1824-012 Chancery Causes: Isham Hollowele & John Hollowele, by v c Vs Vs Sarah Peebles

Isle of Wight County
Plat

other surnames: Peeples, Hollawell, Hollowell

Isle of Wight County (to wit)

I do hereby certify that at the request of Mayr. Andrew Woodley, and in conformity to the annexed decree of the court of the aforesaid County - I have surveyed the land mentioned in the said decre, as will appear by the annexed plat, and have also run the dividing lines, as will also appear by the said plat reference being had to the field notes taken on the survey which being hereunto annexed, will fuly explain the boundarys thereof.

Given under my hand this day of 1824.

Thos. Uzzell deptg Survr.

Isle of Wight County January Court 1824

Isham Holloway and John Holloway an infant suing by Peter Holloway his next friend — Complainants

against — In Chancery

Sarah Pebles — Defendants

This cause came on to be heard on the bill answer &c and was argued by counsel, on consideration whereof the court doth adjudge, order and decree, that Josiah Woodard, Thomas Brantley and Richard Springfield or any two of them taking to their assistance the surveyor of the county of Isle of Wight, or any other if he cannot attend, do after notice to the adverse party and to the next friend of the infant plaintiffs, proceed to lay off the land of which Bowling and Mary Holloway died seized and possessed in the following manner viz: one fourth to Sarah Pebles, and the remaining three fourths, equally between Isham Holloway and John Holloway the infant Plaintiffs, and that the said commissioners do make report of their proceedings to this court in order to a final decree —

A Copy Teste

Wm. Young Cl

Hollowell v. Gp. Gow:

