

1847-035 SOUTHAMPTON COUNTY
CHANCERY PAPERS

GARDNER et al vs. GARDNER

12/1847

other SURNAMES: Daughtay,
Daughtrey

Garner & Allen } B
" } A
Garner } Allen

1847 Sept. Decree as filed
+ " An Report
" Dec. Report Conf.?"

Letter to you paid

To the worshipful County Court of Southampton
In Chancery -

Humly complaining sheweth unto
your worships. your Comptts Lilly Gardner
Everette Gardner Ann Gardner and Caroline
S Daughty. infant child of Abby Daughty who was
Gardner - That by the death of their mother Sally
they became entitled as heirs at law to distribution
of her landed estate, as also by the death of their
father who by will directed a sale of her land to
be divided amongst her heirs - they represent that
there were about forty six acres of sd land. and
that it cannot be so divided as to be of any value
to any one of them. they therefore as they are remedied
at law and only relievable in equity. pray this
Court to decree a sale of same - and praying
the writ of Spee Commanding & - they will
ever pray & -

Rt & G.

The Attorney of James R Gardner one of
the signers -

This Respondent saving to himself
all benefit of exception that may hereafter
arise. For answer says that he has no
objection to the decree prayed for and having
answered prays to be hence dismissed &

Garmon & others
vs
Garmon } decree.

This day this Cause came on to be heard on the bill and answer and was argued by Counsel on Consideration whereof the Court doth order adjudge and decree, that William M Jones be appointed a Commissioner of this Court. and that he be authorized after giving due notice of the time and place of sale. to sell at public auction to the highest bidder the tract of land late in the possession of Jason Garmon known by the name of the pine wood tract containing about forty six acres, upon a credit of six months except for so much as may be necessary to pay the cost of this decree. which he is to receive in cash. For the balance he is to take five bonds of equal amounts with good and sufficient security & assign one to Lilly Garmon One to Everett Garmon. One to James M Garmon One to Ann Garmon & the other to the Guardian at Law of Caroline S. Daughtry and report to the Court in order to a final decree

[Faint, mostly illegible handwritten text, likely bleed-through from the reverse side of the page.]

Gardner

W. } Geo. Dyer

Gardner

Southampton September Court 1847.

Lilly Gardner. Everett Gardner. Ann Gardner. & Caroline S Daughtry
infant child of Abby Daughtry who was Gardner Defts

against
James S Gardner

Deft. { In Volby

This day this cause came on to be heard on the bill and answer
and was argued by Counsel. On consideration whereof the Court doth
order, adjudge and decree that William M Jones be appointed a
commissioner of this Court and that he be authorized after giving
due notice of the time and place of sale, to sell at public auction
to the highest bidder the tract of land late in the possession of Jason
Gardner known by the name of the piney woods tract containing
about forty six acres upon a credit of six months, except for so
much as may be necessary to pay the costs of this decree which he is
to receive in cash. For the balance he is to take five bonds of equal
amounts with good and sufficient security and assign one to Lilly
Gardner, one to Everett Gardner, one to James R Gardner, one to
Ann Gardner and the other to the guardian at law of Caroline S
Daughtry. And report to the Court in order to a final decree.

Defts' Costs \$2.38

paid by Wm M Jones Esq

A Copy

Teste J R Edwards ccl

J R Edwards

date 15/1847 Recd of the Jmes Court \$10 per in
above case

Riley & Gooden

In obedience to an interlocutory decree 'Garner & others vs Garner, pronounced the 20th day of Septemr 1847. by Southampton County Court, your Commissioner having advertised the time and place of sale of the tract of land, in the bill mentioned, late in the possession of Jason Garner decd, known as the "peny woods tract" containing forty six acres more or less, by several advertisements which were posted up, at the most public places, fifteen days previous to the day of sale, proceeded on Saturday the 9th day of October 1847 and on the premises sold the same to the highest bidder on a credit of six months (except a sum sufficient to defray the expenses of the suit &c) when Everett Garner became the last bidder for the sum of . . . \$100. 38

Your Commr. then deducted \$10 the atts. fee, & \$2. 38 the {
 Clks. fee & \$5 the Commission on the sale making . . . 17. 38

leaving a balance of . . . 83. 00

Your Commr. then took five separate bonds executed by Everett Garner with Charles Holland & Joseph Branton his securities for \$16. 60 each, payable to the parties as by said decree directed, which accounts for the purchase money aforesd.

Your Commr. then delivered to Lilly Garner one of said bonds for . . . \$16. 60
 one Dells to Everett Garner for . . . 16. 60
 one Dells " James R. Garner " . . . 16. 60
 one Dells " Ann Garner " . . . 16. 60
 one Dells " Robt Daughtry Guar for Caroline " . . . 16. 60
 \$83. 00

and have taken their receipts for the same.

Respectfully submitted.

Given under my hand the 9th day of October 1847.

Wm. M. Jones
