1822-013 Chancery Causes: John L. Pinner v ux & al vs Robert Taylor

Isle of Wight County
Plat

other SURNAMES: Pierce, Smith, Mahone, [Robert Taylor & Company]

To the worshipful Court of Isle of Wight County in Chancery
sitting. Humbly complaining, sheweth unto your worships,
your orator & orator John D. Pierce and Margaret his
wife, late widow and relict of Thomas Pierce decd.
and your orators Thomas Nelson Pierce and
Wentworth Willis Pierce, infant children of said
Thomas Pierce decd, under the age of twenty one years
- suing by Nelson Millar, their next friend.

That sometime in the year 1778, a certain
Robert Taylor of Norfolk and Thomas Pierce of the
same place being then concerned in a trade making
establishments in the Town of Smithfield in
the County of Isle of Wight, Purchased from a
certain Thomas Smith & Elizabeth his wife, several tracts
of land, lying and being, in the upper end
of the said Town, in the County aforesaid, on which
is at this time, an old house, occupied by
Mrs Mahone and which land is bounded
as follows, towit. "beginning at a small marked
"pine sapling at the head of the bottom at the
"extremity of the Town lands: running down in
"a direct line with the Main street, to the bounds
"of the Lot No twelve - North 55° East 76 poles
"or, there abouts: from thence North 36 West 10
"Poles, or thereabouts, to the aforesaid line of
"Thomas Pierce - thence back along the line
"of said Pierce to a blown down marked oak tree
"which was formerly a corner tree between Thomas Miller

"Thomas Peirce, and Thomas Smith, and from thence
"along the bottom to the first station containing
"four acres and two thirds, or thereabouts" as by
a deed made the nineteenth day of January
in the year of our Lord 1778, between Thomas Smith &
Eliz.a his wife of the County of Isle of Wight, and
Parish of Newport of the one part, and Messrs.
Thomas Peirce (the Elder) & Robert Taylor Kearsley
of the other part - an attested copy of which marked
A is herewith filed and prayed to be taken as a
part of this bill. And your Orator's Orator further
represent that on the close of the said partnership
transaction, a sale of the said lots was made
by consent of the persons interested, as aforesaid, for
the purpose of adjusting the partnership concerns,
and that the said Robert Taylor and Thomas Peirce
(the Elder) became purchasers thereof - to wit the
said Peirce to the extent of two thirds of the
said Rob.t Taylor of the remaining one third -
That being thus interested the said Thomas Peirce
(the Elder) departed this life intestate; leaving
Thomas, his son and heir, & who consequently became
entitled to the interest which his said Father held
in the said land: That the said Thomas the Son
also departed this life in the year -- leaving
his widow Margarett, & the two infant Compl.ts
in the bill mentioned. That the said Margaret thus
lately intermarried with the Compl.t Pinner -
Your Orators & Orator are advised that, under the
premises, two thirds of the said land in the said bill mentioned

after allotment of dower therein in favour of said Margaret
should be equally divided between & assigned to the said infant
complainants, and the remaining one third to the said
Robert Taylor absolutely. Notwithstanding the premises,
Your Orators and Orator are informed that such
division and assignment cannot be perfectly effectuated,
without the aid of a Court of Equity, where matters of this
kind are properly cognizable. In tender consideration
whereof - to the end that a speedy division &
assignment be made in the said land, which will
be of benefit to all persons concerned - Your Orators &
Orator pray, that the said Robert Taylor may be
made a party respondt to this bill & fully answer
the allegations thereof - that your worships will decree
that two thirds of the said land in the bill mentioned
after assigning to said Margaret, her dower estate
therein, (with the life) be equally divided between
& allotted to the said infant complainants - &
the residue of the said land (with the third part
be assigned to the said Robert Taylor absolutely -
& that your worships will make such other & further
order & decree in the premises, as may be consistent
with Equity & the nature of the case. May it please
the Court to grant to the Compl.ts the Commonwealths
writ of Subp.a &c &c.

