

1856-004 Chancery Causes: Martha Holland vs James Holland & Roxana Holland, by & c

Isle of Wight County

other surnames: Chapman

To the Worshipful County Court of Isle of Wight County
in Chancery sitting, humbly complaining there-
unto the Court, your complainant, Marsha
Holland, of the said County, that about the day
of 1853, one James Holland, departed this
life intestate in the County, aforesaid, seized
proprietor of three tracts of land, situated in
the County aforesaid, to wit one tract of 152 acres,
bounded by Tho R Canon, Robert Pope & ~~Edwards~~
Place known as the Home Place, — the Edwards
Place, containing by estimation 122 acres, adjacent
to Patey Jones, John Holland, & J. C. Suckan, —
& the Hatchell Place, containing by estimation 100
acres, being adjacent to Patey Jones, Shackick Bran-
cy, & Robert Pope — that the said intestate left
no widow, but as his only heirs at law, three
children, to wit your aforesaid complainant,
Marsha Holland, and two infant children
James Holland & Roxana Holland — that the
said children are equally entitled in coparcena-
ry to the said land — that they cannot in the
infancy of said parties themselves divide the
said land if the same were practicable — that
the said land cannot be conveniently divided
between them & a sale thereof & a division of the
proceeds would greatly promote the interest of
all parties — in tender consideration whereof
& ~~for as~~ much as your complainant is with-
out remedy at law & can only be relieved
by the order of this worshipful Court, where
Matters of this sort are cognizable, — to this end
your complainant prays that the said James
Holland & Roxana Holland infants as aforesaid,
by some person appointed their guardian

ad litem to defend them in this suit — & that by a
 decree of this mosthipful court the said land may
 if practicable be divided between them if not
 that the same may be sold & the proceeds divided
 between the said parties according to their respec=
 tive rights — your complainants will ever pray
Hayden for —

^{my}
 To the Mosthipful County Court of Isle of Wight
 in Chancery sitting — The joint & several answers
 of James & Roxana Holland infants by M P Young
 their Guardian ad litem, to the Bill of Complaint
 by ~~Adersha~~ Holland exhibited against them —
 their defendants jointly & severally answering
 say that they are infants under twenty one years
 of age & submit their interest in the premises
 to the protection of this mosthipful Court &
 pray hence to be dismissed with their costs in
 this behalf most unreasonably expended —
Signed

Holland }
 Holland }
 Holland }

Accepted 7th. 1834

Witnessed & sealed & truly

decreed.

Nov. 6. 1834 Com^{rs} of the
 made upd. term.

July 2^o 1835 decreed
 to collect &c.

Nov. 5th 1835 decreed
 to return bond &c.

Oct. 7. 1836
 final decree

132	Hanna pine	A. Edwards	\$50.00
122	Quercus prinus	200	234
100	Blanchard pine	J. M. Turner	290
374			10.34

234 39
 234 39
 234 39
 94 73
 94 73
 94 73

987 36
 13-00
 23 84

 1026 20

Mallory
 J. Dickson Esq.
 Smithfield via
 Orange

November 9th. 1855. Recd. of A. P. Gony Clark of the
County Court of Del. flight the bond of Allen Edwards &
Mrs. R. Carson for \$234. 39. and the bond of Thomas M.
Latimer, J. C. Latimer & Mary Latimer for \$94. 73 both
payable to me & returned to Court by Const. J. Hall with
his rpts. of sale of Jas. Holland's Goods.

Witness
J. Hall

James ^{his} + Hall and
make

Dr. Hallowell,

ms.

November 9th. 1855. Received of A. P. Young Clerk of
the County Court of Ich. freight the bond of Allen Edwards
and Mrs. R. Carson for the sum of \$2311.⁸⁹ payable to
Roxanna Holland, and the bond of Thomas M. Statum,
J. C. Statum and Mary Statum for \$941.⁷⁸ payable
to same, which are delivered to me under decree of
the Court.

J. Hall Jrs.

J. Hall? gov.

ant.

