

1816 - 052 Chancery Causes: David Dick, Junior, Wardrope Dick & Ann Dick vs
Isle of Wight County Ann Dick, widow of David Dick & Samuel Dick, by & c

6294
~~12~~
 1356

94
 102
~~235~~
 12

Diets 1818

Bill, Ans. 1818

Diets 1818

March 1818 Bill Hans.
 find and Intents de cur.

Whereupon the Court doth advise, order and decree that
said Atkinson and Elliot stand ^{at suit law and upon such terms as to the may seem proper} or any one of
them do proceed to make sale of, and convey in
fee simple to the purchaser or purchasers, a lot of land
adjoining the Town of Southfield in the County of West
Bristol of which Doctor David Dick died seized and
possessed, and allot to and divided the money
arising from such sale in the following manner to wit
1/5 part to Ann Dick widow of said David
Dick in fee simple, in line and in full satisfaction of her
dower in the aforesaid lot of land; and the balance
equally between David Dick, Wendell Dick
Ann Dick and David Dick - for the benefit
of Samuel Dick one of the defendants to this bill
and make report thereof to the Court in order
to a final decree.

Dick Jd
3 Bils
Dick Jd

to enable them to obtain a division of said estate.
Upon consideration of the justice of the claims
of the petitioners, the General assembly passed an
act authorizing the County Court of Wh of Wright, if
upon due consideration first had thereon, the said
Court may adjudge that the intent of the said
Saml will be promoted by such sale; at such time,
upon such terms, and in such manner as to them
^{might} seem proper, to make sale of and convey by
one or more Commissioners to the purchaser or purchasers
in fee simple, the lot of land alluded to, and divide
the money arising therefrom between your complainants
and the said Saml Dick and Ann Dick widow
of said David, in such proportions as justice and
equity should demand, and the division or allotment
so made to be in full and full satisfaction of her
claim in the aforesaid lot of land, and be so
much as by the Court may be deemed equal to
her dower estate. Your complainants therefore
pray that ~~the Court may~~ the said Ann
Dick the widow, and David Dick
a Committee appointed by the Court to manage the
estate of said Saml Dick be made defendants
to this bill and that they be compelled full true
and perfect answer to make to all and singularly
the allegations aforesaid or fully as if the same
were here again repeated and they thereto positively
interrogated. To the end therefore they pray that
your Honours will cause the said lot of land
to be sold agreeably to the provisions of the
act of the General assembly passed on the day
of Adams 18th entitled "An act authorizing
the sale of a lot of land belonging to the heirs of
Doctor David Dick" to be completely carried
into effect and that you will make such other or

Further order for this relief or equity may require
and as in duty bound they will ever pray &c.

The answer of Ann Dick widow of David Dick dec.
and of David Dick
a Committee appointed by the Court of Wh of Wright
County to protect the intent and preserve the estate of
Saml Dick a person of unsound mind, to a Bill
of Complaint exhibited against them in the County
Court of Wh of Wright by Ann Dick, David Dick
and Wardrop Dick heirs of David Dick
deceased.

These respondents admit the allegations set forth
in the Bill to be correct, and believing that the
sale desired by the Complainant will greatly
promote the intent of each distributee, willingly
consent to the same prayed for, or to any
other which the Court may see proper to
pronounce in the premises. And as in duty bound
they will ever pray &c.

David Dick, Wardrop Dick
and Ann Dick heirs of David
Dick deceased &c.

against
Ann Dick widow of David Dick
and
a Committee appointed to manage the estate
of Saml Dick and Anne person

By consent of parties and the assent of
the Court this cause came on this day to be heard
upon the Bill answers filed and arguments of Counsel

To the Honourable Court of Chancery of the County of
in Chancery, sitting humbly complaining shew
unto your honour your orators David Dick,
& Wardrop Dick, and oratrix Ann Dick
all of lawful age; That their father a certain
David Dick did intestate, on or about the
day of ~~Adominis~~ 1 owning a lot of
land adjoining the Town of Smithfield and
in the County of New York, containing by
estimation ~~acres~~ acres; That the said David
left four children to wit; your complainants,
and a certain Samuel Dick, and a widow
Ann Dick. That the said lot of ground being
indivisible in kind, and in consideration that the
improvements thereon were fast decaying, and that
it yielded to them no value, ~~they~~ they long
ago felt an anxiety that the said lot should
be sold and the proceeds divided agreeably to
justice and equity, between them, the said Saml.
Dick and the said Ann Dick widow of the
intestate David; but they were advised that a sale
and division could not be effected, by any aid
in the power of a Court of Chancery to afford;
~~first~~ because the said ~~Samuel~~ Court could not
legally direct or authorize the sale of real
property in order to effectuate a division of its value
between the distributees, if the share of each, would
amount to ^{more than} the sum of One hundred dollars.
Under ~~such~~ ^{these} circumstances, your orators and oratrix,
and the said Ann Dick widow of this deceased
father, caused to be presented to the last General
assembly of this State, a petition praying the
interference and aid of that Honourable Body.

Whereas it appears to the General assembly, that the sale of a certain lot of land, adjoining the Town of Smithfield and in the County of King of Wight, belonging to the heirs of Doctor David Dick deceased, would advance the intent of the said heirs;

Be it therefore enacted, that the Court of the County of King of Wight is hereby authorized and required, at such time, upon such terms, and in such manner, as the said Court shall order and direct, to make sale of and convey, by one or more Commissioners, to the purchaser, or purchasers, in fee simple, a lot of land, adjoining the Town of Smithfield in the said County of King of Wight, of which Doctor David Dick died seized and possessed; and also to, and divide the money arising from such sale, between David Dick, Samuel Dick, Wardrop Dick and Anne Dick heirs and distributees of the said Doctor David Dick deceased, and Anne Dick the widow of said David, in such proportions as they shall deem just and equitable; and the division or allotment aforesaid, made to the said Anne Dick widow, shall be in lieu, and in full satisfaction, of her dower in the aforesaid lot of land, and be so much as the Court shall deem to be equal to the value of her dower estate. - and, the said Samuel Dick being a Legatee, the said Court

is hereby required, in the manner directed by Law, to
appoint a Committee for the management of the real
and personal estate of the said Samuel one of
the sons of the said David Dick, taking of
the said Committee bond and security as in other
cases of Lunacy - And the said Committee shall
and is hereby authorized and required to receive,
apply to the use of said Lunatic, and account
for according to Law, the said Samuel's share
of the property to be directed to be sold as afore-
-said - provided however that the sale herein
mentioned shall not take place until the County
Court of Wm of Wright shall, upon due considera-
-tion first had thereon, adjudge that the interest
of the said Samuel Dick will be promoted by
such sale. -

This act shall be in force from and
after the passing thereof. -

Passed the Senate July 10th 1846.

Passed the House of Delegates

December 24th 1844. -