

1845-043

Chancery Causes: Meritt J. Whitney & ux vs William Carroll, by & c

Dale of Waight County

other SUR Names:
Carroll

A decree for a
acquisition of the
Land of Sant Carol
Deo

Mint J. Whitney & wife
vs: $\frac{2}{3}$ Bill & Co

Wm Canoll & wife

Octo: 7. 1844. Bill $\frac{2}{3}$ filed
& inty: decreed.

Feb: Court 1845
Report made

April Court 1845
final decree.

Consistent with equity and necessary in the
case, and your orators and oratrix as in
duty will &c.

Shm^d Goodwin

The Answer of William Carrol Infant of said Carrol &
by Nathaniel P Young his Gr Adtutor, to a bill filed in the
County Court of Suffolk at October term, by Merit J. Whi-
tney and Martha his wife,

This respondent in an answer
to said Bill Answers & says that he neither admits or denies
any of the matters in said ^{Bill} alleged, that he is of tender age
and lacks discretion, and therefore begs leave to submit
himself & his interest & rights, in said ^{Land} ~~Bill~~, mentioned to the
Wisdom & guidance of this honorable Court, and having
answored prays hence to be dismissed with his cost
in this behalf expended

N. P. Young Jr. *[Signature]*

Merit J Whitney and Martha his wife formerly
Martha Carrol

} Plaintiffs

} In Chancery

Against }
William Carrol an Infant under the age
of 21 years by Nathaniel P Young 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 agreed by court
on consideration whereof the court doth adjudge,
order and decree that, Arthur Channell Jr. Wyllie
& Bagnell Staughton Coffield & Josiah Holliman or
any three of whom may act, do proceed on the lands
whereof the ^{1st} Sam^l Carrol died seized and possessed,
and value the same, and equally divide the same, between
Martha Whitney wife of Merit J Whitney & William Carrol,
and proper miles and bounds, having regard to quantity
and quality, and should there be more than one tract,
an allotment of an entire tract or tracts, to each heir
upon such terms as may be just, & fair & Equitable,
may be made, and report to court in order to a
final decree in premises

To the Justices of the county court of Isle of Wight
in chancery sitting

Humbly complaining shew unto the court your orator
and oratrix Merit I Whitney and Martha his wife formerly
Martha Carrol, that on or about the year Eighteen hundred 37
a certain Samuel Carrol of said county died being at the
time of his death possessed of Valuable tract of Land in the
county aforesaid containing by estimation two hundred ^{acres} fifty and
upon the death of the said Carrol the Land above mentioned
became the property of his Children Martha & William
subject to the widows dower their Mother, who has since
died, Martha is the wife of your orator M I Whitney
and William an Infant under the of 21 years
your Orator and Oratrix are anxious to have and enjoy their
Interest in said Land separately, they therefore ask the court
to order a division in said tract of Land according to
Law, but as William is ~~the~~ under the age of 21 years
he is ~~prevented~~ ~~from~~ prevented from obtaining his just
Rights, To the end therefore that relief may be had,
and as he is without remedy at law, and can be
relieved only in a court of equity, Your Orator and
Oratrix pray the court that the said infant be made
defendant hereto and by his ^{Guardian} for that purpose to
be appointed, he be required to answer the premises
fully and distinctly, and by a decree of the court the
said Land may be divided between the plaintiff and
defendant, and may it please the court to grant
all further relief in the premises which may be

Meritt & Whitney, wife
against } copy decree
William Carroll

February 3^d 1845.
Report returned & filed
for execution.
ap^d final decree

At a Court held for Isle of Wight County, Oct. 7th 1844

Merit J Whitney & wife & others

Plffs

against

William Canoll an infant

Def.

In Chancery

On motion of the plaintiffs M. P. Young is appointed guardian ad litem to the infant defendant, 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 filed, and was argued by counsel, on consideration whereof the Court doth adjudge, order and decree that Arthur Channell S. Myler & Pagnell, Slaughter Coffins and Josiah Holliman or any three of whom may act, do process on the lands whereof the said Samuel Canoll died seized and possessed, and value the same, and equally divide the same between Martha Whitney wife of Merit J. Whitney & William Canoll, and by proper metes and bounds, having regard to quantity and quality, and should there be more than one tract, an allotment of an entire tract or tracts, to each heir upon such terms as may be just & fair & equitable, may be made, and report to Court in order to a final decree in the premises —

A. Copy Teste

J. P. Mills D.C. J.W.C.

In obedience to a Decree in the County
Court of Blount and hereunto annexed
we the undersigned have -
Proceed with Ewen Duck Survey
to examine the land belonging to the
Estate of Samuel Correll Decd Amounting
to 392 acres, and we attest to the
whetney in Right of his wife Martha
formerly Martha Correll 145 acres
at a Sweet Gum thence on Smith neck
Road thence on the land of Wm Hines Wm
Correll Staughler befield up Rasco
neck ^{road} to a black gum then a
line of trees to the said Sweet Road
and we attest 247 acres beginning at
a Sweet Gum up Smith neck
Road to the Store called Corrells Store
then down Rasco neck Road thence
on a line of trees between Posters
Land Joseph Whitehead & Staughler
befield to a black gum then the
new dividing line to said Sweet Gum
and we do attest that Jorian Holloman
Surveyor for Wm Correll shall pay to
the said Martha Whetney the sum of
fifty Dollars to make equal for the
said parcels, taking into ~~view~~ ^{view} equally
in quality, given on our hands and seals
this 7th Nov 1844 of which of which
is submitted to the Court -

Arthur Channell
Jm Wiley & Bagwell
Staughler befield
Jorian Holloman

Whitney knife
w. 3 (1844)
Lancaster

Deane's
Lancaster