I hereby certify that I authorize C B Hayden to
obtain from the County Court of Isle of Wight²⁸
a decree for the sale of the lands of the heirs
of James Holland dead for division, in which
I am interested as one of the heirs -

July 20th 1834
witness

James C. Moody

Signed Marsha^{her} x Holland
Mark

KNOW ALL MEN BY THESE PRESENTS, That we, *Thomas*

Hall and Nathaniel P. Gray.

are held and firmly bound unto the Commonwealth of Virginia in the sum of *One*
Thousand Dollars to the payment whereof, well and truly
to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by
these presents. As witness our Hands and Seals, this *8th* day of *November*, in
the year of our Lord, one thousand eight hundred and *fifty five*

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas by a Decree of the
Circuit Court of Isle of Wight county pronounced on the *8th* day of *November*
in a cause depending in the said Court in which *Manha Holland*

James Holland and Roxana Holland plaintiff, and

defendant, the
above bound *Thomas Hall* was appointed a special Com-
missioner to *in all other respects to execute the decree*
of July Term 1885 in this Court

Now if the above bound shall faithfully discharge
his duties as Commissioner under the said Decree, then the above Obligation to be void, otherwise to
remain in full force and virtue.

Signed, sealed, and delivered }
in the presence of }

T. Hall



N. P. Gray



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The New York Public Library Astor Lenox Tilden Foundation

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Holland

v. 3

Holland

Exp. 9. Nov. 1838.

Concl. Power

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KNOW ALL MEN BY THESE PRESENTS, That we, *Thomas Hall*

are held and firmly bound unto the Commonwealth of Virginia in the sum of *One*
Thousand Dollars to the payment whereof, well and truly
to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by
these presents. As witness our Hands and Seals, this _____ day of _____, in
the year of our Lord, one thousand eight hundred and *fifty four*

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas by a Decree of the
Circuit Court of Isle of Wight county pronounced on the *7th* day of *August*
in a cause depending in the said Court in which *Marsha Holland*

is plaintiff, and

James Holland and Rosanna Holland are _____

defendants the

above bound
missioner to

Thomas Hall

was appointed a special Com-

*sell the land whereof James Holland died
deceased in the County of Isle of Wight, in this tract
to wit: the Home tract of 152 acrs, The Edwards place
containing 122 acrs and the Hutchell place of 100
acrs, and take bond for the audit part of sales &
disbursements of the same as presented in said deed.*

Now if the above bound *Thomas Hall* _____ shall faithfully discharge
his duties as Commissioner under the said Decree, then the above Obligation to be void, otherwise to
remain in full force and virtue.

Signed, sealed, and delivered }
in the presence of }

Mall

N. P. Young



Martha Holland

to: *E. C. B.*
Cm. B. B.

James Holland & Co.

August 28th Received &
filed.

John A. P. Conway

1834 October The 3rd Minute from The Hall are Brought
a gainst Allen Edward and John R. Carson
for Two Hundred and Thirtyfour dollars and
79 cents and are also Brought a gainst The
Tanner and F. C. Tanner for Ninetyfour
dollars and 73 cents both amounting to
Three Hundred and Twenty nine dollars and 12 cents
to being my share of the neat proceeds of the
sale of the land ^{of my Father James H. Carson} said to be a compromise
agreed to by the county Court of Decatur
the 7th of August 1834

James M. Sawyers

Marsha ^{for} ~~Stephen~~ _{man}

Martha Holland

Oct 20

Dear Sir

Holland

as

Holland

On motion of the Plaintiff & by consent of parties this cause this day came on to be again heard on the papers formerly read & on the report of Commissioner T. Hall made pursuant to decrees herein of July & November Terms 1833 returned Nov 9th 1833, ~~It~~ was argued by counsel, on consideration whereof the court **confirming** said report, to which no exception was filed doth adjudge order & decree the division of the proceeds of sale of land heretofore made herein be held firm & binding on the parties & that the parties to this suit contribute mutually to the costs of the same -

Holland
as
Holland-

Rough beam
April Term 1836 -

To be entered
York 02

A Court held for Isle of Wight County on the 3rd day
of November 1855.

Marsha Holland

Against

James Holland & als.

$\frac{2}{3}$ In Chancery

Plffs

Defts.

This Cause this day on the
petition of James Holland, came on to be heard on the
papers formerly read, & it appearing to the Court that
the decree herein of July Term 1855. has not been ex-
- ecuted by Thomas Hall therein named, & that since the
said decree, James Holland has attained lawful age, where-
upon, the Court doth adjudge order and decree that so
much of the decree herein of July Term 1855. as requires
the said Thomas Hall, to receive from the Clerk of this Court
the Bonds returned by him with his report of sale, payable
to James Holland, Collect the same and deposit the proceeds
in the Suffolk Savings Bank to the Credit of this cause,
Be set aside; & that the Clerk of this Court deliver to the said
James Holland on his filing his receipt therefor, the Bonds
payable to him, & that the said Thomas Hall in all other
respects execute the aforesaid decree of July Term 1855.

