

1826-006

Chancery Causes: Mary Ann Madery vs John Forrest & ux & Lucy Ann Madery, by &c

Dale of Wight County

other SURNAMES: Holleman,
Maddry, Forriss

In the Honorable Court of Isle of Wight County in
Chancery sitting, humbly complaining sheweth unto
Your Honorships, Your Orator Mary Ann Mason
an infant of tender years arriving by ~~her~~^{John Hollenbeck}
her next friend - That Rich^d. Mason the father
of your Orator, departed this life on or about
the day of _____ in the Year _____ intestate seized
and possessed of a small piece or tract of land
lying and being in the County aforesaid and contain-
ing about _____ acres - That the said Rich^d. left
a widow, and two infant children, to wit y^r.
Orator and her sister Lucy Ann, all of whom
are still living - That it is decreed upon deli-
very, that soever in the said land should be
assigned to the said widow (which is since the
death of the s^d. Rich^d. intermarried with a
certain John Forrest) and that it then should
be sold upon such terms as y^r. Honorships may
deem proper & direct, subject to the power
aforesaid and the proceeds equally divided
^{which will amount to three hundred dollars or thereabouts}
between y^r. Orator and her sister Lucy Ann,
but that y^r. Orator is informed that the
sale can take place other than by a
decree of a Court of Chancery, where
matters of this sort are proper & requi-
= sible - In tender consideration of which &
for as much as your Orator is without
remedy in the premises, except by & through
the intervention of a Court of Equity, y^r. Ora-
= tor prays that the said Mrs. Forrest and the
s^d. Lucy Ann, by some person whom your
Honorships may appoint Sec^y: ad-Litem
to defend her in the same, may be made
and that the costs of the suit may be paid.

to answer all the allegations herein contained
as fully as if the same were here and
repeated & they thereto more particularly
interrogated. And lastly, that your worships
will decree, that some fit & proper person
or persons be appointed Court to be assisted
by the County Surveyor if necessary, to lay
off and assign to the said Drs Forrest and
wife one full and equal third part of
the said tract or parcel of land, as and
for their downer right in & to the same,
and that the said Court or Courts or each
of them as may act, upon a public
auction, the said tract or parcel of
land, subject to the downer right of
upon purchase in or upon heron
may ^{think proper} ~~think proper~~ and after paying all
expenses attending the premises, divide
equally between you in full Compt. of
debt, the balance of the proceeds of such
sale. - And that your worships will
make any further order or decree in
the premises as may comport with
Equity and the nature of the case, &
in any Court.

Wilson Holliman

The answer of Drs Forrest Wife and Lucy Ann
Orsberry an infant under the age of twenty one
years, by Wilson Holliman appointed by the
County Court of Innesburgh, Esq. as before
Is defined her in this Cause, to a Bill of
Compt. against them exhibited in the
County Court above on the part of Mary
Ann Orsberry an infant of under
years arising by Mrs Holliman her mother & friend.

These depts. admit that the statements
& allegations cont. in the Compt. Bill
are true & correct, and object not to a
decree in conformity to the prayer therein
contained, or to any decree which your
worships may think proper to make.

John Forrest
Wilson Holliman

The names of the several books and other
papers are entered in the list of books
given by the Hon. William W. Woodbury
to the Court of Chancery in the year
1820 in the name of a list of
books of account then published in the
Court of Chancery in the list of books
then entered in the name of the
Hon. William W. Woodbury
then with account that the
Hon. William W. Woodbury
are then entered in the list of books
then entered in the list of books
then entered in the list of books
then entered in the list of books

Madery per mst f^a

or: $\frac{3}{4}$ Bill, ans. de
Forrest & upor ad.

