

1790-025

Chancery Cause. Thomas & William Outland vs James Outland & al by & c.

Jake of Wight County

other surnames Young, Scott

Rutland }
 v. } Bill
 Rutland } Answer
 May 1780 gdn. of f. f.
Diff. 1/2 to 1/2

The Answer of James Nancy & Elisha Cutland by ^{Trans. Young} ^{their Guardian} to the Bill exhibited ^{against} them by Thomas
& William Cutland in ^{These} defendants saving and reserving to
themselves all manner of Benefit and advantage to the many errors
and imperfections in the Complainants Bill of Complaint contain'd
and by ^{Trans. Young} Their Guardian answer and sayeth.
True it is that Thomas Scott did depart this life having first
made his Last Will and Testament which was duly prov'd
and recorded and did make the devise as set forth in the Complainants
Bill of Complaint. And that Ann Cutland is since Dead
leaving Thomas & William and James Nancy & Elisha Cutland
And they have no reason or objection against the prayer of the
Complainants Bill of Complaint and humbly prayeth that they
may be dismissed with a reasonable costs, as in duty bound will
ever pray Without That That. &c. &c.

Trans. Young

To the Worshipful Court of Esle
of Night sitting in Chancery

Humblly complaining, shew to your Worships
Your Orators Thomas & William Cutland That Thomas Scott
late of the said County, departed this life having first made his last Will
and Testament in writing which was duly proved and Recorded, and did
make the following devise Wilt I give unto my Sister Ann Cutland all my
Land from over the road on the right hand of the road leading up to Tenney
Lane Road whilst it comes to Joseph Ellis's line: the Land he lately
bought of me. I give it her during her Natural life that is the use of it
and after her decease I do give the said Land to be equally divided amongst
her Children. And since Ann Cutland hath departed this life
leaving the following Children your Orators Thomas & William and
James Nancy & Elisha under the age of twenty one and they are desirous
partition and division of the said Land should be made, but as the same
cannot be done to be effectually Law by reason of their tender Age
unless through the interposition of a Court of Equity in your
In tender consideration whereof and as much as matters
of this kind are only properly Relievable and Cognizable in a Court of
Equity. To the end therefore that the said James Nancy &
Elisha by Francis Young - their Guardian may true and perfect answer
make all and singular Allegations in this Bill contained more especially
may set forth: That wether Thomas Scott did not depart this life having
first made his last Will & Testament. And wether he did not
make the devise before recited: and that wether Ann Cutland
hath not since departed this life as aforesaid. And what reasons
or objections if any they have why that Partition and division of the
said Land may not be made agreeable to the devise as aforesaid
between your Orators Thomas & William and James Nancy & Elisha
Cutland. And that by a decree of this Worshipful Court
Commissiioners may be appointed to make Partition and division
of the land as aforesaid. May it please your Worships to grant the
Common Weatth's Writ or Writs of Supra

Robert Godwin
P. 2.

Callan 86 }
Callan 88 } Spa
in
Callan 88 } Change

Excerpt

Andrew D.S.

May 1788

1st Decree

May 1788 Cont. for 1st

~~Cont. for 1st~~

~~Cont. for 1st~~

August 1790

1st Decree and 1st

Ch

The Commonwealth of Virginia to the Sheriff of Isle of Wight County
greeting, you are hereby commanded to Summon James, Elisha &
Stacey Rutland infants under the Age of twenty one years to appear
~~before our Justices of our said County Court in the County at their~~
house on the first Thursday in May next to Answer a Bill in
Chancery exhibited against them by Thomas & William Rutland
devises of Thomas Scott dec^d. and this they shall in no wise omit,
under the penalty of one hundred pounds each and have then
there the said Nitup Francis Young Clerk of our said Court at
the Court house the 1st day of April 1708. in the 12th year of the
Commonwealth)

Francis Young Clk.

In Obedience to an Order of the Worshepful
Court of Isles of Wight County. We the Subscribers
have made Partition & Division of the Lands of
Anne Outland their Mother Died: agreeable to
the Will of Thomas Scott Died: equally between the
plaintiffs & Defendants as within set forth and
agreeable to the prayer of the Bill. given under
our hands this 10th Day of June 1789.

J. Atkins
Lair: Baker
J. Young

Division
of Outlands
Lands

Fifth lot

Elizabeth Outlands

480 yds

Fourth lot pay to the

Fifth lot

480 yds

William Outlands

Third lot

Nancy Outlands

480 yds Road

Second lot pays 3 lots

£10

Thomas Outlands

480 yds

Benjamin first lot

James Outlands

480 yds