

1856-028

SOUTHAMPTON COUNTY
CHANCERY PAPERS

DUNN and Wife VS. BITTLE et al
11/1856

other surnames: Davis, Turner

Dunn & wife
 W of Bill, amarr
 L. de cue
 Bittle & e

1854 Dec. Deere as filed

1855 Sept. Pat. of E. B. C. &
 deere filed & p.

1856 Oct. Repts.

" Nov. Confm?

latter for p.

Cott & S.

To the Worshipful County Court of Southampton
County - In chancery sitting - Next Term
1854.

Humbly complaining shew unto your
wships your complainants William L. Wynn
and Emeline his wife, formerly Emeline Davis
that sometime in the year 1834, Robert Davis
late husband of your oratrix, departed this
life after having duly made and published
his last will and testament which was duly
admitted to record in the County Court of Southam-
-pton. A copy of which is herewith filed and prayed
to be taken as a part of this bill. That the said
Robert Davis left a widow, your present oratrix
and a son, born after his death, who has
since died under age and unmarried. Your
Complainants are advised that on the death
of his said son under age and unmarried,
according to his said will, all of his property
real & personal belonged to your present oratrix
during her life, and at her death to John I.
Bittle and Mary Bittle - That Mary Bittle
has intermarried with one Jacob Turner.

That the said Robert Davis was seized & possessed
of a tract of land devised in said will, lying
in this County, containing one hundred acres
more or less, and not worth \$300. per share.
That the said land should be ^{equally} divided ^{in kind} among the said
Wynn complainants together with the said John
I. Bittle and Jacob Turner ^{at this time} and Mary his wife
are desirous that the said land should be
sold out and out, and that the Court will
decree a certain amount to be paid to ^{the} said
oratrix in lieu of her said life estate.
In tender consideration of the premises

and inasmuch as your complainants are without remedy save in this honorable court, it is prayed that John I. Bittle and Jacob Turner and Mary his wife be made parties defendants to this bill, and proper answers made to all the allegations thereof. That your worship will decree a sale of the said land above referred to, and direct a certain amount of said sale to be paid to your said oratrix absolutely in lieu of her interest in said land, and the balance divided between John I. Bittle and Jacob Turner & Mary his wife. That your worship will decree such further general relief in the premises as equity may dictate, and they will ever pray &c
Cobb p.g.

The joint and separate answer of John I. Bittle and Jacob Turner & Mary his wife to the foregoing bill.

These defendants saving and reserving to themselves all benefit of just exception to said bill &c, answer and say that they believe the facts stated in said bill to be true, and that they have no objection to the decree prayed for, & pray to be here dismissed
S.D.

John I. Bittle
Jacob Turner by
Mary his wife
by W. B. Cobb atty.

William L. Dunn & Emeline his wife, formerly Emeline Davis
vs
3. In chancery

John I. Bittle and Jacob Turner & Mary his wife.

This day this cause was docketed by consent of the court, and came on to be heard by like consent of parties, on the bill, answers of the defendants, and exhibit, and was argued by Counsel. On consideration whereof the court doth adjudge, order and decree that Wm. L. Cobb who is appointed a special Commissioner for that purpose, after having given at least twenty days public notice of the time and place of sale, by advertisement at one or more places in the neighborhood of said land, sell on the premises to the highest bidder on a credit of six months (except so much as may be necessary to defray the expenses of said sale and this decree) the tract of land of which Robert Davis was seized and possessed at the time of his death and which was devised by him in his last will to his widow Emeline Davis for life; That the said Commissioner take from the purchaser one bond for one fifth of the purchase money and pay it over to Wm. L. Dunn & wife, and take his receipt for the same; That he take from the purchaser two bonds in equal amounts for the balance, and pay one over to John I. Bittle, and the other to Jacob Turner & Mary his wife and take their receipt for the same. That he take the said bonds from the purchaser with approved security, and retain the title to the said land, if he shall deem it necessary, until the said purchase money is wholly paid. That he execute a deed to the purchaser with special warranty, and that he make report of his proceedings to this court in order to a final decree.

Dunn & wife

24 $\frac{1}{3}$ Petition & amended

Bill & others dec'd.

1855 Sept Term

The Petition of Edward Beaton,

To the worshipping County Court of Southampton County—
In chancery. ^{Sept. 1855} ~~Sept. 1855~~ Term 1855.

Your petitioner humbly represents that since the decree rendered by this court in the suit of Wynn & wife vs Bittle & others at Wier term 1854, that he has purchased the entire interest of John J. Bittle and Jacob Turner and Mary his wife, real and personal in the estate of Robert Davis decd., by deed bearing date the day of 1855 and the day of 1855, duly recorded in the clerk's office of Southampton County Court, and copies of which are herewith filed with this petition. Your petitioner therefore prays that he may be party defendant to the said bill, and that the bonds directed by the said decree to be paid to John J. Bittle and Jacob Turner and Mary his wife, be directed now to be paid to your petitioner. I he will ever Pray —
Edward Beaton.

Wynn & wife

vs

3

Amended decree.

Bittle & others

This day this cause came on to be again heard on the papers formerly read and on the petition of Edward Beaton, and was argued by counsel, on consideration whereof the court doth adjudge, order and decree that the bonds directed by the decree in this cause made at Wier term 1854 to be paid to John J. Bittle and Jacob Turner & Mary his wife, be now paid over by the Commissioner appointed by said decree to Edward Beaton, and that he pay the costs of this decree.

Burns & Co
vs 3 Comrs Refert,
Bottle & Co

To the County Court of Southampton County.

In obedience to a decree of the County Court of Southampton made at December term last the undersigned appointed Commissioner for the purpose, after giving the notice required by said decree, sold to the highest bidder on the premises on the 23^d day of December 1854, the land of which Robert Davis died seized and possessed, and that John Hines become the purchaser at the sum of \$140 —

Am't of sale of land —	\$140.00
And Lawyer fee —	10.50
" Crier —	1.00
Commissions —	7.00

After deducting expenses of sale and costs of decree amounting to \$21.50, a balance was due of \$118.50 — That he took bonds from the purchaser and paid over ~~the~~ one sixth to Wm. L. Darned wife, and in obedience to an amended decree made at August Term 1855, he paid over the remaining \$98.75 to Edward Beaton.

Respectfully Submitted

Wm. W. Cobble