

At an Orphan Court held at Newcastle in and for the County of Newcastle the Eighteenth day of February in the year of our Lord, one thousand eight hundred and thirty nine: -

Upon the Petition of James Montgomery of Mill Creek Hundred in the County aforesaid setting forth that William Montgomery late of the said Hundred and County departed this life on the Fourth day of September A.D. one thousand eight hundred and thirty eight intestate seized in his demesne as of fee of and in a Tract or Plantation of land in the Hundred aforesaid bounded by lands of John Ball, Thomas Justis, George Foote and others containing about one hundred and sixty one acres be the same more or less - That the said William Montgomery left to survive him a widow Jane Montgomery and seven children viz: Elizabeth the wife of George Allcom, James (the Petitioner) Martha the wife of Zechariah Perickson, Ellen, Samuel, Jane and William - That the said Jane Montgomery the widow is entitled to one third part of the said tract or plantation of land to hold to her for and during the Term of her natural life, that the said children are each entitled to one equal seventh part of the residue of the said tract or plantation of land into seven equal parts to be divided: - And praying the Court to appoint five sufficient Freeholders of the County aforesaid to go upon the said lands tenements and hereditaments and make Partition of the same amongst the heirs aforesaid agreeably to the directions of the Acts of General Assembly in such case made and provided: Thereupon it is this Twenty First day of February in the year of our Lord one thousand eight hundred and thirty nine ordered by the Court that Joseph Lindsey, Joseph Cranston, Samuel Murphy, George Platt and John Foote do go to the said Lands Tenements and hereditaments and with the assistance of a skilful and impartial Surveyor by them the said Joseph Lindsey

Joseph Cranston, Samuel Murphy, George Platt and John  
Foot to go to the said Lands, Tenements to be appointed make  
Partition thereof the said Joseph Lindsey, Joseph Cranston  
Samuel Murphy, George Platt and John Foot and the Surveyor  
so nominated by them before entering upon the said lands  
tenements and hereditaments for the purpose of executing  
this order, being duly sworn or affirmed before the Chancellor  
or any Judge of this State or before any Justice of the Peace  
for either County of this State or before the Mayor of the City  
of Wilmington or any Notary Public of this State or before any  
one of the Freeholders before named to perform the duties incum-  
bent upon them the said Joseph Lindsey, Joseph Cranston,  
Samuel Murphy, George Platt and John Foot and the said  
Surveyor the service to which he is called faithfully and im-  
partially according to the best of their and his skill and  
Judgment respectively; and that they assign to the said  
Jane Montgomery widow as aforesaid one equal third part of  
the said Lands, Tenements and hereditaments to be held by her  
the said Jane Montgomery in severalty during the term of her  
natural life for her dower therein: - To the said George Allcorn  
and Elizabeth his wife in right of his wife the said Elizabeth,  
one equal seventh part of the Residue of the said Lands, Ten-  
ments and hereditaments to be held by them the said George  
Allcorn and Elizabeth his wife in right of his wife the said  
Elizabeth and their heirs in severalty: - To the said James  
Montgomery one equal seventh part of the said Residue of  
the said Lands Tenements and hereditaments to be held by  
him the said James Montgomery and his heirs in severalty.  
To the said Zechariah Derickson and Martha his wife in right  
of his wife the said Martha one equal seventh part of the said  
Residue of the said Lands Tenements and hereditaments to be  
held by them the said Zechariah Derickson and Martha his  
wife in right of his wife the said Martha and their heirs in  
severalty: - To the said Ellen Montgomery one equal seventh  
part of the said residue of the said lands tenements and heredit-  
aments to be held by her the said Ellen Montgomery and her heirs

