

1828 - 027 Chancery Causes

John Rose, Francis Rose & Nancy Rose, by & c vs William Bland

Dsh of Wight County

& ut, & Everett Turner & ut

Other surnames: Bradshaw,

Rose
Nov. 3
Beie City

Rose & ad. Gfriend
vs. $\frac{2}{3}$ Bill & Ans?
Bland and wife &c
December 3^d 1827 Bill &
Ans? filed and Inter: decreed
Jan: 7th 1828
Decree amended

~~The answer of John Bland~~

The answer of Mr. Bland and Polly
his wife, Everett Loom and Betsey his
wife to a bill of complaint exhibited
against them in this County &c. of the
Supt by John Rose & others, captioned &c.

They say in answer to the charges
they admit the charges in the bill to be
true, except that the heirs &
themselves are entitled to the land
and are entitled to a sale of
the land that the Court may
make any lease in the
premises, which may be right.

Edwin Lobb

W Bland ^{his} +
mark
Everett Loom ^{his} +
mark

To the County Court of Elbert County in
Chancery, setting Henry complaining, then
with unto even worship your orator
and orator, John Ross, Francis Ross &
Nancy Ross under the age of twenty
one years who are by Patricia Ross
their ~~former~~ next friend that
some years ago one John Ross late
of said County died by his will
devised to his two sons, Isaac & John
Ross the remainder of ~~the~~ land which
he purchased of Richard Broad, law
and Jeremiah Broad, law to them &
their heirs forever. That since the death
of the testator and without the said
land having been divided between the
said Isaac and John, the said John
has died under age of 21 years, leaving
them sister & brother, to wit
the poly who is the wife of Mr. Blaine
Betsey who is wife of Everett Linn
Nancy Ross, John Ross & Isaac Ross
who are his heirs at law. That
the intent of the said testator in said
will proportion of said land is
worth less than \$300 a share &
they pray the Court to decree a
sale of the same so that the Court
will make the said Mr. Blaine & poly
his wife, Everett Linn and his wife, Betsey
be made heirs unto the same to
answer this will, & that the Court
will make any decree in the premises
which is consistent with Equity &
do in duty bound they will obey &
obtain.

Non

in by Kicoru

Blair to

~~Mr. Bland Spolly line under Court with T~~
~~and Spolly line under~~

John Ross, Francis Ross and Nancy Ross
under 21 years of age by pattern Ross next to
M. Bland Spolly. Court term Spolly Court apt.
This case came on this day to be heard
upon the plea and answer, filed &
was argued by Counsel; On consid-
-eration whereof the Court doth agree
upon & decree that Mr. de Balle and
after having given at least 30 days
previous notice of the term and place
of sale do sell to the highest bidder
upon a credit of 6 months prompt for 50
march with pay the costs of suit which
will be for Cash, ^{the undersigned intend to pay Ross in the} ~~the land~~ to as much as
~~the land~~ ^{Ross} is entitled under the will
of his father John Ross in this County &
which was owing to Francis Ross and the said
Can Ross which is undivided
That if the same land he take Thomas
with good security in such way as to
enable him to pay over the same and
this order that if the next process
he do pay over 1/5 — to Mr. Bland Spolly
in his wife's right, 1/5 — to Emily Turner &
in his wife's right, 1/5 — to John Ross,
1/5 to Francis Ross & 1/5 to Nancy Ross —
And the Court is directed to convey the
title to the said land to the purchaser
upon the term of sale being complied
with but without warranty &
to make report to this Court of his
act in relation to this order in order
to a final record & do hereby.

Rose &
Lucy
Blair

Rose & Blair sisters.

~~This case came on again to the Court by consent~~
~~of parties~~

By consent of parties with
the assent of the Court, the ~~case~~ decree
entered in this cause at Dec. Court 1874 is
so amended as to authorize William H
Ballard Esq. & Duck to divide into two
equal shares having regard to quality &
quantity, the lands in this County devised by
John Rose to ~~his two sons~~ two of his children
Frank and Carr Rose ~~and~~ being the lands
alluded to in said decree which division
is to take place before any proceedings are
had under the said decree, and they are
authorized if necessary, to take with them
a surveyor to aid in the division; & it is
further on adjudge, ordered and decreed
that the said Court do allot one half of
the said lands to Frank Rose to hold under
the will of his father and to sell & divide
the other half agreeably to the terms of the
decree of Decatur Court in this cause
rendered and the said Jacob H Duck is
appointed a Com. to unite with the said
W H Ballard in carrying into effect the
said former decree &c.

In Isle of Wight County Court, December 3^d 1827.

John Rose, Francis Rose, and Nancy Rose,
infants under the age of twenty one years by
Patience Rose their mother and friend

Complainants

against

In Chancery

William Bland and Polly his wife, Evert
Turner and Betsy his wife,

Defendants

This cause came on this day to be heard upon the bill and answer filed, and was argued by counsel; On consideration whereof the Court doth adjudge, order and decree that William St Bal-lard, after having given at least thirty days previous notice of the time and place of sale, do sell to the highest bidder upon a credit of six months (except for so much as will pay the costs of suit which will be for cash) the undivided interest of said Rose in the land to which Rose is entitled under the will of father John Rose in this county and which was devised to Francis Rose and the said said Rose, and which is undivided - that of the purchaser, he take bonds with good security in such way as to enable him to pay over the same under this decree that of the net proceeds he do pay over one fifth to William Bland and Polly his wife in right of his wife - to Evert Turner and Betsy his wife in right of his wife one fifth - to John Rose one fifth - to Francis Rose one fifth - and to Nancy Rose one fifth - that the said Commissioner is directed to convey the title to the said land to the purchaser upon the terms of sale being complied with - but without warranty and that he make report thereof to this court in order to a final decree.

Decrets

Alexy Zeste Nathl. Young CS

Attos' fee . . . \$10.00
Clerks " . . . 4.00
\$14.00