1824-009 Chancery Causes: Newsom Turner val vs Catharine Tomlin & Joseph Nicholas Tomlin,

Isle of Wight County

by & c

other surnames: Bracey, Villines

Copy
of
Nicholas
Tomlin
Will
[illegible]
4 [illegible]
[illegible]97

In the Name of Almighty God I Nicholas Tomlin of Isle of wight County Being weak and poorly in Body but of Sound and perfect memory at present Cauling to Remembrance this Transatory State of Life do hereby make Ordain & Constitute this To be my Last will and Testament in manner and Form Following Viz ---------

Item I give unto my wife Rebeckah Tomlin the use of my plantation Houses & Household furniture of Every kind dureing Her Natural Life or widdowhood Except what I Shall perticular Name after I have Given her what I shall Name I also give to My wife as above mention one Sorrel horse Five head of Cattle her Choise of my Stock, also three head of Sheep her Choise also all My Hogs Except one Sow and Piggs I also will and Desire my Brothers Matthew Tomlin & John Tomlin To Examine the Residue of my Estate and Sell what thay may think proper To make Sale of, and to put the Said money to the use of Maintaining and Schooling my Children as thay may See cause to Do Except one Gun I give to my Son Joseph Tomlin ---------

Item I give and Bequeath Unto my Son Joseph Tomlin my manar Plantation that I now Live on and Land all that lies on the North Side of the New Line That I made in presents of Matthew Tomlin John Tomlin and Umpherry Revell To him and heirs for ever ------ Item I give and Bequeath to my Son Lewis Tomlin the other part of my Land lying over on the South Side of the New Line on the mill pond Called the old place To him and his heirs Forever —— I also will and Desire that at the Death or Marriage of my wife that what of my Said Estate ——
[illegible] up

Brought up
May Remain with her it Be Sold and Equally Devided Amongst my Children Namely Lewis Tomlin Martha Tomlin & Lucrecy Tomlin fairly & Justly ——

I also will and Desire if Ether of my Sons Should Die before they Arive to Lawfull Age or without Issue that That the Survivor of him that Dies may have the place or Land I have Devided as above mentioned ------

I also will and Desire that my Brothers above mentions Be my hole & Sole Executors To which I Sine & affix my Seal this Twenty Second Day of August One Thousand Seven hundred And Ninety Five ---------

Test

Joseph Westray
Humphrey Revell

Nicholas Tomlin

Copy of Nicholas Tomlin

Newson Lerner — married Lucinda
Foulin — sister to Lewis Foulin who
is dead — Champion Bracey married
Mandle Foulin sister to the same
Lewis — Catherine — Joseph —
Nicholas Foulin — 2 Children of
Joseph Foulin the Bro: of the
Sd Lewis — Jos Villeris — —
for the sake of love — —

J Mc: Cool —

Isle of Wight County January Court 1824

Jackson Turner in right of his wife Lucretia formerly Lucretia Tomlin, and Champion Bracey in right of his wife Martha formerly Martha Tomlin, } Complainants

against

Catherine and Joseph Nicholas Tomlin infant children of Joseph Tomlin deceased by John Mullins their Guardian ad litem } Defendants

In Chancery

By consent of parties and with the assent of the court this cause this day was docketed and came on to be heard upon the bill answer and exhibits filed, Whereupon the court after mature deliberation doth adjudge order and decree that that John Mullins and Jordan Parr, be appointed commissioners to sell at public auction, after having given a reasonable notice of the time and place of sale upon a credit of nine months except so much as will pay the cost of this suit and all other expenses attending the premises, which is to be cash the land with its appurtenances, of which Lewis Tomlin died seized; being the same which was devised to him by his father Nicholas Tomlin deceased: and that the said commissioners take from the purchaser or purchasers three bonds or promissory notes with good and sufficient security to each, after first deducting the costs and charges, which Bonds or notes are to be of equal amounts, and pay and assign over one to each of the complainants and the other to the Guardian of the infant Defendants as and for their proportions of the proceeds of the sale of the said tract or parcel of land and that he make to the purchaser or purchasers a good deed for the said land and make report of his proceedings to this court, in order to a final decree

Costs $13.97

A Copy Teste Saltho. Young Cl.

Farmer Hatters

vs

Cooper Pierce

Dominus &c Grant

Farmer in right of wife, & others . . . Complts

against . . . . . & Chancery

Tomlin's Ex'r &c. . . . . Defts:

By consent of parties and with the assent of the Court, this cause this day was docket=ed, & came on to be heard upon the Bill answer & exhibits filed, whereupon the Court after mature deliberation doth adjudge order & decree that Wm Villers & Jordan Parr be appointed commissioners to sell at public=lect auction, after having given a reason=able notice of the time & place of sale, upon a credit of nine months, except so much as will pay the cost of this suit & all other expences attending the premises which is to be <u>cash</u>, the land with its ap==purtenances, of which Lewis Tomlin died seized, being the same which was devised to him by his father Nicholas Tomlin dec.d and that the s.d Com.rs take from the pur=chaser or purchasers, three Bonds or promissory notes, with good & sufficient security to each, after first deducting the cost & charges — which Bonds or notes are to be of equal amounts, & pay and assign over one, to each of the complts: and the other to the Ex'r: of the infant defts: as & for their proportion of the proceeds of

the sale of the sd tract or parcel of land
make to the purchaser a good deed for same &
and that he make report of his pro
= ceedings to this Court in order to a final
decree &c

