1856-031 SOUTHAMPTON COUNTY CHANCERY PAPERS

GARDNER vol VS. GARDNER

4/1856

N.B. Sheets pasted together + folded.

Garnett &c
vs
Bill, answer
& decree.
Garnett

1856 Febry. Decree as filed
" Mar. Rept.
" apl. " Confd.

Clerks fees $

To the worshipful County Court of Southampton County. In Chancery. Feby Term 1856.

Humbly complaining sheweth unto your worships, your complainants Solomon J. Gardner, Antoinette Gardner and Uriah Gardner that their father James M. Gardner departed this life sometime in the year 1855, intestate, and leaving as his heirs at law your present complainants who are his children, and a widow Mary Gardner. That he was seized of a tract of land lying and situate in the County of Southampton containing by estimation one hundred and ten acres, and valued at three hundred dollars. Your complainants state that they desire that the said land should be sold or divided amongst them as may seem best to the Court. That it will be impossible to divide it in kind amongst the parties entitled without great injury to their interests, and it will be therefore necessary to sell it for partition - That the shares of the parties do not exceed $300. each, and therefore this court has authority to decree a sale - That Mary Gardner is entitled to a dower interest in said land, and your complainants think it would be best for her and them that that the land should be sold out and out and such an amount be directed to be paid to her as in lieu of her dower interest.
In tender consideration of the premises and inasmuch as your complainants are without remedy save in this Court they pray that Mary Gardner may be made party defendant to this bill, and true

answer made to the allegations thereof.
That your worships will decree a sale of the
land of which James R. Gardner died
seized & possessed, and a division of the proceeds
among the parties entitled thereto, and that
your worships will decree such further & general
relief as may seem proper & equitable, and
they will ever pray &c.

Caleb P. C.

The answer of Mary Gardner to the foregoing
bill.

This defendant saving & reserving to herself
all benefit &c, for answer to the said bill
says, that she admits the facts as stated in said
bill to be true - that she is willing that the same
should be sold including her dower interest
and that an amount be directed to be paid to her
as the court may deem proper & right.
Having answered prays to be hence dismissed
with costs &c

Mary Gardner by
Caleb her attorney

Gardner & others
vs
Gardner

This cause

This day this cause was docketed
by consent of parties and leave of the court
by like consent on the bill, answer & exhibits,
and was argued by counsel, on consideration
whereof the court doth adjudge, order and decree
that James R. Gardner who is appointed a Commissioner
for the purpose, sell to the highest bidder on a credit
of six months, (except so much as may be necessary
to pay the costs of this decree and said sale which
shall be for cash) after having given at least
twenty days public notice of the time and place
of sale, the land of which James R. Gardner
died seized & possessed lying in the County
of Southampton, and containing one hundred
and ten acres, including the dower interest
of Mary Gardner in said land - That after
paying the expenses of this decree and said sale,
he take a bond from the purchaser for one sixth of the purchase
money with approved security, and pay it over to Mary
Gardner in lieu of her dower interest in said
land - That he take three bonds in equal
amounts for the balance of the purchase money
and pay one bond to Solomon J. Gardner, one
to Antonette Gardner and one to Uriah Gardner,
and that he make a deed to the purchaser
with special warranty. and make a
report of his proceedings to this court in order
to a final decree

Gardner

vs } Co. Decree

Gardner

1836 March Rept

Southampton County Court February Term 1856.

Solomon J Gardner Antoinetta Gardner & Uriah Gardner Plffs

against

Mary Gardner Defft } In Chancery

This day this cause was docketed by consent of parties and leave of the Court and came on to be heard by like consent on the bill answer & exhibits and was argued by counsel. On consideration whereof the Court doth adjudge, order and decree that James R Gardner who is appointed a Commissioner for the purpose, Sell to the highest bidder on a credit of six months (except so much as may be necessary to pay the costs of this decree and said Sale which shall be for cash) after having given at least twenty days public notice of the time and place of Sale, the tract of land of which James W Gardner dec'd died seized & possessed lying in the County of Southampton, and containing one hundred and ten acres, including the dower interest of Mary Gardner in said land. That after paying the expenses of this decree and Sale he take a bond from the purchaser for one Sixth of the purchase money with approved security, and pay it over to Mary Gardner in lieu of her dower interest in said land. That he take three bonds in equal amounts for the balance of the purchase money and pay one bond to Solomon J Gardner one to Antoinetta Gardner and one to Uriah Gardner. And that he make a deed to the purchaser with Special warranty. And make a report of his proceedings to this Court in order to a final decree.

Clk's Costs $3.00 Paid L R E.

Law fee 10.00

A Copy

Teste L R Edwards Clk

'Gardner vs 'Garoner

Pursuant to the annexed decree 'Gardner vs 'Gardner pronounced at February Term 1856 by Southampton County Court, your Commissioner having advertised the time and place of sale by several advertisements which were posted up twenty days previous thereto, proceeded on Saturday the 23rd day of February 1856 and sold the tract of land whereof James W. Garoner died seized and possessed at public auction, when Lawrence Garoner became the last bidder & purchaser for the sum of . . . . . $1200..

your Comm'r. then deducted $30..50 the Commissioner agreed on, and $13 Cash $43.50. . . 43.50

leaving a balalance of . . . . $1156..50

Lawrence Garoner then executed four bonds with Jno. I. Lawrence and Meredith Holland his securities as follows:

One bond payable to Mary Garoner (six mos. after date) for				$192..75
One	Bond	to Solomon I. Garoner	Do. . . .	321..25
One	Bond	to Antionette Garoner	Do. . . .	321..25
& one	Bond	to Uriah Garoner	Do. . . .	321..25

$1156..50 which amounts for the purchase money aforesaid: all of which bonds have been delivered to the parties, or their lawful Attorney, as by said decree directed; and a receipt taken for the same. Respectfully submitted.

James D Gadsden