

1841-012 SOUTHAMPTON COUNTY
CHANCERY PAPERS

GURLEY'S GUARDIAN VS. GURLEY et al
5/1841

other sURNAMES: Butts,
Devany, Moor, Moore

Gurley's go:

{ Bill

Gurley

1840. June. Bill filed I.R.E. in
assigned by R. ad litem to J. H. Gurley
Horn. awarded \$

1840 Dec. Decree as filed \$

1841 May - Report.

W. H. change

Banking

Bill

Gurley's question
as to
Gurley & others -

To the worshipful county court
of Southampton in chambers sitting

Humly complaining these writs
your worships your orator and
orator Edmund Butts, guardians
of John W Gurley an infant under
the age of twenty one years, that Hen-
ry Gurley departed this life in the
year 1825 intestate

leaving a widow ^{Rebecca} and the following
children to wit, Wm D Gurley
George J Gurley & Richard H Gurley
~~John D Gurley~~

all of whom were infants under
the age of twenty one years, at the
time of the death of their father -
and ~~leaving~~ a considerable estate
both real and personal - that
George J and Richard H have
since departed this life infants
under the age of twenty one years
and that Wm D & John W Gurley
are their sole heirs at law & entitled
to their shares of the real estate
& that your complainant Rebecca

^B is entitled to demand in
all the real estate of which the said
Henry died seized & disposed - that
your orator has purchased of Wm
D Gurley who is now of full age
all his right full and lawful
in a certain parcel of leased whale
lying & being on the County of South-
ampton containing 545 acres, which
has never been decided / between the

and heirs, as well as by
a deed of bargain & sale executed by
the said Wm & Gurley to the said
Edwards Butts bearing date the
day of _____ in the year
which has been duly recorded in
the clerk's office of the county court
of South Carolina, a copy of which
duly authenticated is filed herewith
and prayed to be taken as a part of
this bill — That your orator Edwards
Butts has intermarried with Rebecca
the widow of the said Henry
Butts who was duly appointed guardian of
the said John W & by reason thereof
has become ^{day} the guardian jointly with
her — That the said John W in addi-
tion to the said tract of land
is entitled to a moiety of the said land
in the town of Greenville which
with the land aforesaid constitutes his
whole real estate, and the following
personal estate to wit: ~~and~~ slaves, which
were situated at the time of the division
of the personal estate, ~~the value~~ whereof
he is worth about \$2,800
and this is his whole estate both real
and personal, and that Wm & Gurley
his brother would be the heir of his real
estate provided he dies under age, where
it is prayed to be made a defendant to this
bill with apt and proper words to charge
him, as also the infant John W, to whom
a guardian ad litem will be appointed by
the court to defend him in this bill —
Your orator and oratrix state, that the

land aforesaid is so situated that
it could not be conveniently and
advantageously divided, and are
of opinion that the interest of their ward
would be manifestly promoted by the
sale of this interest in the said tract of
land. They therefore pray that if it
shall be proved to the satisfaction of your
worships, that the interests of the said
John W manifestly require, the sale
of his interest in the said tract of
land, that your worships will decree
accordingly, and grant such other
& further general relief according
to the premises as to your worships may
seem right and proper, & that the
commission of this writ of habeas corpus
or other writ or process will ever pray

Pacher p. q.

The answer of Wm D Gentry to
a bill of complaint exhibited
in this honorable court by Ed-
ward Butts & Rebecca B Butts
guardians of John W Gentry an
infant under the age of twenty one
years as James Butts.

This defendant moving he says
he is the heir at law of John
W Gentry, if he should be under
age, & as such is perfectly
satisfactory, and in all cases
that the sale of the tract of land
to which the said John W Gentry
is entitled, situate lying & being
in the county of Southampton
shall be sold according to
the prayer of the complaint
will & I pray, to be & pray hence to be
dismissed.
W. D. Gentry.

