

1878-14

Santhampton County - Chancery

Gardner, John W. et al vs. Gardner, Edward A.
et al.

"To settle infants property
allotted to them"

John W Gardner
Richard W Dully &
Adelaide George
Gordon M Gardner

(Edward A Gardner &
Walter A Gardner
infants -

Rich^d W. Puelly & Adelaide his wife,
Robert M. Gardner, Edward A. Gardner &
Walter A. Gardner, pay the costs of this
suit.

A Copy,
Jas R. Tyler, J.C.

Gardner to Copy
to
Gardner
J. R. Tyler

Durham County Court, November Term 1877.

John W. Gardner, & Richard W. Pully,
and Adelaide R. Pully his wife, exors. heirs
& assigns of Gardner, & Robert M. Gardner, Subscribers
against

Edward A. Gardner & Wagon A. Gardner

By Consent of parties this day the Court came on to be
heard on the Plaintiffs bill answer of the infant defendants
by their Guardian ad litem to the bill & general replication
thereof & was argued by Counsel. The Court considered
whereof the Court did adjudge, Order & decreed that
William, Stephen, Richd. M. Stephens & Francis
Richd. W. and hereby appointed Special Commissioners
for that purpose, shall after giving seasonable
Notice to all the parties interested & employing
a Competent Surveyor to assist them if necessary,
proceed to divide the tract of land whereof Edwin
Gardner died seized & possessed, containing 1243
acres & subject to the widow's dower, having regard
to quality and value, as well as quantity, into
five equal shares, of which One share to John
W. Gardner, One share to Richd. W. Pully,
& Adelaide R. Pully his wife, One share
to Robert M. Gardner, One share to Edward A.
Gardner, & One share to Wagon A. Gardner,
& report their proceedings to Court along with
the plat of the division. But if the said Commis-
sioners should find a division impracticable let
them so report the fact in order to a further
decree. And the Court did further adjudge,
Order & decreed that John W. Gardner,

Gardner

v } Report

Gardner

1878 January 21st

Amesbury

Agreeable to an order of South Hampton County Court to us directed bearing date November Term 1877 We have gone on The land of Oswin A. Gardner. Sec^y attended with a Surveyor and have run out and divided The same by proper Meas^{rs} and bounds in manner and form as follows. (To wit) beginning at a Corner pine on The road Thence N. 88. E. 140. poles to H. Vicks line a corner red oak near The head of a small branch Thence down The branch to a Chop^d Gum Corner of No. 1. and No. 2 Thence S. 88. W. 150 poles to a Corner pine on W. H. Woods line Thence due S. 12. poles The first Station which lot No. 1. was drawn by Edward A. Gardner Thence N. 88. E. 160. poles to H. Vicks line to a small branch Thence down The various Courses of said branch to The Corner of No. 2. and No. 3 Thence S. 88. W. 170 poles W. H. Woods line Thence due S. 12. poles to The first Station which lot No. 2. was drawn by Robert A. Gardner Thence due N. 84. E. 180 poles to H. Vicks line in small branch Thence down said branch to a black Gum Chop^d Thence S. 84. W. to W. H. Woods line Thence Woods line to The first Station which lot No. 3. was drawn by Wager A. Gardner Thence at a pine on W. H. Woods line N. 83. E. 180 poles to H. Vicks line The same branch Thence down The various Courses to a Chop^d pine Thence S. 88. W. 212 to W. H. Woods line Thence due S. 12. poles to The first Station which lot No. 4. was drawn by John W. Gardner Thence N. 88. E. 212 poles to H. Vicks line Thence a line of Marked Trees to Jeremiah Spireys line also a line of Marked Trees to W. H. Woods line S. 88. poles to first Station which lot No. 5. was drawn by Richard W. Pally in right of his Wife -

R M Stephenson
W H Stephenson
H. Vicks

Commissioners

Commissioners, full scale \$3
Surveyors fee \$3-

Gardner vs. all
 vs 3 Bill answer
 is
 decree
 Gardner vs.

