

1856-045 SOUTHAMPTON COUNTY
CHANCERY PAPERS

WILLS vs. WILLS etal.
3/1856

other SURNames: Edwards

Mills +

v { Bill, answer to

Mills +

1852 Nov. Durie as filed

1853 March Reports.

1856 Mar: Confm? No.

To the Worshippful County Court of Southampton in
Chancery sitting. Nov. Term, 1882.

Humbly complaining shew unto your worships, your
Complainants Sarah C., John B., Margaret E., William
H., Octavius, Susanna, Victoria A., Mary Alice, and
Matthew Wills, infants, who sue by L. R. Edwards
their friend, that their father Matthew Wills
died sometime in the month of August 1882, intestate,
leaving as his heirs at law, your present complainants,
and a widow Mary E. Wills. That Allen Edwards
qualified according to law as his administrator, that
he possessed a tract of land lying in this County at the
time of his death containing about 4 or 500 acres,
that the said tract of land was divided by the Bysset
Swamp into two parts, the one part lying north of
said swamp containing three hundred acres, and the
one south one hundred and eighty acres - That the
Mansion house was situated on the part lying
north of said swamp. Your complainants are
desirous that dower in said land should be
allotted to his widow Mary E. Wills, and all
that said dower should be allotted to her in the
part lying north of said Bysset Swamp, and
that the remainder of said land be divided
amongst your complainants, and if partition can
not be made that a sale be directed.
And your complainants say that said land is worth about £6,000, and
on consideration of the premises and in
consequence the dividend of each would not exceed £75 each,
as much as your complainants are without remedy
save in a Court of equity, your complainants pray
your worships to make Mary E. Wills widow of
Matthew Wills dec'd, and Allen Edwards admr.
of the said Wills, parties defendants to this bill,
and that they answer all the allegations contained
in it - That your worships appoint Commissioners

to allot down to the widow of Matthew Wills decd, in
the real estate of which he died seized and possessed, and
that ^{your worship decree} ~~the~~ the remainder of said real estate
to be divided ~~among~~ among the heirs of the said Matthew Wills, who are
your present complainants, and if a division cannot
be conveniently be made that your worship
decree a sale of said remainder and ~~the~~
among your complainants. And that your
worships decree such other and general relief as to
you may seem proper right, and they will concur

W. W. Cobb atts,
for plffs.

The joint and separate answer of Allen Edwards decd,
of Matthew Wills decd, and Mary E. Wills widow of
the said Matthew Wills, to the foregoing bill.

These defendants saving themselves all
benefit of just exception to said bill, answer, and say
that the facts stated in said bill are true & correct
and that they have no objection to the decree prayed
for, & having answered pray to be hence dismissed
with costs &

Allen Edwards
& Mary E. Wills by
W. W. Cobb their atts.

Sarah C., John G., Margaret E., William H., Octavious,
Susanna, Victoria A., Mary Alice, and Matthew
Wills, infants, who sue by L. R. Edwards their next
friend.

vs. } In Chancery

Mary E. Wills widow of Matthew Wills decd, and Allen
Edwards decd. of the said Matthew Wills.

This day this cause was docketed by consent of
parties and with the decree of the Court, and came on to be
heard on the bill, answers of the defendants, exhibit and
examination of witnesses, and was argued by counsel, On consi-
deration whereof the Court doth, adjudge, order & decree
that James Holmes, Matthew Harris and Josiah Lyster (any two of
whom may act) who are appointed Commissioners for that purpose,
allot to Mary E. Wills during her life one third part
in value of the real estate of which her late husband
Matthew Wills died seized and possessed of - That said
Commissioners allot the whole of said down in the portion
of land lying north of the Cyprip swamp, and that they
make report to this Court - And the Court doth
further adjudge, order & decree that Allen Edwards who
is appointed a Commissioner for that purpose, after
advertising the time and place of place, at two or more
places in the neighbourhood of said land, and at the Court
house on one court day, sell at public auction to the highest
offeror, except so much as may be
necessary to pay the expenses of this decree & said sale, the land in
the proceedings mentioned, belonging to the heirs & children of
Matthew Wills decd, not included in the down apportioned
to his widow Mary E. Wills - That said Commissioners sell
said land in two ^{separate} parcels - That he sell the land lying south
of the Cyprip ^{swamp} in one parcel, and the land lying north
of said swamp not included in the down aforesaid, in
another parcel - That he take bonds from the purchaser

with approved security, and that he retain the title to the
said land until the purchase money is paid - and
that he return said bonds with his report to this
Court in order to a final decree —

