1866-005 Chancery Causes: John E. Mason + ux vs William Joseph Dews + Julius C. Dews, by + c

Isle of Wight County

other surnames: Hall, Boykin

Octo. 1855 Cont.

Octo. 1836 cont. for repl.
May 16. 1837 rule vs.
Comm. a. b. f. 101.
Octo 1837 cont.
My 1838. do.
Octo. " do.
May 1839. cont.
Octo. " cont.
My 1840. do
Octo. 1840. cont.
May. 1841. rule vs. Cont.
May term 1846. Removed
from docket by Court
with liberty to restore &c

MVD

Assn. & Sum.
vs Bill. Ejt
Sum. oct.

August rules 1802.
Bill to file and
cause to be served
repl.

Sept. rules 1802.
Oct. May rules 1803.
Cause to be repl. by
def. or Judgt.
Oct. rules 1832 def.
for want of a plea
&c. rule.

Oct. 1832. Cont. & repl.
May 2d 1833 Exemplification of
Sheriffs deed filed.
May 17th. 1853 Decree for
sale &c. & Master appt.
Octo. 1853. cont. for repl.
1835 cont.

rented out for that sum. If the present annual value, is the result of constant depreciation. All the improvements are on the portion or parcel belonging to Mason & wife - the cleared land which rendered the other parcel desired to the widow children Valuable, or formed any inducement to Renters, but as is usually in such cases, become poor, or grown up in bushes. William J. Sears who is now above 21 years of age is unwilling to have the land divided, or take the whole as the law in such case provides -, and neither he, or Eulines who is now over 18 years old, ever expect to live on the premises, having formed other tastes & habits. Indeed it is well they do not desire to locate themselves there as it would be consigning them to poverty & hard labour the balance of their days. To divide the land would be still more injurious; and to sell either parcel distinct would be equally unwise; hence your orators pray that the whole tract may be sold out & out, as well the parcel bequeathed to the widow as the other; and with the view of benefitting her children said Martha is allowing either to her [illegible] interest or the annual proceed of interest on the parcel allotted to her, or a sum in fee equivalent to the same as may seem best. If Eulines should die before 21, his heir would be Wm. J. Sears his brother. The income of Eulines Sears is about $80. per annum. He has two slaves. The reason why a sale is asked especially at this time and a private sale one be under the reasons above given, the parties can as they have in contemplation, a most advantageous bargain or contract which may be lost, unless power is given to sell in such a way as will give them absolute control. The parties are citizens [illegible] given in this suit. And they pray that Wm. J. Sears & Eulines Sears may be made parties defendant to this Bill & be compelled to answer the same.

John E Mason

Martha J Mason

Norfolk County:

Jno. E. Mason & Martha J. Mason personally appeared before me a justice of the peace for the County aforesaid, and made oath that the facts as stated above in their answer, are true as far as they know or believe. Given under my hand & this the 12th July 1852.

Wm. G. Webb J.P.

Answer

Answer of Eulines C. Sears, to a Bill filed against him by Mason & wife. In the Circuit Court of Isle of wight County.

This respondent, saving & excepting &c: for answer to so much of said Bill as he is advised it is material for him to answer says; that he is about 18 years old, and he verily believes that the interests of himself & all other parties will be promoted by a sale of land mentioned, for the reasons & wills as others, therein given; but being under 21 years old, puts himself under the protection of the Court.

E. C. Sears

Norfolk County, to wit:

Eulines C. Sears personally appeared before me a Justice of the peace for the County aforesaid, and made oath that the facts as stated in his answer above are true as far as he knows or believes. Given under my hand this the 12th July 1852

Wm. G. Webb J.P.