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gomery and her heirs

in severalty: - To the said Samuel Montgomery one equal sev-  
enth part of the said Residue of the said Sands Tenements  
and Hereditaments to be held by him the said Samuel Montgomery  
and his heirs in severalty: - To the said Jane Montgomery one  
equal seventh part of the said residue of the said lands ten-  
ments and hereditaments to be held by her the said Jane Montgomery  
and her heirs in severalty: - And to the said William Montgomery  
the remaining equal seventh part of the said residue of the said  
lands tenements and hereditaments to be held by him the said  
William Montgomery and his heirs in severalty: - Due regard  
being had to quantity as well as quality: - And it is ordered  
by the Court that if the said Joseph Lindsey, Joseph  
Cranston, Samuel Murphy, George Platt and John Foote or  
a majority of them shall be of opinion that the said lands  
tenements and hereditaments cannot be divided among the  
heirs aforesaid, without detriment to the said parties, but can  
be advantageously divided into two or more parts, then that  
they the said Joseph Lindsey, Joseph Cranston, Samuel Murphy,  
George Platt and John Foote divide the same into so many  
and such parts as they shall deem most suitable and  
convenient and appraise each of the said parts at the true  
value thereof in money: - Or if the said Joseph Lindsey,  
Joseph Cranston, Samuel Murphy, George Platt and John Foote  
or a majority of them shall be of opinion that no division  
can be made of the said Sands, Tenements and Hereditaments  
without detriment to the parties, then that they make no  
division thereof, but appraise the same at the true value  
thereof in money. - And it is ordered by the Court  
that the said Joseph Lindsey, Joseph Cranston, Samuel Murphy,  
George Platt and John Foote or a majority of them return to  
the next Orphans Court of Newcastle County to be held at  
Newcastle in Newcastle County their proceedings hereon duly  
certified under their hands with such draught or draughts  
as they may have required annexed thereto: - and if par-  
tition shall not have been made as herein before prescribed  
because of the opinion of the said Joseph Lindsey, Joseph

branston, Samuel Murphy, George Platt, and ~~George~~ John Foote  
or a majority of them that the same could not be made with-  
out detriment to the parties show that the said Joseph  
Sindsey, Joseph Branston, Samuel Murphy, George Platt and  
John Foote certify in said Return such opinion as well as  
their proceedings thereupon: -

Newcastle County of. In Testimony whereof I have here-  
unto set my hand and caused the seal  
of said Court to be affixed at Newcastle  
March 19<sup>th</sup> A.D. 1839.

Math<sup>r</sup> Kean Clerk

N.B. It is ordered by the Court that no  
other colour but Black be used on the Draught  
and that the Draught be of such size as  
to be placed on one side of the Record Book.

Math<sup>r</sup> Kean Clerk

THE FIRST PART OF THE RECORDS OF THE COURT OF COMMONS IN THE REIGN OF KING CHARLES THE FIRST

Read, & filing Petition \$ 25  
Order on do . . 25  
Recording do . . 115  
Copy'd & Record'd. order & \$ 4.01  
eriv ————— " 20  
p. of 5. 16

Ord: for Partition of  
the Real Estate of  
William Montgomery dec'd

Sept 3<sup>rd</sup> read and  
approved by the Court  
Attest Matthew Kemble

Ex<sup>d</sup>. Recorded .

Form of the Certificate of the Oath or Affirmation of the Commissioners, when administered by the Commissioners.

New-Castle County, ss.

I Joseph Lindsey first — one of the Commissioners named in the preceding Order, hereby certify, That George Platt and Samuel Murphy two others of the said Commissioners were by me sworn in due form of Law—and that Joseph Braunton and John Fode two others of the said Commissioners being conscientiously scrupulous of taking an oath were severally affirmed by me in due form of Law—that they will perform the duties incumbent on them respectively according to the said Order, faithfully and impartially, according to the best of their skill and judgment respectively: and I the said George Platt before named, do certify, That the said Joseph Lindsey was sworn by me in due form of law (or) being conscientiously scrupulous of taking an oath, was affirmed by me in due form of law, That he will perform the duties incumbent on him according to the said order, faithfully and impartially, according to the best of his skill and judgment: All of which was done before entering upon the lands and premises mentioned in the said order for the purpose of executing that order. In Witness of each of our respective acts as aforesaid, we the said

Joseph Lindsey and George Platt have hereunto set our hands this Seventh day of June in the year of our LORD, one thousand eight hundred and thirty-nine.

FORM of the CERTIFICATE of the Oath or Affirmation of the SURVEYOR.

New Castle County, ss.

