

1853-002

Chancery Causes, Joseph S. Gwaltney + ux + d vs Alexander Edwards + Isabella Edwards

Isle of Wight County

widow of Rowland Edwards

Plat

Edwards widow as aforesaid of the said intestate
 may be made parties defendant to this bill required
 to answer the same & that by a decree of this worshipful
 Court a Commissioner may be appointed to sell the said
 land & the proceeds distributed among the said
 heirs according to their respective shares & that
 such other & further relief may be granted as con-
 sists with equity & the nature of the case - Your
 complainants will ever pray

Hayden pr

The above suit was brought at our instance
 Wm N Edwards
 Joseph S. at

Gravallies et al.
 vs
 Edwards et al.
 In
 Chancery

Complainants Bill

Aug 5th 1852 Decr
 filed & entry: decr d.

March 1st 1853 report
 made & entered & read.

August 2^d 1852
 Decr 2 collect bond &
 make ans. t.

April 4. 1853 report
 of collector & ans
 final decr.

100
To the Worshipful County Court of Sole of Right in
Chancery sitting, humbly complaining sheweth to
the Court, your complainants Joseph G Gwaltney &
Mary F his wife late Edwards an infant suing by said
Joseph G Gwaltney as her next friend, & R. J. Lucy Ann,
Wm B, & Rowland Edwards, infants suing by Wm H
Edwards as their next friend, that about the year 18
one Rowland Edwards departed this life in the County
aforesaid intestate, that the said intestate left a widow
Isabella Edwards, & six children his heirs at law, to wit
the aforesaid complainants Mary F Edwards who has in-
termarried with the said Joseph G Gwaltney, R. J. Lucy
Ann, Wm B, & Rowland Edwards, infants as aforesaid &
Alexander Edwards who has attained majority - that
the said intestate died seized & possessed of certain
other real estate of a piece containing by estimation
109, acres, lying in the County aforesaid adjacent to the
lands of James C Jordan, James Mills, & Wm H Day -
^{known as the Barland Independent}
that the said heirs of the said intestate are jointly
entitled to the said land as coparceners that their
respective shares are worth less than three hundred
dollars - that a partition of the same between them
owing to the small quantity of land & the number
of the heirs, would be not only inconvenient but
impracticable & injurious - that a sale thereof & a divi-
sion of the proceeds among the said heirs - the other
estate of which the said intestate died seized &
possessed is sufficient to endow the widow & she
is willing to be allotted down out of the same -
in tender consideration whereof & for as much as
your complainants are without remedy at law
can only be relieved by the order of this worshipful
court of Chancery where matters of this sort are
cognizable, your complainants pray that the
said Alexander Edwards & the said Isabella

Swallowing surgical / In
as Pharynx
Edward's also

Museum of Alexander
Edwards -

144
To the Worshipful County Court of Isle of Wight in
Chancery sitting; The Answer of Alexander Edwards
to the Bill of Complaints in said Court exhibited by
Joseph G Gwalthery wife & others against him & others
This defendant savings & reserving to himself all man-
ner of benefit & advantage of exception to the errors
imperfections in the complainants bill contained, for
answer therunto, & unto so much thereof as this defen-
dant is advised is material or necessary for him to
make answer unto; this defendant answering says
that he is as in complainants bill charged one of the
heirs of Rowland Edwards deceased, who died seized &
possessed of the real estate in said bill mentioned
that he cannot gainsay the allegations in the bill of the
complainants, nor can he offer any thing against the
decree prayed for & he prays therefore to be dismissed
with his costs in this behalf most unreasonably expended
Hardcore -

Teste -
A W White

Signed - Alexander Edwards
his
Mark

Exaltet et al. } In
 } at Chancery
Edwards et al.

Answer of Mabel Edwards

100
To The Worshipful County Court of Isle of Wight in Chan-
cery sitting. The Answer of Isabella W Edwards, to
the Bill of Complaints in said Court exhibited by
Jos G Proalting wife against her coheirs -

This Defendant having reserving to herself all manner
of benefit & advantage of exception to the cross imper-
fections in the complainants bill contained, for answer
thereunto, or unto so much & such parts thereof as this
defendant is advised is or are material & necessary
for him to make answer unto, this defendant answer-
ing saith that she is as charged in complainants
bill the widow of Rowland Edwards deceased
who did seized & possessed of the real estate in
said bill mentioned - that she cannot gainsay
the allegations in the bill of the complainants, nor
can she offer any thing against the decree prayed
for & she is willing to be endowed out of the
other real estate of which her said husband
did seized & possessed remaining after the
sale of the Barlow & Suda tract prayed
for in complainants bill & she prays therefore
to be dismissed &c

