

1854-029

SOUTHAMPTON COUNTY
CHANCERY PAPERS

PIERCE et al vs. PIERCE

11/1854

other surnames: Wyche, Bass,
Grant, Crump, Ivey, Middleton,
Powell, Cobb, Ivy

Pierce & Thomas
 v. J. B. L. Austin
 Pierce

1854 Nov. Deere as filed

Cobb L. G.

To the Honorable the County Court of Southampton County,
In chancery sitting.

Humbly complaining, show unto your worships
your complainants, Thomas M. Pierce, Ira T. Hyde and Martha
his wife, Wm. H. Bap and Mary his wife, George W. Grant and
Fanny his wife, Richard Crump and Caroline his wife,
Alexander B. Pierce, George Pierce, Louisa Pierce,
Margaret Pierce, Rice B. Frederick and Alice
Pierce, the last three of whom are infants of tender
years who are by Alexander B. Pierce their next
friends, Benjamin Levy and Margaret his wife,
John S. Middleton and Martha his wife, Wm. B.
Powell and Mary his wife, that in the year
1846, Henrietta P. Pierce departed this life, after
having duly made and published her last will and
testament which has been duly admitted to record in
the County Court of Southampton, ^{a copy of which is herewith} whereby the same are
^{filed as an exhibit} her property real and personal to your complainants, and
John H. Pierce and Lawrence C. Pierce - That John H.
Pierce has departed this life, and your complainant Alice
Pierce is his sole heir at law. That Lawrence C. Pierce
is dead, and Rice B. Pierce is his heir at law. That
all of the property, real and personal, of which the said Henrietta
P. Pierce did devise & bequeath has been sold for a division
amongst your complainants, except a small tract
of land lying in the County of Southampton containing
about one hundred and forty acres which reverted to her
on the death of her mother Elizabeth Cobb - ^{the said} That
^{traced} if said land had been assigned to the said Elizabeth Cobb and her
Elizabeth Cobb has departed this life, and
is the estate of her father-in-law Peter Pierce.
Your complainants are desirous that it should
be sold for a division amongst them - That it
will be impossible to divide it in kind amongst
them, and that it is not worth \$300. a share.
In tender consideration of the premises and inasmuch
as your complainants are without remedy save

in a court of equity, it is prayed that Rice B. Pierce
be made a party defendant to this bill, and then
answer make to all the allegations thereof. That you
wishes will decree a sale of the tract of land which was
allotted to the widow of Peter Pierce dec'd, as her dower
in his estate, and in doing so exempt you complainants
according to their respective rights; and that you wishes
will decree such further and general relief in the premises
as may seem proper & equitable & they will say & pray
Cell & Co.

The answer of Rice B. Pierce to the foregoing
bill -

This defendant saying he says that it
is true as stated in the bill that Hannah P. Pierce
died some years ago leaving such a will as stated
in the plaintiffs bill - That she was entitled to the
reversion in the tract of land which had been
allotted to the widow of Peter Pierce dec'd, as her
dower in her estate. That his widow has lately
died, and that it will be impossible to divide
the said land in kind amongst the parties entitled
and that it is not worth \$300. per share, and
is therefore bound to be sold. Having answered
Rice B. Pierce

Pierce doth
as
Pierce

This day this cause was docketed by consent of
parties, and with like consent came on to be heard on the
bill, answer and exhibit, and was argued by counsel,
on consideration whereof the court doth adjudge, order
and decree that Rice B. Pierce who is appointed a
commissioner for that purpose, see to the highest-bidder
on a credit of six months, (except so much cash as may be
sufficient to defray the expenses of this decree and said sale)
after having ^{given} at least twenty days public notice of the time
and place of sale, by advertisement at the Court-house
of Southampton County, and other public places in the
neighbourhood of said land, the tract of land which
was allotted to the widow of Peter Pierce dec'd as dower in
the estate of her said husband; that he take bond from
the purchaser with approved security, and if he shall deem
it necessary, retain a lien on the said land until the
the purchase money is paid. That on the payment of the
said purchase money he execute a deed to the purchaser
with special warranty. That he collect the bond when
due, and pay over the amount in equal proportions
to the following persons, to-wit, Thomas M. Pierce, son
of Thos. & Martha his wife, Wm. H. Bap and Mary his wife,
George H. Grant and Fanny his wife, Richard Brown and
Caroline his wife, Alexander B. Pierce, George Pierce,
Louisa Pierce, Margaret Pierce, Rice B. Pierce Jr, Fawcett
Pierce, Alice Pierce, John S. Middleton & Martha B. his
wife, Wm. B. Powell & Mary his wife, Benjamin Long
and Margaret his wife, and Rice B. Pierce Sr
and make report of his proceedings to this court
in order to a final decree.

But the execution of this decree is to be suspended
until the said Rice B. Pierce shall execute bond

in the clerk's office of this Court in the penalty
of \$1000, and conditioned according to Law