

1818-019

SOUTHAMPTON COUNTY
CHANCERY PAPERS

VICK and Wife

vs. GARDNER'S ADMINISTRATOR + al

5/1818

other surnames: Davis

John Wick Wif

John Davis adm.

Amos Gardner,

friendly Bill & answer,



November 1877 Ant. J. Deuce

Deuce ipato

To the worshipping Court of Southampton County
sitting in Chancery humbly complaining sheweth
unto your worships your orator and oratrix John
Vick and Polly Vick his Wife late Polly Gardner.

That Amos Gardner departed this life
in or about the year 1812 Intestate leaving
an Estate in Lands Slaves and other personal
Estate; having left also a Widow, and three
Children, to wit, Polly Davis who has since
intermarried with John Vick; Peggy Gardner,
and Joseph Gardner Infants of tender years;
that the said Widow soon after departed this
life without ever having had any part
of the said Amos Gardner's Estate assigned
to her in right of Dower; whereby the whole
of the said Estate became vested in the said
three Children Polly Gardner now Polly Vick,
Peggy Gardner, & Joseph Gardner; that John
Davis jr. undertook and qualified as admi-
nistrator on the said Estate and also
became the Guardian and is now Guardian
to the said Infants Peggy Gardner & Joseph
Gardner, and holds possession of the whole
of the said Estate, as admr. & Guardian.
That your complainants primum from the
well known activity in business of the said
adm. that it is well enough ascertained

there will not be any occasion to sell any of
the said Slaves for the purpose of paying of
debts due from the said Amos Gardners
Estate, and consequently that the said Amos
is now so prepared in the said administration
on the Estate that a division thereof
might be safely made amongst those
entitled to the same. Your complainants
therefore pray that the said John Davis
as administrator to the Est. of Amos Gardner
and Peggy Gardner & Joseph Gardner, by
John Davis their Guardian be made
Defendants to this Bill of complaint may
Answer thereto and say if the allegations
therein are not true - that the Court
will order and Decree an equal division
of the said real & personal Estate consisting
of 343 Acres of Land; eleven Slaves, &
other personal Estate which may remain
after the payment of Debts amongst
your complainants and the sd. Peggy & Joseph
Gardner that is to say one third part
thereof to John Vick & Polly his wife in right
of the said wife - one other third part to
Peggy Gardner and the other one third part
to Joseph Gardner according to the act of

Assembly in such cases made & provided.
That Commissioners be appointed to carry the
same into effect, and for general relief.

The answer of John Davis as administra-
tor, on the Estate of Amos Gardner dec'd.
and as Guardian to Peggy Gardner & Joseph
Gardner, infant Children of Amos Gardner
dec'd. to a Bill in Chancery exhibited against
him in the County Court of Southampton,
by John Vick and Polly his wife, who was
formerly Polly Gardner. - For answer
thinks with that he cannot deny the
truth of the allegations set forth by the
complainants in their said Bill; and
wishes not to delay a division of the sd.
Amos Gardner Estate but is perfectly willing
it should be done and shall be satisfied
with such Decree as the Court shall
think proper to make in the premises.
and having answered prays hence to be
Dismissed.

Commissioners
John Denigree
Jas. Jones
Peter Pierce
Richard Williams

Stick W.

109

Davis W.

Ant. J. Dune

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Southampton November Court 1819

John Vick and Polly his wife formerly
Polly Gardner - Compt.
against

John Davis adm^r of Amos Gardner's
Joseph Gardner, and Peggy Gardner infant
children of said Amos Gardner by their
Guardian next friend John Davis app-
ointed by the court to defend them in
this behalf. - - - D^{ts}

In Chancery

This cause was this day settled by consent of parties
and assent of the court. It came on to be heard upon the bill
answer exhibits and arguments of counsel whereupon and
upon due consideration thereof had. It is decreed ordered and
adjudged that John Demegre, Thomas Jones, Peter Pierce &
Kinchen Williams or any three of them so sworn the lands
Slaves and other personal estate of Amos Gardner dec^d. which
may remain after the payment of D^{ts}, into three equal parts
and assign one of the said parts to the Compt. John Vick wife
one other of the said parts to the defendant Joseph Gardner and
the remaining third part to the defendant Peggy Gardner
or their Guardians and that they make report of their doings
and going in this behalf to the court in or to a final decree

Teste
J. M. Rochelle Co.