Signed - Isabella W Edwards

March 1st 1832. Received of Mr N Edwards
Five dollars as my fee in within suit -

W. P. Young

March 1st 1832. Received of Mr N Edwards Ten
dollars my fee in within suit

C. B. Hayden

Emulating
et al
a
Edmund et al
In
Chancery

Commissioner Report
of Sale with Bonds
made March 1st 1832

In obedience to a decree of the County Court of Isle of Wight pronounced on the 5th day of January 1852, the undersigned Commissioner, did sell on the 31st day of the same month, at public auction, a tract of land of which Rowland Edwards did seized & possessed, known as the Barlow and Jordan tract, consisting of about 109 acres, James C. Jordan becoming the purchaser of 18 $\frac{3}{4}$ acres of said tract, more or less ^{bounded as per plat A. and filed as part of this report.} for the sum of - - - \$172.19 and Junius Mills becoming the purchaser of the balance of said tract consisting of 90 $\frac{1}{4}$ acres more or less for the sum of - - - \$828.91

The amount for which the whole tract sold \$1001.00
 mts. ~~specifically~~ received to pay expenses are as follows
 For Lawyers' fee - - - - 10.00
 For Clerks' fee - - - - 5.00
 For Com. of the 1st \$300. at 2 $\frac{1}{2}$ pr. ct. 7.50
 For ditto on the balance of \$701.00 at 1 pr. ct. 7.01
 Whole amt. of Cost: \$29.51 + 29.51
\$971.49

Considering it the most equitable mode of procedure, I have deducted, as will appear from the above statement, only one half of the Comm. assessing the balance until the bonds are collected. I here return, with these my proceedings two bonds: One against James C. Jordan & Wm H. Jordan, amt. of which is ^{due} - - 157.11 _{due July 31st - 1852} and the other against Junius Mills the amt. of which is due at same date 804.38
 The whole amount for which the said land was sold, after deducting twenty nine dollars and fifty one cents to pay expenses of said sale, is \$971.49 for which amt. the above named bonds were taken.

(Wm N. Edwards Comr.)

Geology t.
m. of Dept. of
Econ. Geol.

Sept. 4. 1853 filed

Pursuant to the annexed decree the undersigned Commiss-
 ioner named therein having received from the Clerk
 of Sale of Night County Court two bonds named in said
 decree one against James C. Jordan & William H. Jordan
 for \$157.11 and the other against Junius Wiles &
 Richard Edwards for \$804.38 has collected the same
 and made a distribution thereof agreeably to said
 decree. The amt. collected from James C. Jordan including
 interest from July 31st 1852 to Oct. 4th 1852 - \$158.89
 Amount collected from Junius Wiles inclu-
 ding interest from July 31st 1852 to Oct. 7th 1852 - 813.22
 The whole amt. of the two bonds rec'd. - - \$982.11
 Deducted for Commissions 2½ per cent on the
 first \$300- and 1 per cent on the balance
 of \$682.11 - - - - - 14.32
 Net Sum - \$967.79

The said Commissioner has paid to Jos. S. Swallow in right of his wife
 one sixth part to Alexander C. Edwards in his own right
 one sixth part and the remaining four sixths he has re-
 tained as the lawful Guardian of Richard T. Edwards Lucy
 Anne Edwards Mrs. Benja Edwards, & Mrs. Rowland Edwards.
 The receipts of said Swallow & Alexander C. Edwards are her-
 ewith returned. Your Comm. in further execution of said decree has
 executed & delivered to James C. Jordan & Junius Wiles each good and
 sufficient deeds with official warranty for the lands in said
 decree mentioned. Respectfully submitted
 Wm M. Edwards Comr.

Ewaltney at age et als
✓ as
Edwards et als -

He was
Jany Term 1852

Jos. J. Ewaltney
Wife Mary F. - an infant
serving by her husband
as her next friend -
R. T. Loring Ann, 18m 13
& Rowland Edwards
infant by Jos. J. Ewaltney
as their next friend -
as
Alexander Edwards
& Isabella W. Edwards

Jany. 5th 1852. Entry
deced.