I, Joseph Lindsey one of the Commissioners named in the foregoing Order, hereby certify, That Donald Reese the Surveyor nominated by the Commissioners named in that Order, before entering upon the lands, tenements and hereditaments mentioned in that Order, for the purpose of executing the same, was sworn by me in due form of Law (or) being conscientiously scrupulous of taking an oath, was affirmed by me in due form of Law, That he will perform the service to which he is called faithfully and impartially according to the best of his skill and judgment.

WITNESS my Hand the Seventh day of June in the year of our LORD, One thousand eight hundred and thirty-nine.

FORM of the CERTIFICATE of the Oath or Affirmation of the CHAIN CARRIERS.

New-castle County, ss.

I, Joseph Lindsey one of the Commissioners named in the preceding Order, hereby certify, That before entering upon the lands, tenements and hereditaments mentioned in the said Order for the purpose of executing the same

George Clare and James Fode the Chain Carriers called to the service mentioned in the said Order were sworn by me in due form of Law—and that

Chain Carrier called to the service mentioned in the said Order, being conscientiously scrupulous of taking an oath, affirmed by me in due form of Law—that they will severally perform the service to which they are called faithfully and impartially, according to the best of their skill and judgment respectively.

WITNESS my Hand the Seventh day of June in the year of our LORD, One thousand eight hundred and thirty-nine.

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IT IS THIS TWENTY EIGHTH DAY OF FEBRUARY IN THE YEAR OF OUR LORD  
One thousand eight hundred and thirty three,—ORDERED by the ORPHANS' COURT of New-castle  
County, that each Order or Commission that may be issued for the partition or division of the *Real Estate*  
of any Intestate, shall be accompanied by a copy of the following directions and forms of the oath and af-  
firmation to be administered to the Commissioners appointed to execute the same, and to the Surveyor to  
be nominated by them, and to the chain carriers acting under such Surveyor, *before* entering upon the lands,  
tenements and hereditaments of any Intestate, for the purpose of executing such Order or Commission.

1. The Commissioners, Surveyor and chain carriers are to be sworn or affirmed *before* they go or  
enter upon the lands and premises.

2. Any one of the Commissioners, the Chancellor, each of the Judges of the State, every Justice of the  
Peace, and every Notary Public in this State, and the Mayor and Alderman of the City of *Wilmington* with-  
in the limits of the City, are authorized by law to administer any or either of the following oaths or affir-  
mations—and the Surveyor nominated by the Commissioners is authorized to administer to the chain car-  
riers the oath or affirmation which is to be taken by them.

3. If either be conscientiously scrupulous of taking an oath *by laying the right hand upon the Book and*  
*kissing it*, he shall be permitted to raise his right hand and swear by the ever living God the searcher of  
all hearts, That he will perform, &c. &c. as he shall answer to God at the Great Day.

4. If either be conscientiously scrupulous of taking an oath *in any form*, he shall in such case be affirmed.

*The following is the form of the Oath or Affirmation to be administered by the Commissioners.*

5. You, (or) you and each of you, do solemnly swear on the Holy Evangelists of Almighty God—(or do swear  
*by the ever living God the searcher of all hearts—(or) do solemnly, sincerely and truly declare and affirm,*  
That you will perform the duties incumbent on you, according to the preceding Order, faithfully and im-  
partially, according to the best of your skill and judgment respectively—*So help you God—(or) as you*  
*shall answer to God at the Great Day—(or) so you affirm.*

*The Oath or Affirmation to be taken by the Surveyor and the Chain Carriers is as follows, viz:*

6. That you, or you and each of you, will perform the service to which you are now called, faithfully  
and impartially, according to the best of your skill and judgment.

To the Honorable the Judges of The Orphans Court  
of the State of Delaware to be held at Newcastle, in  
and for the County of Newcastle on the second  
day of September A.D. 1839. —