All Available Text Successfully Captured

Bill

To the honble Richd H. Baker judge of the Circuit Court of Law & Chancery for the County of Isle of Wight, In Chy sitting humbly complaining sheweth unto your ~~worship~~ honor, your Orator John E. Mason, Martha J his wife (formerly Martha J Sears wife & widow of William Sears dec'd). ~~and Eulalie C Sears an infant under 21 years of age, (about 8) who sues by her next friend Jno E. Mason~~. That some time ago one William Sears of the county aforesaid departed this life, seized of a considerable real & personal estate, after having made and published his last Will & Testament a copy of which is herewith filed as a part of this Bill. The administrator or executor has long since settled the estate of said Sears dec'd, and distributed the same; and the parties or devisees under the Will of their testator have had & now have the enjoyment of the real estate devised to them respectively. Your Orator Martha J. Sears, since the death of the said William Sears dec'd, has intermarried with, and is now the wife of the said Jno. E. Mason who also qualified as the guardian to William J. Sears & Eulalie C Sears the only surviving Children and heirs at Law of the said William Sears dec'd. That Mary Ann a child referred to in the Will has died, an infant, unmarried without issue and leaving as her heirs her two brothers. That William J. Sears the elder of the two brothers has attained his majority, and is desirous instead of having the land divided as the Will of his father directs, the same sold. The tract embracing that devised to the widow contains about 500 acres and is worth about $15 or $1800 - and is bounded, by the lands of Jno T. Powell & W. P. Jordan on the N. then running South & joining the lands of Jno T. Powell - then West to a large white Oak pine - then South joining the Land of Edwin Phillips & Cornering Stephen Whitley's then West & joining the Land formerly Willis Mills - then down the road leading from Barbours X Roads - then East & joining the Lands of Jno Morris - then down the branch a North direction to the Mill Pond and joining Jno. T. Powell again". The parcel devised to the said Martha J. was occupied by her & is now enjoyed or rented out by ~~the~~ her or her husband. The whole tract now only rents out for $40. annually - several years ago either parcel would

If Lewis answer

Mason Feb.
m: 4 Eby.
Lewis

Acct of W. T. Lewis
filed Aug. 2nd 1832.

Copy Copy

The Answer of William I. Dews to a Bill filed
V. him & als:

This respondent saving & excepting, for answer to so much of said Bill as he is advised it is material for him to answer, says, that he is one of the heirs of the William I. Dews and entitled as the Bill alleges to a portion of the proceeds of sale. That he wishes the land mentioned to be sold, and believes, in fact knows, that more can be obtained by a private sale than at Public auction. He is willing that widow take a fee simple interest or portion of the proceeds equivalent to her life or dower interest therein; and is satisfied that a division or partition of the premises would be prejudicial to the interests of all the parties. & having answered prays hence to be dismissed &c.

William I. Dews

State of [illegible] County to wit:

William I. Dews personally appeared before me a justice of the peace for the county aforesaid & made oath that the facts above stated in his answer are true to the best of his knowledge & belief.

Given under my hand this 6th Day 1852.

Jno. F. Lateimer JP

Infants Clothes

Manufactured by

" Hobby

Dover

Received of Mrs. H
your address
July 1st. 1882

The Answer of Luther C. Dews by Nat. P. Young his Guardian ad Litem appointed to defend him to a Bill filed against him & ors. by Jno. E. Mason & als: in Court at Jackson & Oct— in Chancery &c.

This respondent by N. P. Young his said G. ad Litem appointed as aforesaid, saving & excepting &c. says that he neither admits or denys the facts in the said Bill alleged: but he begs leave to submit his interest in the premises to this Hon'ble Court— & having answered in

(sign)

We acknowledge service of
this notice. aug. 1. 1852.
Julius C Sears
William J. Sears

Norfolk county to wit:
William J. Sears & Julius C Sears
personally appeared before me a justice
of the peace for the County aforesaid
and acknowledge the signing & service
of the notice - this 9th day of August 1852
Robert Hicks Jp

Jno. C. Mason Esqr
Sears case.
To Reg and Tacks 1.62.
Hicks Jp

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Isle of Wight ***County, Greeting:***

You are hereby commanded to summon William L. Davis and Julius C. Davis, the last an infant

to appear at the Clerk's Office of our Circuit ~~Superior~~ Court ~~of Law and Chancery~~ for Isle of Wight County, at the Rules to be holden for the said Court, on the first Monday in August next, to answer a Bill in Chancery, exhibited against them in the said Court, by John E. Mason, Martha L. Mason and Julius C. Davis an infant who sues by his next friend Jno. E. Mason.

