1835-006 Chancery Causes: Martha Marshall v al, by v c vs Polly Marshall, by v c

Isle of Wight County

other surnames: Eley

Marshalls
v
Bill &c.
Marshall
Bell
Nov. 20. d
1824

November 3.d 1834 Bill
and answer filed and
Interly: decree

January 5th: 1835 Report
returned & confd.

June 1st 1835 Report confd.
confd. & final decree entered.

A Thomson Jr. Pg

the lands aforesaid in such way or to
proportion to the intent of those Entitled —
that you with all special fit and proper
Commissioners & amend make any other
or further order in the premises which
may comport with Equity &
and as in duty bound they will pray &c

A. Altkinson p.q

To the County Court of Ashe & Wyth sitting in Chy
sitting - The separate answer of Jesse Thos
Markland one infant by Wm Ely —
his Guardian appointed to defend him in his
suit to the bill of complaint of Martha
Markland &c — this defft. for answer says
that is of tender years and asks the protec-
-tion of the Court - but she can't gainsay
the allegations of the complainant and
submits her rights to the protection of
the Court - without that &c

(Signed)

Wm Ely p.q.

Martha Markland, Adolphus Markland,
Lydia Markland, John Markland, Thomas
Markland infants under by Thos Markland
their next friend & Polly Markland
an infant defendant -
On motion of the plaintiffs by their
attorney Wm Ely —
it is by the Court appointed to defend the
infant defendant - and this cause came
on by consent of parties, to be heard on
the bill and answer filed thereto and
by counsel; On consideration whereof
the Court being of opinion that the share of
each distributee in the lands in the bill
mentioned is worth less than $200 & that the
infant defendant Jesse Markland
~~with advice~~ and assent that Monroe
Clements —
or
after giving at least 20 days notice of the
time and place of sale at the Court House
of this County, and at such other places
as may be deemed expedient, do sell to
the highest bidder on a credit of 12 months
(except for so much as will be required to
pay the expenses of this suit and of the sale
which will be cash) the lands whereof John
Markland died seized in Ashe & Wythe County,
(except such part as has been allotted to
the widow of said John Markland) &
alluded to in the Bill - that of the purchasers
they take six bonds with good security
for equal part, reserving a lien on the
lands to secure the payt. of the purchase
money & that they pay over one part
to each of the complts. and the other
part to the guardian of the defendant
and make report in order to a final decree

To the County Court of Isle of Wight the Philip in
chy - humbly complaining, sheweth unto your Honors
your complainant Martha Mayhall Adolphus
& Mayhall Lydia Mayhall Polly Mayhall
, & Thomas Mayhall infants suing by their
next friend Thomas Mayhall - that one
John Mayhall their father, as also the father
of one other infant child called Polly Mayhall
-hall, departed this life intestate on or about
the day of Dec. in the Isle of Wight
County - he left a widow who is now the
wife of Isaac Ely and children to wit,
your complainants and the said Polly
and possessed at the time of his death of
three separate pieces and parcels of
land in fee simple, one piece containing
by estimation 75 acres and adjoining the
lands of Barnett & Hall
on other of 14.5 acres and adjoining
Davis Edwards and Thos Hayden
and on other of 100 acres and adjoin
-ing the lands of Archer Cobb & Thos
Hancock Davis
which lands are worth less than $200
a share and can't be divided without
manifest injury to the rights of the Infants
-tes - the dower of the widow has
been assigned, and for as much as the
interest of your complainants manifestly
requires a sale of the said lands, they be
cant be made by reason of the infancy
Your orators and orators of the said
Polly, they pray the aid of this Court -
that the said Polly may be made a
defendant hereto and by her guardian
as litem be required to answer this
Bill fully and categorically,
that you will decree a sale of

In Obedience to the annexed Decree of the County Court of Isle of Wight bearing Date November Court 1834. to me directed Pursuant thereto after having Advertised as directed in said Decree I have on this 18th day of December 1834 exposed at public Sale three Tracts of Land which John Marshall Dec'd Died Possessed on a Credit of Twelve Months which said three Tracts of Land Sold for the Sum of Six hundred & Ten Dollars and Seventy five Cents and after deducting the Sum of Forty Three Dollar and three Cents ——— it being the cost and expence of the said Decree and Commission which I have rec'd in cash leaveareed balance of the Sum of Five hundred and Sixty Seven Dollars & 72 Cents which I have divided into six equal parts and I have taken Bonds with good Security for each of said parts and I have paid over to Thomas Marshall as Guardian for Martha, Adolphus, Lydia, Thomas and Polly five of the said Parts. and to Wm Ely as Guardian for John Marshall orphan of John Marshall Dec'd the other part. and I have Executed Deeds to the purchasers as directed in said Decree the following Statement will more fully shew the amount of the Sale of each Tract of Land and the Name of each Purchaser which I report to Court

The Barrett Plantation to	Mitchum Peirce		$306.25
The Woodfield Tract to	Thomas Marshall		205.00
Part of the Mill Tract "	Ditto — Ditto —		99.50
			$610.75
Clerks and Attorneys Fee . . .		$12.50	
Commission on $610.75. at 5 pr Cent		30.53	43.03
		43.03	
leaving a Neat Balance of ———			567.72