Southampton county to wit
Personally appeared before me as
justice of the peace for the county
of Southampton aforesaid Wm D Gentry
It made oath to the facts stated in the
above answer as written, my hand & seal this 21st
day of Decr 1842
J. C. Cothran

The answer of William R. Edwards
guardian ad litem appointed
by the county court of Southampton,
to defend John W. Gartery and
infant under the age of twenty
one years, in a suit brought in
the county court by his
guardians, Edwards Butts and
Rebecca B. Butts, against Wm D. Ger-
sey & others -

This defendant answering &c for
answer says, that he has made
diligent inquiry of many persons
most likely to give him satisfactory
& important information on the subject
whether it would be to the interests of
the said John W. Gartery, that his share
of the tract of land, spoken of in the
said bill should be sold and from
all he can learn, has arrived at
the conclusion, that the interests of
the said John W. Gartery would be
manifestly promoted thereby and
having fully answered pray, to be
since his meeting with his co-defendants &c

W. R. Edwards for &c

Southampton County to wit

Personally appeared be-
fore me a justice of the peace for
the County of Southampton John Sullivan
R. Edwards, and made oath that
the facts stated in his return annexed
are true to the best of his knowledge
and belief as witness my hand and
seal this 20th day of December 1840

Sec. both Seal

The answer of John W Gurvey to a
~~bill~~ in infant under twenty one
and above the age of fourteen
years, to a bill of complaint
brought in this court by his
guardians, R Butts & Rebecca
B Butts, against W D Gurvey & others

This defendant answering &c
answers that he has made inquiry
of his friends & others as
to the dispendence & value of the
real estate, to which he is entitled
as one of the heirs of his deceased
father Henry Gurvey, and has
come to the conclusion, from
all he can learn from them, as
well as his own observation
that it would ^{be} to his interests
that the same should be sold,
and the purchase money invested
for his benefit in such manner
as this worshipful court shall
appoint, & having answered
prays to have dismissed &c.

John W Gurvey

Southampton County Court

Personally appeared before me
a justice of the peace for the
County of Southampton John W.
Zurley, who made oath to the
facts stated in this his answer
given under my hand & seal
this 21st day of December 1840

Geo. C. Peale

Gurley's guardians

vs

Gurley & others -

"This cause came on this day to be heard by consent of parties, on the bill of the plaintiffs, the nearest of the defendants, Wm D Gurley, John W Gurley an infant above the age of 14 years, and William B Edwards guardian ad litem to defend the said John W Gurley an infant under the age of 16 years, the exhibits and depositions filed in the cause and was argued by counsel on consideration whereof the court doth and judge order and decree that Edwards Bill

that he appointed a commissioner to sell the infant John W Gurley's interest in the tract of land of which Henry Gurley died seized & possessed situate lying & being in the County of Southampton for cash, after due notice of the time & place of sale, and that he make report to this court in order to a final decree taking full & ample security of the purchaser or purchasers for the purchase.

money, & the said commissioner
is directed to execute a deed on
deeds to the purchaser or purchasers
for the interest of the said John W
Zerby, in the said estate, with special
warranty

Gurley's go^{on}

2

} copy Deere

Gurley

By virtue of the within decree did on 14th day January
1841 after advertising the time of sale according to the
direction within mentioned and the place of sale.
proceed to sell the interest in the land mentioned,
where James H. Sudkins became the purchaser
and the highest bidder for the sum of Eight hundred
dollars, and I have paid over the same to John
W. Gurley the guardian to the infant John W.
Gurley which will more fully appear by his receipt
below. all of which is respectfully submitted
to the Court. —

Edw. B. Butts Comrsⁿ

Rec^d March 15/1841. of Edw. B. Butts commissioner appointed
by the County Court of Southampton to sell John W. Gurley's interest
in the land within mentioned the sum of Eight hundred
dollars in full

John W. Gurley Esq.
to Jas W. Gurley

Southampton December Court 1840-

Edwards Butts guardian of John W Gurley an infant under
the age of twenty one years

Plff

In Chancery

against

William D Gurley and John W Gurley an infant by Lilliston R

Edwards his guardian ad litem

Def

This cause came on this day to be heard by consent of parties, on the bill of the
plaintiff, the answers of the defendant William D Gurley, John W Gurley an infant
above the age of ~~twenty~~^{thirteen} one years, and Lilliston R Edwards guardian ad litem to
defend the said John W Gurley an infant under the age of twenty one years, the
exhibits and depositions filed in the cause and was argued by counsel: on considera-
tion whereof the Court doth adjudge, order and decree that Edwards Butts be
appointed a Commissioner to sell the infant John W Gurley's interest in the tract
of land of which Henry Gurley died seized and possessed situate, lying and being
in the County of Southampton for cash, after due notice of the time and place of
sale, and that he make report to this Court in order to a final decree, taking full
and ample security of the purchaser for the purchase money, and the said Com-
missioner is directed to execute a deed or deeds to the purchaser or purchasers for
the interest of the said John W Gurley in the said estate with special warranty-

Copy Teste. L R Edwards Clee

Gurleys G^r.