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Mills I

1856 March Term

Hills & others

vs

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Amended decree

Hills &

This day this cause came on to be again heard on the paper formerly read, and on the report of Allen Edwards appointed commissioner to sell the lands of Matthew Wills deed by a decree entered in this cause at Nov^r Term 18552, and also on the report of James Holmes and Matthew Harris commissioners appointed by said decree to allot to Mary E. Wills dower in the land of which her deceased husband Matthew Wills died seized & possessed, and the court confirming the same with adjudge, order & decree that the clerk of this court deliver to Mary E. Wills guardian to Sarah C., John B. Margaret E. William H. Octavious, Susanna, Victoria A. Mary Alice and Matthew Wills the bonds of Amos Joyner and Mary E. Wills returned to this court by Allen Edwards commissioner aforesaid, and that he take her receipt for the same - and the court with further adjudge, order & decree that the said Mary E. Wills guardian aforesaid pay the costs of this decree.

Wills
v { Commissioners Report
Wills

1853 March

To the County Court of Southampton County.

In obedience to a decree of the County Court of Southampton pronounced at November Term 1882, in the suit of Wiles vs Wills, the undersigned appointed Commissioners to sell it dower to Mary E. Wills widow of Matthew Wills dec'd. beg leave to report that on the 2nd day of December 1882, they proceeded to allot to her as dower, during her life, one third part in value of the lands of which her said husband Matthew Wills died seized and possessed of. That the part assigned to her as dower is bounded as follows. By a branch running North West from The Copeys Swamp to Zachary Bogals line, by The Copeys Swamp and the land of Levi Humber -

Respectfully submitted.

James Holmes
Matthew Harris

Wills
v { Commissioner's Report
Wills

1853 March

To the County Court of Southampton County -

The undersigned appointed a Commissioner by the County Court of Southampton County at November Term 1852, in the suit of Wills & vs. Wills & begs leave to submit the following report. In obedience to the decree pronounced in said suit, after advertising the time and place of sale in the manner prescribed by said decree, he proceeded on the 2nd day of December 1852 to sell the land belonging to the heirs and children of Matthew Wills dec^d not included in the dower assigned to his widow Mary E. Wills, to the highest bidder on a credit of six months except so much as was necessary to defray the expenses of this decree and sale - That he sold the said land in two separate parcels, in the following manner and to the following persons - Amos Joyner became the purchaser of the land lying South of the Cypress Swamp by bidding therefor the sum of \$405.00, and Mary E. Wills became the purchaser of the land lying North of the said Cypress Swamp not included in the dower assigned to her, by bidding therefor the sum of \$193.75 - The whole amount of said purchase money being — \$598.75 -

To Commissioners on disto. \$20.97

Lawyer's fee — 10.00

Clerk's fees — 2.50

33.47

Balance due after deducting expenses of decree — \$565.28

In obedience to the said decree the Commissioner took bonds from the purchasers for the above amount of \$565.28, which are herewith ^{he further reports} returned to the Court with this report, and that he has retained the title to the said land until the purchase money is paid.

Respectfully submitted -
Alfred Edwards Commissioner

1856 Apr. 21st Received of the Clerk of Court the funds returned by
the Comptroller in this Cause amounting to \$565.28 - under the Deed of
March Term 1856.

Levi Brunley for
Mary E Wells
Guardien and so forth

The clerk of Southampton County Court
will please deliver to Levi Hurdley the
bonds directed to be paid to me as guardian
to my children by ^(amended) decree of the County
Court of Southampton rendered at ~~March~~
Court 1856, with my hand this the
day of March 1856

Witness -

Mary G. Wells

Patrick H. Hurd