

1867-023 SOUTHAMPTON COUNTY
CHANCERY PAPERS

DAVIS vs. DAVIS et al
1/1867

Plat

other surnames: Hurdley

To the Worshipful County Court of Southampton County
In Chancery

September, 1866

Your complainant Eli W. Davis, of the
said County, respectfully represents to your worship, that
John Davis departed this life in the year
having executed and published his last will and
testament, which was duly admitted to record in
this Worshipful Court on the day of
a copy of which is herewith filed as part of this
bill, and marked A. The said testator was
seized and possessed of a certain tract or por-
cel of land lying in said County, supposed to
contain two hundred and ten (210) acres more or
less, abounded by the County road leading from Old
Vicksburg to Berlin and by the lands of your orator
and of Madison J. Davis deceased — and commonly
known as the "Vasson place".

The said John Davis, by his said will, gave and de-
vised one third of the said tract of land to his son
Merit J. Davis, one third to his son ^{the said} Madison J.
Davis and the other third to his daughter Varico
Davis who has intermarried with James Hurdley.
The said Merit ^{has} by deed of bargain and sale, sold
and granted his interest in the said tract of land
to the said Madison; and the said James Hurdley
and wife have, by deed of bargain and sale, in like
manner, sold and granted their interest in the said
tract of land to your orator — copies of which
said deeds are herewith filed, ^{marked B & C respectively} and are also prayed
to be considered as parts of this bill —

The said Madison J. Davis has also lately died
intestate, leaving as his heirs at law Eliza J. Davis
his widow, and his two children Edgar Davis and Clinton

L. Davis surviving; — the said two children, minors of tender years.

Your Orator is advised that he is entitled to one third of the said real estate and that the said heirs of the said Elizabeth I. Davis is entitled to the other two thirds — He is desirous of having a division of the same, and believing that a division in kind could ~~not~~ be conveniently made advantageously to the interests of all the parties concerned, respectfully asks that your worship would appoint some proper persons special Commissioners to make ^{a division} ~~of the said real estate~~ ^{according to the intent} ~~of the said will~~ ^{of the said partition} ~~that~~

that the said Eliza W. Davis, Edgar Davis and Clinton L. Davis may be made parties defendant to this bill, and required to answer the allegations therein contained as fully as if they had been specially thereto interrogated — that some prudent and discreet person may be appointed guardian ad litem to the infant defendants —

that your worship would grant such other and general relief, your Orator being without remedy save in this honorable Court of Chancery, where ~~that~~ of this kind are properly cognizable as Equity may dictate and the nature of the Case may require —

And, as his duty binds, he will ever Pray for

Mrs J. Kindred
Rg

The Answer

Joint and several of Eliza W. Davis, Edgar Davis and Clinton L. Davis, the two latter being infants of tender years, by S. R. E. D. waits their guardian ad litem, to a bill filed against them by Eli W. Davis in the County Court of Southampton County —

The Defendant in answer saying that ~~she~~ all exceptions that may be taken to the imperfections of the said bill be for answer says, that she has no objection to the decreed prayer by the Plaintiff,

and having answered prayer to be heard dismissed with her costs &c

The said Infant Defendants, by their guardian ad litem, saying and answering all objections that may be made to the said imperfections of the said bill, for answer says — That he is ignorant as ~~to~~ also the said infant Defendants of the facts stated and of the merits of the said infants, and submits their petition to the Court — and having answered prayer to be dismissed, with costs

Mrs J. Kindred
p.d

Eli W. Davis

vs

3 Decree

Eliza V. Davis Porter

was this day docketed by leave of Court and Con-

~~This Cause this day was heard by the Con-~~

~~sent of Parties on the Bill, the answer of, and The~~

Court having appointed L R Edwards guardian ad
litem to the infant defendants, came on to be
heard on the Bill, the Answer of defendants,

with the Reply, citation there to and was argued by
Counsel: On Consideration whereof the Court

