1870-032 SOUTHAMPTON COUNTY CHANCERY PAPERS

BEAL and Wife vs. HARCUM et ux et al 2/1870

other SURNames: Pitman, Battle, Beale, Pittman,

544

Beckwith
&
Pittmann &c

} Bill &c

1866 Aug: Decree as filed P.

1869 Sept 1st Report

May Report confirm.

1868. Nov. Decree for resale P.

To be Entered

H R Purkett P.I.

1870 Feby. Rep't confirm.

UNITED STATES
TWENTY FIVE CTS
25
CERTIFICATE
INTERNAL REVENUE
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TWENTY FIVE CTS
25
CERTIFICATE
INTERNAL REVENUE

To the worshipfull County Court of Southampton

In Chancery

Humbly complaining sheweth unto your worships your Complainants Wm Beal and Rebecca his wife that sometime since Mary Pitman the father of your female Complainant died seized of a small tract of land lying in said County of Southampton adjoining the lands of Isaac Pitman & Edwin Dunston containing about 162 acres that his heirs at law are your female complainant and her brothers & sisters to wit; Virginia who intermarried with Jesse J Harcum, Wm H Pitman, Jno D Pitman, Fanny L, who intermarried with James Bass, Thos J Pitman and Susan M Pitman the last two infants under the age of twenty one years that the said land is not required for the payment of debts that it is worth much less than $300 to the share and that it would be much to the interest of all parties that it should be sold & the proceeds distributed as the interest on the money would amount to much more than the rents

In consideration of all which & in as much as your complainants are without remedy in the premises except in a Court of equity where matters of this kind are cognizable To the end therefore that justice may be done. They pray that Jesse J Harcum & Virginia his wife, Wm H Pitman Jno D Pitman, James Bass & Fanny L his wife Thos J Pitman and Susan M Pitman may be made Defts to this bill & compelled to answer the same, that some fit & proper person may be appointed guardian ad litem to defend the rights of the infant Defts, that

the said tract of land may be sold & the proceeds
divided between them entitled and that your
orator may have such other & general
relief in the premises as equity may dictate
&c

Mayfield & Mayfield for Plffs

The answer of Defts Thos J Harcum & Virginia his
wife Wm H Pitman, Jno D Pitman and Jas Battle &
Fanny L his wife and of the said guardian ad litem
was argued by Counsel - On Consideration whereof the
Court doth adjudge order & decree that Sam'l
Hobbs Sheriff of the County of Southampton do
proceed (after giving due notice by advertising
at the Court House and at two or more public
places in the vicinity) to sell the tract of land
in the bill mentioned to the highest bidder and
that for the proceeds of sale after reserving so
much in cash as may be required to pay
the costs of this suit and the expenses of sale
he take a bond with good security and return
the same to this Court to be dealt with as to right
of this proceeding may appear

The answer of the infant Defts Thos J Pitman and
Susan M Pitman by L R Edwards their guardian
ad litem to the bill & complaint filed against them
&c by Wm Beal & Rebecca his wife

These Defts answering say that being infants
they know nothing of the facts stated & submit
their rights to the protection of the Court & pray
same to be dismissed &c

Mayfield & Mayfield for Defts

Beal & wife
&c
Pitman &c

Decree

L R Edwards is appointed guardian
ad litem to the infant Defts Thos J Pitman & Susan M
Pitman to defend their interest in this suit and there-
upon the said L R Edwards as such guardian filed
his answer to the bill of the Plaintiffs to which an-
swer the Plaintiffs by Counsel replied generally

Beale & Wise

v. } Co. Dieve

Pitman &c

Southampton August Court 1866.

Wm Beale & Rebecca S. Ptffs
against } In Chancery
Jesse T Harcum & Virginia his wife, Thos. T. Pitman & Susan M Pitman & others Defts.

L R. Edwards is assigned Guardian ad litem to the infant defendants Thos. T Pitman and Susan M Pitman to defend their interest in this suit and thereupon the said L R. Edwards as such guardian filed his answer to the bill of the plaintiffs to which answer the plaintiffs by Counsel replied generally, and the cause coming on to be heard on the bill, the answer of the defts. Jesse T Harcum & Virginia his wife, Wm H. Pitman, Jno. D. Pitman & Jas. Battle & Fanny L his wife and of the said guardian ad litem - was argued by Counsel - On consideration whereof the Court doth adjudge, order and decree that Samuel Kello Sheriff of the County of Southampton proceed, after giving due notice by advertising at the Court house and at two or more Public places in the vicinity, to sell the tract of land in the bill mentioned to the highest bidder, and that for the proceeds of Sale after reserving so much in cash as may be required to pay the costs of this suit and the expenses of Sale, he take a bond with good Security, payable in three months after date and return the same to this Court together with his report of his proceedings under this decree.