vs Copy Decree

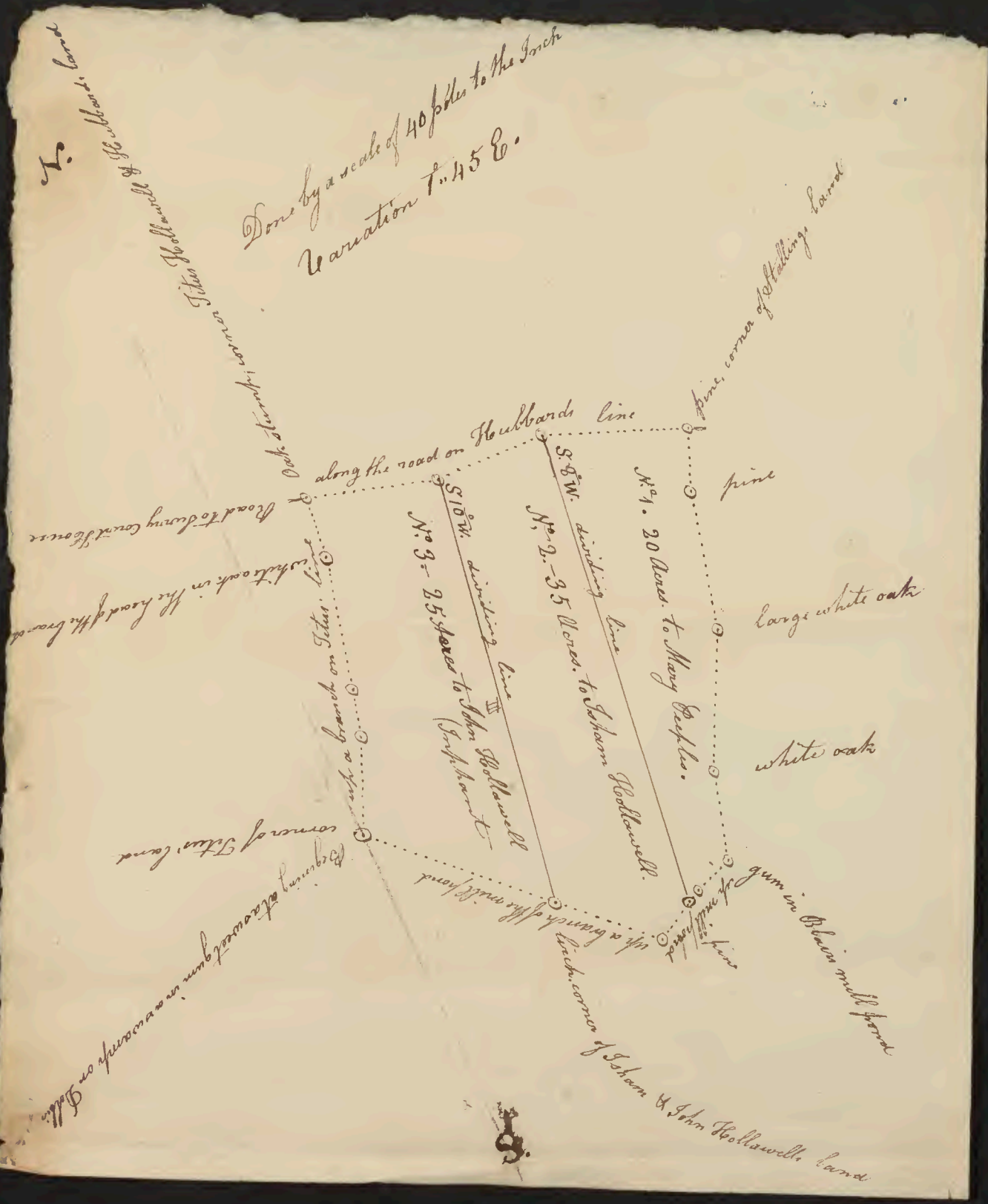
Peebles

Hollowell &c. — Chancery Court 1824

vs. } Decree

Sarah Publes

This day this cause came on to be heard, on the bill, answer, &c. and was argued by counsel; on consideration whereof, the court doth adjudge, order & decree that Josiah Ridgood, Thomas Bradley and ~~Jonathan~~ Richd. Hingfield or any two of them, taking to their assistance the surveyor of the county of Isle of Wight, or any other if he cannot attend, do, after notice to the adult party, & to the next friend of the infant plaintiff, proceed to lay off the land of which Courtney & Mary Hollowell died seized and possessed in the following manner, viz: one fourth to Sarah Publes, and the remaining three fourths equally between Sebastian Hollowell, & John Hollowell the infant plaintiff, & that the said commissioners do make a report of their proceedings to this court, in order to a final decree.


Done by a scale of 40 poles to the Inch
Variation 1°. 45 E.
No. 1
Oak stump, corner of Hollowell & Gilbert land
along the road on Hubbards line
pine, corner of Stillings land
S. 8 W. dividing line
No. 1. 20 Acres to Mary Beckler.
pine
S 10 W. dividing line
No. 2. 35 Acres to Johann Hollowell.
Road to Jonas Gates's
Oak stump in the road by the house
large white oak
No. 3. 25 Acres to John Hollowell (Grafton)
white oak
pine on Stillings land
Beginning at a wood gum in a swamp on Gilbert's
corner of Stilings land
pine
gum in Blein mill pond
pine
Oak stump on the north side of the road
Lich. corner of Johann & John Hollowells land

Notes taken on the survey of a tract of land called Hollowells to be divided amongst the heirs thereof - Bogening at a sweet gum in a swamp on Dollings line & corner of Titus Hollowells land - By Thos. Uzzell dep.ty Surv. 20th February 1824.

Running N. 25 E. 28 p. up a branch on Titus Hollowells line
N 14 E 52 p. do. do. to a small white oak, head of the branch
N 6 E 18 p. to an oak stump at the road, corner of Titus land
S 72 E 38 p. along the road, on Hubbards line
N 88 E 32 p. do. — — do. — —
S 67 E 41 p. do. to a pine, corner of Stallings land
S 23 W. 18 p. to a pine on Stallings line & fence
S 15 W. 40 p. to a large white oak, do. — —
S 27 W. 40 p. to a large white oak do. — —
S 16 W. 20 p. to gum in Blairs mill pond, corner of Stallings do.
S 69 W. 12 p. up the mill pond on Blairs line
S 56 W. 15 p. do. to the fork of the mill pond, corner of Dollings land
Thence N 46 W. 89 p. up the swamp on Dollings line to the begining

