

1850-122

SOUTHAMPTON COUNTY
CHANCERY PAPERS

KITCHEN et al vs. LAIN

11/1850

other surnames: Bain,
Lane, Laine, Baine

Kitchin

& 3 Bell Ave P

Lain

1855 Jan. done as filed

1850 Feby. Report.

" Mar. confm?

Peterson & } B. a
" }
Lain } stream

To the Worshipful County Court of Southampton
in Chancery.

Humbly complaining sheweth unto
your worship. Your Compts. Sally Kitchen - Julia
Ann Bain Eliza Jane Bain in their own right
as next friend to Zacarius Bain & Richard E
Bain, that many years ago, Benjamin Kitchen
by will devised his landed estate to his wife and
daughters during their lives, at their deaths, to
his son Jesse Kitchen. Your Compts by leave to
shew that the wife and daughters have been dead for
some time, and that Jesse Kitchen is in Law presum-
-ed to be dead, he having been absent & not heard
from for more than seven years. They further
shew that they together with Wiley Linn are
the heirs at Law to Jesse Kitchen and therefore
pray the Court to decree a sale of sd lands for
a division as sd lands cannot be divided in kind.
D lands are not worth \$300 - a share - so they
are advised a sale of the infants share may
be ordered by the Court. - They therefore pray that
Wiley Linn may be made a Defd here to and
be required to answer the same, praying the
aid of Spa directed to - they will ever pray

R & G.

Land sold for one hundred Dollars — — —
Commissions thereon five Dollars — — —

Southampton January Court 1850.

Sally Kitchen Julia Ann Baint Eliza Jane Baint in their own rights and
as next friend to Zacharias Baint & Richard R Baint Defts
against

Wiley Sann

Int Chancery
Dft

This day this cause was docketed by leave of Court and consent of parties
and 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
John Finckish be appointed a Commissioner of this Court, that he after
advertising the time and place of sale for twenty days proceed to sell
at public auction the lands, formerly the property of Deft Kitchen decd
and devised to Deft Kitchen, who in law is presumed to be dead, upon the
terms following, to wit. Receive on the day of sale money sufficient to
pay the costs of this decree, then divide the residue into three equal
parts, taking therefor bonds as follows, One bond for one third and
assign ~~the amount~~ to Wiley Sann, One for one third and assign to Sally
Kitchen, for the other third he is to take four bonds of equal amounts
and assign one to Julia Ann Baint, one to Eliza Jane Baint, one to
Zacharias Baint and the other to Richard R Baint. But before assigning
said bonds the Commissioner is to take of the parties bond with good
Security conditioned to refund the amount of said bonds to Deft
Kitchen should he prove to be alive and apply for the same. And
said Commissioner is to return with his report the refunding bonds
above directed to be taken. Said lands are to be sold on a credit of
six months.

Clerks Costs \$2.58 paid

Attest

J.R. Edwards

Deft J.R. Edwards

February 18th 1850 —

Agreeable to the above Decree I have
sold the Land ~~then in named~~ ^{to me} and have retaken
with all the Heirs then in named according to the Decree
and taken Refunding Bonds as Directed all of which
is respectfully Submitted

John Finckish Commissioner

February 13th 1850

to the within decree Received of John Finesth commissaire
abond to the amount of six Dollars & 71 cents in full of my
proportionable part of the proceeds of said Land

Witness

Shugars Laine

John Baine
mark

February 13th 1850

Received of John Finesth commissaire
to the within decree abond of the amount of six
Dollars & 71 cents in full of my proportionable part
of the proceeds of the soil of said Land

Witness

Shugars Laine

Eliya June Baine

February 13th 1850

Received of John Finesth commissaire
to the within Decree 26 Dollars & 87 cents my proportion
able part of the proceeds of said Land

Witness

Shugars Laine

Wiley Baine

February 13th 1850

Received of John Finesth commissaire to the within
Decree abond of 26 Dollars & 87 cents my proportionable
part of the proceeds of the soil of the proceeds of the
soil of said Land

Witness

Shugars Laine

Kitchen &

Sally Kitchen

February 15th 1850

Received of John
Finesth commissaire two Bond to the
of six Dollars & 71 cents each
John Baine

February 13th 1850

Sain

Received of John Finesth commissaire to the within
abond of Decree six Dollars & 71 cents for my son yacacous Baine and six
Dollars & 71 cents for my son Richard. R. Baine
test

February 13 1850

Received of John Finesth one Dollar for wrighting
Dead and one Dollar for crying up the Lane rather assets
tension

Shugars Laine

Feb 18th 1850

Received of John Finesth ten dills
for for obtaining the within decree

Widly & goodwyn

Kitchen etc

v { Report

Sain rock

1850 February 21st

Boris

Refusing

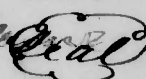
Boris

23

Ins Furash

Whereas Benjamin Kitchin dec^d formerly of the County of
Southampton did by his last will and Testament of
record the Clerk Office in the County Court of Southampton
deem to Jesse Kitchin a certain piece of Land lying in the
County aforesaid, which by a decree of the Court bearing
date 21st Aug. 1830- was Order'd to be sold, Now the
condition of this Obligation is such that if he the s.^d
Jesse Kitchin or his legal Heir shall at any time
apply for the same then and in such case the
said ~~Julius Bain~~ ^{John} Bain His Heir Ex^r & Am^r shall refund
the amt. of Six + 7/100 dollars & Cents paid to
him arising from the sale of the said Land, with
legal Interest, then the above Obligation to be Void
or else remain in full force & Virtue, Given under our
hands & seals this 13th day of July. 1830-

