

1816-032

Chancery Causes'. Thomas Peirce v et al vs John Owens v al, by v c

Isle of Wight County

other surnames: Fletcher

Wheat Island
Thomas Brown or any
other
from Clay

Peter Duffie
apt 7 Bile &
Habitat Juvenum
Cinnam.

Since and wife

24 Bill H. West

Ovens & Ogden

December 4th 1855

Bien à vous. Je suis à votre service de cœur

March 1816 Report etc.
and decided accordingly)

To the Non-Resident
County of Kings Mayor

not die seized & possessed of the land aforesaid: whether the said land when sold, will amount to one hundred per. shares, & whether, as the act of our assembly in such case made & provided gives authority to sell where the land will not exceed one hundred to each distributee, they will consent to the sale thereof, with consent of this worshipping court & under the authority of the said recited law: your orator & orators further pray that such your worships will make such other or further order or decree in the premises, as may be consistent with the principles of equity & the rights of the respective parties, & that your worships will grant them the comth^s writ of subpoena commanding &c. and as in duty bound they will ever pray &c. -

The Joint and separate answers of John Owens, Julia Owens and Ely Owens Infants by ~~James Fletcher~~ ^{James Fletcher} - Specially appointed by the court to defend them in this behalf, to a Bill of Complaint exhibited against them by Thomas Pierce & Nancy his wife - These respondents saving and reserving to themselves all right & benefit of exception to the many errors & false allegations in the said Bill contained, for answer thereto or unto so much thereof as is material for them to answer, answering say: that they cannot gain say the allegations in the Bill mentioned: & that they will consent to the sale of the land in the said Bill of Complaint mentioned, by commissioners appointed by this court, allowing

to the said Thomas Pierce, in right of his wife Nancy, such part thereof, as may be consistent with equity & warranted by the custom of the country - they being all paid & paying to be here dismissed with their costs in this behalf most wrongfully sustained - &c. James Fletcher

Thomas Pierce & Nancy his wife
vs. ^{agst.} $\frac{3}{4}$ In Chancery
John Owens, Julia Owens & Ely Owens Infants by Ely Ely

This cause was this day submitted, & came on to be heard upon the Bill and answer, by consent of the parties, and assent of the court, whereupon the court doth order, and adjudge that Hardy Holland, Thomas Browder and Ely Ely - or any two of them ~~do advertise the land~~ ^{in the Bill mentioned} after having advertised the land in the Bill mentioned three weeks, do make sale thereof, upon a credit of 24 months, except so much as will be sufficient to pay off & discharge the costs which may have accrued in this case, & first assign to the said Thomas Pierce & Nancy his wife a Bond for ^{one} fifth part of the purchase money, & the balance having also been secured by Bond from the purchaser to the guardian of John Owens Julia Owens & Ely Owens orphans of Thomas Owens dec^d ^{& make report -} in order to a final decree -

To the worshipful Court of Isle of Wight County In
Chancery sitting, Humbly complaining sheweth unto your
Worships, your orator & oratrix Thomas Peira and etancy
his wife, that Kinchen Owen departed this life on the
day of in the year 1812 ~~inter alia~~, seized and
possessed of a small tract or parcel of land containing
about eighty acres, and leaving the said etancy, now etancy
Peira, his widow, & entitled to one equal third part in
right thereof, and three children, to wit, John, Julia &
Ely, who are entitled to the remaining two equal undivided
third parts share and share alike - that the said tract
or parcel of land, will not amount when sold, to one hundred
dollars a share, but notwithstanding, the parties, at the
repeatedly urged to consent to a sale of the same for the
purpose of an equal division thereof, have refused & do still
refuse, alleging that by reason of the rigid rules of the
common law, no division of the said land could legally
be effected, ~~except~~ by the interposition of this worshipful
court - In tender consideration whereof & for as much as
your orator & oratrix are residents in the premises - To the
end therefore they pray that John Owen, Julia Owen, & Ely
Owen nephews of Kinchen Owen may be made defendants to
this Bill of complaint, and may upon their corporal oaths
fully, true & perfect answers make to all & singular the
allegations herein contained, as fully & perfectly as if they
were now expressly interrogated: That they may set forth
discover, & declare whether the said Kinchen Owen did

In Obedience to the above Order of the Honourable Court of
Isle of Wight County bearing date December Court 1815
We the Undersigned have proceeded to advertise the Land in
the Decree mentioned and made Sale thereof on a Credit
of Six Months and Arthur Jones became the Purchaser
and we have further taken Bonds with Security and have
assigned one Sixth part of the proceeds to Thomas Pierce
and Wife and the residue equal among John, Julia and
Eley Owens and have further paid said Bonds over to
the Guardians of said John, Julia and Eley Owens Given
under our hands this 2nd day of January 1816

Curm Eley
H. L. H. Ward

Prince Philip

Mr. Z. Copy of me

Quinn's copy of the

State of Michigan County of Washtenaw
Thomas Price and Nancy his wife

December Term 1845

Complaint

against

John Brown, Julia Brown and Ray Brown infants

of which John Brown and Ray Brown are appointed by James Fletcher Esq. Judge of the Court to defend them in this suit.

By consent of the parties by their attorney, this day the bill and answer was filed and heard whereupon it is directed and ordered that Hardy Holland, Thomas Brown and James Ray or any two of them after having advertised the Land in the bill mentioned three weeks, do make sale thereof on a credit of six Months (except so much thereof as will pay & discharge ^{the costs} of any such sale which will be paid by the purchaser to the Commissioner they may turn to those entitled) and assign unto the complainant Price & Wife a bond for one sixth part of the residue of the proceeds of said Land & make equal division of the residue thereof among the defendants John, Julia & Ray Brown having been also accordingly taken from the purchaser and pay over such bonds to the guardian of said defendants for the report thereof to the court in order to a final decree.

Attest Teste Barth Lightfoot Clk