We, three of the five Freeholders named in the Order of  
said Court to which this is annexed for partition &c. of the  
Real Estate of William Montgomery late of Millcreek Hun-  
dred in said County, deceased. Report, That the said five  
Freeholders all met and being first severally sworn or affirmed  
in due form of Law, and having appointed Jonas Pusey the  
Surveyor under said Order, and he also being duly affirmed,  
proceeded to view the Lands and Tenements mentioned in  
said Order; And thereupon laid off one equal third part of  
the same, in Two detached Pieces of Land, severally described  
as follows. Draughts whereof are herewith annexed, to wit. No. 1.  
The Mansion House and Piece of Land whereon the same  
is situated, bounded thus, Beginning at Gum Tree on  
the Eastern side of Millcreek, thence by Land of  
Harlan North seventy-seven degrees East crossing Harlan's  
Mill-race twenty-six perches and two tenths to a stake in the  
Public Road, thence along said Road, a line for Harlan's  
Land North fifty-seven degrees West twenty-four perches to a  
corner of Land of John Ball, thence by a line of that Land  
along said Road North thirty-four and a half degrees West  
sixty-nine perches and four tenths to a corner stake within the  
field, thence by the same Land, and in and near the said Road  
South seventy-three degrees West, and re-crossing said Mill-  
race twenty-one perches to the middle of Mill creek, and  
thence down said creek by the several courses thereof and by  
Land of Frederick Glare, about sixty perches to a corner of  
Harlan's Land, and thence by that Land, partly  
along Mill-creek aforesaid by the several courses thereof  
about thirty-seven perches to the place of beginning, CON-

Containing within said bounds Fourteen Acres and eleven perches of Land be the same more or less: And No. 2, a part of the Larger Tract of Land, bounded as follows, to wit Beginning at a corner of Land of Harlan in the middle of a Public Road leading to Hockessin, thence by said Land along the middle of said Road South twenty degrees West twenty perches, and South fifteen degrees West twenty perches and four tenths to a corner stake, thence by other Land of Harlan, and by Land of Grauff and Land late of Joseph Ball deceased (partly along a public Road leading to Phillips' Mills) North seventy seven degrees East One hundred and seventeen perches to a corner stake <sup>at</sup> a run or small stream of water, and on the Southern side of said Road, thence up said Run by the several courses thereof being a line of Thomas Justis' Land, about forty three perches to a stake for a new corner, and thence ~~by~~ <sup>by</sup> a new line dividing this from the residue of said Tract South seventy three and three quarters degrees West Ninety eight perches and six tenths to the place of beginning containing within said bounds Twenty six Acres and <sup>one quarter of an</sup> One perch and a half of Land be the same more or less: Which said Two Pieces of Land and Premises we the said Freeholders assign, as one equal third part of the whole, to Jane Montgomery, Widow, named in the said Order of Court, to hold to her in severalty for and during the term of her natural life for her Dower in the said Estate.

And as to the Residue of the said Lands and Real Estate, marked No. 3 on the accompanying Draughts, we the said Freeholders are of the opinion that the same cannot be divided amongst the Heirs as mentioned in the said Order of Court, without detriment to the Parties And we have further determined that no division can be advantageously made thereof; and therefore, in pursuance of the said Order, have appraised the Residue of the Lands Tenements and Hereditaments mentioned in the said Order,

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agreeing that the true valuation thereof in money is the sum  
of Four thousand four hundred and forty-six dollars. —  
The boundaries and description of the said Residue of said Lands  
being as follows, and represented by the Draught No. 3, here-  
unto annexed, to wit, Beginning at a corner (herein be-  
fore mentioned) of Land of Harlan in the middle of  
a Public Road leading to Hockesson, thence by a new line  
dividing this from No. 2, (a part of the allotment to Jane  
Montgomery, widow,) North seventy-three and three quarters  
degrees East ninety-eight perches and six tenths to a corner  
stake at the Run or small Stream of water, a line of  
Land of Thomas Justis, thence up said Run by the sever-  
ral Courses thereof, <sup>about eighty five perches</sup> to a line of Land of George Foote, thence  
by that Land North sixty-six and a half degrees West twenty-  
seven perches and six tenths, North forty-four and a half de-  
grees West twenty-one perches and one tenth to a stone, thence  
North nine and a half degrees West Crossing the aforesaid  
Road, thirty-three perches and two tenths to a stone on the  
Western side of said Road, thence up the same ~~N. 11. 30. 10. 10. 10.~~  
degrees East eight perches to a stone a corner of other Land  
of the said George Foote, thence by that land North seventy-  
three and a quarter degrees West forty-three perches and one  
tenth to a large stump, a corner of John Ball's Land,  
thence by his Land South thirty-four degrees West seventy-  
seven perches and nine tenths to a corner stone, thence  
South thirty-seven and a half degrees East twenty perches  
and eight tenths to a Chestnut Tree, thence South forty-four  
degrees West seventy-one perches to a corner stone, thence  
South thirty-one and a quarter degrees East seventy-four  
perches and seven tenths to a stone in a line of the aforesaid  
Land of Harlan, and thence with that line  
North sixty-three and a half degrees East eighteen per-  
ches and four tenths to the place of beginning, Contain-  
ing within said bounds One hundred and seventeen Acres  
and two and a half perches of Land, be the same