And unless the said Defendant shall answer the said Bill within two months thereafter, the Court will take the same for confessed, and decree the matter thereof accordingly. And this ~~&~~ shall in no wise omit, under the penalty of £ 100.

And have then there this Writ.

WITNESS, Nath'l P. Young Clerk of our said Court, at the Courthouse, the 21st day of July 1832 ~~184~~, and in the 77th year of our Foundation.

N. P. Young c.c.

(One Copy to be delivered each Defendant.)

To William J. Lewis & Julius C. Lewis, and

Guardian ad litem to the said Julius C. Lewis, an infant under 21 years of age.

Take notice, that on Monday the second day of May next, at the usual Court House, between the hours of 9. A. M, and 1. P. M of that day, I shall proceed to take the deposition of Thomas Hall & others to be read as evidence in a certain suit pending in the Court of Law & Chancery for the County of Nansemond, in which we are Complainants and you are defendants; and if you any reason the said deposition should not be taken or completed on that day they will be adjourned from time to time until completed. Given under our hands this the 21. April 1853.

Jno. E. Wilson & Martha J. Wilson

By. Jno. Whitehurst their atty

Portsmouth Va. April 22 1853.

We acknowledge service of

the above notice

(Signed)

William J. Lewis

Julius C. Lewis

Mason and wife

vs

Dews & others

Deposition of

Thomas Neale

The deposition of Thomas Hall taken to be read as evidence ~~to be~~ in the suit pending, between Sarah E. Mason Widow & William C. Sullivan & Lucius C. Sims - in the Circuit Court of Chancery for the County of Isle of Wight Co: taken on the 2nd day of May 1853, at the Court House of said County - between the hours of 9 A. M. & 7 P. M. of said day

Thomas Hall having been duly sworn & upon his oath -

Question 1st. Do you know the farm upon which William Sims lived & died. If so what is its condition & what is its annual & fee simple value?

Ans I do know the farm of which William Sims died seized and possessed, and from my acquaintance with it I believe its fee simple value not to be more than one thousand dollars and its annual value about thirty dollars and its value is depreciating for want of repairs, and from the land growing up in woods

Question 2nd What do you think would be a fair allowance in fee simple to Mrs Mason, in lieu of her ~~life~~ interest in said land?

Answer I think one fifth would be a fair allowance. her age being about 41 or 42. and she being very healthy.

and further this deponent saith not

T Hall

Sworn to and subscribed before me a commissioner of the Circuit Court of Isle of Wight this 2nd day of May 1853

G. W. Robinson

Fee has been paid by John E Mason

G. W. Robinson

St. Stone May 4th 1853

Dear Robert

I am requested by Capt. W. C. Mason to say to you what I may know of the value of the tract of land which belonged to Wm. Dewey's estate — I do not know that my opinions of such matters is of any value but such as it is I willingly give: much of the land is thin, hungry, worn land, but such as there were in a dilapidated condition, for agricultural purposes would command one thousand dollars at private sale. I would not like to pay, myself, I wanted the farm for that purpose, more than $1000 for it. Indeed, in great haste

Your friend

R M Bayless

I consider one fifth a reasonable allowance for Mrs. Mason

R M Bayless

To William I. Lewis & Julius C. Lewis.

Take notice, that on the first Monday of January 1853, at the Court House of Isle of Wight, County, Va, between the hours of 9 A.M, and 6 P.M. of that day, I shall proceed to take the depositions of Thomas Hall & others, to be read as evidence in a suit pending in the Circuit Court of Isle of Wight County, in which we are plaintiffs & you are defendants. Given under hand this 27 Nov. 1852.

Jno. E. Mason & Mark J. Mason
Pl. Rs. Attys.

Nov. 1852

we acknowledge service of the above notice.

Wm. Lewis.

William I. Lewis
Julius C. Lewis.

Witness
Geo. W. Gale J.P.

Mason & Mason (Co.
Pl.
Lewis & Co. Lewis
Lewis.