June 5th 1826

Bill and ans. filed & Inter. Decree

July 3^d 1826 rpt. ret^d & decree
accordingly

July Judgments
1826
m

Amended

In obedience to a decree of the honourable Court of Islipwright
County herunto annexed I have proceeded to Advertise & sell
the land of which Richard Madery died seized and possessed
containing by estimation fifty acres Subject however to
the dower Right of Lucy Torrip wife of John Torrip formerly
the widow of Richard Madery dead which is laid off and
bounded as follows, beginning at a small pine near the
Road thence nearly a east course by a forked Peach-
tree to a small Post thence nearly a north course by
a line of three Peach trees to a small branch thence
up said branch to the Road thence along the Road
to the beginning containing by estimation five acres
with the Privilege of getting fire wood & fencing
timber from any part of the whole tract, and
John Torrip became the Purchaser for the sum
of \$1000 from which sum I have ~~deducted~~ deducted
\$14 - to pay for obtaining the decree & \$5 -

for my commissions leaving a balance of \$81.00
and have taken bond for to secure that amount
and paid them to the legal guardian of Lucy
Ann & Mary Ann Madery all of which is
Respectfully Submitted to the Court for a
final decree

Josiah Hallerman
Commissioner

Forrest & wife and Masony per Lucas. Beft.

By the consent of parties and with the
Assent of the Court, this cause was this day
docketed, and came on to be heard upon the
Bill, ^{the} and if it be found, and was ar-
=gued by Counsel; whereupon the Court
after mature deliberation doth adjudge
order and decree, that Joseph Holliman
be appointed a Comr. (to be assisted by
the County Secy or if necessary) to lay off
and assign on full and equal title a part
of the tract or parcel of land of which
Reuben Massey dene seized, to Jos Forrest,
his wife, as for the dower right of the wife
of the s^d. Forrest, take the widow of the same
Massey, in and to the same; and that then
the said Comr. expose to public sale upon
a credit of nine months, the afores^d. tract
or parcel of land, subject to the dower
right afores^d, except so much as will
pay the cost of this suit and all expenses
attending the premises, which is to be cash,
and that he take for the balance of the
Purchase Money two Bonds or Notes with
good & sufficient security to each, of equal
amount, and that he assign & pay over
one to each of the legal Executives of
afores^d. infant Compt. & left: as and for
the satisfaction of the said cause of the same

tract or parcel of land -
in support of the necessary to this court in
order to a final decree.

The court has considered the petition and the
affidavit of the petitioner and the evidence
presented and is of the opinion that the
petitioner is entitled to a decree of
specific performance of the contract and
that the defendant is liable for the costs
of the petition and the costs of the
defendant. The court is of the opinion
that the petitioner is entitled to a
decree of specific performance of the
contract and that the defendant is
liable for the costs of the petition
and the costs of the defendant.

Isle of Wight County, June Court 1826

Mary Ann Maddy an infant of tender
years, suing by William Holliman her
next friend.

Complainant

against

In Chancery

John Forrest and wife, and Lucy Ann Maddy
an Infant under the age of twenty one years by
Wilson Holliman appointed by the Court, Guardian
ad litem to defend her in this cause.

Defendants

By consent of the parties and with the assent of the Court
this cause was this day docketed and came on to be heard, upon
the bill, answer and exhibits filed, and was argued by Counsel:
Whereupon the Court after mature deliberation doth as judge
order and decree that Josiah Holliman be appointed a Commis-
sioner (to be assisted by the County Surveyor if necessary) to lay off and
apportion one full and equal third part of the tract or parcel of Land of
which Richard Maddy died seized, to John Forrest and wife, as &
for the dower right of the wife of the said Forrest, late the widow of the
said Maddy, in and to the same; and that then the said Commis-
sioner expose to public sale upon a credit of nine months the afore-
said tract or parcel of Land, subject to the dower right aforesaid: except
so much as will pay the costs of this suit and all expenses attending
the premises, which is to be cash - and that he take for the balance
of the purchase money two bonds or notes with good and sufficient
security to each in equal amounts, and that he assign and pay over
one to each of the legal Guardians of the aforesaid infant Com-
plainant and Defendant, as and for their proportion of the sale of
the said tract or parcel of Land: and that he make report of his

proceedings to this Court in order to a final decree

Att^y's fee \$10.00

clks 4.00

\$14.00

Allegry Teste

Nathl. Young CD

Maddy Friend

no. 3 Inter. decree

Forest and wife &c