

1841-1/4 SOUTHAMPTON COUNTY
CHANCERY PAPERS

GURLEY VS. BUTTS et al

1/1841

Shirley } Birt
or }
Birt }
Birt }

1847 Aug. Deane as sp. described.

" Deane Report.

1841 Jan. Final deane & p

To the Worshipful County Court of Southampton
in Chancery sitting.

Your orator Wm W Hurley most respectfully
represents to your worship that sometime in the year
his father departed this life leaving a widow
your orator's brother John W Hurley, that since
the death of the father of your orator his widow
intemained with Edward Butts of this County -
That there has been a division of the Real Estate
which the father of your orator died seized of
one moiety of a house in the town of Jerusalem
a three acre vacant lot - which property has
been divided among the heirs of the father of your
orator & in which there has been no assign-
ment of Dower to the widow who intemained with
Edward Butts. Your orator would represent to your
wship that the house in Jerusalem before named
is greatly in want of repair & is rapidly falling
into decay, that the tenant in Common who holds
the other moiety is not willing to incur the expense
of a thorough repair, & that in a short time it will
become wholly valueless. that in its very nature
it is incapable of division among the Claimants
& to render it of value it must be sold. Your
orator would also state to your worship, that the
vacant lot above referred to, would be of no value
to the parties if divided among them & that it
also can only be rendered valuable by a sale
now therefore your orator would ask your
wship to direct a sale of the above property, &
that your wship would appoint a Commissioner
to effect a sale of the same & to pay over the proceeds
to the parties interested, & that your wship would be
pleased to grant such other & farther relief as to
your wship may seem just & convenient to the

rules & practices of this Court, and your orator for
your worship Mr & C. R.

Douglas Jr.

The answer of Edward Butts for himself and as
guardian ad litem of John W. Gurley an infant of
tender years to so much of the foregoing bill of
Wm. D. Gurley as he is advised it is material for him
to answer. Sayeth, That the allegations in the aforesaid
bill are true so far as he knows, and that so
far as he is concerned individually he has no
objection to the decree asked for, & he begs leave
to state further, that he is willing to yield up to
Wm. D. Gurley & John W. Gurley the interest he has
in a property derived from his intermarriage
with their mother, but to so much of the bill as
he is advised it is material for him to answer as
guardian ad litem of John W. Gurley, he prays the
Court as the special guardian of all infants to send
& protect to said infant all just rights & equities, and
having this answered he prays to be hence dismissed.

Gurley } In Ch.
Butts &c }

This day this cause came on to be heard
was docketed by consent, and argued by Counsel; whereupon
the Court doth adjudge, order, & decree, That William
Wilce be appointed a Commissioner to sell the moiety of
the house in Jerusalem & the vacant lot held in Coparcenary
by Wm. D. Gurley & John W. Gurley on a credit of Twelve months
except so much as may defray the expenses of this suit which shall be paid
having first advertised the day of sale for thirty days at
two or more public places. That the said Commissioner
take two boxes from the purchaser in equal amounts, &
that he deliver one to the adult Wm. D. Gurley &
one to Edward Butts the guardians of John

W. Gurley, and that he shall make to the Purchaser
a deed for said property & report to this Court
in order to a final decree

Gurley
v } Pierce

Gurley

Alcay

Southampton August Court 1840.

William D Gurley

against

Diff. } In Chancery

Edwards Butts for himself and as guardian ad litem of
John W Gurley an infant of tender years

This day this cause came on to be heard, was docketed by consent, and argued
by counsel. Whereupon the Court doth adjudge, order and decree that William
J Sebrell be appointed a Commissioner to sell the moiety of the house in Jerusalem
and the vacant lot held in coparcenary by William D Gurley and John W Gurley
on a credit of twelve months, except so much as will defray the expenses of this suit
which shall be for each, having first advertised the day of Sale for thirty days
at two or more public places - That the said Commissioner take two bonds
from the purchaser in equal amounts and that he deliver one to the adult Wm
D Gurley and one to Edwards Butts the guardian of John W Gurley - and that
he shall make to the purchaser a deed for said property and report to this Court
in order to a final decree.

Edwards Butts \$2.38.

Lau fee - 10.00
\$12.38

Teste J R Edwards Cde

Sale of One Moiety of the House in Jerusalem and Land \$480.00

Commissioners off

\$18.50

Deem

12.38

Buyer

1.00

Duo

2.00

\$33.98

\$446.02

By virtue of the above decree to me directed, sold at
public auction on Monday the 16th day of November
1840 to the highest bidder, the lot & land mentioned in
the above decree, after advertising the same for thirty
days, to Fulding & Makin for the sum of
four hundred and eighty dollars, he being the
highest bidder for which, I have given him a Qud,
the Commission and other expenses amount to the
sum of \$33.98. leaving a balance of four
hundred and forty six dollars and two cents, which
I have taken the said F. & M. Makin bond with
good security, one to William D Gurley for the

sum of two hundred and twenty three dollars and
one cent. for which I have taken his receipt.
and to Edward Bates guardian to John W.
Gentry ~~Stoddard~~ I make his bond with good
security for the sum of two hundred and twenty
three dollars and one cent. for which I have
taken his receipt - all of which is respect-
fully submitted to the Court.

Wm. J. Schell Comr.