r { Sp^a in ch⁷

Gurley

1840 July Rules-

Executed by delivering
a true copy to William
D. Gurley June 30/1840
John W. Gurley att^{est}
Sec^y

Superintending and of
The Fulton St^h

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *John W Gurley and William I Gurley*

Court to appear at the Clerk's Office of our ~~Circuit Superior Court of Law and Chancery~~ for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *July* next, to answer a Bill in Chancery exhibited against *them* in the said Court by

Edwards Bills by guardian of John W Gurley

And unless *they* shall answer the said Bill within ^{*five*} ~~four~~ months thereafter, the Court will take the same for confessed, and decree accordingly. And this *they* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *20* day of *June* 18*70*, in the *64th* year of the Commonwealth.

L R Edwards Clk

[One Copy to be delivered each Defendant.]

Gurley's Co.

to 30 Dec^r

Gurley & Co

1821 @ Number 14th

The depositions of Benjamin Devany & John Moore taken at the Clerk's Office of Southampton County on Saturday the 14th day of November 1840 between the hours of Ten O'clock in the Morning & Sun set. of that day, To be read as evidence in a suit in Chancery depending in the County Court of Southampton wherein Edw.^d Butts guardian of John W Gurley an infant under the age of twenty one years is Plaintiff and the said John W Gurley by Littleton R Edwards his guardian ad litem & William D Gurley are Defendants. - The said Edward Butts and the said Littleton R Edwards guardian ad litem as aforesaid being present. - The said Benjamin Devany being first duly sworn deposes and says, That he is well acquainted with the tract of land lying in the fork between Flagg's run, and Mattoway swamps belonging to the heirs of Henry Gurley dec'd. and that he is fully of the opinion that it would be greatly to the interest of John W Gurley to sell his proportion of the said land for separate and apart from the dower his proportion would not annually ^{rent} for enough to pay the tax which would be chargeable upon it. And he further says that in his opinion that it will bring a better price sold in conjunction with the other half than separately; and that the interest upon the money will be much more to the interest of the said John W Gurley than to retain the land until he shall arrive at lawful age and further the deponent says the not

Benj. Devany

Southampton County to wit

The foregoing deposition was taken sworn to and subscribed at the time and place mentioned in the caption before me a Justice of the peace for the County aforesaid and State of Virginia. Given under my hand this 14th day of November 1840

H. J. Moore J.P.

^{Mr Gentry}
John ~~Moore~~ then being duly sworn, deposes and says that he is well acquainted with the tract of land in the fork between flagg run and narrow swamp belonging to the heirs of Henry Gentry decd and that he is fully of the opinion that it would be greatly to the advantage of John W. Gentry, to sell his proportion of the said land, for separate and apart from the dower his proportion would not rent for enough to pay the tax which would be chargeable on it - And he further suggests that in his opinion that it will bring a better price sold in conjunction with the other half than separately; and that the interest upon the money will be more to the interest of the said John W. Gentry, than to retain the land until he shall arrive to the age of the age of twenty one years - And further this deponent says etc not

John W. Gentry

Southampton County to wit

^{Mr Gentry}
The foregoing deposition of John ~~Moore~~ taken, subscribed, & sworn to before me on Saturday the 14th day of Nov. 1840. in the Court of General Sessions of Southampton County, between the hours of Ten in the morning & Six in the evening. Given under my hand this 14th Nov. 1840.

Jm Aspark (Seal)

~~The deposition of Mrs. Moore taken to be read as evidence in a Ch. suit now pending in the County Court of Southampton in which E. Moore~~

Mrs. Moore then being duly sworn deposes and says that he is well acquainted with the tract of land lying in the fork between flagg run and narrow swamp belonging to the heirs of Henry Gentry decd and that he is fully of the opinion that it will be greatly to the interest of Mrs. W. Gentry to sell his proportion of the said land for separate and apart from the dower his proportion would not annually rent for enough to pay the tax which would be chargeable upon it and he further says that in his opinion it would bring a better price sold in conjunction with the other half than separately and that the interest on the purchase money will be much more to the interest and more productive to the said Mrs. Gentry than the rent of the land subject to the dower of the Widow and further this deponent says etc.

John Moore sn.

Southampton County to wit

The deposition of John Moore was taken, subscribed & sworn to before me, on Saturday the 14th day of November 1840. in the Court of General Sessions of Southampton County of Southampton between the hours of 10. o'clock in the morning & Six in the evening Given under my hand this 14th day of Nov. 1840

Jm Aspark (Seal)