more or less, and having a frame Barn erected thereon. —

All which is according to the best of our skill and judgment, and is respectfully submitted to the Court.

Witness our hands the thirty-first day of August

A. D. Eighteen hundred and thirty-nine. —

Joseph Lindoy

Sam<sup>l</sup> Murphy

John ~~Woot~~

Fees for services rendered under Order of  
 Court for partition &c. of the Real Estate of  
 Wm Montgomery dec<sup>d</sup> - returned Sep. 1839

Freeholders

Sam <sup>l</sup> Murphy 2 Days @ 1.00 =	2.00	}
John Root 2 days @ 1.00 =	2.00	

Surveyor - Jonas Pushey

Surveying 4 days @ 2.00 =	8.00	}
Making Calculations & rough Draughts { for Freeholders preparatory to dividing } 2 @ 2.00 =	4.00	
Exemplified Draughts with Notes	5.00	}
Return of Freeholders	4.00	

Chain Carriers

*Items of charge of draughts & return  
 taxed and allowed by  
 Henry Toombs, Chancellor of the Sup. Court. Feb. 1837.*

George Glass 4 days @ 0.50 =	2.00	}
James Foot 4 do " =	2.00	

copy's of Record's Order &c. #1-25  
Certificate to Register " 50  
Return &c. " 50  
Liner " 10

Paid \$2.35

Ord: for Ann: Val: of the  
Real Estate of  
William Montgomery, minors

Sept 3<sup>rd</sup> read and  
ordered by the Court  
to be recorded

Attest Matt Kear

Sept 12<sup>th</sup> returned & examined

E.P. Recorded

State of Delaware. }  
New-Castle County. } ss.

AT AN ORPHANS' COURT of New-Castle County, held at New-Castle, in the said County, the *Eighteenth* day of *February* \_\_\_\_\_ in the year of our LORD, One thousand eight hundred and *thirty nine*.

It is ordered by the said Court, That

*Samuel Murphy, John Foot and ~~William~~  
Joseph Cranston* \_\_\_\_\_

three judicious freeholders of the said County,—impartial towards the parties, which said

*Samuel Murphy, John Foot and ~~Joseph~~ Cranston*  
are hereby named by the said Court—do view the lands or tenements of *William*  
*Montgomery* \_\_\_\_\_

minor child . . . of *William Montgomery* late of the said County, deceased, the ward . . . of *James M. Brackin* \_\_\_\_\_ and estimate the yearly rental value thereof, and note the buildings, orchards and improvements; the estimated portion of cleared land, woodland, and of meadow and marsh; whether any and what part may be cleared; and whether any and what repairs are necessary to the tenantable condition of the premises, and probable cost of such repairs. And it is ordered by the Court that the said *Samuel*

*Murphy, John Foot and Joseph Cranston* . . . .

\_\_\_\_\_ before viewing the premises under this order, for the purpose of executing it be sworn or affirmed according to law, to perform their duty faithfully and impartially, according to the best of their skill and judgment: And that they the said *Samuel Murphy*

*John Foot and Joseph Cranston* \_\_\_\_\_

make return of their proceedings to the Orphans' Court of New-Castle County, to be held at New-Castle in the said County, on *Monday* the *Second* day of *September* in the year of our LORD, One thousand eight hundred and *thirty nine* under their hands, or the hands of a majority of them.

IN WITNESS WHEREOF, I have hereunto set my Hand and affixed the Seal of the said Orphans' Court, the *Twenty eighth* day of *February* in the year of our LORD, One thousand eight hundred and *thirty nine*

*Math' Kear Clark*  
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# FORM OF THE CERTIFICATE.