In pursuance to a decree of the County Court of Isle of Wight, to us directed, We the undersigned have, with the assistance of the assigned Surveyor, proceeded to lay off and divide the land in the said decree mentioned, in the following manner, viz, To Sarah Butler we have assigned Lot No. 1. containing 28 acres it being one fourth of the ~~land~~ whole tract. To Isham Holloway we have assigned Lot No 2. containing thirty five acres, with the privilege of ~~using~~ the kitchen and a part of the orchard, & to John Holloway (infant) we have assigned lot No. 3. containing 35. acres, with the dwelling house, & a part of the orchard; all which may more clearly be seen by reference to the Surveyor's plat &c. Given under our hands this 27th day of Feby: 1824

Thomas his mark Brantley
Richard B Strongfield
Josiah Bidgood

Hollowell Dft. Guardian

Wm. Pebles } Report of

Commissioners

To the worshipful Court of Isle of Wight County, in Chancery sitting.

Humbly complaining shew unto your worships, your orators Isham Holloway, and John Holloway an infant, suing by Titus Holloway his next friend. That a certain Country Holloway, some time about the day of in the year 1843 died intestate, leaving only two sisters, Mary Holloway and Sarah Pitts, formerly Sarah Holloway; ~~that at the time of the death of the said Country, she was entitled to an undivided moiety of a tract of land lying in the county of Isle of Wight, and which she held as joint tenant with her sister Mary.~~ that the said Country and Mary were seized and possessed of a tract of land, lying in the county of Isle of Wight, ~~which they~~ as joint tenants, and that consequently, each was entitled to an undivided moiety of the whole: that upon the death of the said Country, her proportion of the land descended equally to her sisters Mary, & ~~[illegible]~~ Sarah, that as Mary was possessed of a moiety of the land before the death of Country, she now became entitled to three fourths, and Sarah Pitts (formerly Sarah Holloway) to one fourth: ~~of the said land~~ Your orators further beg leave to state, that some short time after the death of said Country, the said Mary Holloway also departed this life, after having duly made and published her last will and testament in writing, in which she bequeathed ~~to your orators~~ all the right, title and interest which she had in the said tract of land to your orators Isham Holloway and John Holloway. That your orators have applied to the said Sarah Pitts, for a division of the land in the proportions suggested, that is, by assigning to himself, the one fourth which descended to him on the death of Country Holloway, & to your orators the ~~the~~ remaining

three fourths, which was clearly the proportion of the said Penny and of which she ~~died seized~~ bequeathed to your complainants — But now, so it is, may it please your worships, that the said Sarah Peebles, hereinafter called defendant, while she has no objection to make ~~such~~ a division, yet refuses to do so, unless authorized and sanctioned by a court of equity — all of which conduct on the part of the said defendant, is contrary to equity and good conscience. In tender consideration whereof, & for as much as your orators are without remedy at law & can only be relieved in this honorable court, where matters of this kind are only cognizable & justice duly administered. To the end therefore that the said defendant may answer the premises as fully and distinctly, as if the same were again repeated & she specially thereto interrogated; and that by a decree of this honorable court, the said defendant may be compelled to make ~~such~~ a division of the land aforesaid, ~~as has been suggested above~~, & that commissioners be appointed to lay off and allot one fourth ~~the said land~~ to the said Sarah Peebles, & divide the remaining three fourths equally between your orators Isham Hollowell & John Hollowell; and may it please your worships, to grant all such other & further relief to the premises as may be consistent with the rules & principles of this court & to award all such process as may be necessary & proper in the premises &c —

~~[illegible]~~

his
Isham × Hollowell
mark

his
John × Hollowell (or mark
prined to the infant compt.

The answer of Sarah Peebles to a bill, exhibited against her in the County Court of Isle of Wight County, —

This respondent, now, and at all times hereafter, saving and reserving to herself, all benefit of exceptions to the allegations of the complainants' bill, for answer thereto saith, that she admits that the allegations of the bill are true, and that she has no objection to any decree, which this honorable court may think proper to make in the premises; and having thus answered, prays to be dismissed with her reasonable costs, in this behalf expended. —

W. H. Woodley atty. for
Sarah Peebles —

Letters &c

Mr Eli & Amos

Mark Scott

Dunsany 5th 1024 July &

Mrs Adda ma Chittyhouse

Aug. 5th 1024 Enclosed to

and also accordingly