1842-004 Chancery Causes: Fanny Thomas, widow of Samuel Thomas vs Julius O. Thomas

Isle of Wight County

v al, by v c

Mrs. Frances H. Thomas, widow of Samuel Thomas vs Julius O. Thomas v al, by v c

other surnames: Young

F Thomas
vs
Thomas' Exrs
Lower in Land

1842. Jany Court appd
Fdld for Exceptions

March Court. Rept. Confd
Special decree p. 543.

Land Cause

your orator may pray the court that the said Julius O, Richard T, and Mary E Thomas be made defendants hereto and by their guardian ad litem for that purpose to be appointed they be required to answer the premises fully and distinctly and by a decree of this court the said land may be divided by commrs. for that purpose to be appointed and that one third part thereof be set apart and assigned to your orator as her reasonable dower to be held for and during her natural life, and may it please the court to grant as such other and further relief in the premises as may be consistent with equity and the nature of the case, and your orator &c

I do this

The answer of Julius O Thomas, Richard T Thomas and Mary E Thomas by Nathaniel P Young their guardian ad litem to a bill exhibited against them in the county court of Montgomery by Fanny Thomas

These respondents by their said guardian saving and reserving &c for answer to said bill answer and say that being infants under 21 years they are ignorant of their rights but beg to place themselves under the protection of the court, and ask that their interests in the lands of their dead father may be protected and pursued in any decree the court may think proper to make in the premises

Signed

N. P. Young

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

Humbly complaining shews unto your worships your orator Fanny Thomas that she is the widow of one certain Samuel Thomas late of said county who died intestate about the ... day of February 1841 leaving your orator his widow and three children to wit Julius O, Richard T, and Mary E Thomas as his heirs at law, The said Samuel Thomas at the time of his death was seized and possessed of several pieces or parcels of land in said county containing about four hundred and twenty acres, consisting of the land on which he had formerly lived, the land bought under a decree of the court belonging to the heirs of James Crocker dead, (the said two parcels above mentioned adjoining each other), and a small tract of about twenty three acres reputed thereto by land belonging to your orator in her own right.

your orator is advised that she is entitled to one third part of the said land as dower for life, and she is desirous to have the same set apart and assigned to her as the law directs, but this cannot be done by reason of the infancy of the said Julius O, Richard T, and Mary E Thomas unless it be by the assistance of a court of equity where matters of this sort are cognizable, To the end therefore that relief may be had, and forasmuch as she is without a convenient and adequate remedy at law

In obedience to the annexed decree we the Undersigned Commissioners named therein did on the 28th day of December 1841 proceed to set apart the dower of Mrs Frances H Thomas in the lands of Her late husband Samuel Thomas The dower of the said Frances H Thomas is bounded as follows commencing at a Stake on the road leading to Bethel Church thence between the third & fourth rows of apple trees in rear of the Smoke House to the land owned by S & H. H Thomas thence along S. Thomas line to the line of the Old Castle tract of land thence along S. line to the above mentioned road thence up said road to the commencement containing twenty five acres more or less also twenty three acres of land purchased of William Gittemore by Samuel Thomas which two pieces of land are also allotted set apart to the said F. H. Thomas as one third of her late Husband Samuel Thomas's land Signed

Barth: Lightfoot
Thos L Kilgour

Wm Crooke
Richard [illegible] Edwards
[illegible]

Jenny Thomas

to

Thomas' Lewis

Lewis

Entered

Fanny Thomas Dec'd

vs.

Julius O. Thomas Richard T Thomas
and Mary E Thomas infant chil
dren and heirs of Samuel Thomas
dec'd by Nathaniel Irving their gdn
ad litem &c

By consent of parties and with the
consent of the court this cause was
this day stockilled and came on to be
heard on the bill and exhibits
and was argued by counsel on
consideration whereof the court doth
adjudge order and decree that Bat
Lightfoot, Williams & Crosby, Thomas
D. Ripley & Richard Ewing or any three of them who
are hereby appointed comrs for that
purpose do call in to their assis-
tance if the comrs surveyor if they
should deem his services necessary
and proceed to divide the lands
of which Samuel Thomas died seized
and possessed mentioned in the plaintiffs bill into one
fifth third part regarding quality
as well as quantity to
the plaintiff Fanny Thomas dowress
the same by proper metes & bounds
to be held by her as dower
in the lands of the said testator
the said Samuel Thomas dec'd &
the balance thereof to the infant
defendants to be held by them
as parceners and that the said
comrs report their proceedings
thereon to court in order to a
final decree

All Available Text Successfully Captured

Thomas
vs.
Thomas' Ex.

Inty: Dec.
for dam.
of Land

Holliman

In Isle of Wight County Court. March 2nd 1841.

Frances H. Thomas Plaintiff

Against

Julius O. Thomas, Richd. S. Thomas and Mary E. Thomas infant Children of Samuel Thomas dec'd. by Nathl. Young their Gd. ad litem. Defendants

In Chancery

On motion of the Plff. Nathl. Young is appointed guardian ad litem to the Defendants, and 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 of the Gd. and was argued by Counsel; on consideration whereof the Court doth adjudge, order and decree that Barth: Lightfoot, William M. Crocker Thomas D. Ripley and Richard Edwards or any three of them who are hereby appointed Commissioners for that purpose, do call unto their assistance the County Surveyor if they should deem his services necessary, and proceed to divide the lands of which Samuel Thomas died seized and possessed mentioned in the Plffs. Bill and set apart one full third part thereof, regarding quality as well as quantity, to the Plff. Frances Thomas dowress during the term by proper metes and bounds, to be held by her as dower in the lands of her said husband Samuel Thomas, and the balance thereof to the infant defendants to be held by them as parceners; and that the said Commrs. report their proceedings herein to the Court in order to further decree.

Copy Teste R. P. Young D. Clk.