

1830-011 Chancery Causes, Martha Edwards, by & c vs Richard Edwards & William Edwards, by & c

Dale of Wight County

other surnames: Shelly

Edwards }
vs } Bill
Edwards } answer &
} decree.

November 2^d 1829 Bill
& answers filed & entered
decree.

January 4th 1830 Report
returned & cont^d.

May 3^d 1830 Report conf^d
& final decree entered.

Dollar

To the worshipping court of Chancery
sitting. The joint and separate answers of Richard
& William Edwards infants by their next friend
Meritt Shelly, appointed by the court to defend them
in this behalf, to the bill of complaint exhibited
~~against them~~ by Thomas Shelly next friend to the infants Martha
Edwards. These respondents now and at all times saving
& reserving to themselves every benefit of exceptions,
to any error or imperfection in the complainants bill
contained; for answer thereto, or to so much thereof
as they are advised is necessary and material for them
to answer;— Answer and say: that they cannot
gain say the complainants allegations, and they are willing
that this court should pronounce such a decree in
the premises as may seem right and just; relying upon
the wisdom and justice of this court, these defendants
having answered pray to be hence dismissed &c.

Meritt Shelly next friend
to the infants

Richard & William

Edwards' Infant per friend plaintiff }
ps } Chancery
Edwards' Infants defendants

By consent of parties, and with the assent of the
court this cause was this day docketed, and came on
to be heard on the bill, answer, & other exhibits filed,
and was argued by council, whereupon it is ordered
adjudged and decreed that William Whem
do sell to the highest bidder ^{the} said tract of land mentioned
in the bill, on a credit of 12 Months, except cash enough
to defray the expense of this suit; after duly adver-
tising the time and place of sale, ~~for at least~~
~~the said~~: that the said commissioner shall divide
the amount of sale of the said land into three equal
parts after deducting the necessary expenses as aforesaid,
and take a bond for each part with good secu-
rity to each ~~and~~ from the purchaser; and assign
one bond to the guardian of the infant com-
plainant Martha, one bond to the guardian of Richard
& the other ^{bond} to the guardian of the infant William; if
they have guardians, if they have no guardians; then
the said commissioner shall file the said bonds
with the clerk of this court until further order of
the court.

And finally it is ordered that the said commissioner
do make a report of his proceedings herein to this
court in order to a final decree

To the worshipful court of Isle of Wight in chancery sitting
humbly complaining, ^{shew unto your worship} your ~~native~~ ^{infant} Martha infant of Thomas Ed-
wards suing by, and through, her next friend, Thomas
Shelly, that your complainant is an infant of Thomas
Edwards who has departed this life in the present year who
left beside your complainant two other children whole
brothers to your complainant Richard & William &
your complainant further shew that her father left
no widow & died intestate, leaving a small tract of
land containing about 138 acres all lying in this coun-
ty except 38 of the same tract which lyes in the county of
Surrey; of which he died seized and possessed, which said land
descends to your infant complainant and her aforesaid
two infant brothers, by the death of their said father, ac-
cording to an act of the Assembly in such case made
and provided. Your infant complainant is advised
as the said tract of land is small, and of much
less value to a share than three hundred dollars,
and as the money arising from a sale of the
same, is likely to be much more profittable
to them than the rents; or a division thereof.

Your complainant therefore prays a sale & division
of the money among the respective parties according
to law. Your complainant is apprised that the said
land cannot be sold without the aid of a court of
equity where matters of this kind are properly cogniza-
ble. In tender consideration whereof, and in as much
as your complainant is without remedy elsewhere;
she prays that her two infant brothers Richard &
William, by some friend to be appointed by the court
to defend them in this behalf, may be made defendants
hereto, and be compelled to answer all and every allegations
herein contained, fully and unequivocally. She further
prays that the said land be sold and money divided
among the infant plaintiffs and defendants according to
law, and finally she prays that this court would make any other
order or decree, as may seem right and just; and as
in duty bound she will ever pray &c. Thomas Shelly next
friend of Martha ~~friend to the infant~~

Comms
of Sales
of Land
Edward W. Edwards
Dec 1839
at Court 1839

In obedience to a decree of the ~~Worshipful~~ Court
of Guilford County, Dated Nov. Court. 1829
I exposed to public Sale, the Tract of Land which
Thomas Edwards Directed and possessed of, as by
said Decree ordered to do. — — — — —

138. Acres Land D. Mrs. C. J. John Ward... \$770.00

By Expense of Said Decree ——— 14.62 1/2
By Comm. on Sale 2.37 1/2
Nett. Sales ——— \$753.00

By bond for Martha Edwards Inf. 251.00
" do. do. R. H. Edwards. . . . 251.00
" do. do. W. N. Edwards ——— 251.00
\$753.00

Note. 1 Bond agreeable to order
of R. H. Edwards ——— 251.00
1. do. do. Martha she having moved 251.00
to the age of Twenty one Year
The other Deposited with the Clerk of
this County Court. 251.00
\$753.00

Which is respectfully submitted

Wm. B. Wynn Com.
Woodville June 27 In Said Decree
12th Nov. 1829

Edwards G^{fr}

or

Z. Diera

Edwards G^{fr}

Abosny

Solo of Night County November Court 1874

Martha Edwards an infant by Thomas Shelly
her next friend Complainant,
against

Richard and William Edwards infants by
Morris Shelly their next friend Defendants

In Chancery

By consent of parties and with the assent of the court this cause was this day docketed, and came on to be heard on the bill answer and other exhibits filed and was argued by counsel: whereupon it is ordered adjudged and decreed that William Wynn do sell to the highest bidder the said tract of land mentioned in the bill, on a credit of twelve months, except cash enough to defray the expense of this suit; after duly advertising the time and place of sale, that the said commissioner shall divide the amount of sale of the said land into three equal parts after deducting the necessary expenses as aforesaid, and take a bond for each part with good security to each bond from the purchaser, and assign one bond to the Guardian of the infant complainant Martha, one bond to the Guardian of Richard and the other bond to the Guardian of the infant William, if they have guardians, then the said commissioner shall file the said bonds with the Clerk of this court until further order of the court; and finally it is ordered that the said commissioner do make a report of his proceedings herein to this court in order to a final decree.

Clerks fee \$4:02
Att. " 10:00
\$14:02

A Copy Teste Nathl. Youngd.
"C"

January 3^d 1831 Rec^d of William B. Edwards D^y C. one bond
in favour of William Edwards orphan of Thomas Edwards
decd: for two hundred and fifty one dollars on demand
the 15th: of November 1830 —

Wm^t Kelly
Guardian