

1831-006 Chancery Causes'. Another Channel vs Mary Pitts, widow of Ismaiah Pitts & al

Isle of Wight County
Plat

other SURNAMES: Bailey,
Channell

In 6 hours

Chambers / Bill
vs.
Ott & L. / Dr.

Chambers

Bill & answer

Bill of Ex. attitem

June 7th. 1830 Bill & answer
filed and returned deere

September 6th. 1830 Report
returned & cont.

April 4th. 1831 having been
ret. for more than 1 month &
no exception filed, then ret. conf.
& deere accordingly

possession of a portion to which according
to the indenture aforesaid he is entitled, and
which he is very much distressed, has made applica-
tions in the most friendly manner for that
purpose: But now so it may if please
your worships that the said Mary Pitts
Sarah Bailey, Annale, and John ^{Pitts} ~~Smith~~
herein after called Defendants, have under
various pretences refused: The said Mary
and Sarah alledging that whilst they are
willing to accommodate your orator in rela-
tion to their interest, they fear the infancy
of the other Defendants may interpose an
objection at this time: and the said Ann-
ale and John say that being infants, as far
as they understand things, they have no con-
sent to give: all which tends greatly to the
injury of your orator in the premises: - In-
tender consideration whereof and foras-
much as your orator is without remedy at
law, and can only be relieved in this wor-
shipful court, where matters of this sort are
entirely cognizable and justice ^{duly} administered.
To the end therefore that the said Annale
and John may by their guardian for that
purpose to be assigned to them answer the
premises, and that the other Defendants
may on this matter distinctly answer their
foregoing allegations, as fully and complete-
ly as if the same were here again repeated &
that they thereto be duly interrogated: - and that

by a decree of this worshipful court commissi-
onary may be appointed to divide the said
said Mary Pitts in the land which her
late husband Annale Pitts died seized and pos-
sessed, and to divide the said land into four
equal parts as subject to the dower, and af-
sign one to your orator, and one to each
of the other three Defendants. - And may
it please your worships to grant all such o-
ther and further relief in the premises as
may be consistent with the rules and prin-
ciples of this; and to award all such process
as may be necessary and proper in the
premises, &c.

Arthur Chancel

Ar. Smith att. for
Plaintiff

To the worshippful, the judges of the court
of the of Wight County, in every sitting.
Humbly complaining sheweth unto
your worships, your orator Another Chan-
nel: That ~~Princial~~ Pitts late of this county
~~deceased~~ intestate sometime about the day
of October 1828, having a widow Mary
Pitts, and four children to wit, Sarah Bil-
ley, Jacob, ~~Princial~~, and John Pitts, the two
last infants under the ^{age} of twenty one
years, - that the said ~~Princial~~ Pitts was at the
time of his death seized and possessed of a
valuable tract or parcel of land, lying &
being in this county, containing by esti-
mation about one hundred and eighty
six acres, and bounded by the lands of Wil-
lis Corbitt, your orator and others, - that short-
ly after the death of the said ~~Princial~~ Pitts
your orator purchased of the said Jacob
Pitts, one of the sons of the said deceased, all
his right, title, and interest in the said tract
of land it being one undivided fourth ^{part}
he inherited from his deceased father, as well
more than to the owner of ^{his} ~~his~~ father's ~~interest~~
more fully appear by a deed of indenture duly
~~recorded~~
in the office of this worshippful court, and
herewith exhibited as a part of this bill.
And your orator being of division of a division
of the said land, in order to ~~make~~ distinct
possession

Arthur Channel }
 vs. } In Chancery
 Mary Pitts & others }

This cause came on this day to be heard by consent of parties on the bill answers and exhibits, and was argued by counsel: on consideration whereof the court doth adjudge order and decree, that Messrs. ^{Joseph Goodwin} ~~the~~ Highfoot, Paul. P. Jordan, Wm. Perkins, & Commissioners appointed for that purpose, or any three of them, do lay off and assign to the said Defendant Mary Pitts, one third part of the lands of which ^{her} ~~her~~ late husband died seized and possessed, having regard to value as well as quantity, as her dower therein, and with the assistance of the county, surveyor if necessary; and with the same assistance, ~~do~~ ^{they} also divide the said lands into four equal ^{parts}, having again regard to value as well as quantity; and assign over one to the complainant Arthur Channel and one to each of the Defendants Sarah Bailey, ^{her} ~~her~~ late Pitts, and John Pitts, and make report of these proceedings herein in order to a final decree.

