

1862-011

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BINFORD

vs.

BINFORD

et al

12/1862

Binford

to } Bill H.

Binford H.

1862 Nov. Decree as filed

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Dec. Rep. & Decree

#

Elizabeth Binford }
vs. }
Binford et als }

In Chancery

Plff

This cause in which the complainant Elizabeth Binford this day filed her bill and on her motion J^r. Edwards was appointed guardian ad litem to the infant defendants Robert ^M. Binford, William A. Binford, Eliza F. Binford and Mary J. Binford and the said guardian ad litem having filed the answers of the said defendants; came on to be heard upon the said bill and answers, and was argued by counsel in consideration whereof the Court doth adjudge, order, and decree that Peter ^M. Holmes, J^r. Prettow, Ransom B. ^M. Maxwell and James ^M. Harris who are hereby appointed special commissioners for that purpose (any three of whom may act) do proceed, after being duly sworn, to set apart and allot to the complainant Elizabeth Binford widow of William Binford dec^d. one full and equal third part, having regard to quantity and quality, of the tract of land in the complainants bill mentioned, whereof the said William Binford died seized in the County aforesaid containing 425 acres, lying adjacent to the lands of J^r. Prettow, Ransom B. ^M. Maxwell, Arthur ^M. Holliman and to Blackwater river to be held by the said Elizabeth Binford widow as aforesaid as her dower in her said husbands estate, and make report to Court of their proceedings under this decree

To the Worshipful County Court of Southampton County, in Chancery sitting:—

Humbly complaining sheweth to the Court your complainant Elizabeth Binford widow of William Binford dec^d: that on, or about the 16th day of January 1851, W^m ^(Binford) husband of your complainant died intestate in the County aforesaid, leaving your complainant, his widow as aforesaid, surviving, and as his heirs at law four infant children to wit;— Robert W. Binford, William A. Binford, Eliza F. Binford, and Mary J. A. Binford. That at the time of his death the said husband William Binford was seized and possessed of a tract of land containing by estimation 425 acres, lying adjacent to the lands of Mrs. Dutton, Ransom S. Merrill, Arthur Wollerman and to Blackwater river That the said land on the death of the said intestate descended to his aforesaid heirs at law subject to your complainant's right of dower therein. Your complainant is informed and so charges, that she is entitled to have one third part of said land allotted her as dower in said land:— That she is without remedy at law and can only be relieved by this worshipful Court of Chancery where matters of this sort are cognizable. To this end your complainant prays that the said Robert W. Binford, W^m A. Binford, Eliza F. Binford, and Mary J. A. Binford infant heirs of the said intestate, by some one appointed their guardian ad litem to defend them in this suit, may be made parties defendant to this bill and be required to answer the same, and that by the decree of this Court, Commissioners may be appointed to allot your complainant dower in

said land, and that such other, and further relief may be granted as to the Court may seem meet, and may consist with the equity of the case and your complaint will ever pray &c.

Geo. F. Clarke (per.)

To The Worshipful County Court of Southampton
County in Chancery sitting:—

The joint and several answers of Robert M. Binford, William A. Binford, Eliza T. Binford and Mary A. Binford — by
J. R. Edwards . Their guardian ad litem to the bill of complaint in the said Court exhibited by Elizabeth Binford — against them. These defendants jointly and severally answering say, that they know nothing of the matters in said bill alleged; that they are infants under twenty one years of age, and submit their interests in the premises to the protection of this worshipful Court of Chancery, and having answered they pray hence to be dismissed with their costs in this behalf expended.

J. R. Edwards by R. F.

Benford

to J. Co. Deced.

Benford & Co

Southampton County Court November 17th 1862.

Elizabeth Binford
against
Binford et al.

per In Chancery
Defts

This cause in which the Complainant Elizabeth Binford this day filed her bill and on her motion S R Edwards was appointed guardian ad litem to the infant defendants Robert W Binford, William A Binford, Eliza F Binford and Mary J A Binford and the said guardian ad litem having filed the answers of the said defendants, came on to be heard upon the said bill and answer and was argued by counsel. On consideration whereof the Court doth adjudge order order and decree that Peter Holmes, Jr. Fretlow, Ransom G Harvill and James Harris who are hereby appointed special commissioners for that purpose (any three of whom may act) duly sworn, to set apart and allot to the Complainant Elizabeth Binford widow of William Binford de: one full and equal third part, having regard to quantity and quality, of the tract of land, in the Complainants bill mentioned, whereof the said William Binford died seized in the county aforesaid containing 425 acres lying adjacent to the lands of Jno. Fretlow, Ransom G Harvill, Arthur Holliman and to Black water River to be held by the said Elizabeth Binford widow as aforesaid as her dower in her said husbands estate, and make report to Court of their proceedings under this decree.

A Copy
Teste

S R Edwards

Binford

to Z. Rep.

Binford

1869 Dec 6th.

Elizabeth Binford
vs.

Binford et als.

Plff.

Defl.

In Chancery

This cause came on this day to be again heard on the papers formerly read and on the report of Peter J. Holmes, John Prellow, James Harris and Ransom S. Maxwell, Commissioners under a decree herein, of November term 1862 and was argued by counsel, on consideration whereof the Court confirming said report, to which no exception has been filed, doth adjudge, order, and decree that the complainant, Elizabeth Binford, widow of William Binford, hold her dower in her said husband's estate according to the said report for, and during the term of her natural life. And the Court doth further adjudge, order, and decree that the defendants pay the costs of this suit.

1862 Dec 6th

Pursuant to a decree of the Worshipful
Court of Southampton County pronounced
on the 17th day of November 1852 in the
case of Elizabeth Binford vs. Binford et. als.
(a copy of which is herewith annexed,) we
the commissioners therein, appointed, for
purposes therein specified, and which will herein
after more fully appear, having first been
duly sworn, have proceeded to view the real
estate whereof the late William Binford died
seised consisting of 425 acres of land and
with regard to the quantity and quality
thereof, have allotted and assigned unto Eliz-
abeth Binford, widow of the said William
Binford dec^d: one just and equal third part
of the said 425 acres of land, whereof the
said William Binford died seised, as her
dower therein. The tract of land which
we, the said commissioners have allotted and
assigned unto the said Elizabeth Binford, wid-
ow as aforesaid, as her dower in the said
425 acres of land whereof the said William
Binford died seised consists of 140 acres more
or less and is bounded as follows to wit:
commencing at a Cypress on the main road
near the grave yard, thence across the
yard to a post in a line with the rear
of the buildings on the East side of the lot.
Thence a straight line northward to a pine
in the branch thence a bent line northward
to a red oak on Arthur Holmes' land, and
thence under our hands this 29th day of
November 1852.

P. J. Holmes }
J. H. Harris } Com.
John Pettway }
P. J. Harvey }

Southampton Cty to wit: Personally appeared before me
a Justice of the Peace for said County Geo Prellow, Ransom S.
Harrell & James Harris and were duly ~~examined~~ qualified to act
as commissioners in the suit of Elizabeth Binford
against Binford et alias. Given under my hand
this 29th of November 1862

P. G. Holmes J. P.

Southampton Cty to wit: Personally appeared be-
fore me P. L. Holmes ~~Justice for said County~~
and was duly qualified to act as Commissioner
in the Suit of Elizabeth Bimford against
Bimford & others - Given under my
Hand this 29th Day of November 1862 -

John Pettaw, J.P.