1877 Nov. Bill & answer filed N
 & decree as filed N

1878 May. Final decree

To the Honorable George Blow judge of
the circuit Court of Southampton County
in chancery sitting

Humbly complaining your Orator
John W Gardner, Richard W Pully and
Adelaide R his wife who before
marriage was Gardner, and Robert
M Gardner shew unto your Honor
that in the year 1843 Osear Gardner
died leaving considerable estate real
and personal and that his estate
has been long since settled up
They shew that he left as his heir
at law his widow Senaline Gardner
since married to Eli Spivy now
dead and she again a widow
and the following children to wit
John W Gardner, Adelaide R Pully
Robert M Gardner, Edward A Gardner
and Wager A Gardner the last two
infants of tender years, your Orator
shew further that Osear Gardner's
real estate was a Tract of land lying
in Southampton County containing
three hundred and forty three (343)
acres and that the widow Senaline
has long since been widowed in

the same and the widow has been
held ever since by the children in
co-partnership that now several of
them have come of age and wish
their shares allotted to them but as
some of the heirs are minors a
court becomes necessary to a court
of equity to effect this purpose

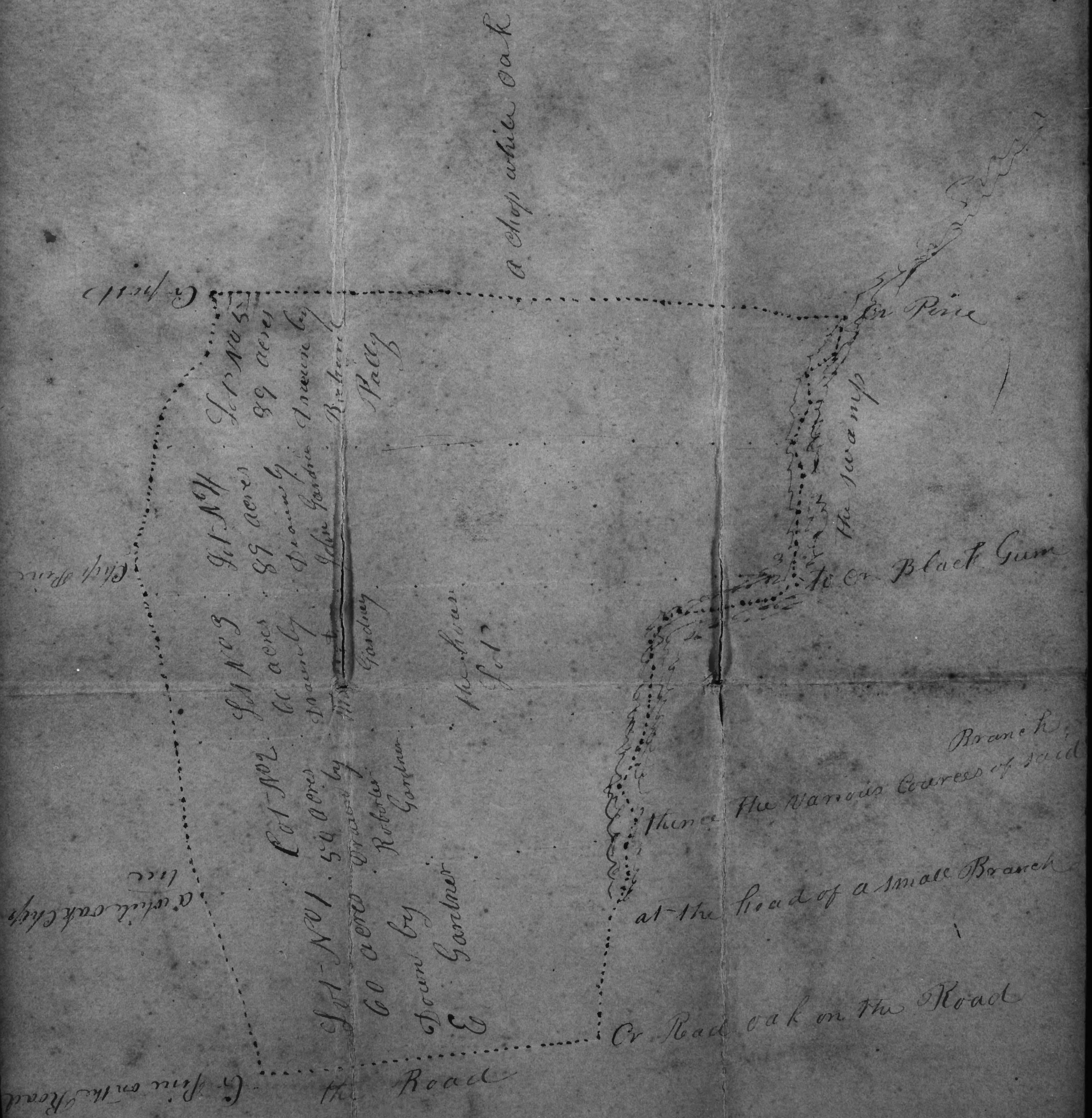
In further consideration whereof
and inasmuch as your orators are
without relief at law and only entitled
to relief in a court of equity where such
matters are peculiarly cognizable they
therefore pray that, Edward a Gardner
and Wager a Gardner two infants by
some fit and proper person their
guardian ad litem appointed for that
purpose may be made parties defendant
to this bill and that the court would
compel them as full and perfect answer
make to the allegations therein contained
as if they had been thence more fully
and specially interrogated and that the
court would decree a division of the
said tract of 343 acres of land among
the five children subject to the widow's
dower and that the court would grant
such other and general relief the premises
considered as equity may dictate and
the nature of this case may require
and as in duty bound your orators will
ever pray &c

