

1852-037 SOUTHAMPTON COUNTY
CHANCERY PAPERS

ROE and Wife VS. MILES

3/1852

Row

v. } Will go

Miles

1845 Nov. Decree as filed.

" Dec. Decree amended

1846 Jan. Decree amended

" Mar. Report.

" Apr. Final decree.

1847 July Order to deliver bonds

Fees paid

To the worshipful county court of Southampton
in chancery sitting

Humbly complaining your
complainants James Roe and Alice his wife who before
marriage was Alice show unto your worship that
in the year 1841 Mary Miles of the county of
Southampton died intestate leaving your female
complainant Alice and Andrew M Miles her
children her only heirs and distribute at law Andrew
M Miles has since died leaving Andrew J Miles his
son his only heir and distribute at law Your
complainants further show that Mary Miles left
a small tract of land lying in the county of
Southampton containing about thirty acres worth
considerably less than £300 a share which your
complainants are anxious should be and are advised
can be sold under the act of assembly for such cases
made and provided for a division For tender consideration
whereof and inasmuch as your complainants are
without remedy at law and only entitled to relief
in a court of equity they therefore humbly pray
that your worship would make Andrew J Miles
by some fit and proper person appointed guardian
ad litem for that purpose a party defendant to this
bill and compel him as full and perfect answer
make to the allegations herein contained as if he had
been thereto sworn fully and specially interrogated
and that your worship would decree the sale of
the land mentioned above for a division among
the heirs of the said Mary Miles and that your
worship would grant such other and general relief
the premises considered as equity may dictate and
the nature of this case would require and as in
duty bound your complainants will ever pray so

Parker & Shand J. G.

Answer of William R Edwards guardian ad litem
of Andrew J Miles to the above bill

This defendant saving and
reserving ye for ^{answer} to the said bill or as much thereof as
he is advised it is material for him to answer
answering says that he knows nothing of his own
knowledge as to the facts stated in the plaintiffs bill
but submits the interest of his ward to the care of

the court whose peculiar duty it is to protect
the interests of infants and is willing to abide
by any decree that the court may think proper
to make and leaving fully answered prayers herein
to be dismissed with his costs &c

James Roe & wife
vs
3 Decree
Edwards guardian ad litem &c

This day this cause
came on to be heard by consent of parties on the
bill and answer and was argued by counsel upon
the hearing whereof the court doth adjudge
order and decree that Edmund Boyant and Henry
Kinard be appointed commissioners by this court and
that they after having given 15 days notice of the
time and place of sale by advertising at the court
house and other public places proceed to sell the
tract of land whereof Esau Childs did seized and
possessed containing about thirty acres (requiring sufficient
cash to be paid by the purchaser pay the expenses of sale
and of this decree) the balance in nine months
requiring of the purchaser two bonds of equal
amount with good and sufficient security to each for
the payment of the purchase money one bond payable
to James Roe and Eliza his wife and the other to
Andrew S Childs and that they report to the court
to the court in order to a final decree

Recd September 20th 1847. Box of the Bonds returned by the
Comr with the Papers for £20. 53/10. King Richard Mayard
and Hannah J. Williams proprietors. George Williams
Witness

Roe
as I amended decree
Miles

1843 Dec. Forest

James Roe & wife

Edwards guardian ad litem &c

By consent of parties this cause came on this day upon the papers formerly read and was argued by counsel on consideration whereof the court doth hereby order and decree that William Boyant and Henry Kindred be appointed commissioners by this court and that they assign to Dicy Mills widow of Andrew Mills do^r one third of one half of the land whereof Mary Abiles did seized and possessed as her dower and that after having given due notice of the time and place of sale by advertising at the court house door and other public places at least fifteen days before the sale they proceed to sell the remainder of the said land for so much per acre (the said tract land supposed to contain thirty acres in all) for enough cash to defray the expenses of the sale and of this decree and the balance of the purchase money on a credit of nine months the purchasers give two bonds with approved security one bond for the amount for which fifteen acres sold ^{payable} to James Roe and Alice his wife one bond for which ten acres may sell payable to Andrew J Abiles and that they report to this court in order to a final decree

Rod & wife
w &
Miles &c

Amundac deen

182, 6 January Term

Roe & wife

vs {

undivided share

Miles & ds

This cause came on this day to be heard as the papers formerly read and was argued by counsel on consideration whereof the court dotht adjudge order and decree that the commissioners sell the tract of land whereof Andrew Miles did sign and proposed containing 30 acres on the terms named in a former decree but that they divide the money arising from said sale into four equal parts and assign one part to Sally Carr one part to James Roe in right of his wife Eliza one part to Andrew Miles and divide the other part into three equal parts and assign to Richard Williams one part to Margaret Williams one part and to Hannah Williams one part and make report to the court in order to a final decree

Poe & wife

v. } Copy decree

Miles

Received from \$6/100

Southampton January Court 1846.
James Roe & Alice his wife
against

Andrew J Miles by L. R. Edwards his gd. ad litem

Defts } In Chancery
Sgt.

This cause came on this day to be heard on the papers formerly read and was argued by Counsel. On consideration whereof the Court doth adjudge, order & decree that the Commissioners sell the tract of land whereof Andrew Miles did seized and proposed containing 30 acres on the terms named in a former decree but that they divide the money arising from said sale into four equal parts and assign one part to Sally Carr. one part to James Roe in right of his wife Alice, one part to Andrew J Miles and divide the other part into three equal parts and assign one to Richard Williams one part to Margaret Williams one part and Hannah Williams one part and report to the Court in order to a final decree.

Additional licks costs 36 cents

Attest - Teste

L R Edwards Clk

Received Sept. 20/1847 One of the bonds returned by the Comrs. with this
part for £20. 5³/100. being my proportion.

Richard M. Carr

For

Gully Carr

Received Sept. 20/1847 One of the bonds returned by the Comrs. with this
report for £20. 5³/100. being my proportion in right of my wife.

Witness:

Henry Hindred

James & Per
ma

And

in Report

Made

Commissioners of the
in the sale of Land belonging
to the Estate of the late

Wm. M. Carr

Wm. Carr

1846. March 1st

Wm. Carr

Recd March 15/1852 of the Clerk of Southampton One of the bonds returned by the
Comrs. in this cause amounting to £20. 5³/100 in full of my proportion.

And I. Hindred Attorney for
Andrew Miald

~~Southampton January 1846~~

According to a decree obtained January Term 1846
in the County Court of Hampton to make sale
of the Land of Andrew M. C. Mial's Dec?

I Exum Bryant Commissioner after advertising
the proper time and place made sale of S^d Land
on a credit of nine months where as Henry
Kindred became purchaser, at the amount of
One hundred dollars, after deducting the cost and
commissions I have agreeable to a decree took
S^d Kindred's bonds in four equal shares each
bond to the amt of Twenty dollars $\frac{100}{4}$

one Bond for Sally Carr one for James Roe in right
of his wife Alice one for Andrew J. Mial's
and the other to Richard Williams Margaret Williams
and Hannah Williams, all the bonds are this
day delivered to the Court

March 16th 1846

To the honourable Court
Exum Bryant Commissioner

Feb 11th 1846. Recd of Eames Bryant the sum of
ten dollars in full for obtaining claim for sale
of Miles' land

Parker & Shands

Received February 15 1846 of Erum Bryant \$3.74 for
the cost of the decess. Receipts against Mails

J. R. Edwards Cky

274
345
172

$$\begin{array}{r} 1238 \\ 36 \\ \hline 274 \end{array}$$

Chancery Causes

decided

May Term

1852