

M.030 LAW SUIT FILED BY STEPHEN TERRY & WIFE ELIZABETH
HARRISON HILL AGAINST THE ESTATE OF HER DECEASED
FATHER, MOSES HILL, FILED MARCH 22, 1822.

Entered in May of 1986 by Robert R. Hill of Brandon, Fla.

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 STEPHEN
TERRY AND WIFE ELIZABETH HILL TERRY.

NOTE: It appears that this was a Court Appointed Commission
as in July of 1823, Stephen Terry selected Henry Bradley,
James Patterson and John Kennedy for making appraisals. (See
Document a later dated 1 July 1823.

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 FERDINAND 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 or 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. (The signatures are not clear but appears to be NATHAN R. DAVIS, two or three words not legible.

FAIRFIELD DISTRICT)
SOUTH CAROLINA)

This first day of July 1823, personally appeared before me, Henry Bradley, James Patterson and John Kennedy, being the appraisers selected by Stephen Terry, to appraise the property contained in the within schedule, who being duly sworn, made oath that they would make a just and true appraisement of all and singular, the property contained in the within schedule.

Given under my hand and seal the day and year above written.

(Signed) JAMES L. WOODS J.P. (LS)L

THIS IS THE REPLY, FROM THE APPOINTED COMMISSIONERS, TO THE COURT OF COMMON PLEAS OF FAIRFIELD CO., S.C., REGARDING THE LAW SUIT FILED IN THE COURT BY STEPHEN TERRY AND WIFE ELIZABETH H. HILL, REGARDING THE DIVIDING OF THE ESTATE OF MOSES HILL, DECEASED FATHER OF ELIZABETH HILL... IN NOV 1822.

IN THE COURT OF COMMON PLEAS
STEPHEN TERRY & ELIZABETH, HIS WIFE)

vs

SAVILLA HILL (widow) and others)

We, the under signed commissioners, appointed by order of the Courts to divide the lands amongst the heirs of deceased, in the above case, respectfully make return to the honorable COURT OF COMMON PLEAS, that we, after being duly sworn, proceeded to seek and examine the said lands (which) CANNOT BE PARTITIONED OR DIVIDED amongst the heirs WITHOUT injury to some of them , if divided according to the rights designated in the writ of partition, to us directed. WE RECOMMEND ALL the lands to be sold at PUBLIC AUCTION SALE, dividing said lands in three (3) different lots for sale..AS FOLLOWS: 1st two hundred and eighty one acres with the improvements on it appraised at twelve dollars and fifty cents per acre (\$12.50) known in a general plat of said of said lands-By A and B to A dotted line-second-from the dotted line to the river one hundred and sixty eight acres, appraised at twelve dollars per acre (\$ 12.00) known in the general plat of said lands by the letter "C." Said lots lying and being on the West side of the South Fork of LITTLE RIVER-Third, all of said lands on the East side of said river, containing four hundred and thirty five and one fourth acres (435 and 1/4), APPRAISED at Seven dollars per acre (\$ 7.00), known in the general plat of said lands by the letter "D.", the river to B (be?) the line between C and D of said lands. GIVEN under our hands and seal this (?) day of November 1822.

signed by HUGH STEVENSON LS

JAMES BRICE LS

JOHN SIMONTON LS

(NOTE: A copy was attached, showing all the boundaries of the above named plats). (They are mostly illegible).

THE FOLLOWING IS THE DECISION OF THE COURTS, RULING IN FAVOR OF THE TERRY'S LAW SUIT AGAINST THE HEIRS OF MOSES HILL'S ESTATE, FORCING THE ESTATE TO BE SOLD AND DIVIDED EQUALLY AMONG ALL THE HEIRS. THIS PARTITION ISSUED ON 19TH MARCH 1823

PARTITION
STEPHEN TERRY & WIFE)

vs

SAVILLA HILL, WIDOW OF)
MOSES HLLL, DECEASED)

On motion of G. (W?) GEWIN ordered that the return of the commissioners in the above case be confirmed, and that the proceeds therein mentioned be sold on the 1st Monday in January next (1824?) or the day following, by the SHERIFF OF FAIRFIELD DISTRICT AT FAIRFIELD COURTHOUSE, on a credit of twelve (12) months, and the purchasers giving bond and approved reasonable security and a mortgage of the premises and that the proceeds their of be paid to the clerk of this court, subject to the order thereof. (order) this copy given to SHERIFF (word not legible) on the 19th November 1823 in Winnsboro (SC).

NOTE: THIS WAS THE JUDGE CONFIRMING THE COMMISSIONERS RECOMMENDATION TO SELL THE PROPERTY OF MOSES HILL AND EQUALLY DIVE THE PROCEEDS.

Notes by Robert Hill of Brandon, Fl.:
Stephen Terry had married Elizabeth Harrison Hill, daughter of Moses Hill & Savilla Roden. Apparently they were not satisfied with the distribution of the estate of Moeses Hill, thus the reason for this law suit.

Following from Perputal Calander:
22nd March 1822 was on a Friday. This was date this suit was filed with the courts.

On unknw date in November of 1822 the commissioner replied to the court & stated the estate could not be divided equally as was wished..

1st of July 1823 was on a Tuesday, the date that the appraisers (commissioners) appeared in court & made their final recommendations.

10th of November 1823 was on a Monday and was the date that the courts ordered the recommendations of the commissioners to divide the estate.

END OF DOCUMENT