

1835- 024 Chancery Causes, Catharine Woodley, by v c vs John Hatten

Dsh of Wright County

Catharine Woodley, by v c vs John Hatten's execs

other surrogates: Atkinson,
GARRISON, TURNER, LEVY,
Godwin, Light foot

reverts profits as she acts in her place -
 and he may hence be dismissed
 In, Hutton

Attorneys

Moody 1831
 in 3rd in case
 Hutton

Moody to Gov
 vs. Bill Vans?
 Hutton

Dec 5th 1831 Bill Vans?
 filed Winter 9. decree

Feb 8th 1832. The death
 of Hutton suggested by con-
 sent, his exec made partition

Apr 2nd 1832 Loran
 Turner deposition filed &
 Dec. for sett. for ppo. - Dec. 1832
 See minutes of court -

b. 21 f. 1st. 1p.

April 10th. 1833 decree annul-
 ling by appointing other com-
 to carry the same into effect

To the Honorable Court of John Wright County
situated in the County of John Wright County
that she is the daughter of John Woodly
late of John Wright County; that the said father
died intestate, left 3 children and an widow
to wit, James H. Woodly, Robert Woodly
and one ^{Woodly} his
widow - that the said widow married
David Garrison of this County, and died
on or about the day of ^{ad.}
that some years ago the owner of the
said widow ~~was~~ set apart to her
by metes and bounds, the balance of
the land divided between the said James
H. Robert Woodly from oratrix - that the
said Robert Woodly sold to John Patton
who some years ago purchased the widow
own widow had the same ever since,
that although the said ^{Garrison}
died about the year ^{the said}
John Patton ^{has} ^{will} ^{be} ^{is} the
said owner supplies the profits thereof
to his own use, through immediately upon
the death of the said ^{Garrison}
the widow of her father from oratrix
right to one third part of said land
held as owner did accrue from that
period she has a right to claim one
third of the rents and profits - yet
the said John Patton has not paid the
same, or submitted to have her one
third part of the owner set apart to her,
and in consequence of her infancy
she is advised the division cannot be
made by the aid of this Court - the Court
consideration whereof, she prays the Court

The answer of John Patton to the bill of
complaint exhibited against him by Catharine
Woodly an infant suing by archd.
Atkinson her next friend -

This respondent saving and reserving to
himself all exception to the errors and
imperfections in the complainant
bill contained - for answer says, that
some years ago he purchased of James
H. Woodly and Robert Woodly their
interest being 2/3 in the land whereof
John Woodly died seized which he
- not had been set apart and allotted
to them - that the owner of Mr. Garrison
formerly Mr. Woodly widow of John
Woodly had been set apart to her,
and that he bought of David Garrison
and the said Mr. Garrison ^{himself}
then owner right in the same land
and has continued to occupy the
said owner ever since his purchase
to the present time - that the said
Mr. Garrison died he thinks in the
year ^{about the month of}

This respondent admits the right of the
complainant Catharine to one
third part of the land set apart as
the owner after his death is willing
that the Court shall appoint Com-
missioners to divide the same to wit
the complainant Catharine one third
thereof - and the said John Patton denies
that the said Catharine is in any man-
ner entitled to demand from him any

to appoint his executor persons, to set
apart his intent in the land set
apart as the owner, and that the
said John Hatton he agreed to
pay him one third of the rent &
profits of the said owner, land
from the death of Mrs Garrison
to the time the division shall take
place. That the said Hatton ~~was~~
he made a defendant to this bill &
he required to answer the allegation
herein contained. That he supports
the amount of the rent & profits of
said owner land from the death
of Mrs Garrison, that he says when the
said death occurred he made an
acc. before a Com. of said rent &
and that the Court will permit to
own oratrix such other evidence
whif as to the Court may seem
just - In witness whereof she has
subscribed &c. Attest on p. 5

To the Clerk of the County
County of Gilchrist

Turners exposition

Wm
Hutton

The deposition of Jordan Turner taken pursuant to a notice
to be read as evidence in a suit depending in the County
Court of Isle of Wight in Chancery

between Archibald Atkinson Guardian to Catharine Woodley
Complainant and John B. Levy, Jonathan L. Gordon & Bath.
Sightfoot. Executors of John Statton decd. Defendants, the said
Jordan Turner after being first sworn on the Holy Evangelick
of Almighty God cusseth & saith about the year 1820 he lived
with the said John Statton in the capacity of an Overseer, that
the said Statton rented of Samuel Garrison (who intermarried
with the Widow of John Woodley decd) who was then in possession
of one half
of the land called the Lower Land of said Wm Woodley for which
to the best of his recollection paid to the said Garrison the sum of
twenty dollars - This deponent further saith that he continued
to live with the said Statton from that time till the end of the year
1831, and that the said Land remained in the possession of the
said Statton till his death and continued to use it -

