1826-011 Chancery Causes. Mary Meadow, by v c vs James Pedin v Emily Pedin, by v c

Isle of Wight County

Plat

other surnames: Woodley, Benn, Cutchin, Meador

Note taken on the survey of a tract of land, (called Benns) belonging to the heirs of Jeremiah Peeden &c. 14th Sept. 1825. by Thos. Uzzell. D. S.

Begining at a small post oak, on the red point road, at the mouth of Cooks lane

And runing thence

S 68 W. 14 p. to a pine on Purdies line
S 47 W. 28 p. to a pine do.
S 14 W. 47 p. to a pine stump. corner of Purdie's & Jordans land
N 63 E 336 p. on Jordans line to a branch of Jones' creek.
N. 32 W. 49 p. down the above said creek. to the mouth of a gut
N 28 W. 18 p do. do.
N 10 E. 17 p. to a landing do.
N. 8 E. 25 p do. do.
N. 30 E. 19 p. do. do.
N. 7 E. 20 p. to a landing at the fork of the creek.
N. 49 W 8 p. up Davis' creek
S 86 W. 14 p. do. do.
S 55 W. 8 p do. do.
N 79 W. 48 p up Benns creek
S 44 W 108 p up do. on Whitfields line to Cooks landing
S 8 W. 15 p. up a branch on Cooks line
S 18 W. 22 p. do. near a going over place do.
S 38 W. 18 p do. do.
S 18 W. 8 p. do. do.
S 50 W 12 p. do. do.
S 52 W. 12 p. do. to a spring. do.
S 13 W 35 p do. a going over plac do.
S 40 W. 28 p to a black gum at Cooks spring do.
S 48 W. 26 p along Cooks lane to the begening.

Agreeable to the annexed decree of the worshipfull court of Isle of Wight county to us directed, we the undersigned after the several tracts of land in the said decree alluded to, were surveyed) found that it would be impracticable to divide the said lands to the interest of the parties as directed by the said decree; We therefore valued the tract called Bens containing Two hundred and Six acres at fourteen hundred and fifty dollars, the Brick House tract containing One hundred and fifty seven acres at Twelve hundred and Sixty dollars, and the tract called Meadow containing fifty eight acres at Two hundred and ninety dollars; We then ascertained each parties proportion in the said Bens tract agreeably to the said valuation and according to the said decree to be as follows, to wit, Mary Meador's proportion five hundred and forty three dollars and seventy five cents; James Peden's proportion four hundred and fifty three dollars and Twelve & a half cent, and Emily Peden's proportion four hundred and fifty three dollars & Twelve & a half cents: We then ascertained each parties proportion in the valuation of the other two tracts above mentioned to be five hundred and Sixteen dollars Sixty Six & two thirds cents: We therefore allotted to Mary Meador the Bens tract as Lott No. 1 and she is pay Lott No. 3 Three hundred Eighty nine dollars fifty eight & Two thirds cents, To James Peden we have allotted the Brick House tract as Lott No 2. and he is to pay Lott No. 3. Two hundred & ninety dollars Twenty & five sixth cents; and to Emily Peden we have allotted the meador tract as Lott No 3 and she is to receive from Mary Meador (to whom is allotted Lott No 1) three hundred and Eighty nine dollars & fifty eight and two thirds cents: and from James Peden (to whom is allotted Lott No 2) Two hundred and ninety dollars & Twenty & five sixth cents, which gives to each their full proportion of the said Lands as valued & according to their respective rights under the said decree. All which we beg leave to report to the court October 27th 1825