Witness
Thurgood Bain

^{Thurgood} Julius Am^r & Bain 
^{John} John 

W Davis

To 3 Refundings
3 bonds

John F. Davis

Whereas Benjamin Kitchin at. formerly of the County of Southamptⁿ
and by his Last-will and Testament of record in the clerk's
office in the County Court of Southamptⁿ devised to Jesse
Kitchin a certain piece of Land lying in the County
aforesaid, which by a decree of the Court bearing date
21st Jan^y. 1830. was Ordered to be sold, Now the
Condition of this Obligation is such that if the said
Jesse Kitchin or his legal Heirs shall at any time
apply for the same, then and in such case the said
Wiley Laine & P. Smith ^{Heirs} Ex^{ors} Adm^{rs}. shall refund the sum
of Twenty six dollars & $\frac{3}{4}$ Cents paid to him arising
from the sale of the said Land with legal Interest.
then the above Obligation to be void, or else remain
in full force & Virtue, Given under our hands & seal this
13th day of Feb^y. 1830.

Witness
Thos. J. Laine

Wiley Laine (Seal)
Dennet & Laine (Seal)
Littleton R. Laine (Seal)

Barns

--Refunding
Bonds

To 3

John Furash

Whereas Benjamin Kitchum de^d formerly of the County
of Southampton did by his last will and testament-
of record in the Clerk's office in the County Court of Southth
devises to Lipe Kitchum a certain piece of Land lying
in the County aforesaid, which by a decree of the Court-
bearing date 2nd July. 1830, was ~~Ordered~~ to be sold,
Now the Condition of this Obligation is such that if the
the said Lipe Kitchum or his legal heirs shall at any
time apply for the same, then and in such case the
said Eliza Jane Buins & J. A. Buins ^{their} heirs Ex^{ors} adm^{rs} shall refund
the amt. of six dollars & ⁷/₁₀₀ Cents paid to
him arising from the sale of the said Land with
legal Interest, then the above Obligation to be void, or else
remain in full force & virtue, Given under our hands
and seals this 13th day of July. 1830

Witness
Margaret Cain

Eliza Jane Buins *Seal*
John A. Buins *Seal*

J. A. Baines Refers
Bond
to { John Finckh
commis^{ry}

Whereas Benjamin Kitchin dec^d formally of the
County of Southampton died by his last Will and
Testament of record in the Clerks office in the county
Court of Southampton devise to Jesse Kitchin a
certain piece of Land lying in the County aforesaid,
which by a decree of the Court bearing date 21st
January 1830, was Ordered to be sold, Now
the condition of this Obligation is such that
if in the said Jesse Kitchin or his legal heirs
shall at any time apply for the same then and
in such case the said Jesse Kitchin his heirs, Exors
adms^r shall refund the amt. of six -- dollars
& 71 cents paid to him arising from the ^{sale} of the said
Land with legal interest, then the above obligation
to be void, or else remain in full force and virtue
Given under our hands and seals this 15th day of
Feb^y 1830

Witness

Julius A. Quinn

John A. Baird
Richd C. Prefferson

John A Baird
Refunding Bond
to { John Fivash
Commissary

Whereas Benjamin Hitchcock dec^d formerly of the County of
Southampton did by his last Will and Testament of record in
the Clerks office in the County Court of Southampton devise to
Jesse Hitchcock a certain piece of Land lying in the County
aforesaid, which by a decree of the Court bearing date 21st
Jan^y. 1830, was ordered to be sold, Now the Condition of
this Obligation is such that if the said Jesse Hitchcock
or his legal heirs shall at any time apply for the same
then and in such case the said ~~J. A. Baine & R. S. Russell~~ ^{their} heirs
Ex^{rs} adm^{rs} shall refund the amt. of six ~~thirty~~ dollars &
41 Cents paid to him arising from the sale of the said
Land with legal Interest, then the above Obligation
to be void, or else remain in full force and virtue
Given under our hand and seals this 15th day of

July 1830 -

Witness
Jesse A. Baine

John A. Baine ^{Seal}
Rich^d C. Pres ^{Seal}

Kitchin

To Republish
3 and

Finest

Whereas Bay^r Kitchin de^o firmity of the County of Southampton
did by his last Will and Testament of record in the Clerk's Office
in the County Court of Southampton devise to Jesse Kitchin a
certain piece of Land lying in the County aforesaid, which
by a decree of the Court bearing date 21st Aug. 1830, was
ordered to be sold, Now the condition of this obligation is
such that if the the said Jesse Kitchin or his legal heirs
shall at any time apply for the same then and in
such case the said Sally Kitchin, Bay^r Travis, Wiley Cain,
Bennett & Cain, Mr. R. Stephenson, John Odumlee, and ~~Samuel~~
^{John A. Baird} Scarborough, their heirs &c.^o ad^o shall refund the amt. of
Twenty six dollars & 87/100 cts paid to him arising from the
sale of the Land with legal interest, then the above obligation
to be void or else remain in full force & virtue, Given under
our hands & seals this 13th day of July 1831.

Witness
Margaret Cain

Jesse Kitchin *Seal*
Sally Kitchin *Seal*
Benjamin Leach *Seal*
Wiley Cain *Seal*
Bennet & Cain *Seal*
Mr. R. Stephenson *Seal*
John ^{his} Odumlee *Seal*
^{mark}
Miles Scarborough *Seal*
John A. Baird *Seal*
John Hines *Seal*
Bennet & Briggs *Seal*