At a Circuit Court continued and held for the County of Isle of Wight on the twentieth day of October 1852

John E. Mason and Martha J. his wife, formerly Martha J. Dews widow of William Dews dec'd. Complainants

Against } In Chancery

William J. Dews and Julius C. Dews the last an infant. Defendant

This cause came on this day to be heard on the bill and exhibits, the answers of the defendants and replications thereto and was argued by Counsel, On consideration whereof the Court doth adjudge, order and decree that the privy examination of Martha J. Mason be taken before — justices of the peace as the manner is to ascertain her willingness or not to sell the land in the bill mentioned, being the same devised to her by her late husband William Dews dec'd. and whether or not she desires that a decree for that object be made by this court in this cause, which examination is to be returned and filed as a part of the proceedings in this case.

A Copy

Teste

W. J. Young c.c.

State of Virginia. County of Norfolk:

In pursuance of the above Order of the Circuit Court of Isle of Wight in Chy, pronounced on the 20th day of October 1852, In the case of Mason & wife & Wm. J. and Julius C Dews, the undersigned, who are justices of the Peace for the said County of Norfolk, do hereby certify that Martha J. Mason, formerly Dews & widow of William Dews dec'd, but now the wife of Jno. E. Mason, personally appeared before us in the County aforesaid and being examined by us, privily & apart from her husband, as to her willingness, or not to sell the Land in the said suit mentioned being the same which was devised to her by the will of said Wm. Dews dec'd, her late husband; and whether or not, she desires that a decree for that Object be made by the court, and further having explained the whole proceedings to her, she, the said Martha J. Mason, declared that she desires the same to be sold & was willing that the Court should make a decree for that Object & that she understandingly commenced the said suit for such a purpose. Given under our hands this the 29 day of Nov. 1852

Jno. W. Price J.P.

Robt. Dickson J.P.

Amount brot over $1947:25

1/5 of $1947-25 to Jno E Mason in right of his wife Martha J. who was Martha J. Dews and the widow of Wm Dews decd by the consent of all parties $389:45 389:45

1557 80

Paid 1/2 of $1557:80 to Wm J Dews sen and one of the heirs of Williams Dews decd $778:90

Paid 1/2 of 1557:80 balance to Jno E Mason guardian to Julius C Dews son and heir of Williams Dews decd: $778:90 $1557:80

0000:00

all respectfully submitted

16 May 1854

John E Mason
Special Comm of Court

Report

To the Hon Richd H. Baker judge of the Circuit Court of Law and Chy. for the County of Isle of wight the undersigned special comms appointed by a decree of this Court pronounced in the day of A.D. 1853 in a cert chancery pending in which (was plaintiffs and defendants for the purpose of selling a certain tract of land in said suit mentioned and described which William Lewis died seized and possessed lying and being in said County of Isle of Wight and bounded as follows to wit

and containing five hundred and nine acres more or less. more the annexed decree submit the following report that I did after having given the notice required by said decree ~~[illegible]~~ on the day of February A.D. 1854 make sale of the said tract of land for cash to E. Forbes and Joseph Burke for the sum of two thousand dollars which purchase money I have rec and have made a deed as commanded to said Forbes and Burke which is duly admitted to record in the Court of Isle of wight County. And that I have disposed of the purchase money aforesaid as follows

Amount of the sale of the land $2000.00

~~1/3 of $2000 paid to Jno E. Lewis husband of Martha J. who was Martha J. Deer and one of the devisees of Wm Deer dec'd by the comm and agreement of all parties~~ ~~$666.66~~

Expences

To said R. Whitefield atto $30.75

Clk of Court (sec)

Expences in going to sale &c. I do not charge comms: only actual expences attending to the sale } 22.00

52.75

1947.25

Abraham
v. Lewis
Lews.

Mason & Dews
vs.
Dews & als.

Decree 12 Oct.