Penner & wife &c.

vs. Bill and answer

Taylor

August 1822 Bill and answer filed & Subpoena decree

Nov: 4 1822 Report returned and final decree

November Judgments

1822

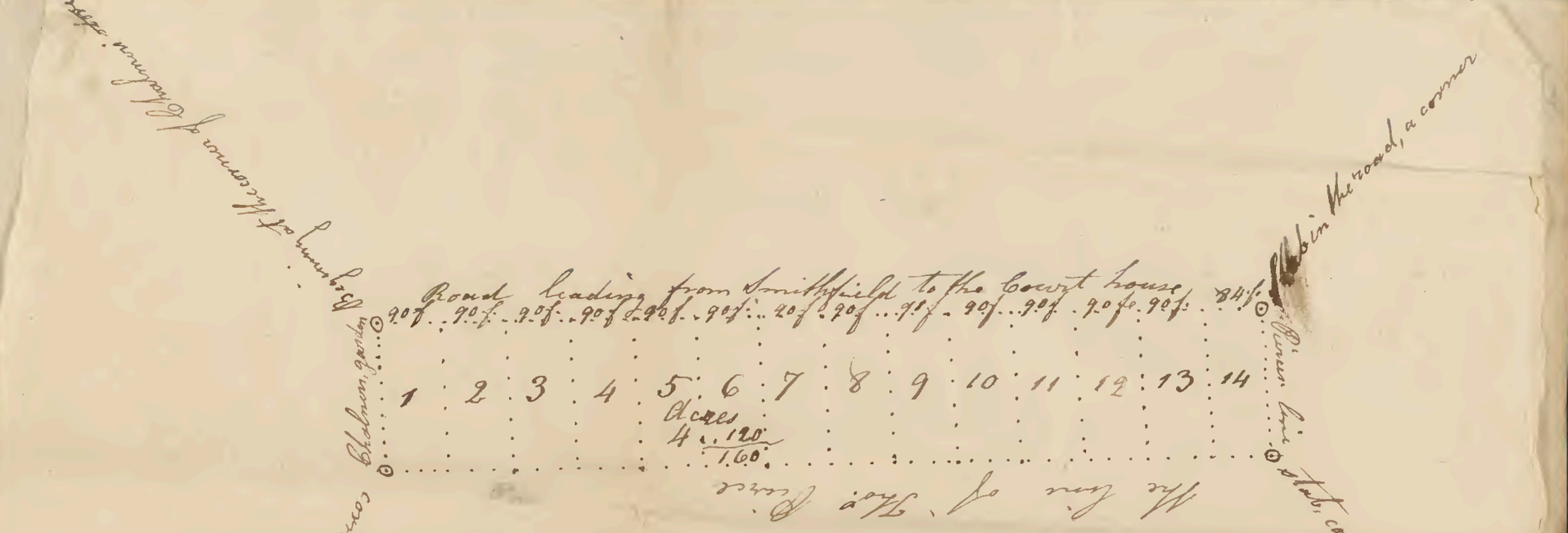
The Answer of Robert Tapia to the bill of complaint against him exhibited in the County Court of Isle of Wight on the part of John G. Briner & Margaret his wife late Margaret Pierce & Andrew Pulich of Thomas Pierce decd - & Thomas Nelson Pierce & Wentworth Wills Pierce infant children of said Thomas Pierce decd under the age of twenty one years - suing by Nelson Wills their next friend - This respondt admits that the allegations in the Compl.ts said bill set forth are correct & true & objecteth not to a decree agreeably to the prayer thereof -

~~This respondt prays to be~~ Wms. for defend

Pennes de
Jay Sen. } Answer.

Notes taken on the survey of a tract of land, belong-
to the estate of Thos. Pierce & Robt. Taylor, By Thos.
Uzzell October 1822.
Begining at the corner of Jas. Chalmers' store

& running S 56¼ W. 76 poles along the road to a stab on a bottom
thence N 36 W. 10 p. to a stab, corner on Pierces land
N. 56¼ E 76 p. to Chalmers' garden
thence S. 36 E 10 poles to the begining



Isle of Wight county (to wit)

I do hereby certify that at the request of John G. Pinner, and in conformity to the annexed decree of the aforesaid county. I have surveyed the land mentioned in the said decree as will appear by the annexed plat. and have ~~laid~~ also laid it off in fourteen lots of ninty feet front. except N.o 14. which is 84 feet front, and half 165 feet deep as will also appear by the said plat. reference being had to the field notes taken on the survey. which being hereunto annexed. will fully explain the boundarys thereof— Given under my hand this day of October 1820.