NEW-CASTLE COUNTY, SS.

I, *Samuel Murphy* one of the persons appointed to execute the preceding Order, hereby Certify, That

*John Foot and Joseph Cannon*

who ~~were~~ also appointed to execute the said Order ~~sworn by me sworn in due form of law, and that~~

~~who~~ ~~also appointed to execute the said Order~~, being conscientiously scrupulous of taking an oath, ~~were~~ affirmed by me in due form of Law—that they will severally perform their duty in executing the preceding Order faithfully and impartially according to the best of their skill and judgment respectively. And I the said *John Foot*

before named, do certify that the said *Samuel Murphy*

~~was sworn by me in due form of Law—(or) being conscientiously scrupulous of taking an oath, was affirmed by me in due form of Law,~~ That he will perform his duty in executing the preceding Order faithfully and impartially according to the best of his skill and judgment: All of which was done before viewing the lands or tenements of the Minor under the said Order for the purpose of executing it. IN WITNESS of each of our respective acts as aforesaid, WE the said *Samuel Murphy and John Foot*

have hereunto set our hands this *Sixth* day of *June* in the year of our LORD, one thousand eight hundred and *thirty-nine*.

*Sam<sup>l</sup> Murphy*  
*John Foot*

IT IS THIS TWENTY EIGHTH DAY OF FEBRUARY IN THE YEAR OF OUR LORD One thousand eight hundred and thirty-three, ordered by the Orphan's Court of New-Castle County, That each order that may be issued to view a Ward's land or tenements and to estimate the yearly rental value of the same, shall be accompanied by a copy of the following directions and forms of the oath and affirmation to be administered to those who may be appointed to execute such order.

- 1 The persons appointed by this order are to be sworn or affirmed *before* viewing the lands or tenements of the minor under this order for the purpose of executing it.
- 2 Any one of those appointed by the Order—the Chancellor, each of the Judges of the State, every Justice of the Peace and every Notary Public in this State, and the Mayor and Alderman of the City of Wilmington, within the limits of the City, are authorized by Law to administer the following Oath or Affirmation.
- 3 If either of those appointed to execute the order, be conscientiously scrupulous of taking an oath, by *laying the right hand on the Book and kissing it*, he shall be permitted to raise his right hand and swear by the ever living God the searcher of all hearts, That he will perform, &c. &c. As he shall answer to God at the great day.
- 4 If either be conscientiously scrupulous of taking an oath *in any form*, he shall in such case be affirmed.

The following is the form of the Oath or Affirmation to be administered.

5 You, (or) you and each of you do solemnly swear on the Holy Evangelists of Almighty God—(or) do swear by the Ever living God the searcher of all hearts—(or) do solemnly, sincerely and truly declare and affirm—That you will perform your duty in executing the preceding order faithfully and impartially according to the best of your skill and judgment, respectively—So help you God—(or) as you shall answer to God at the Great day—(or) so you affirm.

To the Honorable the Orphans Court of Newcastle  
County to be held at Newcastle in said County  
on Monday the second day of September next  
(A.D. 1839) —

We the Freeholders named in the  
Order of said Court for valuation of <sup>the</sup> Rental value of the  
Lands tenements and hereditaments of William Mont-  
gomery minor Child named in said Order. Report —  
that being first severally sworn or affirmed in due form  
of Law. We the said Freeholders did view the said Lands  
tenements and hereditaments of William Montgomery  
minor Child aforesaid, and have estimated and do esti-  
mate the Yearly Rental value thereof at the sum of  
Nineteen Dollars.

The property so viewed and valued by us consisting of one  
equal undivided seventh part of <sup>two</sup> certain Farms or Tracts  
of Land, situate in Millcreek Hundred in said County,  
and containing in the whole one hundred and fifty-seven  
acres, one quarter and fifteen perches, with a two storied Stone  
dwelling House and a frame Barn thereon, and an orchard  
of about eighty fruit Trees. The portion of cleared Land and  
woodland on said Tracts we have estimated at one hundred  
<sup>and fifteen</sup> acres cleared Land, fifteen of which is meadow land, and  
about forty-two acres of woodland. — And we are of the  
opinion that none of the Land ought to be cleared, and  
also that no repairs are necessary on the premises. —  
All which is respectfully submitted to the Court,  
Witness our hands the Twentieth day of June A.D.  
Eighteen hundred and thirty-nine. —

Sam<sup>l</sup> Murphy  
John Proctor  
Joseph Cranstord

State of Delaware, }  
New Castle County, } Sst.

