1841-009 Chancery Causes. Henry M. Carnell, Richard Carnell et al vs Mary Carnell et al

Dist of Wright County

other SURNames: PARR, MILLINGTON, JONES, YOUNG, CARROLL

To the justices of the county court of Rockingham in chancery sitting

Humbly complaining shew unto the court your orator and orratrix Richard Cannell, Nathan Cannell, John Cannell, Mary Pace and James Millspaugh, that a certain James Cannell late of said county died intestate on or about the [illegible] day of May 1840 seized and possessed of two tracts of land in said county the one on which he resided containing about 140 acres and the other called Jefferson containing about 100 acres, the said land is worth about one thousand dollars: The heirs of the said James Cannell are your orators and orratrix his children, and a certain Mary Cannell his daughter who is under the age of twenty one years, and Madison P. Alsop, Martha, and Mary Jones infant children of Catharine Jones who was also a child of the said James Cannell deceased entitled to their respective shares in the said land descended as shares belonging to the said Madison P. Alsop, Martha, and Mary Jones as heirs of their said late father the said Catharine: The said land is worth made up shares $300 per share and cannot be divided amongst the heirs without very much impairing its value nor can the same be divided or sold by reason of the infancy of the heirs aforesaid except by the interposition of a court of equity:

your orators and natives are unp
cent to have and enjoy their por-
tions of the said land, and are unable
and unwilling at law: To the end
therefore that relief may be had your
orators and orators pray the court
that the said Mary Carroll, and
the said Madame P. Alonzo, Martha
and Mary Jane by their guardian
ad litem to be appointed by the court
be made defendants hereto and
be compelled to answer the premises
fully and distinctly and by a decree
of the court the said land may be sold
and the proceeds divided amongst
the heirs according to their respective
rights and may it please the court
to grant such other necessary relief
in the premises &c.

B. Chambers

Carrells
vs
Chaus
Carroll &c
per guardian

Octo: 8th 1840 Bill &
answer filed & Interrog: duces

May 9th 1841. Repl. filed
& Confd. Special decree

The names of many convicts, Blacks
Spaniards, Malays, Lascars, and other persons
were stamped upon the Records during 21
years by Captain Spring, these persons
were not known to or have exhibited
against them in the many cases of
Malpractice by Spring and others

These circumstances by their magnitude
& enormity would have excused and
may that they were ignorant and as
to their rights in the case of their
fathers & grandfathers persons convicted
they by to place themselves under
the protection of the Court & obtain
their rights may be pursued
during their continuance they pray
to be discharged &c

Yours

N. P. Young

Journal

Isle of Wight Court Feb'y 1st 1841.

We Albert G. Jones and Jno. Carroll Comrs. appointed by the County Court of Isle of Wight Co. October the 5th 1840. for the purpose of selling the lands belonging to the Estate of Jno. Carroll Decd: have after giving twenty days public notice of the time and place, as directed by the decree, sold them (the said lands) at a public auction, on a credit of nine months, except so much as would pay all expenses of said decree sales &c. Whole amount of sales $970.00- Commissions $24.24- Attn. Cost $10.00- Clerks cost $5.00- Nett proceeds $930.76- For which we have taken bonds from the purchasers on convenient terms so as to be divided amongst the parties. One share we have divided into four equal parts; and for it, we have taken bonds payable to the infant defendants Madison P. Young- Mary- and Martha Jones. To each of whom there is a bond of $22.80 due from three persons, and one of $7.03 due from Jno. A. Esper. Which we have returned and filed in the clerks office subject to the future order of the court. This report we respectfully submit to the Court.

Albert G. Jones }
John Carroll } Comrs.

for Sale of Lands.

Richard Cannell, Gray M Cannell
John Cannell, William Cannell, Nancy
Ann, Susan Millington plaintiffs

vs.

Mary Cannell, Madison P Jones
Alonzo Jones, Martha Jones and
Mary Jones infants under 21 yrs
by Albert P Young their guardian
ad litem

By consent of parties and with the
consent 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 Albert P Jones who is appoint-
ed a commissioner for that purpose
do give 20 days notice of the time
and place and sell at public
auction on a credit of nine months
the two tracts of land mentioned
in the plaintiffs bill of which James
Cannell died seized, and pos-
sessed the one containing about
one hundred and forty acres and
the other one hundred ~~acres~~ ~~better~~
excepting a sufficient to pay
all the expenses attending this
decree and the sale which
shall be in cash; that the
said Comr. do take bonds from
the purchasers bonds in sums
convenient for distribution, and
pay over one eighth part of the
said proceeds of sale to each
of the plaintiffs Richard Cannell, Gray
M Cannell, William Cannell John
Cannell Nancy Ann, Susan Millington,
and the same to Mary

council to be paid to the legal guardian, and for the remaining eight to take four bonds payable to the infants defendants heading, Elmyra, Martha and Mary Jones to be paid to their legal guardian or returned and filed in the clerks office subject to the further order of the court. That he execute bonds to the purchaser without warranty, and report his proceedings to the court in order to a final decree

Saml. C. Jones
Att'y Decree
Council Bluffs Iowa

Clk: Gen'l $5.00
Clk Sup. 10.00

In Isle of Wight County Court Oct 5th 1840.

Richard Carroll. Gray M. Carroll. John Carroll. William Carroll
Nancy Parr. Susan Millington . . . . . Plaintiffs

against } In Chancery.

Mary Carroll. Madison P. Jones . Alonzo Jones. Martha Jones
and Mary Jones infants under 21 Years by Nath.l P. Young their
guardian ad litem . . . . . Defendants.

By consent of the 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 Albert C Jones and John Carroll who is appointed a Comr. for that purpose do give twenty days Notice of the time & place of Sale and Sell at public Auction on a credit of Nine months the two tracts of land mentioned in the plaintiffs bill, of which James Carroll died Seized & possessed, the one containing about one hundred and forty Acres and the other one hundred acres excepting a Sum Sufficient to pay all the expences attending this decree & the Sale which Shall be in Cash; that the Said Comr. do take bonds from the purchasers in Sums convenient for distribution and pay over one eighth part of the Nett proceeds of Sale to each of the plaintiffs. Richard Carroll. Grey M. Carroll. Wm Carroll. John Carroll. Nancy Parr. Susan Millington and the Same to Mary Carroll. to be paid to her legal guardian and for the remaining eighth he take four bonds payable to the infant defendants Madison Alonzo. Martha and Mary Jones to be paid to their legal guardian or returned and filed in the Clerks office Subject to the further order of the Court. That he execute deeds to the purchasers without Warranty and report his proceedings to Court in order to a final decree.

Clks Cost $ 5. 00
Attys do 10. 00
$ 15. 00

A Copy

Teste N. P. Young D.C.

Carroll Va^{o}

or $\frac{1}{2}$ Co. (read.

Carroll

Land Case.

June 7th 1841 Rec'd of Nath'l Young clerk of the Court of Isle of Wight County the bond due to my Children Madison P., Alonzo M., Martha A, & Mary E Jones which were filed in the two suits in Chancery of Carroll &c. against Carrolls donor. & this day directed by order of court to be delivered to me as their agent &c.

Frederick Jones