Clks. Costs $5 - paid A Copy
J R E Teste L R Edwards Clk

Beal & wife & Sears
vs
Harcum &c.

To be Entered
W R Porter P.D.

1868 November Term

Beal & wife
vs
Harcum &c
} Report

To the worshipful County Court of Southampton
Samuel Stella Sheriff of the County Court respectfully reports to court the following facts which have occurred since his report filed in this cause April 1st 1867 to wit That he instituted suit and recovered in the Circuit Court for the said County on the bond for $542.40 filed with his former report against all the obligors thereto and has issued his execution thereon but the said execution was returned no effects, and that the said obligors are entirely insolvent except the said W H Pitman & Silas T Harcum and that they have no property except their interest in the said land. And your commissioner further reports that the said ought to be sold and should sell for a less price than before that that the loss should be accounted from the shares of said Pitman & Harcum

Samuel Stella Sheff &
Comm.

Beal & wife
vs
Harcum &c
} Decree

This day this cause came on again to be heard on the papers formerly read and on the 2d Report of Sheriff & Commissioner Stella and was argued by counsel on consideration whereof the Court doth adjudge, order and decree that the said Samuel Stella Sheriff and Commissioner proceed to sell the said land in the bill mentioned at public auction to the highest bidder for cash after giving due notice of the time and place of sale and that after discharging so much as

may be required to pay the costs & costs of this suit; that he pay to Wm Beard & Rebecca his wife the sum of $87.33, to Jno D Pilman the sum of $87.33 to James Battle & Fanny his wife the sum of $87.33, ~~& James Battle & Fanny & Fanny L his wife $87.33~~ and to the legal guardians of Thomas & Susan M Pilman each the sum of $87.33 if so much should be in his hands and the balance if any divided between Jesse Harcum & Virginia his wife & Wm H Pilman and dismiss his proceedings as to them

Beale & Wife

v } Copy Decree

Harcum Wife &c

Southampton County Court. November Term 1868

Wm Beale & Rebecca his wife Plffs
against } In Chancery
Jesse F Harcum & Virginia his wife & others Defts

This day this cause came on again to be heard on the papers formerly read and on the second report of Sheriff & Commissioner Kello and was argued by Counsel: On Consideration whereof the Court doth adjudge, order and decree that the said Samuel Kello Sheriff and Commissioner proceed to sell the said tract of land in the bill mentioned at public auction to the highest bidder for Cash after giving due notice of the time and place of sale and that after deducting so much as may be required to pay the expenses of Sale & Costs of this Suit that he pay to Wm Beale & Rebecca his wife the sum of $87.33. to Jno D Pitman the sum of $87.33 to James Battle and Fanny his Wife the sum of $87.33 and to the legal Guardians of Thomas & Susan W Pitman each the sum $87.33. if so much should be in his hands and the if any divide between Jesse Harcum & Virginia his wife & Wm H Pitman. And report his proceedings to Court.

A Copy-

Clks fee $2.50 Teste. L R. Edwards Clk

1867 Apl 1st

In obedience to a decree of the County Court of Southampton pronounced at the August Term thereof 1866 in case of

Wm. Beale & Rebecca J. Peffs } In Chancery

against

Jesse T. Pearcum & Virginia his wife Thos J. Pitman & Susan M. Pitman & others Defts }

I proceeded to sell after giving due notice, at Jerusalem on the 7th. day of November 1866 the tract of land mentioned in said decree, which was purchased by Jesse T. Pearcum (he being the highest bidder for the same) for Six Hundred Dollars and took his note (after deducting Fifty seven Dollars and seventy cents, costs of decree, sale &c. which was paid in cash) for Five Hundred and forty two Dollars & forty cents, with Thos. Pearcum, Wm. H. Pitman and Wm. D. Bryant securities, with a credit of twelve months, and interest from date agreeably to directions of said decree All of which is herewith respectfully submitted.

Sale of land	$600.00	
Costs		
Lawyer's fee & stamps	$21.00	
Auctioneer	5.00	
Clerk	5.00	
Sh'ff's fees	21.00	
Taxes for 1865-66	5.70	57.70
		$542.30

E. L. Story dep't
for S. Tillo Sh'ff

Report of
Pitman lands.