Bonds taken made payable to each Heir ——— 94.62

Given under my hand this 18th day of December 1834

Monroe Clements
Commissioner

35
10
350

Marshall Volkers Esq^o
vs
Marshall Co

In Isle of Wight County Court November Term 1834

Martha Marshall Adolphus Marshall
Lydia Marshall, John Marshall and
Thomas Marshall infants suing by
Thomas Marshall their next friend Complainants

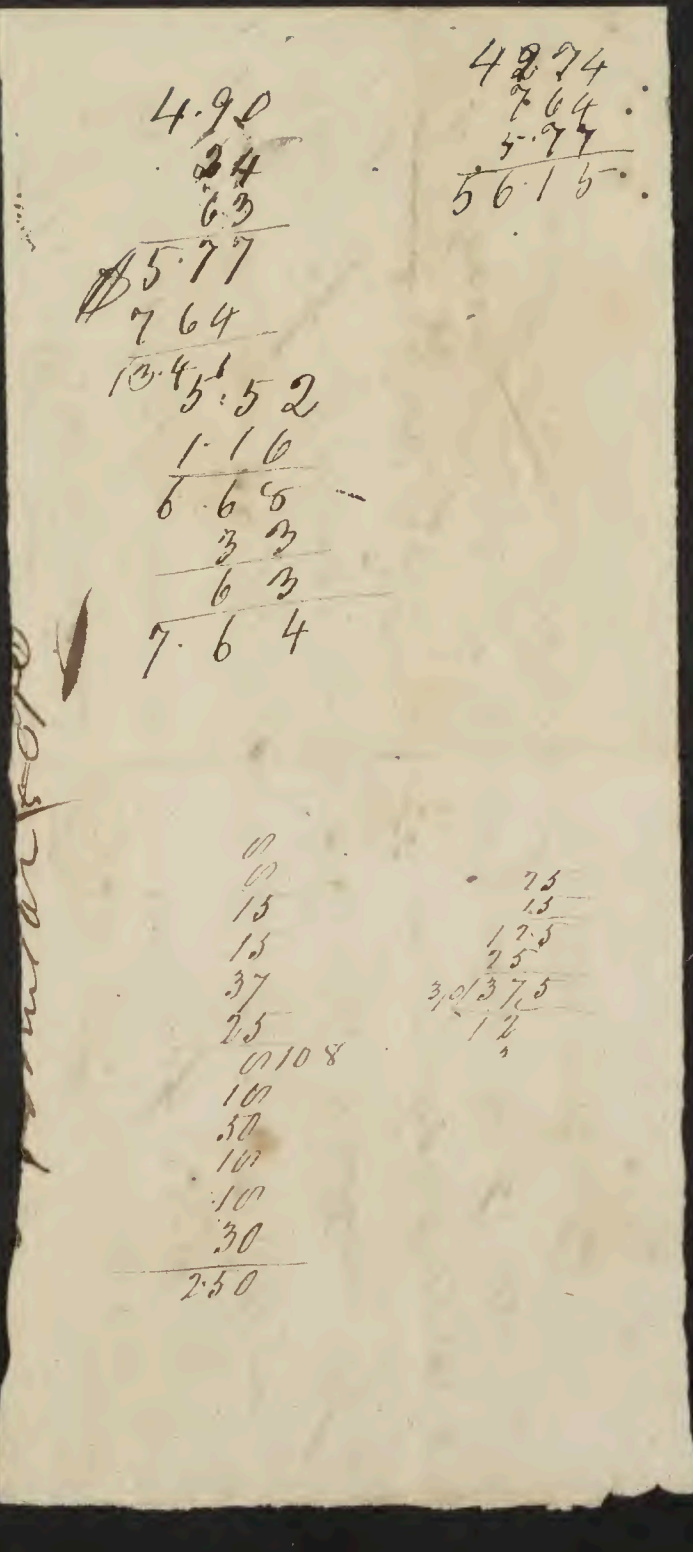
against

Polly Marshall an infant defendant Defendants

On motion of the plaintiffs by their attorney, Eaton Foley is by the Court appointed to defend the infant defendant — and this cause coming on to be heard upon the Bill and answer filed and was argued by Counsel, on consideration whereof the Court being of opinion that the shares of each distributee in the lands in the Bill mentioned is worth less than $300 and that the interest of the infants requires a sale thereof, it is adjudged order and decreed that Thomas Clements — after giving at least 30 days notice of the time and place of sale at the Court house of this County, and at such other place as may be deemed expedient, do sell to the highest bidder on a credit of 12 months (except for so much as will be required to pay the expenses of this suit and of the sale which will be cash) the undivided 5/6ths of John Marshall dec'd lying in Isle of Wight County (except dower part as has been allotted to the widow of said John Marshall and alluded to in the Bill — that of the purchasers they taking bonds with good security for equal parts, retaining a lien on the lands to secure the payment of the purchase money & that they pay one one part to the guardians of each of the complainants, and the other part to the guardian of the defendants and make report in order to a final decree.

Clerks fee $2.50
office " 10.00
$12.50

A Copy Test
Matt. Hansford C.

Mr A Allman Thes is the Number
of tract of Land & Number of acres
Bonds Place 75 Wood field Called 145
part of Hancocks tract, the widdow Thud
Latum out which will be about 75 or a
100 Acres There is 8 Negroes to be devided
amongst the Children

Wm Mathews