

1820-041

Chancery Cause: Lewis D. Chapman + al vs Fanny Chapman, 'widow of John

Isle of Wight County

2 Plats in Oversize Box 2

Chapman

this defendant denies all unlawful combination and confederacy in
the said bill charged, without that, that there is any other matter or
thing, material or necessary for this defendant to make answer
unto and not herein or thereto well and sufficiently answered
conceded or denied, is true. All which he

Lewis D. Chapman dect.
vs. H. B. Rice &
ansr.
Fanny Chapman:

Robt. Indan 2 John
Nathl. Prudden dect.
William Leeds. Fanny
John Phillips 3 of them

January 1820 Interdict dect.

June 1820 rept. ret. &

& decree accordingly

Prentiss att.

Isle of Wight

refuse to come to any division of the said real estate, and to receive her reasonable and proper proportion of dower therein. The said Fanny, at this in a dutiful and respectful manner solicited will not come upon any terms whatsoever - and resort to various subterfuges, and pretences, to defeat them in their just rights, - some times she pretends and insists, that as some of your orators and oratrices are infants, that no division of the land can take place, during their minorities - at other times she says that she is not the proper person to make the division asked for and the complainants ought to see that her dower is assigned her in due form of law and that she will do nothing without the authority and sanction of a decree of some Court of competent authority -

All which doings and doings are contrary to equity and good conscience, and tend most unjustly to the disadvantage and prejudice of your orators and oratrices -

To be Ended therefore, that the said Fanny Chapman widow and relict as aforesaid, who is prayed to be made a defendant hereto, be compelled upon her corporal oath full true and perfect answers to make to all and singular the allegations herein before set forth, as if the same were here again repeated, and she thereto interrogated, more especially that the said Fanny Chapman, may set forth what manors, messuages, and tenements, and lands your orators and oratrices said father was possessed of and where the same are situate, and the quantity of acres, and that the said Fanny Chapman may set forth what right, title or interest she hath or pretends to claim in the said real estate, and whether she is willing that ^{the} same may now be divided according to law. Your orators and oratrices lastly pray that your Honors will appoint fit and proper persons, to act as Commissioners for the purpose of dividing the said lands, according to law - And that your Honors will make such other, or further decree in the premises as shall be more consistent with equity and good conscience. May it please you -

The Answer of Fanny Chapman widow and relict of John Chapman decd. to the bill of Complaint exhibited against her in this Worshipful Court by Lewis D. Chapman and others. " " " "

This defendant now and at all times hereafter saving and reserving to herself, all benefit and advantage of exceptions to the many errors, uncertainties, and false allegations, in the Complainants said bill of Complaint contained, for answer thereto, or unto so much thereof as they are advised it is material, or necessary for them to make answer unto, answer and say -

That she admits it to be true, that John Chapman, her late husband, was the father of the Complainants, and that he died intestate, some time in the year 1817. she also admits that the said Intestate at the time of his death, was entitled, to two several tracts or parcels of land, in the County of Isle of Wight, and she believes the general description ~~given~~ thereof given by the Complainants is correct: that she is advised, that the said real estate is liable to division among the Complainants and this defendant - and this defendant is hereby called upon by the Complainants in their said bill, to declare what title or interest she has or pretends to claim in the real estate as aforesaid, answers and says, that by the laws of the land she is entitled to one full and equal third part of all the lands whereof her husband died seized and possessed, and for dower to be held for her life, and which portion she claims - the remaining two thirds she understands ought to be divided immediately among the Complainants - And this defendant further answers and says, that she has been frequently been applied to for a division, which she has declined, as she believed it was the duty of the Complainants to have assigned her dower and that she the defendant was neither compelled nor authorized to comply with their request, without the intervention of a Court of equity, as some of the parties were infants - And this defendant further says that she has no manner of objection that this Court should appoint Commissioners for the purpose of assigning her dower, and dividing the same - And dividing the said third parts of the said real estate - And

To the Worshipful the Justices of ^{Judicial} ~~the~~ ~~County~~
County, in Chancery sitting.

Humbly complaining shew unto your Worships, your orators and oratrices Lewis D. Chapman, William Chapman, Josiah Chapman, Charles Chapman, Sally Chapman and Nancy Chapman which said Charles, Sally, and Nancy being infants, due in this behalf by the said Josiah their brother and next friend.

