

1883-023 Chancery Causes - James A. Ashby vs Paul L. Ashby & al, by & c

Dale of Wright County

other surnames: Corran,
Mayo

be made parties defendant to this bill,
 and required to answer the same; that
 a proper guardian ad litem be assigned
 the infants defendants to defend their
 interest in this suit; that the said
 real estate be divided between the
 parties aforesaid entitled thereto,
 and your complainant's portion be
 allotted to him, and that the said
 children's portion be allotted them, sub-
 ject to your complainant's right of
 courtesy; that proper process may
 issue; and that such other and further
 general relief be granted as the nature
 of the case may require or to equity shall
 seem meet. And your complainant
 will ever pray, &c

J. H. Henny et al. vs. J. H. Henny et al.

Abby Jones & Co.
 107
 Abby Dyer
 } are Chancery

Complainant's bill.

1881.

Sept. Rules. Bill to
 be filed - New addition
 app. to infants & them
 and filed.

Oct. Rules 1881. Bill
 for hearing on bill. and
 Oct. 1882. Repts. of
 Part. Conf. & Order for
 and.

April 1883.

Final decree

said mortgage Laura

exhibit "B"
A copy of which mortgage license
and ministers return are herewith filed
marked exhibit "B" and prayed to be
taken as a part of this bill.

That by reason of the said mortgage
birth of issue alive, seizure and death
of the said Laura Ashby, your
complainant is tenant by the curtesy
of the undivided half of the said
real estate, of which the said
Laura Ashby died seized and
possessed

And your complainant
further states that the said
real estate is as he believes suscep-
tible of division amongst the
parties ^{entitled} thereto, and that a division will be to
the interest of all parties concerned

In tender consideration whereof
and forasmuch as your complain-
ant is without remedy at Law and
can only be relieved by the aid of
this honorable Court of Chancery
where matters of this sort are alone
and properly cognizable, your com-
plainant prays that the said
Paul L. Ashby, Mary A. Ashby, James
C. Ashby and Myrtle W. Ashby

Exhibit "a"

year 1880, the said Joe Mayo and Adela his wife conveyed to your complainant all their right title and interest in and to the said real estate it being an undivided moiety; a copy of which deed is herewith filed ^{marked exhibit "a"} and prayed to be taken as a part of this bill.

That Laura Ashby your complainant's wife on or about the 19th day of Nov. 1880 A.D. died intestate, seized and possessed of her own right in fee of her interest in the said real estate, it being an undivided moiety, and leaving Paul L. Ashby, Mary A. Ashby, James C. Ashby and Myrtle W. Ashby ~~all~~ her only children and heirs at law. That the said Paul L. Ashby, Mary A. Ashby, James C. Ashby, and Myrtle W. Ashby are infants, under the age of twenty-one years.

That on the 24 day of Nov. 1868 your complainant was lawfully married to the said Laura Ashby who was before her

To the Hon. Geo. Blaw, judge
of the Circuit Court of Law and
Chancery for the county of Isle
of Wight, in chancery sitting.

As our complainant
James A. Ashby, humbly complain-
ing, sheweth to the court,

That Sarah Corran the mother of
your complainant's wife, was in her
lifetime seized and possessed of
certain real estate lying and being
in the county of Isle of Wight,
containing by estimation sixty
acres be the same more or less,
and bounded as follows: on the
north by the lands of Capt. Corran deceased,
on the east by Capt. Gilliam's Avenue, ^{the} on the
south by the road leading from Capt. Gilliam's
avenue to the Nelson Hall Place and on the west by lands of
and being so thereof seized and
Capt. Corran deceased ^{about} ~~passed~~ ^{passed} some time ~~the~~ the year
1856 departed this life intestate
leaving your complainant's wife,
Laura Ashby and Adelia Mayo
the wife of one Geo Mayo her only
children and heirs at law.

That by a deed bearing date
on the 24th day of Aug. in the

Ashby Jones } du
vs } Chauncy
Ashby Infants.

Infants answer

Sept Rules 1881.
Filed.

Infants answer

In the Circuit Court of
the County of Isle of Wight.