Shanda p. 9.

The answer of Edward A. Gardner and
Wager A. Gardner two infants by L. R.
Edwardes Their guardian ad litem
to a bill in chancery in the circuit
Court of Southampton by John W. Gardner
and others vs. Thoms

This defendant for answer to
the said bill or as much thereof as
he is advised it is material for him
to answer answering says he knows
nothing of the facts set forth in the
plaintiffs bill but submits the interests
of his wards to the care of this court
whose peculiar duty it is to protect
the rights of infants and having
fully answered prays leave to be
dismissed with his costs in

Shanes
L. R. Edwardes. Esq.



Survey and Flat

Gardner v. als
1253 Decm
Gardner

By consent of
parties This day This

cause came on to be heard on the
plaintiffs bill answer of the infant
defendants by their guardian ad litem
to the bill and general replication
thereto and was argued by counsel
On consideration whereof the court
doth advise order and decree that
William Stephenson, Richard M Stephenson
and Francis Vick who are hereby
appointed special commissioners for
that purpose shall after given reasonable
notice to all the parties ^{intimate} and employing
a competent surveyor to assist them
if necessary proceed to divide the
tract of land whereof Oliver Gardner
dice seized and proposed containing 343
acres and subject to the widows
dower and having regard to quality and
value as well as quantity into five
equal shares and allot one share to
John W Gardner, one share to Richard
W Puller and Adelaide R Puller his
wife, one share to Roberta M Gardner
one share to Edward A Gardner

and on share to Wager & Gardum
and report their proceedings to court
along with the plat of the division
but if the said commissioners should
find a division impracticable let
them so report the fact in order
to a further decree and the
court doth further adjudge order
and decree that J. L. W. Gardum
Richard W. Pulley, ^{Charles W. Pulley} Robert M. Gardum
Edward A. Gardum and Wager &
Gardum pay the cost of this suit

Gardum vs W

vs W Decree

Gardum vs W

Moore Dec 1877

To be entered

Geo. W. W.

Gardner was
as 3 Deere
Gardner was

May June 1878
to be entered

Geo. Blount

Gardner - v - nats
as 3 Decere
Gardner - v -

This day This cause
came on again to
be heard on the
papers formerly read
and the report of

R. M. Stephenson. W. B. Stephenson and
F. Vicki commissioners appointed to
divide the lands between Oseon
Gardner dies aged and proposed
among his heirs at law and to which
report no exceptions have been filed
and was argued by counsel. On
consideration whereof the court doth
doth a decree order and decree that
the said report be confirmed and
that all the parties plaintiffs and
defendants pay each his aliquot
share of the costs of this suit
and it appearing to the court that
there is nothing further to be done
in this cause it is ordered that the
same be removed from the docket