Saml G. P. Lawson
Barth. Lightfoot

To the Justices of Isle of Wight County Court sitting in Chancery - humbly complaining shewith unto your worships, your orator Mary Alexander an infant under the age of twenty one years sueing by Andrew Woodley her guardian and next friend - That ~~[illegible]~~ the said Mary is one of the children of a certain Polly Bean ~~[illegible]~~ alias who died intestate about the day of A.D. she left two other children to wit, James and Emily Bean who are under the age of twenty one years - at her death she was entitled in fee as an estate of inheritance to two tracts of land in Isle of Wight County, one containing by estimation acres and the other containing by like estimation acres - That a certain George Bean who died testate about the year 1813 devised "to Josiah Butcher of Jeremiah, the land and plantation whereon he lived during the whole of the child of his said niece Polly Bean ~~[illegible]~~ alias should arrive to lawful age, then to the said children of the said Polly Bean alias aforesaid, (excepting however the grave yard and the clock which was fastened to the House) to them and their heirs forever" - your orator states that the said Polly Bean alias had no child other than herself and the said James Bean ~~[illegible]~~ and Emily Bean ~~[illegible]~~ and one George Bean ~~[illegible]~~ who both died under the age of twenty one years leaving your orator Mary ~~[illegible]~~ his sister of the whole blood and James & Emily Bean ~~[illegible]~~ both sisters of the half blood ~~[illegible]~~ and your orator has been very solicitous that the lands aforesaid should be divided so that each should know his or her own proper lands but this request has not been complied with and she is advised that she cannot have such a division unless by a decree of this Court - In tender consideration whereof and for as much as your complainant is remediless in the premises save by the aid of this Court, she asks that the said

James and Emily Pedin may have Guardians ad litem assigned them and be required to answer this Bill &c. That your worship will decree a partition of the lands aforesaid according to the rights of each party and appoint fit & proper Com-missioners to carry the decree into effect and make any other or further decree in the premises for her relief which may be consistent with Equity. And as in duty bound she will pray &c.

signed

A. Reis, p.q.

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tender years, of the age of — or thereabouts, and humbly submit their rights and interests in the matters in question to the protection of this worshipful Court —

(signed)

Edmund Pedin Guard.
ad litem

The joint and separate answer of Emily & James Pedin infants under the age of 21 years by Edmund Pedin who is by the Court assigned Guardian ad litem to defend their interest, to a bill in Chy. exhibited by Mary Meadow by next friend vs them in the County of Isle of Wight. —

These defendants saving &c say they believe it to be true that Geo. Bean in his lifetime did shortly before his death make his will in writing, to such purport & effect as in the Bill mentioned and that the same was according to law admitted to record — that they believe it to be true that the mother of themselves and of the plaintiff was one common mother and that she left no heirs other than the plff & the defendants & Geo. Bean Meadows and that the lands in the bill mentioned ought to be divided between them & the said Mary Meadow — They furthermore say that they are infants of

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Mary Meadow an infant suing by Andrew Woodley her next friend & guardian — — Plff.
In Chy.
vs
James & Emily Pedin infants &c. — — — Defts

This cause in which the Court appointed Edmd. Pedin guardian ad litem to the infant defts. came on this day to be heard upon the Bill and answers filed and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that Matthw. Yalding, Saml. P. Jordan, Bartho. Lightfoot and John K. Todd or any 3 of them, assisted by a Surveyor of the County if required, do divide into three equal parts as nearly as may be consistent with the general interest of the plff and the defendants the lands in the County of Isle of Wight of which Polly B. Meadow died entitled as an estate of inheritance, ~~one [illegible] assigned to the plff~~

~~and the oath by Geo. Brown and Neil Gillis~~
~~also in the County of Bedford~~. That
they allot and set apart one third part of
the said lands to each of the defendants &
the other one third part to the plaintiff to be
held by ~~them~~ ~~and~~ each of them as an
absolute estate in fee and in severalty
~~Liberty is granted to the injured party, which was~~
~~against this decree, if any shall be, within one~~
~~year after making both parties parties~~
~~but the case will be open to this in~~
~~and doing with any thing specially~~
~~stated by which may be agreed by the~~
~~parties in order to a final decree~~

Pedin & friend
vs. Bill & ans.
Pedin & Gdn

August 1825 Bill &
ans. filed & Interlocutory decree

Oct. 3d 1825 former decree
set aside & new decree entered

Feb. 6th 1826
report returned & confd.