The joint and several answers
of Paul L. Ashby, Mary A. Ashby,
James C. Ashby and Myrtle W. Ashby
infants under the age of twenty one years
by N. P. Young their guardian
ad litem assigned to defend their
interest in this suit, to the bill
of complaint in said Court
exhibited by James Ashby against
them ~~and others~~.

These defendants, having and
reserving all right of exception
to the many errors and imper-
fections in said bill contained,
for answer thereto or to so much
thereof as they are advised it is
material ^{or necessary for them} to answer, answering say,
that they are infants under the age
of twenty one years and commit
their interest in the premises
to the protection of this honorable
Court. And having answered they
pray hence to be dismissed with their
costs in this behalf most unreasonably
expended. And they will ever pray, &c.

N. P. Young guardian ad litem

Ashby James A.

n. { Sent in
 ~~Box~~

Paul A. Ashby &
other infants.

f

To Sept. Rules 1881.

S. & H. Nelsons figs

The Commonwealth of Virginia,

TO THE SHERIFF OF THE COUNTY OF ISLE OF WIGHT, GREETING;

We Command You, TO SUMMON *Paul L. Ashby Maria A. Ashby James C. Ashby and Myrtle W. Ashby*
infants of James A. Ashby Maria C. his wife and

to appear at the Clerk's Office of the Circuit Court of Isle of Wight County, at Rules to be holden for the

said Court, on the first Monday in *Sept. 1887* ~~next~~ to answer *the Bill*
in chancery of James A. Ashby

of a plea of _____ for \$ _____ Damages \$ _____

And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court, at the Court House, the *2nd*

day of *Sept.* 188 / , in the *185th* year of the Commonwealth.

N. P. Young clk

We the Commissioners appointed at the
Apr term of the County Court of Schuyl
County for the purpose

Shelby vs. Shelby & others

an attorney

2000. Sept. 10. 1890.

Filed & Octo. 1st. 1890.

We the Commissioners appointed by the
~~County~~ Court of Wash of Wright County at
the April term for the purpose of dividing
the lands of James A Ashby Complainant &
Paul L. Ashby Mary A Ashby James C -
Ashby & Myrtle W. Ashby Deft. & Infants.
doth set aside that Portion or tract of Land
Known as the Lawrence tract and in the
following manner. The line commencing
at Cor^{from} of the Drainers Creek Run -
-ing to East wh. Big ditch to marked
mulberry on said ditch thence along
said ditch to marked oak cornering
on the Land of James A Ashby which
contains all of the Land of the above named
Children on north west side of said ditch
line - and that Portion of said tract
lying on E East side of said line to
James Ashby Signed

James E. Heath)
S. E. Jordan } Commrs
Lease Hinga }

Ashby
vs E. A. Cheney
Ashby's depts

Report of J. H. Clark
Comr. and Secy
of Dist. 1882

Ashby

vs E. J. Chancie
Ashby's debts

To the Hon Geo. Blawie
of the Circuit Court of Calverly
County.

Your undersigned Commissioner
appointed by decree in this cause
of October Term last respectfully
represents that reports that he
has executed said decree by sell-
ing & delivering, ready for deliv-
ery, to the parties in this cause
a good sufficient deed of
partition with special warranty.
J. H. Blawie Esq.

Ashby and Myrtle W. Ashby
subject to the right of custody
of the said James Ashby.

But if the said commissioners
should find it impossible to
divide the said land amongst
the aforesaid parties, or should
be of opinion that the interest of the
said parties would be promoted by
a sale of the same, in such case
they are required to report the facts
upon which their ~~decision~~ opinion
is based to this court; and in either
case they are required to report
their proceedings under this order
to court.