The joint and several answer of Mary Pitts widow of James Pitts deceased, and of Sarah Bailey to a bill exhibited against them and others in the worshipful court of the City of Bristol county by Arthur Charnock Plaintiff. -

Then respondents now and at all times heretofore saving and reserving to themselves all benefit of exceptions to the allegations of the bill of the said Plaintiff for answer thereto or to so much thereof as they are advised it is material for them to answer, say that so far as they are concerned in the subject of the bill they believe the material allegations thereof to be true: for the said Mary saith that she claims her dower in the lands of her late husband the said intestate and hopes that this worshipful court will decree the same to her: And the said Sarah saith that she is willing for an equal division of the said lands, of which her deceased father died seized and possessed agreeably to the prayer of the said bill; and the said Mary & Sarah denying all fraud and combinations, will humbly submit to any decree that this worshipful court may think proper to make in the premises. Wherefore they pray hence to be dismissed with their reasonable costs in this behalf expended.

Sarah & Bailey

The joint answers of Imrich and John
Pitts infants under the age of twenty one years
by their guardians ad litem,
to a bill exhibited against them and others
in the worshipsful court of ch of wight
county by Arthur & Samuel Plaintiffs.

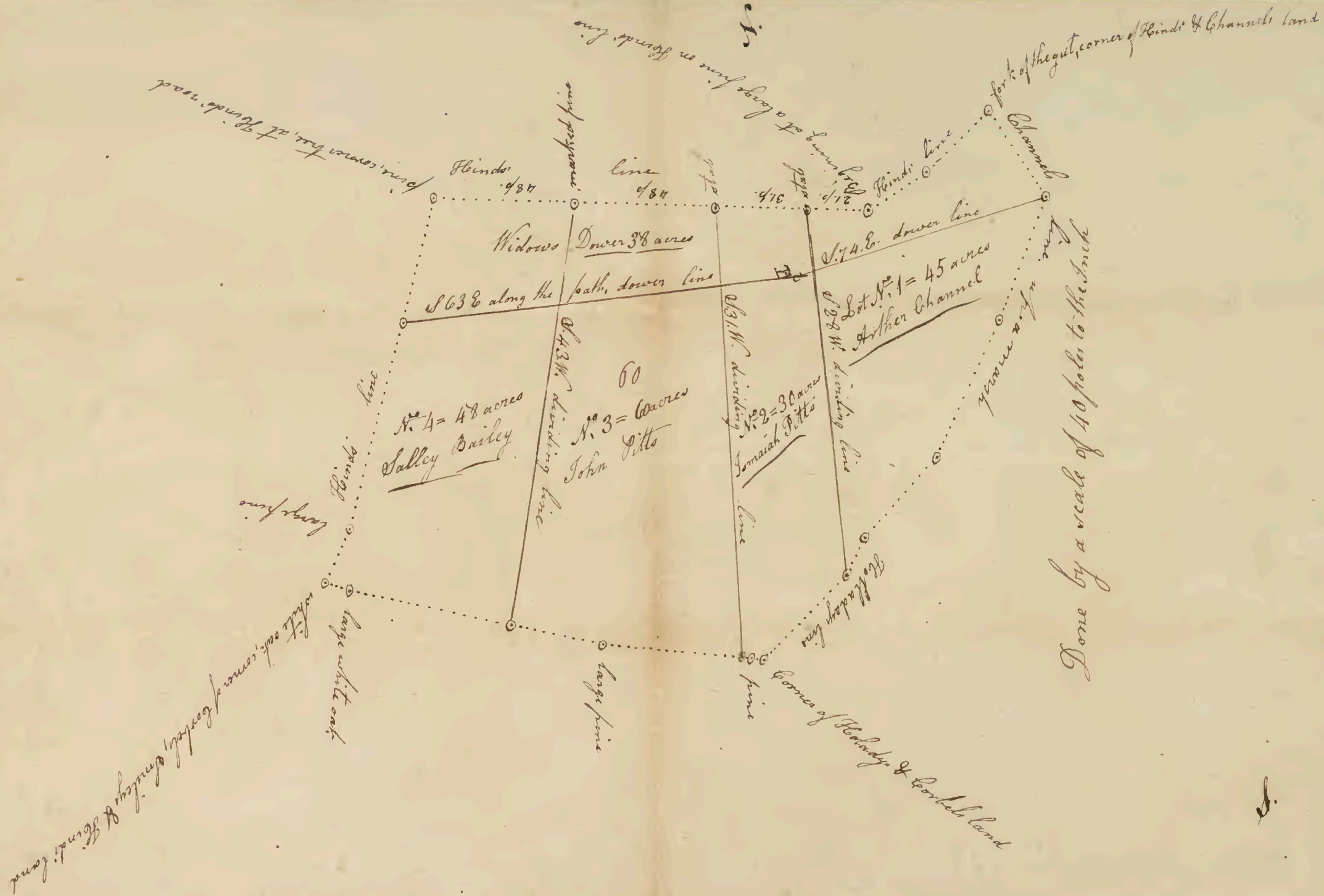
Then respondents by their said guardian
for answers to the said bill say:
that they are infants under the age of
twenty one years, and for the protection
of their rights, they beg leave to place
themselves under the controul of this
worshipsful court; and hence they
pray to be dismissed with their reason-
able costs in this behalf expended.