This cause came on to be heard on the Bill and Answers & exhibits filed, and was argued & counsel; on consideration whereof, the Court doth order, adjudge and decree, that John E. Mason who is appointed Commissioner for such purpose, proceed at his discretion & as may be deemed best for the interests of the parties, to sell either at Public auction or on a private contract and sale, the tract or parcels of land in the Bill mentioned, (being the same devised by William Lacey to his widow, and children,) on a credit of 6 months taking bonds with approved security of the purchaser, and also retaining a lien on the premises for the payment of the purchase money; and if the sale is made as aforesaid at Public auction, twenty days previous notice thereof is to be given by public advertisement near the premises and place of sale: and Report to this Court an account of his proceedings, in order to further orders in the premises.

Mason

Oct. co. 52.

Mason
&
Lewis

This cause came on this day, on the Bill & Answers

Replications thereto, and was argued by Counsel, On consideration

whereof the Court doth order, adjudge and decree that the Privy Examin-

ation of ~~the wife of~~ Martha Mason ~~Lewis~~ of the County of Bedford be taken by the Justices of the peace for the County aforesaid in the manner

prescribed by Law to ascertain her willingness or not to sell the Land in the Bill mentioned, being the same devised to her by her late husband William Lewis Sen.r and that she

do whether or not she desires that a decree to that Object be made by this Court: and this Cause, when examination is to be returned and filed as a part of the proceedings in this case

John E. Mason & Martha T. his wife, formerly Martha T. Dees widow of Wm. Dees &c.

Against } In Chancery

William T. Dees and Eulice C. Dees, the last an infant defendant &c.

This cause came on this day again to be heard, on papers formerly read & the examination of witnesses; and was argued by counsel and it appearing to the Court, that the Privy Examination of Martha T. Mason, has been duly taken & reported, in pursuance of the Order of the 20th October 1852, made in the cause: and it further appearing to the satisfaction of the Court, that the Interest of all the parties manifestly requires a sale to be made of the Land, or some in the said Proceedings mentioned, in lieu of a partition thereof: the Court doth order, adjudge and decree that John E. Mason who is appointed a Special Commissioner for such purpose, do proceed to sell the ~~said~~ the said Land, either privately or publickly, as in his discretion may be deemed best, on the following condition. If the sale is private he shall not effect the same, unless the sum of One thousand dollars, or more, over & above all costs of this suit & sale be obtained: and if at Public auction, on a credit of nine months, after having advertised the time & place of sale for at least thirty days prior thereto; and for the ~~sufficient~~ sufficient to pay the costs & charges of sale) proceeds, in either case, take bonds of the purchaser, with good and ample security and if necessary a lien on the premises also; and ~~execute~~ a conveyance thereof to the purchaser: and ~~report his proceedings to this Court, in order to~~ the Court being further of ~~the opinion~~, that one fifth of the nett proceeds of said sale, in fee simple, will be a fair equivalent to the said Martha T. Mason, for her life Interest in the said Land, doth order & decree, that she receive that proportion of the said proceeds for the same: and report to this court his proceedings in order to other decree on the premises.)

and further, Report his proceedings to the court in order to other decree, and the court further directs, that a commissioner ascertain the fee simple Value of the Interest of the Complainant Martha T. Mason in the ~~Land~~ so proceeds of Sale. &c

Mason & Lewis

Lewis & Day

May Term 1866

To be entered

R H B

Mason & Sons
vs
Sons & als

Decree

This cause came on again to be heard on the papers formerly read and was argued by Counsel: On Consideration whereof the Court doth adjudge, by consent of parties, Order and decree, that this Cause be removed from the Docket, with liberty reserved to any of the parties to apply for its restoration thereto.

5th The residue of My Estate to be Sold and after paying all My debts, and the legacy of fifty dollars above Mentioned The balance to be divided between My wife and Children, 6th I constitute and appoint My Friend Edwin E Phillips My whole and Sole executor to this My last will and Testament. In testimony whereof I hereunto set My hand and affix My seal this 2nd day of April 1837

Witness
N. P. Phillips
Mills W. Darden
John Babb

William his X Dews (seal)
Mark

State of North Carolina Pitt County The 1st Day of May 1837, the foregoing will was produced in Court by the executor therein named to and sworn to, and the same being proved by the oath of N. P. Phillips, M. W. Darden and John Babb the witnesses thereto was ordered to be recorded. And on the motion of E. E. Phillips the said executor who together with John Phillips and Nathan Sanders his securities entered into and acknowledged a bond in the penalty of Ten Thousand dollars, conditioned as the law directs. Liberty is granted him for obtaining a probate of the said will in due form.