Evoltney sur et al

vs

Edwards et al--

On motion of the Plaintiff by consent of parties, this cause this day came on to be heard on the Bill of Complainants, Defendants Answer General replication thereto, & was argued by counsel, on consideration whereof the court doth adjudge order & decree, that W^m N. Edwards who is hereby appointed commissioner for that purpose proceed to sell, at public auction on the premises on a credit of six months except so much for cash as will pay the costs of this suit & of said sale, after having given ten days notice of the time & place ^{of sale} by public advertisement, the land in the proceedings mentioned whereof Rowland Edwards did seized & possess (consisting of about one hundred nine acres lying in the county of Sole of Wight adjacent to the lands of Jas C Taden, Dennis Wills & Wm H Day) taking bond with good security for the payment sold on credit return said bond with a report of his proceedings herein to this court. But the effect of this decree shall be suspended until the said W^m N. Edwards shall execute in the clerks office of this court, bond with good security in a penalty of \$1000. payable to the Commonwealth of Virginia conditioned for the faithful performance of this decree.

and make a part thereof to this Court; - but the effect
of this decree shall be suspended until the said
Jm N Edwards, shall execute ~~the decree~~ in the
Clerks Office of this Court a bond with good
security, payable to the Commonwealth of Virgin-
ia in a penalty of \$1500 - conditioned for
the faithful performance of this decree -

Swallow at my
as
Edwards and others

Rough decree
August Term

1852

with

W. M. Menden

August 20. 1852 Record of W. M. Menden
clerk of the Court of District of Columbia
the bond of the Court of District of Columbia
now to be returned to him
Jm N Edwards

Swallow et al

Edwards et al

decreed in Chancery

This cause this day, came on to be heard
in the papers former read, & the report
of Wm H Edwards commissioner of sale
made under a decree of January
Term 1832, & returned at March Term
1832, was argued by counsel, whereupon
the court confining said report, doth
adjudge order & decree that the clerk of
this court deliver ~~the said report~~, on his
giving his receipt therefor the Bond of
James C Jordan Wm H Jordan for \$167.11
due July 31st 1832, & the Bond of Junius Wills
& Richard Edwards \$804.33 due July 31st 1832
returned with said report, to Wm H Edwards
who is hereby authorized & directed, to col-
lect the same & on the payment of the said
or to assign pay out 1% of the proceeds to ~~James C Jordan~~
Bonds, the court further directs that the
in right of his wife Mary, & the Edwards, to Alexander C
said Wm H Edwards execute & deliver a good
Edwards in his own right 1/8th & to the lawful
& sufficient deed with special warranty
Suggettson of Richard T Suggettson William B
to James C Jordan for the tract of land
Rowland Edwards enough 1/8th
purchased by the said James C Jordan
being a portion of the lands situated in the
county of Me of N.Y., whereof Rowland
Edwards died seized & supposed estimated
to contain 18 3/4 acres, bounded as described
in the plat ~~returned~~ returned with said com-
missioner's report of sale, & to Junius Wills for
the residue of said land in proceedings
mentioned, estimated at 90 1/4 acres -

payable to the Commonwealth of Virginia in a penalty
of \$1500. conditioned for the faithful performance
of this decree.

A Copy.

To

W. H. Younger.

The bond required to be given
by the com. has been executed

3

W. H. Younger.

Swatney Wife

as: 3 Cops. decr.

Edwards & ab.

Swatney
Edwards & ab.

52.17.18

In the County Court of Isle of Wight, August 2nd 1832
Joseph S. Gwatney & wife late. Plaintiffs

against

In Chancery.

Isabella Edwards, Alexander C. Edwards,

Richard T. Lucy Ann, William B. and

Rowland Edwards

Defendants

This Cause came on to be heard on the papers formerly read
and the report of William W. Edwards Commissioner of
Sale made under a decree herein of January Term 1832
and returned at March Term 1832, & was argued by counsel;
whereupon, the Court confirming said report, doth adjudge
order and decree that the Clerk of this Court deliver, on
his giving his receipt therefor, the bond of James C. Jordan
and William B. Jordan for \$167.11 due July 31st 1832, and
the bond of James Wells and Richard Edwards for \$804.38
due July 31st 1832, returned with said report, to William W.
Edwards, who is hereby authorized & directed to collect the same,
and after deducting his lawful commission as receiver, pay
1/6 of the proceeds to Joseph S. Gwatney and in right of his wife
Mary T. late Edwards, to Alexander C. Edwards in his own right
1/6, and to the lawful guardian of Richard T. Lucy Ann,
William B. and Rowland Edwards each 1/6. And on the payment
of the said bond, the Court further decrees that the said
William W. Edwards execute and deliver a good and sufficient
deed with special warranty, to James C. Jordan for the tract
of land purchased by the said James C. Jordan, being a
portion of the land situated in the County of Isle of Wight
whereof Rowland Edwards died seized & possessed, estimated
to contain 18 3/4 acres, bounded as described in
the plat thereof returned with said Commissioners
report of sale, and to James Wells for the remainder
of said land in the proceedings mentioned, estimated
at 90 1/4 acres, and make report thereof to this Court.
But the effect of this decree shall be suspended until
the said William W. Edwards shall execute in the
Clerk's office of this Court, a bond with good security