But the effect of this decree shall be suspended until he
shall execute in the Clerk's office of this Court Bond
with sufficient security in a penalty of \$1000.00. payable
to the Commonwealth of Virginia, Conditioned for the
faithful performance of this decree.

A Copy.

Teste.

J. C. Latimer D.C.

Martha Holland ^{Ed}

vs. Copy Decr

James Holland

Marsha Holland
v- } Decree -
Jas Holland et al - }

This cause this day, ^{on the Petition of James Holland} came on to be heard on the papers formerly read & it appearing to the court that the decree herein of July Term 1835, has not been executed by Thomas Hall. Therein named & that since said decree James ^{Holland} ~~Hall~~ has attained lawful age whereupon the court doth adjudge order & decree that ^{so much of} the decree herein of July Term 1835, as required the said Thomas Hall, to receive from ~~the Clerk~~ of this court the Bonds returned by him with his report of sale, payable to James Holland, collect the same & deposit the proceeds in the Suffolk Savings Bank to the credit of this cause, he set aside & that the clerk of this court deliver to the said James Holland ^{on his filing} this receipt therefor the said Bonds payable to him, & that the said Thomas Hall in all other respects execute the aforesaid decree of July Term 1835. But the effect of this decree shall be suspended until he shall execute in the clerks office of this court Bond with sufficient security in a penalty of \$100000 payable to the Commonwealth of Virginia conditioned for the faithful performance of this decree.

Martha Holland }
as
James Holland }

Rough beaver
Nov. Term 1835

To be entered -

Woodman P2

Martha Holland
as } Secer
Jas Holland et al

This cause this day came on to be again heard on the papers formerly read & the report of Thomas Hall Commissioner of Sale made pursuant to a decree therein of Aug 7th 1834, returned Nov 6th 1834, was argued by counsel, on consideration whereof, the court confirming said report to which no exceptions have been filed, doth adjudge order & decree that the Clerk of this court deliver to the said Thomas Hall on his executing his receipt therefor the Bonds returned by him with his report aforesaid, to wit; the Bond of Allen Edwards & Mrs R Carson, payable to ^{James} ~~Martha~~ Holland six months from Sept 30th 1834 for \$234.39, the Bond of the same for the same amount payable on the same date to Roxanna Holland - the Bond of Thomas M Latimer, F C Latimer & Mary Latimer for \$94.31²/₃ payable to James Holland six months from Sept 30th 1834, the Bond of said last named parties for same amount payable on same date to Roxanna Holland which Bonds the said Thomas Hall is hereby authorized & directed to collect & to pay the proceeds of the said Bonds due Roxanna Holland to her legal Guardian & deposite the proceeds of the Bonds aforesaid payable to James Holland in the Suffolk Savings Bank to the credit of this cause subject to the future order of the court therein taking ~~the~~ ^a certificate of deposite therefor & return the same with his report of his proceedings under this decree. On the payment of the Bonds aforesaid

by the said Allen Edwards & John R Cannon, the said Thomas Hall shall execute & deliver ^{good & sufficient} deeds with special warranty to the ^{said} Allen Edwards for the "Horne Tract" being a part of the land whereof James Holland died seized in the County of Isle of Wight containing by estimation 152 acres, lying adjacent to the lands of John R Cannon & Robt R Pope & for the "Edwards Place" a portion of the land whereof said Holland died seized in said county, containing by estimation 122 acres, adjacent to the lands of Patsy Jones, John Holland & James C Jordan - & on the payment by the said Thomas M Latimer, F. C. Latimer & Mary Latimer of the Bonds aforesaid the said Thomas Hall shall execute a good & sufficient deed with special warranty to Thomas M Latimer for the "Hatched Place", being a part of the land whereof James Holland died seized in the County of Isle of Wight, containing by estimation 100 acres, lying adjacent to the lands of Patsy Jones, Shadrach Bracy, & Robert R Pope -