Ashby James }
vs }
Ashby Myrtle }
Chancery

Rough Recd

To be entered

~~Sept 13 1885~~

This decree for James
vs Myrtle W. Ashby
particulars as stated
not entered

913

Ashby James T. }
vs }
Ashby, Infants. } ^{Ch} Chauncy

This cause came on this day to be heard on the answer of the infant defendants by N. F. Young their guardian ad litem, with general replication thereto and was argued by counsel, on consideration whereof the court doth adjudge order and decree that J. D. Gilliam, C. E. Jordan, J. E. Heath, C. D. Jordan, & Isaac Mingo who are hereby appointed commissioners for that purpose, any three of whom may act, proceed to lay off and divide the real estate mentioned in the complainant's bill filed in this cause, having regard to quantity and quality, in to two parts of equal value, and assign one of the said parts to James T. Ashby, and the other of the two said parts to the infant defendants in this cause viz. Paul L. Ashby, Mary A. Ashby, James C. Ashby and Myrtle W. Ashby; ~~but~~ which part is to ~~be~~ remain be assigned to the said Paul L. Ashby, Mary A. Ashby, James C.

Mary A. Ashby, James C. Ashby
 and Myrtle W. Ashby infant defend-
 ants in this cause as aforesaid, subject
 to the right of custody of the said
 James A. Ashby plaintiff in this
 cause as aforesaid. But if the said
 commissioners should find it
 impossible to divide the said land
 amongst the parties aforesaid, or
 should be of opinion that the interest
 of the said parties would be promo-
 ted by a sale of the said land, then
 in such case they are required to
 report the facts upon which their
 opinion is based to this court, and
 in either case they are required to
 report their proceedings under this
 order to this court

Ashby James M.
 vs. } In Chancery
 Ashby's Infants

Rough Docket

Caprice Term 1882
 To be entered

Dec 13th 1882

(Entered)

Ashby vs. Ashby's Infants. In chancery.

This cause came on this day to be heard on the Complainant's bill, exhibits filed and answers of the infant defendants by N. P. Young their guardian ad litem, with general replication thereto and was argued by counsel, on consideration whereof the court doth adjudge order and decree that J. I. Gilliam, L. E. Jordan, J. C. Heath, L. D. Jordan and Isaac Munga who are hereby appointed commissioners for that purpose any three of whom may act, ~~proceed~~ to after first being duly sworn according to law, proceed to lay off and divide the real estate mentioned in the complainant's bill filed in this cause having regard to quality and quantity, in two parts of equal value and assign one of the said parts to James A. Ashby Plaintiff in this cause, and the other of the two said parts to the infant defendants in this cause, who are Paul L. Ashby Mary A. Ashby, James L. Ashby and Myrtle W. Ashby, which part is to be assigned to the said Paul L. Ashby

Ashby James &
W. & L. Cheney
Ashby's Dept

Rough Dura
Oct Term 1882
To be entered

Geo. B. B. B.

Entered No. 1

under said report,
And the said J. H. M. is
special commr. as aforesaid is
further required to make report
of his proceedings under this decree
to this court.

In the Circuit Court for the
County of Wight Virginia
vs. James A.
vs. In Chokey
vs. In Chokey
vs. In Chokey

This cause came on this
day to be again heard on the
papers formerly read, the decree
in this cause of April term of this
court 1882, & the report of James
E. Heath, L. E. Jordan & Isaac Wingo

Commissioners appointed
by ~~said~~ ^{in this cause of Apr. term last} decree to make partition
of the lands in these proceedings
mentioned, filed, to which no excep-
tions are taken; & was argued by
counsel; in consideration whereof
The Court doth adjudge order
& decree that James A. who
is hereby appointed a special
commissioner for that purpose
proceed to execute & deliver
a good and law-
ful deed to the parties entitled
thereto by said report of commis-
sioners, conveying with special
warranty to the said parties their re-
spective shares or portion of said land
as assigned or allotted to them

Nabby
W. John Channing
Nabby's drafts

Rough Draft
April Term 1883
To be entered
Geo. Blow.

Entered 29

Ashby vs. Cheney
Ashby's debts

This cause came on
this day to be again heard on
the papers formerly read & on
report of J. H. Belms special Comm.
under decree of Oct Term last
& was argued by counsel on
consideration whereof the Court
doth adjudge & dec & decree that
it appearing that there is nothing
further to be done in this ^{cause} matter
that the same be removed from
the docket.

Atahoe
m. 3/3 Chas
Atahoe atah.

