

Sept.6, 2000

This was a law suit filed by Stephen Terry, a son on law to Moses Hill, They won the case. Terry married Elizabeth Harrison Hill, daughter of Moses & Savilla Hill.>

M.017 THE FOLLOWING IS A SUMMONS ISSUED BY THE COURT OF COMMON PLEAS OF FAIRFIELD DISTRICT S.C. TO THE APPOINTED COMMISSIONERS, ASKING THEM TO INVESTIGATE THE MOSES HILL ESTATE AND SEE ABOUT AN EQUAL DIVISION AMONG THE HEIRS AS REQUESTED IN A LAW SUIT FILED AGAINST THE ESTATE BY SON IN LAW STEPHEN TERRY AND WIFE ELIZABETH HILL TERRY. FILED IN MARCH 1822 IN FAIRFIELD DISTRICT S.C..

THE STATE OF SOUTH CAROLINA) TO WIT IN THE COMMON PLEAS:
FAIRFIELD COUNTY) TO: JOHN JOINER, HUGH
STEPHENSON, JAMES BRICE, THOMAS MACEY AND JOHN SIMMITON
(SIMONTON?)

GREETINGS....Whereas Stephen Terry and Elizabeth, his wife, lately sued out of the Court of Common Pleas, a summons in petition for the purposes of effecting a division and partition of the real (land?) estate of Moses Hill, deceased, lying and being in the district of Fairfield, on the waters of Little River, containing upwards of eight hundred (800) acres, composed of several different grants and conveyances (viz) one indicated deed from THOMAS MEEKS to MOSES HILL, for one hundred acres, more or less, on Phillips Branch of LITTLE RIVER, bounded on all sides by vacant land when surveyed, beginning on a white oak and running South 25 (degrees?) East 34 (degrees?) 62 links of chains to a staked corner, bounded by land laid out to THOMAS WILLIAMS, thence South 62 West 31 (degrees?) 62 links of chains to a staked corner, bounded on lands of JAMES BUTLER, thence North 25 West 31 and 62 links of chain to a white oak, thence North 65 East 31 (and) 62 (links of chains?) to the white oak corner, on lands of WILLIAM JONES -one other tract of land from JAMES BUTLER to MOSES HILL for two hundred and fifteen acres, lying on the Northeast side of BROAD RIVER, on branches of the South (East?) fork of LITTLE RIVER, beginning on a post oak, original corners and corner of land granted to WILLIAM PHILLIPS, then South 35 East 18 (degrees?) on the original line to a red oak, bounded by lands of WILLIAM PHILLIPS, thence South 54 West 15 to a stake, thence South 37 East 62 (degrees?) 50 links of chains, to a staked corner, bounded by ANDREW YOUNG'S land, thence NW (not legible) to a staked corner, bounded by lands of (WOODWARD ?) HOPKINS -North 30 West 32, 50 (chains?), bounded by lands of H. YOUNG, to a post oak-one other tract (there is one whole line that is not legible) East 62, 50 chains to a staked corner, bounded by ANDREW YOUNG'S land, thence (word not legible) to a staked corner, bounded by lands of FERDNAND HOPKINS, North 30 West

