1835-007 Chancery Causes. Unity Delk et al vs Martha Delk's admr et al

Isle of Wight County

other SURNames: JONES

Delks
vs. } Clarke
Delks admr &c

June 3rd 1834 Bill and
answers filed & Saterly: decree

July 7th: 1834 Report of comrs
rtd & confd

Jan 1st 1835 Com's report
cond & final decree entered

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All Available Text Successfully Captured

To the justices of the county court of Shropshire in chancery sitting;

Humbly complaining shew unto your worships your orator and ora-
tors Unity Belk, Littlebury Belk, Moreland
Belk, Noah Belk, Willoughby Belk,
Jarvis Belk, Josiah Belk, Al-
manine Belk and Thomas Belk
that a certain Martha Belk late
of your county died on or about
the day of September hundred &
thirty four intestate, possessed at
the time of her death of divers other
chattels estate & five negroes to
wit Roswell, Rose, Franklin, Fran-
cis & Andrew administration on the
estate of the said Martha has been
granted to a certain Jeremiah
Belk who has only received said
estate & his possession including
said negroes; the said Martha
owed your orators no debts and there
for the said Jeremiah Belk has
no reason to retain said negroes
to pay any demands against the
estate. The sons of the said Martha
are your orators the matter; your
orators Littlebury, Moreland, and Noa-
ah and the said Jeremiah Belk
the brothers; your orators Jarvis,
Willoughby, Jarvis H, & Josiah Belk,
and Countain Margaret Jones (the
wife of Nelson Jones) Martha Belk
Unity Belk and Riley Belk, the last
seven being children of Riley J Belk
and nephews and nieces of the said
Martha; and Alsaida your ora-
tors and Thomas, and a certain Ed-
win Belk, the last three being
orphans of children of Edwin Belk and

and rights of the said Martha,
The said Martha Delk, Unity Delk, and
Riley Delk (children of Riley J. Delk dec'd)
and the said Edwin Delk (son of
said Edwin Delk dec'd) are infants
under the age of twenty one years
The said negroes cannot be divided
in kind amongst the heirs of the
said Martha, and your orator
and orators are desirous that they
should be sold and the proceeds of
sale divided between the parties
entitled thereto according to their re-
spective rights; and for this purpose your
orator & orators have applied to the said
Jeremiah Delk admr of the said Martha
heirs called defendants, but they have
refused their reasonable request; by
reason whereof, and by reason of the in-
fancy of the said Martha, Unity, Ri
ley and Edwin Delk have rendered
to called defendants your orators
and orators are prohibited from
having and enjoying their just rights
in the estate of the said Martha
and pray and they are without
remedy at law and can be ad
ed only in a court of equity where
matters of this sort are cognizable,
To the end therefore that relief may
be had your orator & orators pray
the court that the said defend
ants Jeremiah Delk admr as aforesaid
& the said ~~defendants~~ Nelson Jones
and Margaret his wife, and the 2d
infants Martha, Unity, & Riley Delk
by their guardian to be appointed
by the court for that purpose
may be required to answer the pre
mises as fully and distinctly as if
the same were again repeated and
they thereto distinctly interrogated
And that by a decree of the court
the said negroes may be sold &
the proceeds of sale divided among
the heirs of the said Martha in
proportion to their respective rights
and may it please the court to
grant such other relief in the
premises as may be agreeable
to equity and consistent with equity
and your orator & orators will
ever pray &c

Hollingsworth p.q.

Unity Delk, Littleberry Delk, Moreland Delk
Noah Delk, Nillcraphy Delk, Jarvis Delk
Josiah Delk, Absalom Delk, Almarine Delk, and
Thomas Delk complts

vs

Jeremiah Delk admr of Martha Delk,
Nelson Jones and Margaret his wife,
and Martha, Unity, Riley, and Edwin
Delk infants under the age of twenty
one years by Jeremiah Delk their
guardian ad litem defts

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 and
answers filed and was argued by
counsel, on consideration whereof
the court doth adjudge order and
decree that Jeremiah Delk be appointed
commissioner to make sale of the
negroes Romeo, Rose Franklin, Thom
cies & Andrew belonging to the estate of
Martha Delk dec'd as mentioned in the
complainants bill, that after giving
ten days public notice of this time and
place the said commissioner do
sell the said negroes on a credit
of six months except so much

as may be necessary to pay the costs of this cause and the expenses of sale (which sale shall be for cash) and that he take bonds with good & sufficient security from the purchasers as follows a bond for one seventh of the nett proceeds of sale payable to the complainant Unity Belk, a bond for one seventh thereof payable to the complainant Little berry Belk, a bond for one seventh thereof payable to the complainant Moreland Belk, a bond for one seventh thereof payable to the complainant Noah Belk and a bond for one seventh thereof payable to the defendant Jeremiah Belk: a bond for one seventh of one seventh of said nett proceeds payable to Nillamphby Belk, the same to Jason M Belk, the same to Josiah D M Belk, the same to Nilson Jones (in right of his wife Margaret) the same to Martha Belk, the same to Unity Belk and the same to Riley Belk: and a bond for one third of one seventh of the nett proceeds of sale payable to Almanine Belk, the same to Thomas Belk and the same to Edwin Belk: that the said commissioner pay over said bonds to the parties entitled who are of age, and to the legal guardians of the infants Martha, Unity, Riley, and Edwin Belk, and that he report his proceedings hereon in order to a final decree

Adieu

The answer of Jeremiah Delk admr
of Martha Delk dcsd to a bill ex
hibited against him & others in
the county court of Shenandoah by
Mary Delk and others