But the effect of this decree shall be suspended until the said Thomas Hall shall execute & deliver in the Clerk's office of this Court Bond with sufficient security in a penalty of \$1000.00 payable to the common wealth of Virginia, conditional for the faithful performance of this decree -

Holland & the
 " " Chancery -
 Holland
 Joseph H. H. H.
 Feb Term 1855
 ordered to be
 entered
 J. R. Cannon

Holland }
" } In Chancery -
Holland }

On motion of the Plaintiff P. Young ~~is~~ is
appointed Guardian ad litem to the Defendants
By consent of parties this cause this day came
on to be heard on the Bill, Answer, several
applications thereunto & examination of witnesses
& ~~was~~ ^{was} ~~proposed~~ ^{by} counsel, on considera-
tion whereof, the court doth adjudge order
& decree that Thomas Hall who is newly
appointed special commissioner for that pur-
pose do proceed to sell at public auction
^{after having given thirty days notice of the time & place of}
at the Home Place, to the highest bidder in
sale by public auction at the Court door of the Court
in ^{creating} ~~creating~~ ^{any} ~~any~~ ^{any} months, except so much for
house of this Court, on some Court day & at other
cash as will pay the costs of this decree of said
^{public places} sale, the land whereof James Holland died
seized in the county of Isle of Wight, selling
the same in three tracts, to wit the tract
known as the "Home Place", containing by estima-
tion ~~122~~ ¹²² acres, adjacent to the lands of ~~Paty Jones~~
Mrs R Caron, Robert Pope - the "Edwards
Place" containing by estimation 122 acres ad-
jacent to Paty Jones, John Holland, & Jas C
Jordan, - the "Hatchell Place", containing by
estimation 100 acres, adjacent to Paty Jones,
Shadrack Bracy, & Robt Pope - For the portion
sold on credit the said Commissioner shall
take three bonds in equal amount with good
security payable respectively to Marsha Holland
James Holland & Roxana Holland & deliver
that of the said ^{Marsha} ~~Roxana~~ to her, taking her
receipt therefor, paying ^{same} of ~~the~~ ^{same} infants

to their respective legal guardians if any & if not
return the same to court with his report of proceed-
ings under this decree -

But the effect of this decree shall be suspended
until the said Thomas Hall shall execute &
deliver in the clerk's office of this court, Bond with
good security payable to the Commonwealth of
Virginia in a penalty of \$1000.00 conditioned
for the faithful performance of this decree -

Holland }
" } in Chancery
Holland }

Rough drawn

thus done 1834

To be entered

Done at the Court House in the County of Loudoun this 10th day of June 1834

Marsha Holland

Plff.

v.

3^d In Chy.

James Holland and Roxanna Holland

Def.

Pursuant to decree of the County Court of Isle of Wight, in this cause, pronounced at July term 1854 and Nov. term 1855. The undersigned Commissioner has received from the Clerk of said Court the books filed with his report, due to Roxanna Holland, collected the same and paid the amount over to her guardian. And has executed & delivered to Allen Edwards, and to Thomas M. Statum, the purchasers of the land in the proceedings mentioned, deeds with special warranty, for the tract of land purchased by them respectively, as appears by a former report.

Given under my hand as Commissioner
afore said this 9th. day of Nov. 1855.
Jas. Hall

Holland

v. 3 J. Hollander.

Holland &c.

=

In Isle of Wight County Court August 7th 1852

Martha Holland

Plff.

against

J. B. Chesney

James and Rebecca Holland

Def.

On the motion of the plaintiff, C. B. Henry Esq. appointed guardian
ad litem to the defendants, and by consent of parties this cause this
day came on to be heard on the bill, answer, general replication
thereon and examination of witnesses, & was argued by counsel;
on consideration whereof, the Court took adjourned order and decree
That Thomas Hall who is newly appointed a special commis-
~~sioner~~ ^{ioner} in that purpose, do proceed to sell at public auction
after having given thirty days notice of the time & place of sale
by advertisement at the door of the Court house of this County on
some Court day, & at other public places, at the "same place"
to the highest bidder, on a credit of six months except so much
as will be required to pay the costs of this suit, and the sale, which
will be in cash, the land whereof James Holland did seized in
the County of Isle of Wight, selling the same in three tracts, to wit:
the tract known as the "Home tract" containing by estimation 152
acres adjacent to the land of John R. Bacon & Robert R. Pope -
the "Edwards place" containing by estimation 132 acres adjacent
to Putney Lane, John Holland James C. Jordan the "Hatchel
place" containing by estimation 60 acres adjacent to Putney Lane
& Thaddeus Bray & Robert R. Pope, for the portion sold on credit,
the said commission shall take due and in good manner
with good security, payable respectively to Martha Holland,
James Holland & Rebecca Holland, and deliver that of the said
Martha to her, taking her receipt therefor, paying those of
the said defendants & their respective guardians if any, & if not
report the same to ^{the} Court with his report of proceedings under this
decree. But the effect of this decree shall be suspended
until the said Thomas Hall shall execute and
deliver in the clerk's office, to the Clerk of this Court,
land with good security payable to the Commonwealth