Report- To Court- of
the Division of
Amos Gardner dec'd.
Estate

Bealey and Clabourn Valued at 1125 dollars which toll
receives from toll n^o 3. John Pick's toll in right of his
wife the sum of 75. dollars which sums added makes
1200 dollars her full Proportionable part of the slaves
of her deceased Father. also toll n^o 3 draws on by
John Pick in right of his wife Say Fred Pherry Isham
and ned Valued at 1300 dollars which toll pays to tolls
n^o 1 and 2. 100 dollars which sum deducted from 1300
leaves 1200 dollars his full Proportionable part of the slaves
of Amos Jones deceased in right of his wife — Given
under our hands and seals this 18.th day of May 1878

Thos. Jones Secy

Peter J. Pierce Secy

Kirchen William Secy

Vick } Chcy
10 } Rep.
17 }
Garcia &
Davis }

May 1818 Rep. and S
GCR

Chcy

Agreeable to an Order of the County Court of Southampton
to us directed bearing date day of 1817 we the
Commissioners have gone on the Land of Amos Gardner
and attended with the County Surveyor as by the
Order we were required and have run out the Survey
the same and find them to be 385 Acres in the
Whole Tract. and we have also divided that quantity
of Acres agreeable to quantity as well as quantity in names
And form following (to wit) Beginning at a Post oak
a corner in William Joyner's line: of lot No 1 thence running
S. 85. E. — 38 Poles to a small Branch: thence S. 61. E.
2 1/2 Poles to a Post a corner in William Joyner's line
thence N. 54. E. 80 Poles to a large Stopping Pine at the
run of nottaway Swamp. near Mr. Shaders fence: thence due North
20 Poles to a Black Gum in Shaders line Perfection on the
line: thence N. 28. E. 79 Poles to a small White oak
a corner of Jeremiah Gay Old Mr. Gay & Joshua Shaders: thence
N. 77. W. 120 Poles to a Post oak a c. in Jeremiah Gays
line near a small Branch: thence S. 24 W. 10 Poles to
a Poplar on the Branch near the road — thence N. 77
W. 75 Poles to a Pine a c. made in the out Boundary
line being a new c. of lots No 1 & 2. Thence along the
dividing line of lots No 1 & 2. to a Post in the old Garden
near the house a c. of lots No 1-2 & 3. thence along the
dividing line of lots No 1 & 3 to the first Station.
containing one hundred and fifty acres which lot was
drawn by Joseph Gardner orphan of Amos Gardner
which 150 acres was valued at \$4 00 per acre makes 600
being his full Prop. value Part of the land of his de. Father:

also lot n^o 2 which was drawn by Peggy Gardner being the House lot. containing 50 acres Valued at 600 dollars Including the Dwelling House and Bounded as follows (to wit) Beginning at a Pine a new C^o made in the out Boundary line a C^o of lots n^o 1 & 2. thence N. 73. W. 29 Pole to a corner of the Branch: thence S. 61. W. 16 Pole thence N. 84. W. 48. Pole to two small white Gums in Notaway Swamp Branch a C^o of Capt. Pick. thence S. 7. E. 20 Pole Variation on the line; thence S. 55. W. 100 Pole to a new b^o Black Gum this out Boundary & in the dividing line of lots n^o 2 & 3 thence along the dividing line of lots n^o 2 & 3 to a Variation on the dividing line thence from there N. 74. E. to the Stake in the Garden C^o of lots n^o 1-2 & 3. and thence along the dividing line of lots n^o 1 & 2. to the first Station; being the aforesaid Peggy Gardner Proportionable Part of all the land of her deceased Father —

also lot n^o 3. containing 185 acres Valued at 600 dollars Including some out Houses & Part of the Orchard. which lot was drawn by John Pick in right of his wife ~~Peggy~~ Pick formerly Gardner. daughter of the P^{re}deceased Gardner dec^d. And bounded as follows (to wit) Beginning at a Black Gum a new corner made in lots n^o 2 & 3. thence S. 60. W. 84 Pole to a Post and

a corner of Capt. Joseph Pick. thence S. 68. E. 40 Pole Variation on ~~the~~ the line; thence S. 55. E. 14 Pole; thence S. 31. E. 80 Pole to a Pine Variation on the line: thence S. 54. E. 80 Pole to a Pine at a small Branch near the Edge of an old field thence S. 77. E. 14 Pole to a Pine a corner in William Joyner line: thence N. 40. E. 91 1/2 Pole to a small red Oak a ~~corner~~ fore and aft in William Joyner line: thence N. 41. E. 72 Pole to a Post and a C^o in William Joyner line and also a new C^o made in lots n^o 1 & 3 — thence along the dividing line of lots n^o 1 and 3. to a Post standing in the old Garden a C^o of lots n^o 1-2 & 3 — thence along the various corners of the dividing line of lots n^o 2 & 3. to the first Station being John Pick's full Proportionable Part of all the lands of Anne Gardner dec^d. in Right of his Wife.

And further in obedience to the decree aforesaid we the said Commissioners have Valued and divided the Slaves of the P^{re}dec^d. and allotted them to the different Legates in manner and form following (to wit) Say Lot n^o 1. drawn by Joseph Gardner say Anne & Children

3 said Anna and Patience Valued at 1175 dollars which lot receives from lot n^o 3. being John Pick's lot in right of his Wife 25 dollars which added to 1175. makes 1200 dollars Joseph Gardner full Proportionable Part of all the Slaves of his dec^d. Father — also lot n^o 2 drawn drawn by Peggy Gardner say Dined