

1803-015

SOUTHAMPTON COUNTY
CHANCERY PAPERS

McCLENNY

et al

vs

McCLENNY

12/1803

Mr Clunney Vol.
27 } Bill & answer
Mr Clunney.

Nov 1803 Inty Cecce

To the worshipping court of Southampton in chancery
sitting: humbly complaining shew to the Court your orders &
orders Hinchey McClenney, James McClenney, Regent. Petley
John & Stephen McClenney infants of James McClenney the elder
deceased. by the younger James McClenney their next friend.

That the said James McClenney your complainants
father died intestate about the day of 1802 leaving
your complainants his only children, and Mary McClenney
his widow and now the administratrix of his estate. He
was at the time of his decease seized in fee of two small
parcels of land. the one lying in Nansemond & the other in
this County, which if equally divided among the parties
will greatly diminish its value, and reduce the parts be-
low one hundred dollars considerably. That upon a repre-
sentation of this circumstance to the Court of Nansemond by
a bill brought therein, they denied the sale of that part ly-
ing within their jurisdiction upon a credit of twelve months
and the money to be divided, allowing to the widow one seventh
part absolutely in lieu of her dower, your complainants
conceive that a decree of a similar ^{nature} as to the land within this
County, will be much more beneficial to the interested parties
than that of having the land itself divided.

In tender consideration whereof each of
as much as your orders & orders, have no right to make such sale

as even to divide the land; without the interposition of
this worshipped Court, because of the incapacity of some of the
parties.

To the end therefore that the said Mary McClenney
the widow aforesaid, who your Complainants pray may be
made defendant to this bill of Complaint may upon her
exposure of the full, true and perfect answer in due to all
and singular the allegations in this bill contained, stand
as capiously as if the same were again herein repeated &
interrogated.

And that your worshipful will decree
that the lands of which James McClenney died seized that
lies within this County, be sold by Commission, and in a
Commission to be appointed by the Court, and that the said Com-
missioners take bond & security for the purchase money payable
to the interested parties, and that the Court will allow to the
said widow, what they conceive to be equitable & just ab-
solutely in lieu of her dower, and make any other or fur-
ther order or decree in the premises for your Complainants
relief as may be consistent with justice & the laws of the
land.

May it please the Court

Paylor for
Compt

The answer of Mary McClenney def. to the fore-
going bill of Complaint of Kinich McClenney and others
Complainants, exhibited against her in the worshipped
Court of Southampton.

This defendant having and answering to herself
all manner of exception to the uncertainties & imperfections in
the said Complainants said bill of Complaint contained, for
answer thereto, as to so much thereof as she is advised is
material for her to make answer unto, she answering
saith

That it is true that James McClenney
the decd., died seized intestate seized of the lands in the
bill mentioned, he left the children as mentioned, & this
def. his widow, she admits that the decree was made in
accordance as they have stated, and will have no objection
to this Court making a decree that the land be sold according to
the prayer of the bill, upon her being equitably compensated
for her dower rights, she prays to be better directed in

Mary McClenney

Received of
 the
 Treasurer
 of the
 State
 the sum of
 Five hundred
 Dollars
 for the purchase
 of land
 Dec 18 1813
 J. D.

In obedience to the within order we the subscribers three of
 the Commissioners therein named have after giving due notice by
 advertisements, this day set the within mentioned tract of land
 to public sale, I do report that Henry McGinney be-
 -came the purchaser for the sum of Five hundred
 Dollars, and that we have divided the proceeds of
 the same as within we are directed, Given under
 our hands this 8th Dec 1813

Jacob Dorian
 John Lee
 Thinchin Edwards

Southampton November Court 1873

King v. McHenry James, Peggy, Polly,
John & Stephen McHenry Comps

Against
Mary McHenry ad. re. Benefacts

This cause was this day docketed by
Consent, heard on the bill and answer on Consideration
whereof it is decreed & ordered that Jacob Lander
John Lee Pinckney Edwards & Willis Johnson or any
three of them make sale of a certain tract or parcel
of land lying and being in the County of Southampton
of which James McHenry died seized & possessed on
a credit of twelve months taking bond & security
of the purchaser and assign one seventh part thereof
to Mary McHenry in lieu of her dower and make
equal distribution ^{of the remainder} amongst the complainants
and make report thereof to this Court in order
to a final decree

Samuel Keller

In Chancery