

1850-034

SOUTHAMPTON COUNTY
CHANCERY PAPERS

WALLER

VS. WALLER, TRUSTEE et al.

2/1850

Waller

Bill. and 2^d

Waller

1849 Dec. Decree as filed

+ 1850 Jan. Report.

" Feb. " Confession

Waller
my: file, annexed

Luo pud

To the worshipful the county court of
Southampton in Chancery sitting

Humbly complaining sheweth unto your
worship your complainant John H. Waller that in
the year 1861 he made a deed of gift
to Levi C. Waller Trustee for the benefit
of himself, wife & children. That his
said wife Nancy has reported this life
leaving three children all infants —
That he conveyed by the said deed a copy
of which is filed marked (a) a small
tract of land of about 100 acres land
your complaint states that he is in such
a situation that the farm cannot be
kept up and he is advised that it will
be to the interest of all parties to sell
the said Land. But so it is this court
he done without the aid of a court
of Equity, On Tenors consideration
whereof & for as much as your complaint
is remediable at Law & only remediable
in a court of Equity to the end that
Levi C. Waller Trustee as above
deft: kno. and answer the allegations
also John W. North A, and James J. Waller
by some fit & proper person as guardian
ad Litem may answer the allegations
& grant your of this bill that prays
that your worship would decree a sale
of the said Land & allot him a certain
sum: in fee simple & grant him such
other relief as the case requires.

Primer H. O.

Answer of Levi C. Waller Trustee
for John H. Waller & Nancy his wife
& 3 children to the foregoing bill of
compt:

This respondent saying & for answer says
that the allegations of the foregoing bill
are true so far as he knows or believes
and does not object to the decree prayed
for & having answered hereto hence to
be dismissed.

Levi C. Waller

The answer of John W. Martha A.
& James J. Waller by L. R. Edwards
Guardians ad Litem

These respondents saying & for answer
say that they know nothing of the
facts that they are tendered and

Waller
vs: Levi C. Waller
Waller Trustee &c

This day this cause was conducted by
consent of parties & with the assent
of the court came on to be heard on
the bill, answer, exhibits & argument
of counsel. On consideration whereof the
court doth adjudge, order & decree
that Levi C. Waller who is appointed
a consr. for that purpose do after giving
20 days notice of the time & place of sale
sell the tract of land conveyed by John
H. Waller to him as Trustee for said
John H. Waller, his wife & children in
the bill mentioned upon a credit of
six months except enough in cash
to pay the costs of this suit & sale, that
he pay to John H. Waller the sum of
one fifth part and retain the balance in his
hands for John W. Martha A. & James J.
Waller, and report to this court in order
to a final decree.

But the said Levi C. Waller is not to act
under this decree until he shall have
entered into bond & good security for
the faithful performance thereof in the
clerk's office in the penalty of \$1000 dollars.

Waller
no. 3 Report
Waller Younte

1850 Gang Court.

Waller
vs. } Report
Waller Trustee

Your Commissioner begs leave to report that in accordance to the decree rendered in this case he proceeded to sell the land in the decree mentioned after duly advertising the time and place of sale.

Robt Rowland was the purchaser for the sum of $\$201.00$

Commissions 5 percent $\$10.05$

Attorneys fee — 10.00

Clerks tickets — 3.11

auctioneer $\$23.16$

Received in cash $\$23.75$

Paid to John H. Waller $\frac{1}{5}$ profit $\$177.81$

as per receipts

~~35.56~~

~~177.81~~

~~35.41~~

$\$141.68$

Due the children the sum of one hundred forty one dollar and sixty eight cents the 17th June 1850. all which is most respectfully submitted

Levick Waller

December 17th 1849 Recd of ^{Lavi C Waller}
~~William Davis~~
Seventy five cents for Crying Land of John
H Waller and Children.

William Davis

Rec'd December 17th 1849 of Levi C. Waller com:
in case of Waller vs: Waller Trustee Ten dollars
for bill, annex, and answer.

J. H. Prince

Recd. December 17th 1849 of Levi C. Waller
Comr. in case of John H. Waller vs. Levi C.
Waller Trustee &c. the sum of Thirty five
dollars and forty one cents it being my portion
of the amt. of sale of said land.

Witness

Geo. H. Prince

John C. Waller

	Jeri Muller born	To the Clerk Southampton Co	\$
1849	Deed of for sale Mullers land		1.76
1850.	Recording Report of		135
			3.11
		JR Edwards Clk	

Know all men by these presents that we, Levi C. Waller & Benjamin C. Waller do hereby and firmly bind to the Commorality of Merple in the sum of One thousand dollars to the payment whereof well and truly to be made we bind ourselves our heirs Executors & administrators jointly Severally firmly by these presents sealed with our Seals and dated this 17 day of December 1849.

The condition of the above obligation is such that whereas by a decree of the County Court of Southampton pronounced on the 17 day of December 1849 in a suit in Chancery then pending between John K. Waller plaintiff & Levi C. Waller & defendants the above bound Levi C. Waller was appointed Commissioner for the purposes set forth in the said Decree Now if the said Levi C. Waller shall faithfully discharge his duties as such Commissioner under the decree aforesaid then the above obligation to be void or else to remain in full force & virtue.

Witness

Levi C. Waller
Benjamin C. Waller

Southampton County In the Clerk's Office December 17 1849
This day Benjamin C. Waller did Security to the above bound make with & with that his estate after the payment of all his just debts is worth one thousand dollars the penalty of the above bond.

Subscribed & sworn
to before me this day
year aforesaid

J. R. Edwards

Benjamin C. Waller