Thos Upshell. dep.y surv.r

Pursuant to the annexed degree, we, the subscribers, three of the commissioners therein named, (after having the lands, directed to be divided, surveyed by the county surveyor, and divided into lots, which is most to the interest to the parties concerned,) proceeded to divide the same, as directed by the decree. And we assign to the defendant Robert Taylor the lots numbered, in the annexed plan - 4. 5. 7. 10, each ninety feet front by one hundred and sixty five, and lot No 14, eighty four feet, front by one hundred and sixty five feet, being as near as could be effected, one third in value - and we assign to the complainants Thomas N Pierce the lots numbered in the plan 3. 8. 9 - and to the complainant Wentworth W Pierce the lots numbered 6. 11. 12 ~~and 13~~ which lots are ninety feet in front by one hundred and sixty five feet deep - and with the lots to be hereafter mentioned, assigned to the widow for dower, are as nearly as could be effected two thirds in value of the whole property; and the defendant Robert Taylor is to pay to the ~~complainants~~ Thomas N Pierce and Wentworth W Pierce three dollars and thirty three cents each, to attain their respective proportions: and we assign to the complainant Margaret Penner the lots numbered in the plan 1-2 and 13, to be held by her, for her life, as and for her dower, and the reversion thereof to be equally divided between the complainants ~~heirs~~ Thomas N Pierce and Wentworth W Pierce, the assignment of the widows dower is less than her proportion, by twenty nine dollars; which sum the said John G Penner agrees before us To relinquish. We annex the survey made by the surveyor of the County, and refer to it as a part of this report. all which is respectfully

submitted given under our hands this 15th day of October
one thousand eight hundred and twenty two

Joseph Atkinson

Geo. Wilson

James B. Southall

Simon Wade Jr
&
Joseph Dean
Clayton

Isle of Wight County August Court 1822

John G Pinner, and Margaret his wife late Margaret Pierce, and Thomas Nelson Pierce and Wentworth H Pierce infant children of Thomas Pierce deceased under the age of twenty one years, suing by Nelson Miller their next friend — Complainants

against

Robert Taylor — Defendant

In Chancery

This day this cause came on to be heard on the bill of the complainants and answer of the defendant the exhibits filed, and arguments of counsel, whereupon the court by consent of the parties doth adjudge, order and decree, that the land in the bill mentioned, be divided and apigned as follows, (viz) two thirds thereof, to the infant complainants, Thomas and Wentworth Pierce, equally between them after first apigning to said Pinner and wife her dower interest therefrom. and the residue (to wit) one third thereof, to the said Robert Taylor absolutely having due regard, to the quality, as well as quantity, in order, more effectual to equalize such division and apignment, between the respective parties concerned, and it is further decreed and ordered that Joseph Atkinson, James B Southall, Robert Butler, and George Wilson or any three of them with the aid of the county surveyor effectuate the foregoing decree as commissioners for such purpose, hereby appointed, and who make report of their proceedings in this respect to the next court, in order to a final decree —

A Copy Teste Nath.l Young Cl

At a Court held for Isle of Wight County the fifth day of August, Eighteen hundred & twenty two

John G. Pierce & Margaret his wife late Margaret Pierce. & Thomas Nelson Pierce & Wentworth Willis Pierce, infant children of Thomas Pierce decd. under the age of twenty one years, suing by Nelson Miller their next friend } Compts

v. Robert Taylor - Defendt / In Chancery

This day this cause came on to be heard on the bill of the Complainants & answer of the defendt - the exhibits filed, and arguments of Counsel thereupon the Court by Consent of the parties doth adjudge, order and decree that the land in the bill mentioned be divided and assigned as follows, to wit, two third parts thereof, to the said Complainants, Thomas & Wentworth Pierce equally between them after first assigning to said Pierces wife her dower interest therefrom - & the residue, to wit one third thereof, to the said Robert Taylor absolutely having due regard to the quality, as well as quantity, in order more effectually to equalize such division and assignment between the respective parties concerned: And it is further decreed & ordered that Joseph Mahon, James B. Southall Robert Bates, George Wilson or any three of them with the aid of the County surveyor, effectuate the foregoing decree as Commissioners in such manner heretofore appointed, & also make due report of their proceedings in the premises to the next Court, in order to a final decree.

Pennock
&
Taylor
} Heirs