1817-026 Chancery Causes: Elizabeth C. Meador, widow of Banister Meador vs Mary Bann Meador et al,

Isle of Wight County

by JC

other SURNames: Benn
Woodley

To the worshipfull the Justices of the County of Isle of Wight in Chancery sitting, Humbly complaining sheweth unto your worships your Oratrix Elizabeth C. Meador widow and relict of Banister Meador deceasd, that some in the month of last the said Banister Meador formerly of the said County of Isle of Wight departed this life having first made and published his last will and testament which has been duly recorded - that your Oratrix in the manner provided and enacted by an act of assembly has publickly relinquished and renounced all and any kind of benefit to which she was entitled under the said will, and thereby claims an interest in the estate of which the said Banister Meador died possessed by virtue of the laws of the country: Your Oratrix states that the said Banister Meador her late husband at the time of his death was seized of and entitled to a small tract of land supposed to contain about eleven acres, which he purchased of George Bond & others commissioners appointed by a decree of this Court - of which said tract of land your Oratrix states the said Banister Meador made no devise or disposition whatsoever by reason whereof the same as your Oratrix has been informed is subject to division and distribution in the manner to which it would have been liable had the said Banister died absolutely intestate - That the said Banister Meador left three children, that is to say, Mary Bond Meador, George Meador, and James Meador, who are entitled

with your Oratrix to the said tract or parcel of land, that the said land is not equal in value to one hundred Dollars p.r share and cannot be divided among the parties respectively entitled thereto - That in consequence of the premises your Oratrix has frequently applied and urged for a sale & division of the said land, which hath hitherto been refused and is still refused, because the said Mary, George & James, children of the said Banister Meador, are infants of tender years -

In Tender consideration whereof, and for as much as your Oratrix is without remedy except by the aid of a Court of equity: To the End therefore that the said Mary Benn Meador, George Benn Meador & James Meador (who are prayed to be made Defendants hereto by a guardian to be appointed by this Court) may severally and respectively answer the allegations herein contained, as fully and particularly as if the same were here again repeated & they hereto interrogated - especially whether they are willing the said land shall be sold, and the proceeds thereof distributed in such a way as will give to your Oratrix a certain portion absolutely in lieu of her dower interest - your Oratrix prays that your worships will appoint Comrs to make sale & distribution of the said land agreeably to law & equity, & lastly that you will make such other or further order & decree in the premises as may seem consistent with equity &c May it please you to grant &c

The Joint and seperate answer of Mary Benn Meador George Benn Meador and James Meador infant children of Banister Meador deceased by Andrew Woodley their guardian specially appointed to defend them in this suit, to a Bill of Complaint exhibited by Elizabeth C. Meador in the County Court of Isle of Wight -

These Respondents saving and reserving to themselves all advantage and benefit of exception to the errors and insufficiencies in the said Bill contained, for answer thereto say, that the allegations in the said Bill set forth so far as they know or believe are true and consist with their present belief that the Court may appoint Commissioners to make sale and division of the tract of land in the Bill mentioned, in such manner as to your worships shall seem just and proper

They pray all benefit &c they may be hereof dismissed with their reasonable costs in this behalf sustained &c

(Signed) Andw Woodley

Elizabeth C. Meador
vs } In Eq. - Decree
Mary Benn Meador & al

This cause having been this day docketed by consent, came on to be heard upon the Bill and answer, by consent of the parties and with the assent of the Court whereupon the Court doth order adjudge and decree that Edmund Pedin, Horatio Butts, and Samuel P. Sasser or any two of them after having advertised the land in the Bill mentioned ten days successively at two or more public places near the premises, do expose the same to sale for cash, out of which pay first the costs of this suit & the expences which necessarily attend the sale and Conveyance thereof, & the balance divide in the following manner (viz) one sixth part to Elizabeth C. Meador absolutely in lieu of her dower, & the remaining part so divide and allot to the defendants share and share alike, & make report &c. Liberty is hereby reserved the infant defendants to shew cause if any they shall have on their arrival to attain the age of twenty one years

Elizabeth C. Meador
vs } Bill & Answer
May B. Meador & al

November 1816
Bill and Ans.r filed and
Interlocy decree

March 1817 Rep.t rec.d
& decreed accordingly

Isle of Wight County

Amount of Sale of Lands $158.00

Clerks & Attorneys fees — $13.97½

Commissions ——— 7.90 21.87

136.13

Widows proportion $22.68

136.13
22.68
3 | 113.45
$37.81⅔ each Childs part

In conformity to a decree of the County Court of Isle of Wight (bearing date Nov Court 1816) to us directed, and which is hereunto annexed; We the undersigned have this day set up and sold at public auction, on a credit of Six Months, the Land in said decree mentioned to Horatio Butt, for the sum of one hundred & fifty eight dollars, he being the highest bidder for said land, and after deducting Clerks, Attorneys, fees & Commissions as above stated which was paid in cash, the balance we have divided and taken Bond & Security payable in Six Months, to each of the several heirs, or Legatees in said decree mentioned as followeth— (to wit) To Elizabeth C. Meador, we have assigned, absolutely, in lieu of her right in dower the sum of Twenty two dollars & sixty eight cents— To James Meador, we have assigned the sum of Thirty seven dollars & eighty one & ⅔ cents— To George B. Meador, we have assigned the sum of Thirty seven dollars & eighty one & ⅔ cents— To Mary B. Meador, we have assigned the sum of Thirty seven dollars & eighty one & ⅔ cents— making an aggregate sum of one hundred & thirteen dollars & forty five cents, the balance of the proceeds of the sale of said land after deducting, Clks & Attorneys fees, & Commissions, as before stated, Given under our hands this 28th day of Dec. 1816——

Edmund Pitts

Herald Butt

A division of [illegible]
Land, belonging to
Banister, Meador

Isle of Wight County to wit — November Court 1816

Elizabeth Meador widow and relict of Banister Meador deceased — Compt.

against

Mary B. Meador George B. Meador and James Meador infant children of Banister Meador dec'd. by Andrew Woodley their Guardian speciatty appointed to defend them in this Suit — Defts. — In Chancery

This cause having been this day docketted by consent came on to be heard upon the Bill and answer by consent of parties and with the assent of the court whereupon the court doth order adjudge and decree that Edmond Pedin Horatio Butt and Samuel P. Jordan or any two of them after having advertised the land in the bill mentioned ten days successively at two or more public places near the premises do expose the same to sale for cash, out of which pay first the costs of this suit and the expences which necessarily attend the sale and conveyance thereof and the balance divide in the following manner viz: one sixth part to Elizabeth B. Meador absolutely in lieu of her dower, and the remaining part do divide and allot to the defendants equally and make report thereof to the court in order to a final decree, but liberty is hereby reserved the infant Defendants to shew cause if any they shall have against this decree after they attain the age of twenty one years.

Clks costs $3.97

Att.o 10.00

13.97

Copy Teste

Barth. Lightfoot C.C.

A Decree

Adopt