This respondent saving &c
for answer to said bill answers
and says that he is the admr of the
said Martha Delk, that as admr
he has no assets of the negroes of said
dcsd to pay any debts against the
est and that he has no objection
to a decree of the court directing
a sale of said negroes to effect a
division amongst the heirs of which
he is one, to wit a brother of the
dcsd, and having thus answered
prays hence to be dismissed &c

sigd Jeremiah Delk

The answer of Wilson Jones and Margaret his wife to a bill exhibited against them & others in the county court of Rockingham by Unity Delk & others

These respondents for answer to said bill, say that the allegations therein they believe to be true, and they have no objection to a decree of the court directing a sale of the negroes of Martha Delk dec'd to effect a division amongst the heirs, & which the said Margaret claims to be one to suit a share of the said & leaving their answer pray leave to be dismissed &c

Signed

Jeremiah Delk
for
Wilson Jones

Infants
account

The answer of Martha Delk, Unity
Delk Riley Delk and Edwin Delk
infants under the age of twenty
one years by Jeremiah Delk their
guardian ad litem to a bill exhibited
against them & others in the county
court of Chesapeake by Unity Delk
and others pro

These respondents by their said guardian
for answer to said bill, answer
& say that they are infants under
the age of 21 years and as to their
rights in the premises of their said
aunt Martha Delk dead they
beg leave to place themselves un-
der the protection of the court
& having thus answered pray to
be dismissed with their costs &
signed.

Jeremiah Delk

In obedience to a Decree of the Honorable Court of Edgefield County bearing date June Court 1834 the undersigned Commissioners therein named have proceeded to make Sale of the following Negroes, (towit) Roger will to Harry Baker for $362.00 and Rose and her three Children, (towit) Franklin Francis & Andrew to Josiah M. Delk for $605.00 making $967.00 - from which deduct $13.00 the expence of the decree and $48.35 commissions which leaves a balance of $905.65 which is devided and paid over in the following manner, to wit Unity Delk $129.38 - To Jeremiah Delk $129.38 - To Morland Delk $129.38 - To Noah Delk $129.38 To Willoby Delk $129.38 - To Almerine Delk $43.13 to Almerine Delk guarden for Edwin Delk $43.13 - To Thomas Delk $18.13 - To Willoby Delk $18.48 - To Jason M. Delk $18.48 - To Josiah M. Delk $18.48 - To Josiah M. Delk Guarden for Wiley Delk $18.48 - To Wilson Jones in Right of his wife Margrett $18.48 - To Joseph Cofer Guarden for Martha Delk $18.48 - To Joseph Cofer Guarden for Unity Delk $18.48 one of which is Respectfully Submitted to the Court

Jeremiah Delk -

Commissioners

Deck & others

vs

Deere

Delk's admor. & others

July 7th 1834 respt. rest.
and cont.

In Isle of Wight County Court — June Term 1834

Unity Delk, Lillieberry Delk, Moreland Delk, Noah Delk, Milloughby Delk, Jason M. Delk, Josiah D. M. Delk, Almarinia Delk and Thomas Delk — Compl^ts

against

In Chancery

Jeremiah Delk admr: of Martha Delk, Wilson Jones and Margaret his wife, and Martha, Unity, Wiley and Edwin Delk infants under the age of twenty one years by Jeremiah Delk their guardian ad litem — 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 and answer filed and was argued by counsel, on consideration whereof the court doth adjudge order and decree that Jeremiah Delk be appointed commissioner to make sale of the negroes Roswell, Rose, Franklin, Francisco & Andrew belonging to the estate of Martha Delk dec^d. as mentioned in the complainants bill, that after giving ten days public notice of the time and place the said commissioner do sell the said negroes on a credit of six months except so much as may be necessary to pay the costs of this decree and the expenses of sale (which shall be for cash) and that he take bonds with good & sufficient security from the purchasers as follows a bond for one seventh of the nett proceeds of sale payable to the complainant Unity Delk, a bond for one seventh thereof payable to the complainant Lillieberry Delk, a bond for one seventh thereof payable to the complainant Moreland Delk, a bond, a bond for one seventh thereof payable to the complainant Noah Delk, and a bond for one seventh thereof payable to the defendant Jeremiah Delk, a bond for one seventh of one seventh of said nett proceeds payable to Milloughby Delk, the same to Jason M. Delk, the same to Josiah D. M. Delk, the same to Wilson Jones (in right of his wife Margaret), the same to Martha Delk, the same to Unity Delk, and the same to Wiley Delk; and a bond for one third of one seventh of the nett proceeds of sale payable to Almarinia Delk, the same to Thomas Delk, and the same to Edwin Delk, that the said commissioner pay over said bonds to the parties entitled who are of age, and to the legal guardians of the infants Martha, Unity, Wiley and Edwin Delk, and that he report his proceedings herein in order to a final decree.

A Copy Teste Matt^w Young C.C.

" " "

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|---|---|
| Clerks fee | $2.99 |
| Att^ys " | 10.00 |
| | $12.99 |

del h. Lucas

under for

absence &c

We the undersigned heirs of Mac the Delk dec'd hereby certify that we wish Jas Hellman as our attorney to obtain a divorce for the sale of the negroes belonging to the est of said dec'd we hereby authorize Jeremiah Delk to assign any answer or paper necessary and that said Jeremiah Delk be appointed comr. to carry said decree into effect, and we want the same done as above in reference to the negro belonging to the est of Moreland Delk dec'd whose heirs we also are. Given under our hands this 2nd June 1834

Thomas A Delk
Isaiah D Delk
Wilson Jones
Jason H Delk
Willoughby M Delk
Noah Delk
Moreland Delk
her
Unity + Delk
mark