32, (degrees?) 50 chains to a staked corner, thence South 66 West 19 (degrees?) 25 chains to the beginning post oak. One other tract containing 43 acres, from ELIJAH SHIRLEY to Moses HILL, beginning on a stone thence North 61 East 43 (degrees?) 65 chains to a staked corner, thence North 50 West 14 (degrees?) 20 chains to a staked corner thence South 78 West 15 (Degrees?) to the road leading to Columbia, thence South 11 West 9.30 South 32 West 8.50 South 46 West 5.80 South 24 West 6.86 (degrees?) to the beginning stone corner. One other tract from THOMAS HOLSCHEL to MOSES HILL, containing 50 acres, which was originally granted to WILLIAM PHILLIPS on 19th June 1772 in Fairfield District, on the North side of Broad River (on branches?) of Little River, bounded on SE by lands of EDWARD MOBLEY, all other sides vacant land. One other tract from JAMES BUTLER to MOSES HILL, in the District of Fairfield, on the waters of the SW fork of Little River, beginning on a large elm, thence North 40 West 40 (degrees?) to a post oak corner, thence South 60 West 10 (degrees?) to a red oak, thence South 30 East 70.50 (degrees and minutes?) to a black (jack?), thence North 6 East 21.70 to a persimmon (tree), thence North 30 West 17.50 to the beginning elm. One other tract from JOHN GWINN to MOSES HILL, beginning at a post oak South 61 West 77.60 (degrees? and minutes?) to a hickory (tree) South 34 East 42.70 to a persimmon (tree) - North 45 East 31 (degrees and minutes?) to a red pine (tree) East 25.26 South 38 East 4.3 (degrees and minutes?), thence North 52 East 16 (degrees and minutes?) to a wood oak (tree) North 24 East 5 (degrees and minutes?) to a hickory (tree), thence North 30 West 43.70 to a post oak corner to the beginning corner, which MOSES HILL, deceased, in his lifetime was (words not legible but appears to read seized?? and possessed of??) at the time of his death as of fee, who died intestate, leaving the whole of this real estate of the said MOSES HILL, deceased, between and among STEPHEN TERRY and ELIZABETH, his wife and SAVILLA HILL, widow and relict of MOSES HILL, and THOMAS HILL, JAMES HILL, JOHN PEARSON and SARAH, his wife, MOSES B. HILL, administrator, and GEORGE W. HILL, administrator of all and singular of MOSES HILL, deceased, EDWARD MOBLEY and HARRIET, his wife, and REBECCA C. HILL, by MOSES B. HILL and GEORGE W. HILL, administrators of aforesaid children of the said MOSES HILL, deceased, which land on the death of MOSES HILL, deceased, descended to the said SAVILLA HILL, widow of MOSES HILL and the children above mentioned. AND WHEREAS the said STEPHEN TERRY and ELIZABETH, his wife, have prayed (for) the said court to grant or writ of partition, to be directed to certain commissioners, authorizing and requiring them to divide the said land (word not legible) between and among the parties aforesaid, so that you give one third to the widow aforesaid, and divide the other two thirds to the children of the said deceased (MOSES HILL)...SHARE AND SHARE ALIKE, so that they hold it in severality, as provided otherwise therein as by law directed. THEREFORE you are hereby authorized and commanded in you persons to go to and upon the lands and premises aforesaid,

and after being first duly and solemnly sworn fairly and equally and impartially, to make partition and division of the land aforesaid, then and there in the presence of ALL the parties by you to be (word not legible but appears to be warned??) if they would be present, the said land with the buildings, premises and other appurtenances there unto belonging respect ???being had to the true value thereof to allot share and divide in the manner following TO WIT our third part thereof to the widow of MOSES HILL, deceased, and the other two thirds, to the heirs and legatus above mentioned of MOSES HILL, deceased, you caused to be divided and assigned to be held in severalty so that neither of the said parties have more of the inheritance of (right??) to them doth belong and that they their respective parts to them belonging may severally improve BUT if the said lands and premises cannot, in your opinion be fairly, equally and impartially divided between the said parties, in manner aforesaid, WITHOUT MANIFEST INJURY, to them or some of them, THEN, you are to make a special auction to the said court of the five severalty and guaranty? of the said land and the value thereof by you truly appraised and certify your opinions whether it will be worth for the benefit of all the parties concerned to the children above to one or more of them if the estate otherwise cannot be otherwise divided upon the payment of a certain sum of money by you to be appraised or to sell the same at PUBLIC AUCTION, and which you shall have made partition of the land and premises aforesaid OR a certificate of your opinion, respecting the same manner aforesaid. You are to return the same distinctly under your hands and seals to the said COURT OF COMMON PLEAS, at FAIRFIELD COURTHOUSE, for the District and State aforesaid, together with the writ. WITNESS THE HONORABLE ELIHR H. BOSY ESQ., SERVING AS ASSOCIATE JUDGE OF THE STATE AT FAIRFIELD COURTHOUSE, the third (3rd) Monday on the fourth (4th) Monday????? in MARCH in the year of our Lord 1822, the 48th year of the INDEPENDENCE of the UNITED STATES of AMERICA.

NATHAN R. EVANS.

end