Imrich & John Pitts by Sarah
J Bayley their Guardians ad litem

Notes taken on the survey of a tract of land, to be divided amongst
the heirs of Somaier Pitts dec. By Thomas Uzzell deputy Surveyor
Isle of Wight County 17th June 1830. Beginning at a large pine,
at a marsh, on W^m Heinds' line.

Running
thence

East 24 poles, to a stake at a landing, on Heinds' line
N 80 E. 29 p. to a stake in the fork of the gut, corner of Heinds & Channels R
S. 1 E. 35 p. to a stake in the marsh, on Channels line
S 55 W. 45 p. d^o - - d^o
S 59 W. 52 p. d^o - - d^o
S 76 W. 36 p. up the marsh to a cypress, on Holladays line
S 59 W. 14 p. to a small pine d^o
S 78 W. 41 p. up the marsh, to the corner of Holladays & Corbels land
N 51 W 52 p. to a large pine on Corbels line
N 44 W 88 p. large white oak d^o
N 38 W. 9 p. to a white oak, corner of Smiley, Corbels & Heinds' land
N 58 E 20 p. large pine on Heinds' line
N 48 E 116 p. to a pine, corner tree on Heinds' road
S 55 E 148 p. on Heinds' line, to the beginning



Isle of Wight County (Lowell)

I do hereby certify that at the request of Arthur Channel, and in conformity to the annexed decree of the court of the aforesaid county I have surveyed the land, mentioned in the said decree, 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 herewith annexed, will fully explain the boundaries thereof.

Given under my hand this 21.st day of June 1830.

Thomas Uzzyell. depy Suror

Isle of ~~the~~ County to wit

Pursuant to the annexed decree of the Court of said County, we the undersigned have (with the assistance of the Surveyor) proceeded to the division of the Land mentioned in said Decree, & of which Aseniah Pills did seized & possessed.

To Mary Pills Widow and relict of Aseniah Pills we have assigned as her Dower for life, Thirty eight Acres, which is bounded as follows -

Beginning at a marked tree in Wins' Line, thence running S 63 E along the path or Lence to the corner of the dwelling house, thence S 74 E to the gut or small brook, thence down the gut to the fork of the gut, a corner of Wins & Channells Land, thence up Wins' line to a pine a corner of said Pills land, from thence to the beginning -

To Aseniah Channell we have allotted Lot. No 1. containing forty five Acres, Beginning at a Stake in Wins' line, running S 20 W a dividing line, to Holladays line -

To Aseniah Pills we have allotted Lot. No 2, containing thirty Acres Beginning at a Stake in Wins' line, running S 31 W, a dividing line to a pine near the corner of Holladay & Corbells -

To John Pills we have allotted Lot. No 3 containing sixty Acres. Beginning at a marked pine in Wins' Line, running S 43 W a dividing line to Corbells line -

To Sally Bailey we have allotted, Lot. No 4 containing forty eight Acres, adjoining to Lot. No 3 - and is divided from Lot. No 3 by the aforementioned dividing line, commencing at a marked pine in Wins' line running S 43 W to Corbells line - A plat of which division & allotments is herunto annexed, & considered as a part of this report. Given under our hands this 21st day of June 1830 -

Barth. Lightfoot
Sam. P. Jordan

Wm. Perkins - -

Channell

2 Dienst

Billio d. G. Z. n. astitem

In Sole and Right County Court Term 1830.

Arthur Channell

Complainant

against

Mary Pello widow and relict of Somaiah Pello,
deceased, Sarah Bailey, Somaiah and John
Pello infants under the age of twenty one years
Sarah J. Bailey their Guardian ad litem.

Defendants

In Chancery

This cause came on this day to be heard by consent of parties on
the bill answers and exhibits, and was argued by counsel, on consideration
whereof the court doth adjudge, order and decree, that Bartholomew Lightfoot
Samuel P. Sartan, William Perkins and Joseph Jordan commissioners
appointed for that purpose or any three of them do lay off and apportion to
the said defendant Mary Pello one third part of the lands of which
Somaiah Pello her late husband died seized and possessed, having regard
to value as well as quantity as her dower therein, and with the assistance
of the county surveyor if necessary, and with the same assistance, do also
divide the said lands into four equal parts having again regard to
value as well as quantity, and apportion over one to the complainant
Arthur Channell and one to each of the defendants, Sarah J. Bailey,
Somaiah Pello, and John Pello, and make report of their proceedings
herein in order to a final decree.

Clerks fee \$4.57
att: " 10.00
\$14.57

Attest Nathl. Young Esq.

I do hereby certify. I am willing my dower should
be laid of according to Law, given under my hand
this seventh day of June 1830

Mary X Pitts
mark