

1822-006

Chancery Causes: James Denson v al vs Matthew Denson

Jsh of Wight County

other SURNAMES: Corbell

James Demarest
vs. Billie
Matthew Demarest
Baker.

November 1021.

Bill and ans^r filed and entry
made.

February 1022. report returned
and decreed that the hom^r is not
in the within decree conveyed by
Deed or Deeds the land sold by
virtue of the said decree.

Isley Wright

Matthew Denson to agree to a sale of
the said tract of land, so that a division of the proceeds
of the sale might be made consistently with the
principals of equity & the rights of the respective claim-
ants. The applications however, do as aforesaid
made to him the said Matthew, have, for many
reasons been unavailing, & especially because of the
minority of your infant oratrixes: In Tender con-
sideration whereof &c. To the end therefore that
the said Matthew Denson (who is prayed to be
made def^t hereto) may after oath answer the
pursuing allegations fully & perfectly: that he
may say ^{whether} the said tract of land aforesaid was not
the property of his father John Denson at the time
of his death? Whether the persons to whom the
same now belongs are not properly set forth &
described in this Bill? & Whether he the said Matthew
Denson will agree that the said tract of land
may be sold & the money arising therefrom be divided
in the manner herein before mentioned. And your
Orators & oratrixes pray that your worship will
decree a sale & division of the said premises among
the children & grand children of the said John Denson
then & there alike, and that you will make
such other or further order or decree in the
the premises as may be deemed right & expedient.
May it please the court to grant &c.

The Answer of Matthew Denson to the
aforesaid Bill of Complaint exhibited in the
County Court of Isley Wright.

This Respondent saving, reserving &c. for answer
thereunto saith that the allegations in the said
bill contained are true & correct. He admits that
John Denson his father did sign & purport
of the tract of land in the bill mentioned, &
believing that the same is subject to division
in the manner stated by the complainants,
He consents that the said tract of land may
be sold & the proceeds divided equally to the
prayer of the complainants said bill. He
denies all fraud &c. & prays to be heard
rejoined &c.

Ric^d. S. Baker
for
the def^t.

To the worshipful court of Isle of Wight County, in
chancery sitting humbly complaining shew unto your
worships your orator and oratrices, James Demson, Mary
Corbitt, late Mary Demson Ann Demson Laurence an
infant suing by the said James Demson her next friend,
Rebecca Demson, Jordan Demson, Eveline Demson Milby,
infant suing by James Milby her next friend and John
S. Demson, that some time in the year 1803 John Demson
departed this life intestate seized and possessed of a tract
or parcel of land containing by estimation about two
hundred acres, situate in the County of Isle of Wight
and adjoining the lands of Thomas Smalley and the
lands of the late Henry W. Mills: the said intestate left
a widow named Rebecca who died about the year 1810:
She also left eight children, that is to say, your orator
& oratrices James, Mary now the widow of Thomas Corbitt,
Rebecca, Jordan, John, the mother of your oratrices Ann
named Elizabeth now deceased, the mother of your oratrice
Eveline named Patsy now also deceased, together with
a certain Matthew Demson: the said John Demson
the elder, having died intestate, the land of which he
died seized as aforesaid, by the laws of this country
is liable to division among his said children and
grandchildren share and share alike: but your
orator & oratrices state that in consequence of the
number of claimants, and the situation of the land,
the same being of ~~small~~ value even then one hundred
of share, no equitable & just division thereof can be
made: under these circumstances your orator &
oratrices have frequently applied to your said

Pursuant to the annexed decree of the worshipfull
 Court of Isle of Wight county we the undersigned
 Commissioners have after advertising the time
 and place of sale sold at public auction the
 tract of land mentioned in said decree to
 John Clark who was the highest bidder for
 the sum of Three hundred & fifty two dollars
 and after deducting the sum of \$17.60 for our
 Commission and the further sum of \$39.98
 to pay the cost & charges of the suit leaves
 the sum of \$295.42⁰⁰ to be divided as di-
 rected in said decree which we have taken
 bonds payable to the parties as directed by the
 decree aforesaid - Given under our hands
 this 10th day of January 1822

James Denson

No. S. Denson

Matthew Denson

Am't of Sale \$352.00

Paid R. H. Baker 10.00

Pd Ro. B. Taylor for
 attending to a suit
 in chancery by
 which this land
 was recovered \$25.00

Paid M. Powell 4.00

for selling land

Clerk of T. of W. 3.98

Commissions 17.60

56.58

Bal. due taken

in bonds 295.42

\$352.00

James Demson, Mary Corbell & al

vs.  Chy.

Matthias Demson

This cause came on this day to be heard upon the bill & answer by consent of the parties & with the assent of the court, whereupon the court doth order, adjudge & decree that James Demson, Jas. S. Demson, Matthias Demson & James Milly or any three of them do sell at public auction the tract of land of which John Demson died seized & possessed, supposed to contain about 200 acres & situate in the County of York of right, upon a credit of nine months, receiving however a sufficient sum in cash to pay & satisfy the expenses of sale & costs of this suit: that the said Comors or such of them as may act do divide the balance of the purchase money into eight equal parts & for each of the said parts take a bond with ~~affidavit~~ sufficient security from the purchaser, after which the said Comors or such of them as may act are hereby required to deliver to each of the compts. of full age one of the said bonds, to the Vt. Matthias Demson one of the said bonds, & to the guardians of each of the infant complainants one of the said bonds & make report &c

Denson 8th

11.



Decru

Denson

Isle of Wight County, Va.

November Court 1821.

James Denson, Mary Corbelle (late Mary Denson)
Ann Denson Lawrence an infant suing by the said
James Denson her next friend, Rebecca Denson, Jordan
Denson, Eveline Denson Milby an infant suing by
James Milby her next friend and John S. Denson Complainants
against
Matthew Denson Defendant

In Chancery

This cause came on this day 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 James Denson, John S. Denson,
Matthew Denson, and James Milby or any three of them do sell at public auction
the tract of land of which John Denson died seized and possessed supposed
to contain about two hundred acres situate lying and being in the county of
Isle of Wight upon a credit of nine months, receiving however a sufficient
sum in cash to pay and satisfy the expenses of the sale, and costs of this suit,
that the said Commissioners or such of them as may act do divide the
balance of the purchase money into eight equal shares and for each share or
part, take a bond with sufficient security from the purchaser after which the
said Commissioners or such of them as may act are hereby required to deliver
to each of the Complainants of full age one of the said bonds, to the Defendant
Matthew Denson one of the said bonds and to the Guardians of each of the
infant Complainants one of the said bonds - and make report thereof to the court
in order to a final decree

Attest Teste Nathl. Young C.D.