doth adjudge order and decree that the tract

of land in the proceeding mentioned to wit that par-

cel of land of which John Davis died seized and pos-

sessed, by the ^{bounded} public road leading from Old Hicksville to

Berlin and by the lands belonging to Eli W. Davis and

other lands then belonging to the said John Davis, supposed to

contain two acres and ten acres, more or less, and com-

monly known as the "Vassen farm," be sold at public

auction by Orris Moore, who is hereby appointed a Special

Commissioner for that purpose, on a credit of one and a half

years, in equal installments, taking bond with good security

and retaining the title till the whole of the purchase money is

paid, except enough in cash to defray the expenses of obtain-

ing and executing this decree, that he pay one third of the

net proceeds when collected to Eli W. Davis, one sixth

of the remaining two thirds to Eliza V. Davis, widow of

Madison L. Davis, in lieu of her right of dower in the ^{said tract of land}

and the remainder of the said two thirds in equal shares to

Edgar Davis and Clinton L. Davis or to their guardian for their

benefit that he collect the said bond when due and that

he execute a deed with special warranty to the

purchaser and as to the Court in order
To a final decree Continued on next sheet

549 Eli W. Davis

^{by}
Elija V. Davis Spotting

Dance

1866 Oct. Dance as filed 1st

" Dir. Report.

1867 Jan. - Confm

Eli W. Davis

^{or}
Elyza W. Davis & others 3 decrees

This Cause this day came on to be heard on the Bill the Answer with duplicate thereto and Exhibits filed and was argued by Counsel; on Consideration whereof the Court doth advise order and decree that Shugars Lane, David H. Joyner, Milton D. Butler & Richard L. Stephens (any three of whom act) be and they are hereby appointed Special Commissioners for the purpose — that they all off or assign to Eli W. Davis one just third in value having regard to whether cleared or wood land, location &c, as well as ~~the~~ all the Considerations which should properly enter into the question remembering the interests of all the parties — of that tract or parcel of land ~~now~~ in the proceedings mentioned — to wit that tract lying in Southampton County, supposed to contain two hundred and ten acres more or less and bounded by the County Road leading from old Vicksville to Berlin by the lands of the said Eli W. Davis and those belonging to the estate of the late Madison Davis deceased — which said tract is commonly known as the "Vasper place" — the other two thirds of the said farms will be held and continued as the real estate of the said Madison D. Davis deceased —

And the said Commissioners so acting are directed to employ, if necessary, the services of a Compe-

tent Surveyor -

and to report to the Agent in or-
der to a final decree -



Davis

π } Copy David

Davis

Southampton County Court October Term 1866.

Eli W Davis

Plff

In Chancery

against.

Eliza V Davis, Edgar Davis & Clinton L Davis, the two latter
being infants by L R Edwards their guardian ad litem

Defts

This cause this day came on to be heard on the bill, the answer, with the replication thereto and exhibits filed and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that, Thugues Sam. David St Joyner, Milton L Butler & Richard Stephenson (any three of whom may act) be and they are hereby appointed Special Commissioners for the purpose that they allot or assign to Eli W Davis one just third in value having regard to whether cleared or wood land, location &c, as well as all the considerations which should properly enter into the question, remembering the interest of all the parties - of that tract or parcel of land in the proceedings mentioned - to wit, the tract lying in Southampton County, supposed to contain two hundred and ten acres more or less and bounded by the County road leading from Old Dicksville to Berlin, by the lands of the said Eli W Davis and those belonging to the estate of the late Madison J Davis deceased - which said tract of land is commonly known as the "Vasser place" the other two thirds of the said farm will be held and continued as the real estate of the said Madison J Davis deceased. And the said Commissioners so acting are directed to employ, if necessary, the services of a competent Surveyor. And to report to this Court in order to a final decree.

Attest

Foster

L R Edwards Clk

Davis vs Davis

Report of County

Davis

vs. } Report

Davis

1866 Deer Ct.

Pursuant to a decree of the County Court
of Southampton rendered at its October term 1866
in the case of Eli W Davis against, Elyas V Davis
Ezra Davis & Clinton Davis, the two latter being infants,
by J. R. Edwards their Guardian ad litem Default
We the undersigned being appointed to carry into
effect the said decree beg leave to report as
follows that we did On or about the day
of Nov. 1866 view the lands as directed by said
decree and employed Mr. R. A. Hood a surveyor
to cut off One Third in quantity to the said
Eli W Davis namely 67 Acres 3 rods & 2 pucks, and
by the Survey of Eli W Davis commencing at the Jerusalem
Hood and a marked pine tree near the corner
of said Widow Davis, running North 20 Degrees West
to a forked Gum ~~tree~~ in the Dam Branch, joining
said Eli W Davis land, We further Certify to the best
of our belief that the proportion Cut off is Only
equal in Value to be One Third of the whole of said land
We here with return a plat of the said land
all of which is respectfully Submitted

Southampton County V. 3
Dec. 11th 1866

Shugart Cain
M. D. Butler
R. M. Stephens
D. H. Goyner