Question by the Compt. - What do you think was the annual
value of the said Lower Land - Answer. I believe it was worth
annually about thirty dollars - ~~He further saith nothing~~
when said Wm Garrison was one of ~~Jordan & Turner~~
am. I think in July 1826 -

mark

County of Isle of Wight &c. His deposi-
tion was taken before us on the
31 of March 1832 in Henriches
at Shenandoah town -

Given under our hands & seals
as Justices of the Peace this 31 of
March 1832 -

L. H. Jordan (J)
Mc P Thomas (J)

profits may hereafter be considered
by the Court - and the Court will
hereafter pronounce a decree between
the plaintiff & the defendant as to
the rents & profits -

Woolly

Woolly

Woolly

Catharine Woolly an infant being
by archd. Attorney her next friend

John Patton —

This cause came on to be heard by
court of parties upon the Will of
said and was argued by Counsel.
On consideration whereof the Court
doth advise, order and decree that
Thomas Barnes, Christian Friedrich,
Solomon Parton, and Henry Carey or
any 3 of them with the aid of a surveyor
if required, do ~~and~~ set apart and
allot to Catharine Woolly the competent
one full and equal third part of
all the lands and appurtenances
set apart & held by a, the owner of

Garrison widow of John Woolly
in the real estate whereof the said said
is this County, to which ~~same~~ land
so heretofore allotted as above is in the
possession of her said by John Patton
the defendant ~~and~~ having
regard to quality and quantity —
and make report to this Court of
their proceedings — and the Court ~~doth~~
~~not~~ now settling ^{the question as to} the right of said Catha-
rine Woolly to ~~the~~ one third of the
rents and profits of said ~~same~~ land
from the death of her said ^{late} husband, the
tenant in common, doth retain the cause
in order that the question of rents and

Woody

7 3 or 4
Hutton's.

July 6. 1832

Catharine Moody an infant

John Katton -

The sept. John Katton Lary said
since the interlocutory order in this cause
~~was~~ ^{under} which no proceedings have been
had, ~~it is ordered that the~~ by consent of
the executor, Martha Lillifott, John B
Lary and Jonathan Forster the said
cause stand revived against them &
the Commission hereupon appointed on
direct to execute the order of the
day of Dec. 1831 -

Woolley
" 3 over
Stationery."


Apr. 1832

tenant for life, to the ~~first~~ 31 of
~~December~~ next of the present year;
but the Court ~~is of opinion~~ ^{is of opinion} that the sum
of ten dollars part of said seventy
dollars is not properly due until
the 31 of December next, & that until
the issue of an execution on that day,
until the first of January 1833 - & the
Court will hereafter pronounce
a further decree in this cause -

Rent for the years

1826

1827

1828

1829

1830

1831

1832 - 7 ^{years} @ \$30 - 3/210
70 $\frac{1}{2}$ per cent. per annum

Catharine Woolley p^{ss}.

~~John Watson~~

Barth. Leigh Esq^r, Conathor for our
John Woolley ~~on John Watson~~ p^{ss}.

This cause came on again to be
heard on the Bill, answer, deposition
of Jordan ~~Woolley~~ Turner & as to the
matter of rents and profits as to which
the Court gave no decree heretofore
when an order was made in this
cause but reserved the said subject
for future decision, and the cause
was argued by Counsel; On considera-
-tion whereof the Court doth adj. ord.
decree that the defendants out of the
profits of their estate in their hands to
be administered pay to the p^{ss}. the
sum of Seventy & 00 c^{ts}, it being the
~~amount~~ one third of the amt. of the
annual rents & profits of the lands abot-
-ted to the widow of John Woolley in
the lands of said John Woolley
from the ~~day of~~ death of the said

of the land therein mentioned and they
are required to enclose the said sides
and make up the same.

Woolley

7th M

Batton is

the son of the

5 days off

1835

Catharine Woolly an infant singly and
asked on her next of kin — couple.

John Patton — This case having been here
before us by consent of parties of 5
parties. By a post ~~and~~ John B. Levy and
Jonathan Gooveria execs. of John Patton,
and against Daniel Patton the devisee
of John Patton, and Catharine Woolly
having arrived to the age of 21 years, she
is allowed to prosecute this suit in
her own name — and it appearing to the
Court, that the one of ~~for~~ ~~rich~~
one of the laws appointed under the order
of the Court 1831 is dead, and that it
is necessary to appoint other persons
to carry into effect the order of the
said date which has not yet been
executed. By consent of parties,
the Court agrees, now and then
that William Wilson, William Little, Albert G. Shivers,
James G. Brown, Thomas Carey, ~~and~~
and they are hereby added to the
Commissioners appointed under the
order of said date — ^{that} and the said William Wilson
William Little, Albert G. Shivers, James G. Brown & the Council
together with Henry Carey, Holcomb
parties ~~and~~ appointed, or
any of them to carry into effect the order
of the Court, 1831, relative to the devise