BE IT KNOWN, That at an ORPHAN'S COURT holden  
at New Castle, in and for New Castle County, on the 21<sup>st</sup>  
day of *February* in the year of our LORD, one thou-  
sand eight hundred and *thirty nine*.

*James M. Braxton*

was appointed GUARDIAN of *William Montgomery*

Minor Child — of *William Montgomery*  
late of said County, deceased, and gave bond and security in due form of law.

In testimony whereof, I have hereunto set my Hand and affixed the  
Seal of said Court, at New Castle, the 13<sup>th</sup> day of *March*  
in the year of our Lord, one thousand eight hundred and *thirty nine*

*Mathew Hear* Clerk

Appointment  
James M. Braiken  
Guardian of  
Wm Montgomery  
July 21. 1839.

*James M. Braiken*

To the Honorable the Judges of the Orphans Court  
of the State of Delaware now sitting at Newcastle in  
and for the County of Newcastle - The Petition of James  
Montgomery of Mill Creek Hundred in the County aforesaid  
saiel respectfully sheweth,

That William Mont-  
gomery late of the said Hundred and County departed  
this life on the fourth day of September A.D. one  
Thousand eight hundred and thirty eight intestate  
seized in his demerces of fee of and in a tract  
or plantation of land in the Hundred aforesaid  
bounded by lands of John Ball Thomas Justus  
George Footh and others containing about one hun-  
dred and sixty or more acres be the same more  
or less - That the said William Montgomery left  
to survive him a widow Jane Montgomery and  
seven children, viz Elizabeth the wife of George Al-  
corn, James (your Petitioner) Martha the wife  
of Jeremiah Derriekson, Ellen, Samuel, Jane  
and William - That the said Jane Montgomery  
the widow is entitled to one third part of the said  
tract or plantation of land to hold to her for  
and during the term of her natural life,  
that the said children are each entitled  
to one equal seventh part of the residue  
of the said tract or plantation of land into  
seven equal parts to be divided. Your  
Petitioner therefore prays that an order  
may be granted for the partition of  
the said premises among the parties  
entitled in conformity with the provisions of  
the act of the General Assembly in such case  
made and provided, and your Petitioner  
as in duty bound will ever pray &c

Feb, 20. 1839.

James R. Montgomery

Petition  
James Montgomery  
for  
Partition

Feb 21<sup>st</sup> 1839

~~John Ball~~  
Joseph Lindsey  
~~Joseph Lindsey~~  
~~Joseph Lindsey~~  
Joseph  
~~William~~ Cranston  
Samuel Murphy  
George Platt  
John Frost

Assent	25
	25
Presented	45
Consent	401
	20
	<hr/> 516

The further account of James M. Black and Guardian for William Montgomery a Minor child of William Montgomery late of New Castle County deceased as follows viz:

The Guardian is charged with this sum being so much remaining in his hands as per settlement made before the Register February 11 <sup>th</sup> 1841	4 12
To Interest on said sum to May 11 <sup>th</sup> 1842	" 30
To Amount over-paid by Guardian and due him from the Administrator of said Wm Montgomery	39 57
	Doll 43 99

The Guardian craves to be allowed as follows viz	
For Rents charged Guardian in former settlement the same being <sup>to be</sup> <del>been</del> charged to Samuel Montgomery Administrator of said William Montgomery the Minor deceased.	38 00
To Interest on said rents to May 11 <sup>th</sup> 1842	2 85
To interest charged on said Rents.	1 14

The Guardian declines any allowance for Commission	
Register sitting and filing account 1.12 <sup>1</sup> / <sub>2</sub>	
" Stating account and copy 87 <sup>1</sup> / <sub>2</sub>	2 00

Errors Excepted	Doll - 43 99
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Examined, adjusted, allowed and passed  
May 20<sup>th</sup> 1842.