That a certain John Chapman your orators and oratrices late father was in his life time, and at the time of his death seized in fee simple of, in and to the following tracts a parcels of land situate in the county aforesaid, a general description of which they beg leave to give, that is to say one tract supposed to contain six hundred acres adjoining the lands of the heirs of the late William Cley, and the lands of Nancy Rutland and others - the other tract or parcel of land is supposed to contain one hundred acres, more or less, adjoining the lands of Thomas Darden, Leven Hudson and others:

and your orators and oratrices beg leave further to shew unto your Worships that their said father being so seized, and possessed of and in such real estate, on or about the day of May 1817 departed this life intestate, leaving a widow named Fanny Chapman, and your orators and oratrices his children, and heirs at law.

and your orators and oratrices further present unto your Worships, that on the death of their said father intestate the lands and premises as aforesaid, descended and came to them as his heirs, subject only to the right of dower of their said mother, or and to one third part thereof during their life, - and that under the laws of the country, one third part of the said lands should be allotted to the widow or her dower for life and the remaining two third parts thereof ought to be equally divided among your orators and oratrices immediately being all the children of the intestate and entitled in equal degree.

That notwithstanding the foregoing statement of facts, their said mother since the death of their father has possessed herself of all and singular the said estate, and still continues to possess and enjoy the same for her exclusive benefit and emolument and to the great injury, oppression and inconvenience of your orators and oratrices - But now for it is, may it please your

Worships, the said Fanny Chapman widow and elicit, combining and confederating herself with divers persons unknown to your orators and oratrices, whose names when discovered, they pray may be ^{made} defendants hereto, with apt and fit words to charge them - in order to defraud and defeat your orators and oratrices in the premises,

John Chapman's
Heir -

drawn by Tars.

done at Long St.

1840

John Chapman died intestate, on or
about the day of May — 1817 possessed of a
tract of land supposed to contain 600 acres — adjoining the
land of the heirs of Belate William Clay, and Henry A. Allen
Teller. & one other tract only 100 acres more or less
adjoining Thomas Darden & Seven Hudson &c. —

— Fanny Chapman the widow.
— Lewis D. Chapman, William Chapman, Josiah
Chapman, of age, Charles Tally, and Nancy —
by Josiah Chapman, her next friend..

Courts to divide —

Robt. Moxon,

Att. Hudson &c.

Wm Leeds. — } or any 3.

John Phillips —

Chapman's
vs { decree.
Chapman's widow.

Lewis D. Chapman, William Chapman, Josiah Chapman,
Charles Chapman, Sally Chapman, and Nancy Chapman
which said Charles, Sally, and Nancy are infants, suing
in this behalf by their said Josiah Chapman their brother, and
next friends
against.

Compt. } In Case.

Fanny Chapman, widow and relict of John Chapman dec'd. depl.
this ~~day~~ By Consent of the parties and with the assent of the Court
this Cause came on this day to be heard on the plea and answer
filed, and was argued by Counsel. On Consideration whereof, the
Court doth adjudge ^{and} decree that Robert Jordan Nathaniel Burdon
Jr. William Leeds, and John Phillips, or any three of them, to be aided
by the County Surveyor, or if necessary, do proceed to allot and apportion by
meas and bounds, unto the defendant one full and equal third part
of two tracts a parcels of land in the title mentioned, the one said to con-
tain six hundred acres, and the other tract one hundred acres
as her dower in the lands of her late husband, and it is further decreed
and ordered that the said Commissioners or such of them as may act will
then proceed to divide the remaining two thirds, equally between
the complainants, and make report of their proceedings to the Court
in order to a final decree. And it is reserved the infants in this suit
to shew Cause if any they can against this decree at any time
within the year after they shall severally attain the age of
twenty the years —

Chapman Vothers
no. 2 copy of
Int'l. decree
Chapman V.