Givaltus
et us
as
Edwards et al

Rough beaver

Swallow et al vs

Edwards et al -

On motion of the Plaintiffs & consent of parties This cause this day came on to be heard on the papers formerly read & the report of Commissioner Wm N Edwards made pursuant to a decree herein of Aug. term 183-2 to which report no exception has been filed & was argued by counsel: on consideration whereof the court doth adjudge order & decree that the said report be confirmed & held binding between the parties & that the costs be mutually borne by the heirs at law of said Rowland Edwards parties to this suit -

Platt A. of Cant
 sold to James E. Jordan
 under a decree of the
 County Court of Sale-
 of right 5th day of
 January 1852 in
 suit of Swallow and
 wife - against Edwards
 and others.

(Wm N. Edwards) Em

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910

1872

38

1872

1872

4-10

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1001,00

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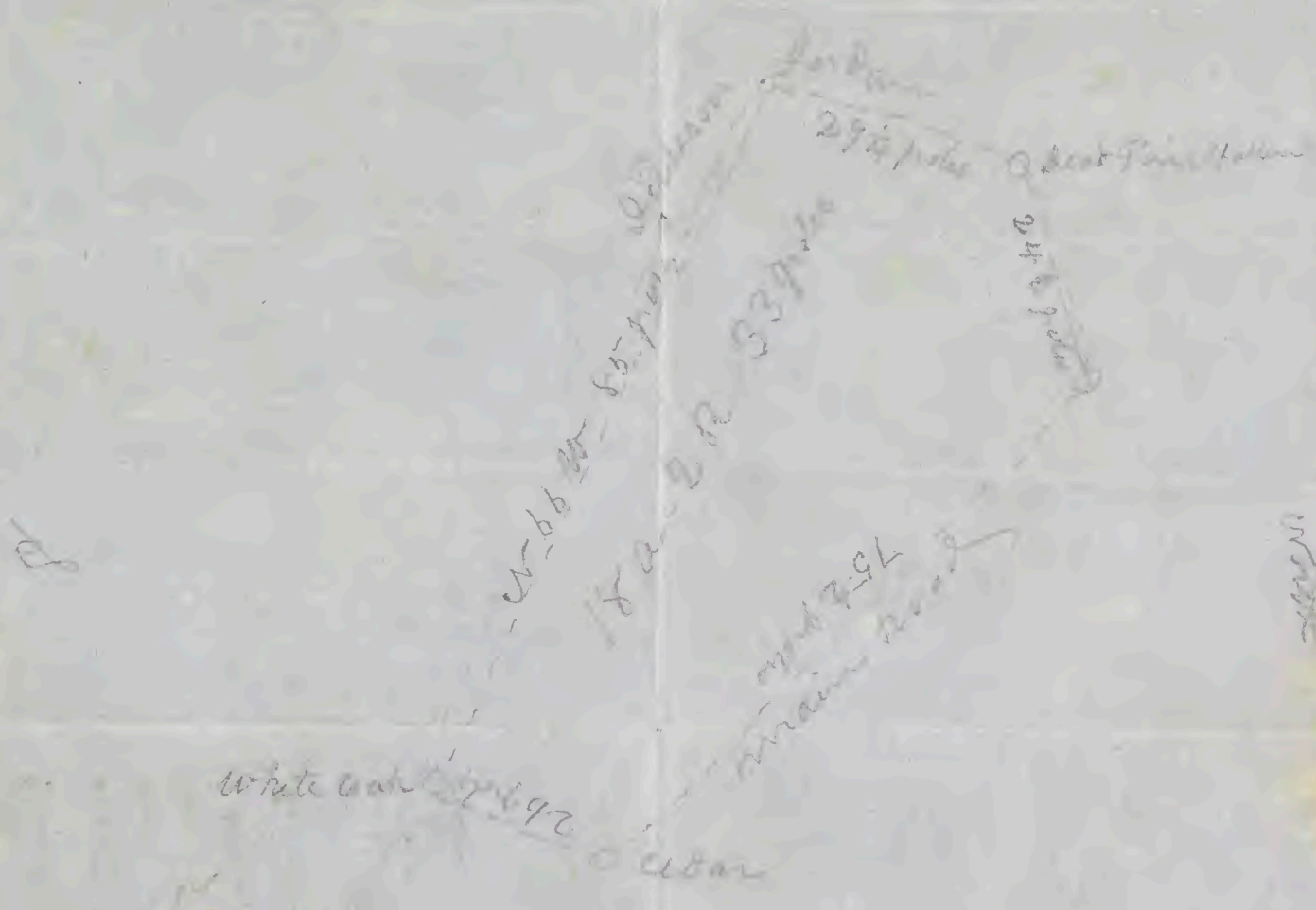
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Beginning at a Cedar on main road and running
 S 20 W 26 poles to a large white oak, thence
 N 66 W 55 poles to a corner tree on Larkspur
 and J.W. Jordan. Thence W 18 E 29 1/2 poles
 to a Dead pine (fallen) thence W 72 E 24 1/2 poles
 along the said fence line to main road
 thence along said road S 57 1/2 E 75 1/2 poles
 to the beginning. Containing 18 acres
 2 rods and 33 poles
 W. Wilson