of Virginia in a parcel of \$1000.00 Conditioned for
the faithful performance of this decree.

A Copy

Filed

C. P. Sprague

To the County Court of Sch. Wright County.

Pursuant to the requisites of the within decree in the case of Martha
Hollan vs. James and Royana Hollan, The undersigned Court, after
advertising the time & place of sale, did on the 30th of Sept. 1854,
on the premises, expose to public sale, at auction, the three tracts
of land named within, to wit: The "Home Tract" of 152 acres, The
"Edwards place" of 122 acres, and the "Hatched place" of 100
acres. At which sale, Allen Edwards, being the highest bidder,
became the purchaser of the "Home Tract" at the price of
\$505.00 - and the "Edwards place" at the price of \$237.00
and Thomas M. Latimer became the purchaser (being
the highest bidder) of the "Hatched place" at the price
of \$290.00 - making in the aggregate \$1032.00

From which deduct the costs of sale \$15.00

an Am't. on sale . . . 29.64

Making in cash payment 44.64

Bonds on bond from Allen Edwards
with J. N. Carrow security payable

to Martha Hollan for . . . 3234.39

One do. from do. payable to

James Hollan for . . . 234.39

One do. from do. payable to

Royanna Hollan for . . . 234.39

Thomas M. Latimer bond

with F. B. May Latimer his

security payable to Martha

Hollan for . . . 94.73 1/2

Bond of do. & do. to James Hollan 94.73 1/2

Bond of do. & do. to Royanna 94.73 1/2

\$1032.00 \$1032.00

The Bonds of Martha Hollan have been delivered over to her, as will
be seen by her recd. hereunto filed, the bonds of James & Royanna
are likewise returned to court.

F. Heall Comr.

Martha Hollan

copy decree

Martha Hollan

My fee in this case paid to
C. P. Sprague

My fee as atty. paid to
C. B. Hayden

The depositions of Hardy Chapman

Taken at the of Night Court House
on the 7th day of August 1834 on behalf of ~~Martha~~
Holland to be read as evidence in a Chancery
suit pending in the County Court of Isle of Wight
in which the said Martha Holland is Plain-
tiff & James & Roxana Holland infants by M
P Young their guardian ad litem are defen-
dants -

The deponent Hardy Chapman — being first
sworn on the Holy Evangelist deposed as follows -
Question by Plff. Attorney - Are you acquainted
with the lands whereof James Holland died
seized in the County of Isle of Wight? - If so
state their value - Whether in your opinion
they could conveniently be divided between
the parties entitled thereto, or whether the inter-
est of all would be promoted by a sale & division
of the proceeds? - Ans - I am acquainted with
the said lands - with some seven or eight
hundred dollars - I do not think they could be
conveniently divided among the children
I am sure the interest of all would best
be promoted by a sale of the same

Signed -

H. Chapman

The deponent Richard F. Chapman being first sworn on
the Holy Evangelist deposed as follows -

The same question as above asked by Plff. Attorney
being repeated he answered as follows -

Answer - I am acquainted with said lands
The value some eight or nine hundred dollars
The sale of said lands best and could not
be conveniently divided

Signed -

R. F. Chapman

I Albert G Shivers, do certify that the foregoing
depositions were taken, sworn to & subscribed to
before me a justice of the peace for the county
of Erie of West at the time & place mentioned
in the caption - as witness my hand & seal this
7th day of August 1834 -

Albert G. Shivers. J.P.

I certify the within depositions may be read.

W. J. Gentry gov. as Clerk

Holland }
" }
Holland }

depositions of Hardy
Chapman & F. Chapman

120