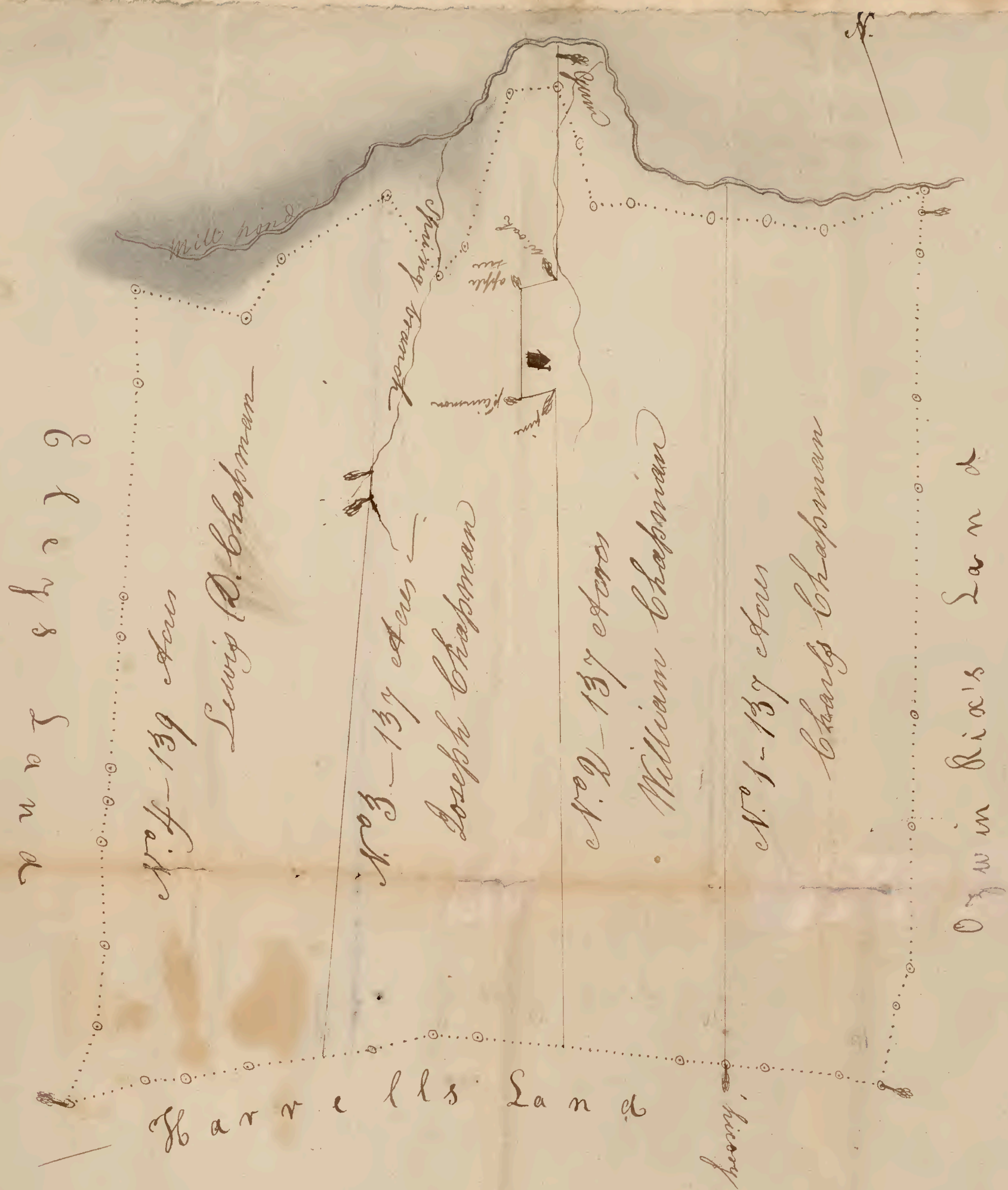
Isle of Wight County January Court 1820.