Eyts a. feline
with Belf. bell

Creek, thence running North easterly
to Rocks Thicket, thence Easterly
on the line of said Rocks Thicket
to a certain gum standing at the
head of the bottom thence south-
westerly bounding the Ball line to
above mentioned creek, thence
running up said creek to the point
of beginning, together with all assign-
ion the hereditaments & appurtenances
thereunto belonging or in any wise ap-
pertaining, Also all the estate right
title interest, claim or demand
whatever of him the said party of the first
either in law or equity of in & to the
above bargained premises every part
and parcel thereof to have & to hold
to the said party of the second part his
heirs & assigns forever. In witness
whereof the parties to these presents
have hereunto set their hands & seals
this day & year above mentioned

For Mayo *[Signature]*
Atela Mayo *[Signature]*

[Signature]

[Signature]

[Signature]

This was made this 24th day of
August in the year of our Lord
One thousand, eight hundred and eighty,
between Joseph Mayo and Adelia
his wife both of the County of Norfolk
State of Virginia of the first part,
& James A. Ashby of the County of Isle
of Wight State of Virginia of the second
part, witness that the said party of
the first part for and in consideration
of the sum of three hundred dollars to
him in hand paid by the said party
of the second part the receipt whereof
is hereby acknowledged, hath bargained
sold and by these presents doth bar-
gain sell unto the said party of the
second part one half (thirty acres more
or less) of the tract of land situated
in Isle of Wight County known as the
Lawrence Tract containing sixty acres
which was the maiden property of
Sarah Lawrence dead. Thirty acres
~~more or less~~ or one half of said sixty
acres having been conveyed to the said
Adelia as above stated by the will of
John J. Corcoran dated September 20th, 1874
said Lawrence Tract being bounded
as follows: beginning at a certain

Ashby James
and copy of
and mag. license

Corran Laura

"
Exhibit "
"B"

Feb 45

A copy
Testo.

W. A. Edwards & Co.

MARRIAGE LICENSE



Virginia, *Isle of Wight Co.* to wit:

To any Person Licensed to Celebrate Marriages:

You are hereby authorized to join together in the Holy State of Matrimony, according to the rites and ceremonies of your Church, or religious denomination, and the laws of the Commonwealth of Virginia,

Mr. James Ashby
and *Miss Laura Corran*

Given under my hand, as Clerk of the County Court of *Isle of Wight Co.* this *19th* day of *Decr.* *1867*

W. J. Young Clerk.
W. J. Young

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE.

To be annexed to the License, required by Acts passed 15th March, 1861, and February 27th, 1866.

Time of Marriage, <i>Decr. 24th 1867</i>	Place of Husband's Birth, <i>Isle of Wight Co.</i>
Place of Marriage, <i>Isle of Wight Co.</i>	Place of Wife's Birth, <i>Same</i>
Full Names of Parties Married, <i>James Ashby</i>	Place of Husband's Residence, <i>Same</i>
<i>& Laura Corran</i>	Place of Wife's Residence, <i>Same</i>
Color, <i>White</i>	Names of Husband's Parents, <i>Living and</i>
Age of Husband, <i>22 yrs 2 mos 15 days</i>	<i>Wm. Ashby</i>
Age of Wife, <i>20 "</i>	Names of Wife's Parents, <i>John and</i>
Condition of Husband, (widowed or single) <i>single</i>	<i>Sarah Corran</i>
Condition of Wife, (widowed or single) <i>single</i>	Occupation of Husband, <i>Farmer</i>

Given under my hand this *19th* day of *Decr.* *1867*

W. J. Young Clerk. by
W. J. Young

MINISTER'S RETURN OF MARRIAGE.

I Certify, That on the *24th* day of *Decr.* *1867*,
at *Cape Charles* I united in Marriage the
above-named and described parties, under authority of the annexed License.

J. P. Jordan

The Minister celebrating a marriage, is required, within TEN days thereafter, to return the license to the Office of the Clerk who issued the same, with an endorsement thereon of the FACT of such marriage, and of the TIME and PLACE of celebrating the same.