

1832-023 SOUTHAMPTON COUNTY WASHINGTON et al VS CARRELL

CITANCERY PAPERS

10/1832

other surnames: Gay,
Clary, Rogers, Branch

cp^a

Washington Val.

v Bill R.

Polly Carrell.

Baker.

1830. Nov. 15. decree as filed &c.

1832 Oct. Report returned &
final decree &c.

Sampter Co. Co.

To the worshipping Court of Southampton County in Chancery
sitting & humbly complaining shew unto your worships
your orators and oratrices Mahaly Washington, Peggy Washington,
Micajah Washington, & Willis Washington infants suing
by Gary Gay their next friend, Lemis Gay & Rebecca his wife,
George Clary & Betsey his wife, Thomas Rogers & Polly his wife,
Samuel Gay, Erony, Rebecca & Elliot Branch infants ~~suing~~
by Samuel Gay their next friend, George Gay & Nancy his
wife, Gary Gay & Matilda his wife, that some time
about the year 1780 Thomas Washington departed this
life an infant intestate, and without issue seized &
possessed of a tract of land containing by estimation
one hundred & fifty acres situate in the county of
Southampton, having derived one half of the said land
from his father Thomas Washington & the other half
from his brother George Washington. The said intestate
left as his next of kin & heirs at law several brothers
& sisters of the half blood on the part of the mother,
a paternal aunt named Polly Carrell, as also the
descendants of a deceased paternal uncle & two deceased
paternal aunts: your orators & oratrices Mahaly, Peggy,
Micajah & Willis Washington are the half brothers &
sisters & entitled to that half of the said land to which
the said intestate derived title from his brother George
Washington - your orator & oratrices Rebecca Gay, Betsey
Clary, Polly Rogers & Samuel Gay are the children
& heirs of Sylvia Gay, their paternal aunt, & are en-
titled, share & share alike, to one fourth of one
half of the said land: your orator and oratrices
Erony Branch, Rebecca Branch, & Elliot Branch
are the children & heirs of Betsey Branch their pa-
ternal aunt, & are entitled, share & share alike, to one
fourth of one half of the said land: your oratrices
Nancy Gay & Matilda Gay are the children & heirs
of Ethelred Washington, their paternal uncle & are en-
titled, share & share alike, to one fourth of one half

of the said land leaving one fourth of one half of the ^{land} said ^{land} ~~land~~ to the proper claim of the said intestate ^{estate} Polly Carrell: Your orators & oratrix further state that the said tract of land is not susceptible of just & equal division & being of small value, will not amount when sold to the sum of one hundred dollars a share.

Under these circumstances your orators & oratrix, have frequently applied to the said Polly Carrell to consent to a sale & distribution of the said land as herein before mentioned, but such their reasonable requests have hitherto been refused: In Tender consideration whereof &c. To the end therefore that the said Polly Carrell, who is prayed to be made deft. hereto, may upon her oath full & perfect answer make to the several allegations herein contained & that as perfectly as if the same were here again repeated &c.

That the said Polly Carrell may state whether she is willing that the court shall decree a sale & division of the said land in the manner above stated: Your orators & oratrix pray that your worships will make such decree in the premises as herein before suggested as proper or such other or further decree as to the court may seem just & equitable. May it please &c.

The answer of Polly Carrell to the Bill of complaint exhibited against her in this court by Mahaly Washington & others Complainants: This Respondent saving to herself all right of just exception to the error contained in the said bill, for answer sheweth, that the statements set forth by the compts are substantially true & correct, & she is therefore willing such decree may be rendered in the premises as to the court may seem just & proper - Having answered &c. she denies all fraud charged against her & prays to be hence dismissed with her reasonable costs in this behalf sustained &c.

Washington Cal.

27th 3rd Chy.

Polly Carrell

This cause came on this day to be heard on the bill & answer by consent of parties and was argued by counsel: On consideration whereof the court doth adjudge, order & decree that Silas Sumnerell, Benjamin Drus & Geo. G. Gray, or any two of them, after giving at least three weeks notice at the Court House door of &c. after county & at one or more public places in the said county sell at public auction the land in the bill mentioned, & receive & pay in cash the costs & expenses of this suit & the sale aforesaid, and the balance of the said proceeds of sale, as to which a credit of nine months is to given, the said compts. or such of them as may act, are hereby directed to take bonds with good security for the share of the several parties, that is to say, one bond payable to the guardian of each of the

infant compts. Mahaly, Peggy, Micajah & Willis Markington
for one fourth part of one half of the nett proceeds of sale:
after which the said comrs. or such of them may act will
divide ^{the} other half of the nett proceeds of sale into four
^{equal} parts & take bonds with like security for the shares of the
parties as follows, to wit: one bond payable to ^{each of} the compts.
Lorris Gay, Geo: Cary, Thomas Rogers & Samuel Gay for one
fourth of one of the said parts: one bond payable to each
of the ~~guaranties~~ of each of the compts. Edmy, Rebecca,
& Elbert Branch for one third of one of the said parts:
one bond payable to each of the compts. Geo. Gay & Cary
Gay for ~~one~~ one half of one of the said parts, & one bond
payable to the deft. Polly Carrall for the remaining
one fourth part, I make report &c

Washington & P
to Geo. Deane.
Canell

For the Commissioners

Southampton November Court 1830.

