

1800-015

SOUTHAMPTON COUNTY
CHANCERY PAPERS

GARDNER, et al vs GARDNER

12/1800

other surnames: Pitman,
Bradshaw, Wellons, Kello,
Bradckar, Bradshaw,

Gardner }
vs } Bill
Gardner } Ansⁿ

Dec. 1799

Int^l. Decree

Dec. 1800

Rept. int^l. Decree final

27/11

To the justices of Southampton county court sitting in Chancery

James Gardnu Amos Gardnu Ethelens Pitman & Phoebe his wife Jacob Bradshaw & Wille his wife Westwood Wellons and Ann his wife & Martha Joseph & Rich^d Kello infants orphans of Rich^d Kello died by Ethello & Amos Gardnu their next friends —

humbly complaining shew to Your worships that a certain John Gardnu ^{seign of a considerable estate real & personal} of this county died on or about the ^{day of} ~~day of~~ ^{intestate} that admon on his estate was granted to Jesse

Gardnu as by the records of this court will appear — Your complainants further shew that part of this estate hath already been divided by a decree of this court as the law directs ~~that~~ that a residue to wit, 98 acres of land or thereabouts with two negroes called Eddy & Cain which was part of the dower of Ann Gardnu the mother of the s^r John ~~yet remains to be divided~~ & what has but lately come to the possession of the adm^r remains yet to be divided between Your complainants & the s^r Jesse Gardnu, who are legally entitled thereto — Your complainants have made application to the adm^r ~~to~~ for a division of the s^r estate according to law but he alleges that some of y^r complainants being infants such division cannot take place without the intervention of this court — In consideration whereof & as Your complainants are only releasable in this court and to the end that the s^r Jesse Gardnu may be made defend^t to this bill & make answer thereto — And that the court will order & decree the lands and slaves afores^d to be sold (as a division thereof cannot take place) and that proper commissioners be appointed to carry the same into effect & divide the proceeds between Your complainants & the defend^t according to law or make such other ~~deed~~ or decree as is agreeable to equity &

May it please &

Jos. Vioke
Wm. Wellons
Jos. Lane
John Davis

The answer of ^{deft} Jeph Gardner to the bill of James Gardner
Amos Gardner Ch^r Pitman Joseph his wife Jacob Bradshaw and
Mille his wife Westwood Williams Sam^r his wife. & Martha Joseph
& Rich^d Kello infants & of Rich^d Kello dec^d Complainants

This Defendant admits the bill of the complaint
to be true and has no objection that the court should make
such decree and order as may be deemed most proper
& prays hence to be dismissed &c

Gardner }
vs } Bill
Gardner } Ans^r

Dec^r 1799
Int^rl^r Decree

Dec^r 1800
Rept^r ut^r Decree final

1799

Gardner & Co }
vs }
Gardner & Co }
Dec 1799

Dec 1799

Southampton County December Court 1799.

James Gardner, Amos Gardner, Etheldred Pitman
Hephæ his wife, Westwood Willons & Anne
his wife Jacob Bradshaw & Milly his wife
& Martha Kello Joseph Kello & Richard Kello infants
orphans of Rich^d Kello j^r died in right of their mother
Mary Kello formerly Mary Gardner by Skello & Amos
Gardner their next friends & Complainants
against

Isaac Gardner adm^r of John Gardner j^r died
defendant

Isaac Gardner

This cause was docketed by consent of the parties & Samuel Kello
& Amos Gardner appointed guardians in this case for the infant
Complainants And heard on the bill and answer, on Consideration
whereof it is decreed and ordered that John Davis Joseph
Wick William Willons and Joseph Lane or any three of them
make sale of the lands in the bill mentioned said to contain
about ninety eight acres (more or less) which was part of his
mother's dower also of two slaves called Edy & Cain on a
credit of twelve months and it orders that they give due
notice of the time & place of the sale and take ^{bonds &} sufficient
security from the purchasers & when the sale is so completed
& the bonds taken that they divide the amount in the following
~~proportions~~ ^{to wit} into seven equal parts & assign to Isaac
Gardner one. & to James Gardner, Amos Gardner, Etheldred
Pitman, Westwood Willons & Jacob Bradshaw one share each
to the other ^(infant complainants) Martha Joseph & Richard
^{in their respective shares} one seventh to be divided between them & ~~that~~ ^{that} the
Commissioners afores^d or any three of them convey the lands herein
mentioned to the purchaser in fee simple & make report
thereof in order to a final decree

Sam Kello

Mem^o Draw Rice in Ch^g. to divide the estate of En^d Gardner^{is}
among claimants — to wit 1 piece of land of 98. acres. — devised
to him by his father En^d Gardner in which his mother had share who is now
dead — — 2 negroes to wit Ede & Cain — left to the s^{on} John after
the death of his mother — — —

I hereby agree & consent, that a suit in Chancery
shall be instituted in the County Court of Southampton
for a division of the estate of John Gardner deceased
among the several claimants —

Nov^r 1799

James Gardner ^{seal}

Amos Gardner

Martha Gardner

Elizabeth Pitman

Sheba Pitman

mark his

Jacob the Bradshaw

Mark
William Bradshaw
mark

Westward Pursons

Ann Wilkins

John Gardner ^{mark} his
Saley + Gardner
mark

Gardner &

21

Pape

Gardner

Dec. 1800

In, Obedience to a decree of the Worshipful Court of
Southampton, (to us directed) Ordering, that we make
sale of the Land, & Slaves of John Gardiner & Co.

In compliance to the Above decree, we give publick
tender notice, & on the 18.th day of Jan^y. 1800. we
set up the Above s.^d Land & Slaves to the highest
bidder, on the premises) & sold the Same for Four
Hundred, Sixty Three dollars & 54 Cents — which we
have rec^d. And are ready to settle with the
S^{rs} Legatees; Agreeable to the S.^d decree. — Given under
Our hands this 15.th day of Dec^r. 1800 —

John Davis
Joseph Lane
Wm
— 11 —