honor
that the said land may be sold & the money arising from the sale be paid
I amongst your Oration & Oration is agreed by both parties that you
Oration & Oration may have all other premises in law it is hereby
Honor to grant to your Oration & Oration the fully writ of Subpoena still or
- acts to the said David Tillman Com manding him under &c. to be & appear
at the next term of this Court to be held on the 1st day of June & there & accord
- ing to the course of the Court & the order of Equity: And you Oration & Oration
- there will ever pray &c. -

Ruffin Salts

John Hunt, John Hunt, John
Hegie & wife & Alex. Smith
& others
David Tillman

Original Bill.

In Granville Co of Equity,
To September Term 1825.

I acknowledge Service of a
Subpoena & a copy of the Bill
in this suit & will appear with
out further process.

D. Tillman

Filed 3^d May 1825

Fee paid 20/-
by Alex. Smith

Filed 12th 5-