1841-005 Chancery Causes: Willis Thomas Persons & William W Persons, by & c vs James H Deal & Wx

Isle of Wight County

other surnames: Thomas, Deale, Person

To the County Court of Isle of Wight to sitting in Chancery - humbly complaining shew to the Court, your complainants William Thomas Person and Wm. W. Person, infant children and heirs at law of Jacob Person late of said County deceased by Sam. Thompson their next friend - that the said Jacob Person departed this life some years ago intestate, leaving a widow named Elizabeth now the wife of James K. Read and your complainants his two children - that he left a real estate in said County consisting of a tract of land of about 500 acres, lying in the neighborhood of Little Creek in the said County - that the said complainants are entitled to an third part of the said real estate, that the said Elizabeth has kept the same out of their possession ever since it is in possession of James K. Read, and by him and they aver and charge that it is unjust for them so long to have been kept out of their just rights and your orators charge that the dower of the said Elizabeth should be settled and the balance kept together for your orators first and last, as settled between them as may seem best - they pray that the said James K. Read and Eliza his wife may be made defendants to this bill, & be compelled to answer the same fully and circumstantially, & that you will cause an attachment of account to said Read and wife & make any other order &c. &c. &c. Attest &c. J.

Attorney for Complainants

To the County Court of Bladen County
Philip Ashley the assignee of James
Lucas and wife Eliza to the bill of
complaint in said Court exhibited
against them by Thomas Pearson
of said County and Thomas Pearson
of said County

This defendant doth by his answer
admit that the statements in the bill
of complaint and that this defendant
to the Court of the matters therein
said persons stand in equity bound
willing that the same should be
upon record as an order of said
Court &c

Allen & Sp. J

Willis Pearson and Wm Pearson
of said County and Thomas Thurston

James Lucas and wife Eliza -
This cause by consent of parties coming
on this day to be heard on the bill
and answer filed and exhibits
by consent in consideration
whereof the Court doth adjudge and
decree that Joseph B. Whitehead
John B. Gayle, Mills Daniel, Nicholas Edwards
and William Crocker
or any three of them
with the assistance of a surveyor proceed
to procure to set apart to James
Lucas and his wife Eliza in the
right, one third part of the real
estate in the County of Bladen to
which said persons the said Lucas had
was dying and entitled in
=tum at his death, to have and
to hold unto for her life & be assigned
to qualify and accordingly and
that they make report to this Court
with all to a final decree &c

And the Ct doth order that one third of
the net of the sale of the decision be
paid by the defendants Lucas Bryan &
the other two thirds by the complainants

Pearson

vs. Bill &c.

Lane & Wife

Decr. 7th, 1840. Bill &c. filed & duly. decree &c. 373.

Jany. 4th 1841. Report return & confirmed & final decree.

We the undersigned commissioners named in the annexed decree in obedience thereto did on the 21st day of December 1840 set apart and allot to James H Deale in right of his wife Eliza all that portion of the lands named in the decree which lies within the following boundaries; commencing at a Pine on Richard Edwards line running thence along line of marked trees to the head of a Ravine on the eastern side of the dwelling house thence on the eastern edge of S. Ravine on the top of the hill, to a marked Pine thence up the Swamp to a Scrub gum in a Ravine thence up the Ravine about the orchard to a pine on Edwards line the line up the ravine to near as it does in the ravine first mentioned, containing twenty five acres more or less as one equal third part of the lands in the bill mentioned all of which is respectfully submitted

Commissioners
fees $2 each $6

W W Whitehead
Mills Daniel
Wm Brooker

Isle of Wight County, December Court 1840

Willis Thos. Person, & William W. Person
infants suing by Samuel Thomas their
next friend - - - - - - - - - - - - Compts.

against

James K. Deal & Eliza his wife - - - - - Defts.

In Chancery

This cause by consent of parties came on this day to be heard, on the bill answer filed, and was argued by counsel; on consideration whereof the court doth adjudge, order and decree that Joseph B. Whitehead John B. Gale, Mills Daniel, Richard Edwards & William Crocker or any three of them with the assistance of a surveyor if necessary do proceed to set apart to James K. Deal and his wife Eliza in her right, one third of the real estate in the county of Isle of Wight, whereof Jacob Person her late husband was seized as an estate of inheritance at his death, to be held as her dower for her life &. having regard to quality and quantity; and that they make report to this court in order to a final decree.
And the court doth order that one third of the costs of this suit and of the division be paid by the defendants Deal & wife & the other two thirds by the complainants —