Decree

In Obedience to a decree of the Court of Chancery bearing date January 6th 1824, to us directed we the undersigned have made sale of the land which was supplied filed to sets, as directed in said decree as follows to wit, — — — — — — — — — — — —

40 Acres of land more or less. To Campion Bracy $154-00

Att.s fee - - - - - - - - $10-00
Clerks d.o - - - - - - - - 4-00
Commission - - - - - - - 7-70
} - - - - 21-70
net proceed 132-30
each share 44-10

and further in Obedience to said decree, we the said undersigned have taken bonds with security as directed in said decree - as follows to wit One bond payable to Hanson James and Lucretia his Wife for the sum of forty four Dollars, and ten cents, and made payable the 17th day of October 1824 - One bond payable to Catharine and Joseph C. Tomlin orphans of Joseph Tomlin dec.d for the sum of forty four Dollars and ten cents; and made payable the 17th day of October 1824 - and from Campion Bracy, We have taken his receipt for the sum of forty four Dollars and ten cents, being his proportion of the net proceeds of the sale of said land - - -

Given under our hands this 17th day of January eighteen hundred and twenty four — — — —

John Tellemeser

Jordan Tarr

To the Worshipful Court of Isle of Wight County
in Chancery sitting, humbly complaining, show unto your Worships the
Orators and Orator's, Stewart Turner, in right of
his wife Lucretia, formerly Lucretia Tomlin, &
Champion Bracey in right of his wife Martha
formerly Martha Tomlin — That Lewis Tomlin
late of the County of Westmoreland but now dec.d
and brother of the whole blood to your Orators
Lucretia & Martha, departed this life on or
about the day of in the year seized
& possessed of a certain tract or parcel of
land lying & being in the County afore.d & contain
=ing about acres, which said tract or
parcel of land was devised to him the s.d Lewis,
by his father Nicholas Tomlin as will fully
appears by reference to the Will of the s.d Nicholas
now of the clerks office of the County
Court aforesaid attested a copy of which is here
=to annexed & prayed to be taken as a part
of this bill — Your Orators in right of their
afore.d wives, beg leave to state to your honors
that the said Lewis arrived to the years of twen
=ty one and upwards before his death, that he
died intestate and without issue, leaving
no widow — and that they, in right of their
said wives are legally and equally entitled to
the said land as also the two infant child
=ren of Joseph Tomlin, who is now dec.d &
also a brother of the whole blood to the said
Lewis — Your Orators in right of their afore.d
wives beg leave further to state to your honors
that the said land in its present undivided
situation, is to them of no value whatsoever
and if devided would be of none, and that
therefore they are anxious & desirous that
the said land should be sold, & the lieu of $200. for share
to be made as can

as convenient, by a Court where your Wor=
=ships may appoint for that purpose,
but that they are informed that in conse=
=quence of the infancy of the afors.d chil=
=dren of Joseph Tomlin who are prayed
by some person to be appointed Guar: ad
litem to defend them in the cause pending
defts: to this bill, that a legal sale cannot
be made unless by the sanction & decree
of a Court of equity - he further considera=
=tion whereof & for as much as your
Orator's in right of their said wife are
remediless in the premises, save in this
honorable Court where matters of this
kind are properly cognizable and peculi=
=arly administered - To the end therefore
that the S.d Catharine & Joseph Nicholas
the infant children of the S.d Joseph Tomlin
by Jno. Villines, their Guar. ad litem ap=
=pointed by your worships to defend them
in this cause, be made parties defts to
this bill, and that they by their S.d Guar.
ad litem, be made to ans.r all & singular
the allegations herein cont.d as fully as if the
same were hereunto respectively & severally
thereto more particularly interrogated.
And that by a decree of this honorable
Court the said land may be decreed to
be sold, (upon such terms as yr worships
may think proper,) by a Com.r appointed
for that purpose, and the proceeds dealt by
the S.d Com.r between Mr. Orator in right of
their S.d wives, & the S.d infant defts, equi=
=ably to law & equity - To pray
Plean yr worships to grant

other & further relief in the premises as may
be consistent with the rules & principals of
this Court, & to award all such process
as may be necessary & proper

Newson Turner
Campfen Bracy

The answer of Catharine & Joseph & Nicholas
Tomlin, infant children of Joseph Tomlin
dec.d by Jno. Villines their Guar: ad litem, ap=
=pointed by the County Court of Tyrrell to de
=fend them in this cause, to the bill of com
=plaint against them exhibited in the Court
Court afore.d on the part of Newson Turner
in right of his wife Lucretia, formerly Lu
=cretia Tomlin, Champion Bracy in right
of his wife Martha, formerly Martha Tom
=lin - These respondents by their S.d Guar.
ad litem admits so far as they know or
believe that the allegations in the complts:
Bill are true & correct, & that they have
no objection to a decree in conformity to
the prayer of the S.d Bill, or to any decree
which this honorable Court may think pro
=per to make, hoping that their interest
may be protected & and having been
answered prays to be hence dismissed with
their reasonable cost in this behalf expen
=ded

Jno. Villines Guar. ad
Litem

Turner in right of his
wife & others

vs. } Bill, and
} & decree

Lawlers & Turner

January 5th 1824 Bill & Ans.
filed & interlocutory decree

March 1824 report returned and
decree accordingly

Lordin atty.