1870 Jany 17

In obdience to a decree of the County Court of Southampton County pronounced at the November Term thereof 1868 in case of Wm. Beale & Rebecca his wife Ptffs
against
Jesse J. Harcum & Virginia his wife & others Defts. } In Chancery

After having advertised as directed in said decree, I proceeded to sell at public auction at Jerusalem on the 21st. day of December 1868, being Court day, the tract of land mentioned in said decree, being the tract whereof Mallory S. Pitman died seized and possessed, at which sale Joseph Gray became the highest bidder and purchaser for the sum of Three Hundred & thirty Dollars cash, and having received payment in cash as required by said decree, I deemed it unnecessary to wait for a further decree, but have executed a deed as your Commissioner to Joseph Gray for said land. And said decree having further ordered that after deducting so much as may be necessary to pay expenses of sale & Costs of suit &c. that he pay to certain parties therein named the sums of $87.33 each if so much should be in his hands, and there not being sufficient to pay said amounts, as will be seen by the statement hereunto annexed, he proceeded to distribute and pay out to the parties pro rata according to the amount in hand as follows:— To Wm. Beale & Rebecca his wife $59.18 to John D. Pitman $59.18, to James Battle & Fanny his wife $59.18, and to the legal guardians of Thomas & Susan M. Pitman each $59.18.

The sale amounting to $330.00, expenses of sale suit &c $34.10 left a balance of $295.90 to be distributed as above recited, All of which is Respectfully submitted.

S. Kello Cleft & Comr.

(See statement on next page).

Amt of sale — — — $330.00

Shff.s Costs	15.60	Paid
Lawyer fee & writ-taxe (Mass)	10.50	Paid
Crier E. L. Story	5.00	Paid
Clerks cost	2.50	Paid S R Edwards
Stamps for Deed	50	34.10

$295.90 amt to be

distributed as follows: —

To Wm Beale & Rebecca his wife $59.18
" Jno. D. Pitman 59.18
" James Battle & Penny his wife 59.18
" Thomas Pitman, a Guard 59.18
" Susan M. Pitman, a Guard 59.18

We the undersigned Receipt, the sums annexed, to our several names.

William Beal 59.18
John his X mark D. Pitman 59.18
Nicholas J Battle for James W Battle 59.18
William Beal guardian for Thos. Pitman 59.18
John his D X mark Pitman Guard for Susan M. Pitman 59.18

Witness as regards Jno. D. Pitman as Guard.
O. Moore

Jesse J. Hearcum
To & Bond
T. Kello Asst Com

$542.40

On demand Twelve months after date with interest from date we bind ourselves our heirs and assigns to pay to Saml. Fellows Shff and Commissioner the sum of Five hundred and forty two Dollars and forty cents it being for the tract of land formerly owned by Hallo S. Pitman decd. and sold under a decree of the County Court, the above being the amount due after pay the expenses of sale &c. Given under our hands and seals this 7th. day of November 1866.

Witness.
George C Haycum

Lyse T. Haraun (Seal)
Thos. Haraum (Seal)
W. H. Pillman (Seal)
Wm D Bryant (Seal)

542.40
Int 65 04
607.46 7/7

E. W. Mollenburg

Rect.

June 21st 1866 Rec'd of the Sheriff of Southampton County one dollars fee & Stamps in the case of Beal & Wife vs Pittman &c

E W Mosenberg

Malory 29 J. Pelham Est.

$3.60

Nellie to pay

Mr Mallory S. P. Truan Est.

To SAM'L KELLO, Sheriff of Southampton Co., Dr.

TAXES FOR 1865.

			DOLLARS.	CENTS.
To Taxes on	185	Acres of Land, valued at	1	20
To Taxes on		White Males over 21 years,		
To Taxes on		Income,		
To Taxes on		County Levies,		
To Taxes on		Land, for County purposes,	2	40
To Taxes on		Income, for County purposes,		
			3	60

Received Payment, Nov 27th 1866

E. L. Story D. S.

For SAM'L KELLO, Sheriff.

Mallory S. Pitman Esq.

1.68

Mr. Mallory L. Pitman Est.

To SAM'L KELLO, Sheriff of Southampton Co., Dr.

TAXES FOR 1866.

To Taxes on 185 Acres of Land		84
" Taxes on Male Persons over 21 years of age, Personal Property, &c.		
" Taxes on County Levies		
" Taxes on Land, ~~Personal Property,~~ &c., levied by County		84
		1.68.

Received Payment. Nov. 27th 1866

E. L. Story D. S.

For SAM'L KELLO, Sheriff.