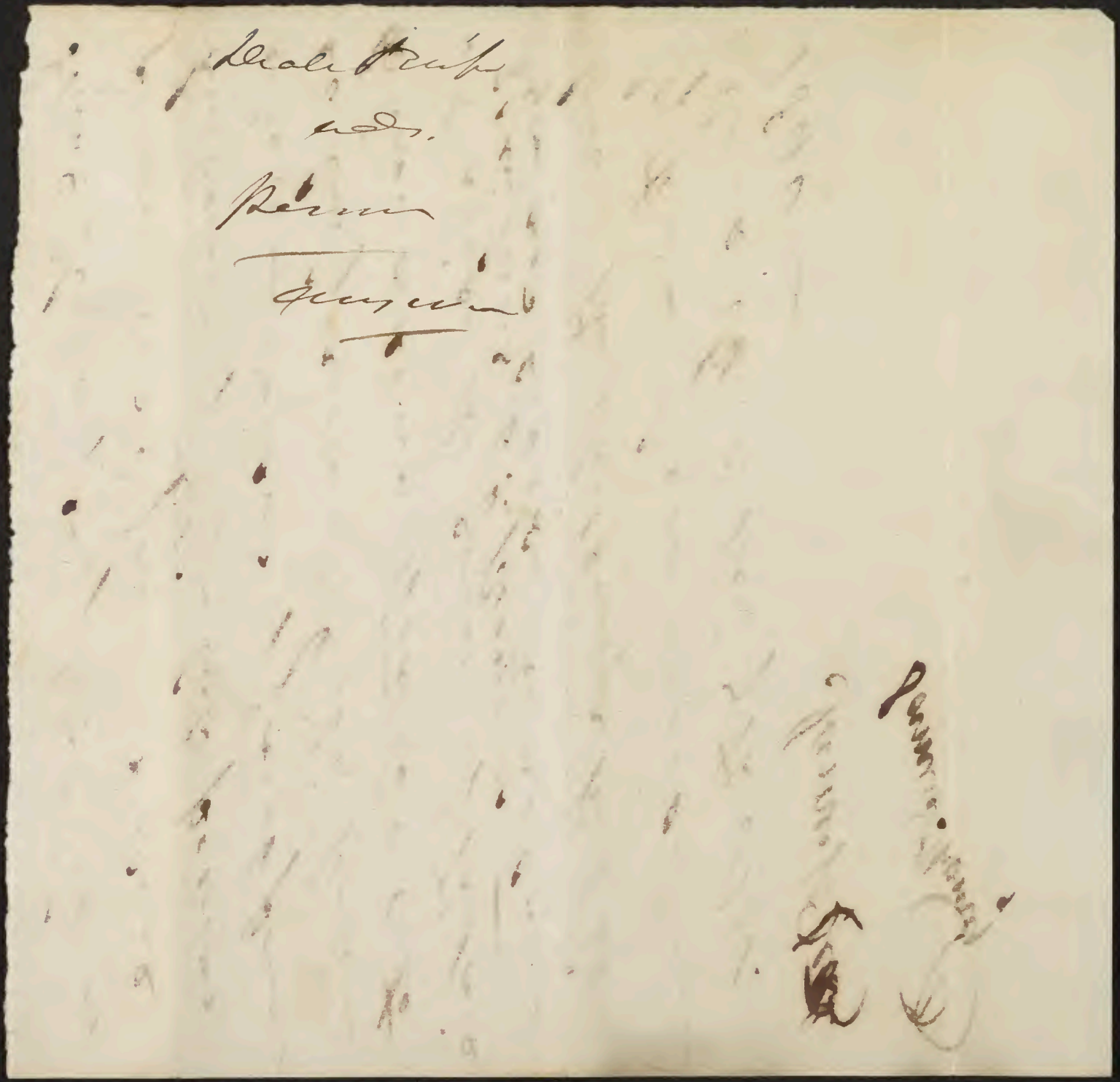
A Copy Teste Nath.l Young C. Cous.

Fee $10.
Clk - M. F. $5.00

Persons &c. & ors
vs.
Deal & wife
Int. decree for divisn of L. land.

Jany. 4th 1841 rept. rec.
& final decree entered.

I and Thomas Jr of Wm & Thomas
Jones and I James H Lovell
husband of Eliza late Jones
who was widow of Jacob Jones
do hereby agree that it is lawful
to have a decree of the Court to
set aside the Deeds of the said
Eliza and record the Release
between the children, as if it
had been — Given under our
hands & seals this 7th day of Nov.
1840 —

James H Lovell

Samuel Thomas