Lewis D. Chapman, William Chapman Josiah
Chapman Charles Chapman Sally Chapman
and Nancy Chapman, which said Charles, Sally
and Nancy are infants, suing in this behalf by the
said Josiah Chapman their brother trust friends
against

Fanny Chapman, widow relict of John Chapman decd. Deft

By consent of the parties and with the assent of the court, this cause
came on this day to be heard on the bill and answer filed, and was argued
by counsel, on consideration whereof the court doth adjudge order & decree
that Robert Gordon, Nathaniel Pruden senr. William Seeds and John
Phillips, or any three of them, to be aided by the County Surveyor, if neces-
sary do proceed to allot and assign by metes and bounds, unto the defendant
one full and equal third part of two tracts or parcels of land in the bill
mentioned, the one said to contain six hundred acres, and the other tract
one hundred acres as her dower in the lands of her late husband - &
it is further decreed and ordered that the said commissioners or such of them
as may act will then proceed to divide the remaining two thirds equally
between the complainants, and make report of their proceedings to this court
in order to a final decree - liberty is reserved the infants in this
suit to shew cause (if any they can) against this decree at any time
within one year after they shall severally attain the age of
twenty one years -

Attest Teste Nathl. Young J



Isle of Wight County, January 13th 1820

Surveyed for the heirs of John Chapman dec'd the quarter land situate upon the south side of the great swamp containing five hundred & fifty acres bounded as follows to wit beginning at a white oak standing upon the hill by the side of the great swamp in Ozwin Rix's line thence along his line S. 22° W. 14 poles - S. 20° W. 50 poles - S. 18° W. 32 poles - S. 20° W. 80 poles - S. 20° W. 80 poles - S. 40° W. 14 poles - S. 30° W. 20 poles to Harrell's line thence along his line N. 60° W. 16 poles - N. 65° W. 40 poles to a hickory thence N. 65° W. 88 poles - N. 66° W. 16 poles - N. 85° W. 22 poles - N. 78° W. 44 poles - N. 80° W. 22 poles - N. 75° W. 14 poles - N. 87° W. 20 poles to a pine a corner in said Harrell's line thence along his line N. 41° W. E. 20 poles - N. 25° E. 20 poles - N. 10° E. 36 poles - N. 29° E. 14 poles to the land of William Eley's heirs thence along Eley's line N. 27° E. 12 poles - N. 24° E. 46 poles - N. 27° E. 14 poles near a branch - N. 24° E. 74 poles - N. 20° E. 32 poles to the mill pond thence down the main run of the swamp to the beginning

And by the direction of Commissioners have divided the said land into four lots as follows to wit The dividing line for lot No. 1 containing 137 acres and lot No. 2 containing 137 acres begins at marked hickory in Harrell's thence along a line of new marked trees to the great swamp - The dividing line for lots No. 2 and No. 3 containing 137 acres begins at a marked gum below the mill by the swamp side thence along a line of new marked trees S. 20° W. 82 poles to white oak upon the side of a branch - thence N. 71° W. 14 poles to a Apple tree - thence S. 20° W. 38 poles to a forcommon tree - thence S. 71° E. 14 poles to a pine - thence S. 20° W. to Harrell's line - The dividing line for lots No. 3 and No. 4 containing 139 acres begins in Swamp at the foot of the Spring branch thence up the meanders of the said branch to a marked gum thence along a line of new marked trees S. 27° W. to Harrell's line as appears in the annexed plat, May. Jan. 1820.

Thos. Smully Sur.

Pursuant to an order of the honorable Court of the County of Isle of Wight we the undersigned, have met upon the lands of John Chapman dec'd & after examining the same have proceeded to make Division of the same among the parties Entitled thereto in the following Manner (to wit) To Fanny Chapman as her dower of the said land we have assigned the whole of the Manor plantation, containing one hundred acres with improvements thereon which said land we have divided in two Equal parts or shares & have assigned to Sally Chapman, the part upon the west side next to the Swamp including the Dwelling house & Smoke house, and to Nancy Chapman the part upon the east side including the kitchen ware house &c, The fourth of said lots Subject to the dower aforesaid - and the quarter land we have divided & assigned as follows - (To wit, to Charles Chapman lot No. 1 - 137 acres next to and adjoining Ozwin Rix's land - To William Chapman, lot No. 2 - 137 acres next to Charles - To Joseph Chapman lot No. 3 - 137 acres next to William and to Lewis D. Chapman lot No. 4 - 139 acres next to and adjoining the lands of the heirs of William Eley dec'd as will more fully appear by reference to the Annexed plat,

Robert Jordan?
William Seids
Nathl. Gooden Secy

Division of Chapmans
Sands Report.