August 8th 1826
Report confirmed & final decree

Allowance p. Sq.
3 Bill Sq.
Pedin & Q

Bill and ans. & decree
Consent & C. 1 Sq.

Allowance 1 Sq.

Acres.
206 138/160
Jordans line of marked trees
Jordans corner
Drum
Meard
branch of Jones creek
a landing
up Bonn creek
Mitchelldale line
Goodwin line
up a branch on Jordan line
Pindar line
a black gum at Coach Spring
a venerable fast oak at Clerk's line on the road to Bedon
Bedon's corner

*V It is furthermore decreed that the said Comrs
or each of them as do act, do divide the
land of which was devised by George
Bean to the children of Polly Bean deceased
and allot the same as follows to wit
one ~~fourth~~ 37½ hundredths to Mary Meadows one ~~fourth~~ 31¼ hundredths
to James Bean 31¼ to Emily Bean, ~~fourth~~
~~[illegible]~~
~~the [illegible] of George Bean [illegible]~~
~~that they [illegible] to divide the~~
~~[illegible]~~
~~of George Bean [illegible] unto them~~
~~parties as follows to wit one half to~~
~~Mary Meadows and the other one half~~
~~[illegible] Emily [illegible]~~
* which land is to be held by them as an
absolute estate in fee and in severalty -
Liberty is reserved to the infant defts.
to shew cause if any they can within
one year after arriving to the age of twenty
one years - against this decree - and that the Comrs do make
report of their acting and doings with any
thing specially stated and which may be
required by the parties to be so stated, in
order to a final decree.

Decree of 5th
Pendr de 3 Chy

This cause came on again to be heard this day upon the papers formerly read and the report of the commissioners made in pursuance of the order of ~~the~~ ~~day of~~ Clerk's Court 1825 to which report no exceptions have been filed, and was argued by counsel; on consideration whereof the court doth adjudge, order, and decree, that the said report be confirmed, and the costs of this suit be mutually borne by the parties —

Isle of Wight County, October Court 1825

Mary Meador an infant suing by Andrew Woodey her next friend and Guardian . . . Plaintiff

against

James and Emily Pedin infants under the age of twenty one years suing by Edmund Pedin their Guardian ad litem . . . . . Defendants

In Chancery

For reasons appearing to the Court and by the consent of parties, the Interlocutory decree entered in this cause at August Court 1825. is set aside, and the Court with the like consent, decree, order and adjudge that Nathaniel Young Samuel P. Jordan, Bartholomew Lightfoot and John H. Todd or any two of them appointed by a Surveyor of the County (if required) do divide into three equal parts having regard to quality and quantity as nearly as may be consistent with the interest of the Plaintiff and Defendants the lands in the County of Isle of Wight of which Polly B. Meador died entitled as an estate of inheritance — that they allot and set apart one third part of the said lands to each of the Defendants, and the other one third to the Plaintiff to be held by each of them as an absolute estate in fee and in severalty —

It is furthermore ordered that the said Commissioners or such of them as do act do divide the land which was devised by George Benn to the Children of Polly B. Meador and allot the same as follows — one thirty seven and one half hundredths to Mary Meador, one thirty one and one fourths hundredths to James Pedin — and one thirty one & one fourths hundredths to Emily Pedin, having regard to quality and quantity — which said land is to be holden by them as an absolute estate in fee and in severalty — liberty is reserved the infant Defendants to shew cause (if any they can) within one year after arriving to the age of twenty one years against this decree: and that the said Commissioners do make report of their actings and doings with any thing specially stated and which may be required to be so stated in order to a final decree —

Allegy Yeate Nath. Young CC

Meador & Friend

vs. Inter. Decree

Pedin & Gon