Mahaly Washington, Peggy Washington, Micajah Washington & Willis Washington
infants suing by Cary Gay their next friend Lewis Gay and Rebecca his wife, George
Clary and Betsy his wife, Thomas Rogers and Polly his wife, Samuel Gay, Edny,
Rebecca and Elbert Branch infants suing by Samuel Gay their next friend, George
Gay and Nancy his wife & Cary Gay & Malinda his wife. Comptly
against
Polly Carrall

In Chancery
Deft.

This cause came on this day to be heard on the bill & answer by consent
of parties and argued by Counsel On consideration whereof the Court doth adjudge
order and decree that Silas Sumnerell, Benjamin ~~Drewell~~ and George G. S. Gray
or any two of them, after giving at least three weeks notice at the Court house door
of Southampton County and at one or more public places in the said County
sell at public auction the land in the bill mentioned and receive and pay in
cash the costs and expenses of this suit and the sale aforesaid, and the balance
of the said proceeds of sale, as to which a credit of nine months is to be given,
the said Commissioners or such of them as may act, are hereby directed to
take bonds with good security for the shares of the several parties, that is to say,
one bond payable to the guardian of each of the infants Complainants Mahaly,
Peggy, Micajah, & Willis Washington for one fourth part of one half of the net
proceeds of sale - after which the said Commissioners or such of them as may
act will divide the other half of the net proceeds of sale into four equal parts
and take bonds with like security for the shares of the parties as follows, to wit,
one bond payable to each of the Complainants Lewis Gay, Geo. Clary, Thomas
Rogers and Samuel Gay for one fourth of one of the said parts: one bond payable
to the guardian of each of the Complainants Edny, Rebecca, & Elbert Branch
for one third of one of the said parts; one bond payable to each of the Comptly:
George Gay and Cary Gay for one half of one of the said parts, and one bond
payable to the defendant Polly Carrall for the remaining one fourth part, and
make report of their proceedings in the premises to this Court in order to a final decree.

Attest

James Rochelle cll

mem. of Mr.
Cory Gay-

Thomas Washington's land to be sold - 150 acres - He
left no wife & died under age & without issue about 2 years
having derived one half of the land from the father Thomas
Washington & the other half from his brother Geo: Washington
He has left some half brothers & sisters on the part of the
mother, ie Mahaly Washington, Peggy Washington, Aliceajah
Washington & Willis Washington all infants - He left an
aunt Polly Carrall, & Rebecca Gay wife of Lewis Gay, Betsy
Gay wife of Geo. Gay, Polly Rogers wife of Thos Rogers,
& Saml. Gay children of Sylvia Gay aunt of Thomas Washington,
Edney Branch, Rebecca Branch, Albert Branch infant child -
son of Motsey Branch aunt also of G. Thomas - Nancy
Gay wife of Geo. Gay, & Matilda Gay wife of Cary Gay children
of Eld. Washington uncle of G. Thomas - one half of the land
will go to the brother & sisters & the other to G. aunt, & children &
G. de. aunts & uncle - comes to wit: Silas Sumner &
Peggy: Drown & Gilberta Gray or any 2 -

Report of the Sale
of the Land belonging
to the Estate of
Thomas Washington

Agreeably to a Decree of the County Court of Southampton
 Bearing date Novem^r. Court 1830 - and hereunto annexed
 after having advertised at the Court House door, three
 weeks previous to the sale, as well as at sundry other
 places in Southampton County, we have sold at public
 auction, On a Credit of nine months, from the 10th day
 Decem^r. 1830 - the Land belonging to Thomas Washington
 did - George Gay became the purchaser, for the sum
 of four hundred & eighty dollars; we have in the first
 place deducted from the am^t. thirteen dollars & 37/100
 for the Clerk and Lawyers fees, and the further sum
 of twenty four dollars, for Commissions for advertising
 selling &c leaving a nett Balance due of \$442.63
 for which Balance we have taken Bonds for the
 following amounts to the following persons to wit
 One bond to Lewis A. Branch, Guardian to Michaela
 Peggy Micafah and Willis Washington, for 221.31
 One other Bond to Lewis W. Gay for 13.83
 One O^d ——— George Clary for 13.83
 One D^m ——— Saml Gay. . . for 13.83
 One D^m ——— Thomas Rogers — for 13.83
 To Burwell Branch Guardian to Edny Rebecca
 and Elbur Branch One bond each 18.444. 18.444. 18.444. 55.32 1/4
 Our Bond to Benjamin Canal for 55.33 1/4
 Our D^e to Cary Gay — — — for 27.67
 George Gay's the purchasers part retained 27.67
 We have paid over the above mentioned bonds to the persons
 entitled to receive them, and taken their receipts for the same
 as will appear on the back of this report given under
 Our hands this day of 1831

Silas Sumner Com.
 Bruf^r L. Drew

We and each of us do hereby acknowledge ourselves to have
received of Silas Sumner and Benjamin L. Drew
Commissioners who were appointed by the County Court of
Southampton, to sell the Land belonging to the Estate of
Thomas Washington dec'd. bonds corresponding with the list
in the within report. in full for our proportion of
said Land, agreeably to the decree for the sale of
the same, as Herewith annexed given under our hands
H. S. S.

Samuel S. Matham as to - George Gay
Benjamin Carnell
Lewis W Branch Garden
& as within

Lewis H. Gay
Samuel Gay
Thos Rogers.

George Clary

Barnett Branch
Guerrican as
within: -

Gay Gay

John J. Vaughan
as to Pembell Branch