

1807-001

Chancery Causes: Mary Smith v Elizabeth Smith, by v c vs Hezekiah Holladay

Isle of Wight County

Original Bill is in the "Fragile Documents" Box

other surnames: Hankins,
Applewhait

The answer of Ezechiah Holliday to the bill
complaint exhibited against him in the
Worshipful court of Isle of Wight by Phebe
Smith and Mary Smiths infants, by Wm
Hawkins their next friend.

He admits that Esther Smith
widow of Joseph Smith was endowed of one
part of the land (lying in this county) of which
Joseph Smith her husband died seized, and
that she has lately departed this life intestate.
He admits that the complaint and himself are
the only persons intitled to distribution of
the said dower land. He says too that he and
a certain Willis Smith were the only
children of the said Joseph Smith. That
said Willis Smith sold his third of the
dower land to a certain William Smith
who afterwards sold the same to your
respondent. He admits the necessity of
division of the said dower and prays that
the court will not only make a decree
a legal division thereof, but also appoint
fit and proper persons for carrying the same
into effect. He lastly prays to be heard
in his costs in this behalf
expended.

Josiah Parker. w. Goodwin.
J. Wornel and W. Smith.

Smiths p. p. p. 1803
Holliday - }
D.C. 1803
Interlocutory

The court of Isle of Wight, sitting in chancery,
publicly complaining, shew unto the court your
petitioners ~~some~~ Mary Smith and Elizabeth Smith orphans
Joseph Smith by William Hawkins their next
friends.

That Joseph ^{Smith} their father departed

life on or about the day of A.D.
yeed and possessed of a valuable tract of land
which has been devised between his heirs and widow.
That subsequent to that devision, his said widow
Elizabeth Smith has died intestate. They state that
they are anxious for the dower of their said widow
to be devided among them and a certain Ezekiah
Holliday who is a purchaser under their brother
Joseph Smith. They add that the said devision
cannot take place in a legal manner or
account of the infancy of your compts.
without the intervention of this court.

In tender consideration

hereof, and for as much as y^r compts are
unmedless at law, they solicit the aid of this
court.

To the end therefore they pray
that the said Ezekiah Holliday may be made
respondant to this bill of compts. and that he
may true and perfect answer make to all
and singular the allegations aforesaid, and
as fully as if the same were here repeated,
and he there particularly interrogated. They
also pray that worships will decree that
the dower lands of the said Elizabeth
with their mother may be equally devided
among them and the said Ezekiah Holliday;
that your worships may make any other
order or decree in the premises for y^r compts
as may seem just.

May it please y^r

Richard B. Bird
p. 2

Isle of Wight County, to wit,

December Court 1803

Mary Smith, and Elizabeth Smith Orphans
of Joseph Smith, by William Hawkins their
next friend. } Comptts.

against

Hezekiah Holladay

} In Chancery.

Deft. }

By consent of the parties by their Attorney, this
day the bill & answer was filed and heard there on paper and on it
is decreed and ordered that Josiah Parker, William Goodwin,
William Smith, and James Murray or any three of them, divide
the dower land, of which Esther Smith Widow of Joseph Smith
did possess, and assign one third thereof to Mary Smith, one
third to Elizabeth Smith, and the remaining one third to the
Defendant Hezekiah Holladay, and make report thereof to
the Court —

Attest Teste B. Lightfoot D. Ck.

Smith & Co

101.

Copy Inter
Holladay de cur

December 31. 1806

We the commissioners have met this Day and have
divided the Dower Land that was formerly the
Property of Joseph Smith Deceased by a Decree of
the Worsippfull Court of Isle of Wight County
begining as followeth at a pine near William
A. Smiths Line from thence near a South course
to an Apple Tree From thence to a stake to
Mary Smiths Land we do assign the House part
to Mary Smith the second Lot we do Assign
to Elizabeth Smith who is now a Wife of Hen-
ry Applewait and is Bounded as Followeth
Begining at a pine at the said William A. Smith
Land from thence near a South course to a
nother pine from thence to another pine to
Hezekiah Holladays Land. the third Lot
of Land we do Assign to the Heirs of Hezekiah
Holladay an is Bounded as Followeth by
Lands of William A. Smith by Lands of James
Smith and by Land of Hezekiah Holladay
Given under our Hands & Seals this Day & year
as above Written

William Gordon
William A. Smith
James Murry

Smith D. P. & Co.

vs.

reft.

Holladay 3

Jan. 5th 1807 reft. ret.

Done accordingly