Jacob Carr Register.

Further  
Guardian Account  
William Montgomery  
May 20<sup>th</sup> 1842.

*[Faint, illegible handwriting, possibly bleed-through from the reverse side]*

*[Faint, illegible handwriting, possibly bleed-through from the reverse side]*

**To the Orphans' Court of the County of New-castle:**

THE PETITION OF *James M. Bracken*  
**Respectfully Represents,**

THAT *William Montgomery* of *Smith Creek* Hundred, in  
the County aforesaid, died, leaving issue *Seven* children  
That *William Montgomery*, one of the said children  
is above the age of *14 years* - - - - -

- - - - - are under that age  
and is entitled to REAL ESTATE, situate in *Smith Creek*  
Hundred, in the County aforesaid, of about the annual value of *Twenty*  
Dollars; and to a Personal  
Estate of about the value of *Twenty* Dollars:

That the said *William Montgomery*  
has not any GUARDIAN:

YOUR Petitioner therefore prays the Court to appoint *him*  
Guardian of the said *William Montgomery*  
upon *his* making choice of *him* And  
also to appoint - - - - - Guardian of the said - - - - -

- - - - - And to appoint three sufficient  
Freeholders of the County aforesaid, to value the Real Estate of the said  
Minor.

*July 20<sup>th</sup> 1839*

And your Petitioner, &c.

*James M. Bracken*

Samuel Murphy  
George D. Pratt  
John Hoat  
William Crandon

Issued

Petition of  
James M. Bracker  
to be appointed  
Guardian of  
William Montgomery  
July 21<sup>st</sup> 1839 Came into  
Court in ~~fact~~ in his proper  
~~person~~ person William  
Montgomery, and choose  
for his Guardian, James  
M. Bracker, of Mill Creek  
hundred yeoman of whom  
the Court approve, and  
appoint the said James  
Bracker Guardian of  
the said William  
Montgomery

The Court approve of  
William Bracker of  
Mill Creek hundred  
yeoman as surety  
Take Bond of 2000  
Joseph Ball Lindsey  
John Pratt  
Frederick Blair Recorder  
John Hoat

New-Castle County, }  
State of Delaware, } sset:

**BE IT KNOWN**, that at an Orphans' Court  
holden at New-Castle, on the *Third* day of  
*September* in the year of our **LORD**, One Thousand  
Eight Hundred and *thirty nine* the

Freeholders appointed by the Orphans' Court aforesaid to value the  
**REAL ESTATE** of *William Montgomery*

Minor Children of *William Montgomery dec'd* Ward of  
*James M. Brackin*

~~late~~ of the said County, have made return that they have valued  
the said Real Estate at the sum of *thirteen* Dollars  
per annum.

In testimony **Whereof**, I have hereunto set my hand and affixed the seal of said Court, at  
New-Castle, the *Tenth* day of *October* in the year of our **LORD**, One  
Thousand Eight Hundred and *thirty nine*.

*Mass. Beane* Clerk.

*J. C. Blaney*

Valuation Real Estate  
William Montgomery  
September 3<sup>d</sup> 1839.

1000



William Montgomery a Minor, child of William Montgomery late of New

		1839		1840		1841		
The Guardian craves to be allowed for the following Disbursements viz:								
19 00	Feb 21	1						5 60
2 14								
19 00	Nov 2	2						8 00
0 00	5 mo 3	3						3 15
0 00	6 mo 3	4						7 00
0 00	Sept 30	5						16 00
22 62	11 mo 25	6						3 00
43 08	6 mo 13	7						2 00
	6 mo 20	8						3 00
	3 mo 8	9						10 00
	11 mo 7	10						1 00
	" " 21	11						7 00
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Guardian Account  
William Montgomery  
February 11<sup>th</sup> 1841.



Draughts of the Lands late of William Montgomery dec'd  
situate in Mill Creek Hundred, New Castle Co. Del. as surveyed by me  
under an order of the Orphans Court, and by direction of the Freeholders  
therein named, returned to the September Term of said Court A.D. 1839.

Jonas Pussey  
Surveyor