Swallow wife tag.

n: 3 Com. Bond.

Edwards tag.

==

Exchanged 5th Aug. 1852.

Sold by Colin, Baptist & Nowlan, 11th Street, Richmond.

[Fiduciary Bond.]

KNOW ALL MEN BY THESE PRESENTS, That we *William*
N. Edwards and Benjamin Ward

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 to the said COMMONWEALTH OF VIRGINIA, we bind
ourselves and each of us, our and each of our heirs, executors and administrators, jointly and
severally, firmly by these presents. Sealed with our seals, and dated this *5th*
day of *January* one thousand eight hundred and *fifty two*

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the said
William N. Edwards who was this day appointed
a commissioner in a deed of *Heathly wife of W. M.*
Isabelle Edwards &c. to sell certain land named
in said deed & make disposition of the proceeds

of same.
shall faithfully discharge the duties of his said office, then this obligation is to be void, or else
to remain in full force.

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

A. P. Young &c.

Wm N. Edwards

Benjamin Ward

SEAL.

SEAL.

SEAL.

Gravely & wife & as

4: 3 Corn. Board

Edward

August 2^d 1882

Exeter.

Know all men by these presents, that we William
M. Edwards and Albert G. Shivers are held &
firmly bound unto the Commonwealth of Virginia
in the sum of fifteen hundred & dollars
to the payment whereof, we bind ourselves
and our heirs jointly & severally firmly by these
presents - Sealed with our seals and dated this
2^d day of August 1852.

The Condition of this obligation is such that
whereas by decree of the County Court of Isle
of Wight made on the 2^d of August 1852
in a suit wherein Joseph S. Gwaltney ^{wife} plaintiffs
and Isabella Edwards & others are defendants. is decreed
& ordered that the Clerk of this Court deliver to William
M. Edwards certain bonds in said decree named
to be by him collected & disposed of as is
therein decreed - Now if the said William
M. Edwards shall faithfully execute and carry
out the provisions of said decree as imposed on
him - Then this obligation is to be void
or else to remain in full force.

Signed & acknowledged: Wm M. Edwards 
before me

W. D. Young, C.

Albert G. Shivers 

Received, Oct. 19th 1852, from William N. Edwards
Commissioner, one hundred and sixty one dollars and
twenty nine cents, it being one sixth part, the pro-
portion to which I am entitled in right of my
wife Mary Frances, in the sale of two tracts of
land belonging to the heirs of Rowland Edwards
deceased, sold under a decree of the County Court
of Isle of Wight in the suit of Gwathney & wife
and others

Joseph S. Gwathney

Received, Oct. 19th 1852, from William N. Edwards
Commissioner, appointed by a decree of the County
Court of Isle of Wight, one hundred and sixty
one dollars and twenty nine cents, it being one
sixth part, the proportion to which I am entitled
in the sale of two tracts of land belonging
to the heirs of Rowland Edwards deceased, sold
under a decree of said Court, in the suit of
Gwathney & wife, and others

Witness

Joseph S. Gwathney

his
Alexander P. Edwards
mark