Test Lathe Young C.C.

A Copy - Test Jan'y 3, Boykin D.C.

Will of Wm. Dews
Recorded May Term 1837
Copy Chowan with Will
Pitt Co. Will Book

In the Name of God Amen. I William Dews of the County of Isle of Wight - do Make and ordain this My last will and testament to wit, 1st I lend to My Wife Martha Dews during her life all the land on the North side of the road leading from Barbers to Everitts Bridge the residue of My land to be rented out for the benefit of My three children to wit Mary Ann William Joseph and Julius Dews till one of them arrives at lawfull age or Marries then My My will and desire is that all My land be equally divided between My children then living still reserving My wifes life estate in the land on the North side of the road before Mentioned if she be living. 2nd My will and desire is that My Executor hereinafter named sell at public or private sale as which he May think best My Negro Man George and out of the neat sales I give My wife one fifth and the remaining four fifths to be equally divided among My Children above Mentioned 3rd I give to My Sister Frances Dews fifty dollars to be Made out of My chattle Estate, 4th The residue of My Negroes to be divided, lending one third to My wife during her life and the remaining two thirds to be equally divided between My Children above named to them and their heirs forever — Next page —

THE COMMONWEALTH OF VIRGINIA, Norfolk

TO THE SHERIFF OF ~~ISLE OF WIGHT~~ COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON John E Mason

to appear before the Circuit Court of Isle of Wight county, at the Court-House of said County, on first day of October term next, to shew cause why he should not be attached for failing to make the report directed to be made by him as Commissioner, under the decree of said Court pronounced on 17th of May 1853, in the suit therein pending between said Mason & wife pltffs. and William D. and Julius C Deen defts.

: and have then and there this Summons. *Witness*, NATHANIEL P. YOUNG, Clerk of our said Court, at his Office, this 3? day of July, 185 7, in the 81st year of the Commonwealth.

Clerk. N. P. Young cc.

Mason & Wife
Sum. m. Com.
m. to Sher Comm

Dems &

Fi Acts. Ex. Ct. 1857.

[redacted]

The defendant Das E
Mason is not resident
of my County
Sept 7th 1857
Thos. B. Ruffin Sh

THE COMMONWEALTH OF VIRGINIA, Norfolk

TO THE SHERIFF OF ~~ISLE OF WIGHT~~ COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON John C. Mason

to appear before the Circuit Court of Isle of Wight county, at the Court-House of said County, on the first day of October term next to shew cause why he should not be attached for failing to make the report directed to be made by him, as Commissioner, under the decree of said Court pronounced on the 17th. day of May 1853, in the said Chancery pending between said Mason & Wife plaintiffs, and William I. and Julius C. Dews defendants.

: and have then and there this Summons. *Witness*, NATHANIEL P. YOUNG, Clerk of our said Court, at his Office, this 3d. day of July, 1857, in the 81st. year of the Commonwealth.

N. P. Young cc.

Bill of Costs in
Mason v. Dees.

Summons	.25
2 Copies	.25
Mileage	.18
Attn.	.10
Filing Bill	.15
" Fee	.25
" Entry	.25
Entg. Attn. & process	.35
Rules for Plff.	1.50
Docketg.	.18
2 Subpoenas	.30
Dees	.36
Copy (Oct. 82)	.20
Filing Depos.	.15
" Exhibit	.15
Dees (May 83)	.36
Copy	.20
Filing Request to be filed	.15
Serving Dees	.36
Filing Process	.20
Plff's fee	$ 5.89
Rules for Depos.	1.00
Filing Com.	.30
Clk.	$ 7.19
Attn. Hon's Fee	15.75
~~Sheriff~~	~~1.00~~
Com. Allowed for Depositions	
Do. for Act. to be made	