

1824-020 SOUTHAMPTON COUNTY
CHANCERY PAPERS

DARDEN and Wife VS. HART etal

8/1824

Plat

other surnames: Ellis, Britt
Harrison, Elliott

Barclay & Co.

^M
Hart & Co.

Bice & Anwer

Jan'y 19th 1874 Har.
deerce —

Beysant

To the worshipful Court of Southampton in Chancery
sitting. Humbly complaining shew unto your
wships your complainants Carr Darden and
Lucy his wife late Lucy Hart a daughter
of William Hart decd. That the said William
Hart died sometime in the year 1803 intestate
seized and possessed of land and slaves in this
County. That partition of his slaves hath been
made among his children who had received
no advancements from their father in his
lifetime. to wit. Peggy who married Ephraim
Ellis and is since dead leaving an only child
an infant, Elizabeth who is now the wife
of Benjamin Smith, Lucy who is now the wife
of your complainant Carr Darden, and Henry
Hart who is since dead unmarried and
without issue. That the said William Hart
left two other children Temperance who was
then the wife of a certain James Harrison
and who is now a widow and Edwin G. Hart
That to the two last mentioned children
the said William in his lifetime made ad-
vancements both in land and personal estate
and that at the time of the partition so
as aforesaid made by a decree of this Court
the aforesaid James Harrison & wife and
Edwin G. Hart refused to throw their
and an advancement in land & also made to the said H. W. Hart
advancements into hotch potch. That at
the time of the partition aforesaid sundry
slaves amounting now with their increase
to six were allotted to Elizabeth Hart the

widow of said William Hart for her life as her
intent in the slaves of what the said William
Hart did propose. Your complainers moreover
state that the said William Hart at his
death was seized of a tract of land containing
two hundred and fifty four acres which has
never yet been divided among the children
of the said William Hart and upon which
the said Elizabeth Hart widow as aforesaid
Hart resided upon until her death which
happened lately. Your complainers and
advised that partition of the said land and
slaves cannot be made without the aid
of a Court of Equity where matters of this kind
are properly cognizable. In tender consideration
whereof and in as much as your complainers
and without remedy elsewhere they pray that
that the said Edwin G. Hart, Temperance
Harrison, Ephraim Elliott admr of his late
wife Peggy and William Elliott an infant
son of said Peggy Elliott by some friend to be
appointed to defend him in this behalf, and
Benjamin Pratt and Elizabeth his wife may
be made defendants unto and be compelled to
answer all the allegations herein contained
fully and unequivocally. They further pray that
the said land and slaves may be divided
among the parties entitled according to their
respective rights as herein before set forth.
and they pray for general relief &c

To the worshipful Court of Southampton in Chancery
sitting. The joint and separate answers of
Edwin G. Hart, Temperance Harrison, Ephraim
Elliott admr of his late wife Peggy, William
Elliott an infant son of said Ephraim and
Peggy Elliott by his next friend
and Benjamin Pratt and Elizabeth his wife
to the bill of complaint exhibited against them
by Carr Darden and Lucy his wife late
Lucy Hart a daughter of William Hart
died - These respondents saving and
reserving to themselves all benefit of exception
to any errors or imperfections in said bill
contained for answer thereto or to so much
thereof as he or advised is material and
necessary for them to answer, answering
say. That they cannot gainsay the facts
stated in the bill of the complainers and
that they are willing to abide by such
decree as this Court shall deem it proper
to pronounce, and having answered they pray
the same dismissed &c

Darden and wife

27

Hart &c.

This cause was this day docketed by consent of parties and a panel of the Court and was heard on the bill answer and arguments of counsel where upon the Court doth adjudge order and decree that the tract of land lying in this County containing about 454 acres of which Wm Hart died seized be divided into three equal parts having regard to value and that one part be allotted to the complainants in right of the complainant Lucy one third part to Benja Mitt and his wife Elizabeth in right of his said wife and the remaining third part to the defendant Wm Elliott subject to the life estate therein of the deft Ephraim Elliott. It is moreover adjudged ordered and decreed the slaves with their subsequent increase which were allotted to the widow of said William Hart be divided into four equal parts and that one part be allotted to the complainants in right of the complainant Lucy one part to the deft Ephraim Elliott a dowry of his late wife Peggy one to the defts Benja Mitt and his wife Elizabeth and that the remainder be sold on a credit of 12 months and the proceeds of the sale be divided into five equal parts to be secured by bonds with approved security and allotted in the following manner among the disinterested parties of Henry W Hart died ^{one} ~~of~~ the complainants one to the deft Edwin G. Hart one to the deft Joseph and Harriett one to the deft Benja Mitt wife and the remaining one to the deft William Elliott. And it is further ordered that Jacob Darden

Lepe Parker. Eldred Warren and Leonard
Cobb or any three of them to carry the foregoing
decree into effect and make report to this
Court in what manner ~~wh~~ they have done
the same in order to a final decree.

Dansen & Co
N. York
Hart & Co. D. Co.

A. Copy

Aug. 16th 1824 A. P. H. C.

W. O. D. — by Consent

D^o Crumpton County January Court 1824

Abner Dawson and Lucy his ^{wife} late Lucy Hart as
daughters of William Hart deceased. Complainants

vs
Ephraim S Hart and Temperance Harrison, Ephraim
Elliott adm^r of his late wife Peggy William Elliott
and infant son of said Ephraim and Peggy Elliott
by his next friend Edwin S Hart and Benjamin
Britt and Elizabeth his wife. Defendants

In Chan-
cery -

This Cause was this day docketed by Consent
of parties an agent of the Court and was heard on the bills answer
and arguments of Counsel whereupon the Court doth adjudge or-
der and decree that the tract of land lying in this County containing
about two hundred and fifty four acres of which William Hart
died seized he divided into three equal parts having regard to
value and that one part be allotted to the Complainants in right
of the Complainant Lucy one third part to Benjamin Britt
and his wife Elizabeth in right of her said wife and the remaining
third part to the defendant William Elliott Subject to the life
estate therein of the defendant Ephraim Elliott It is moreover
adjudged ordered and decreed the slaves with their subsequent in-
crease which were allotted to the Widow of said William Hart
be divided into four equal parts and that one part be allotted
to the Complainant ^{in right of the Compt^r} Lucy one part to the defendant Ephraim
Elliott adm^r of his late wife Peggy one to the de^{ft} Benjaⁿ
Britt and his wife Elizabeth and that the remainder be
sold on a credit of twelve months and the proceeds of the
sale be divided into five equal parts to be secured by bond
with approved security and allotted in the following

manner. Among the distributees of Henry M. Hart died one
to the Complainants one to the defendant Edwin G. Hart
one to the defendant Temperance Wareford one to the deft.
Benjamin Pratt and wife and the remaining one to the
defendant William Elliott and It is further ordered that
Jacob Darden Jeph Parker Edward Warren and Leonard
Cobb or any three of them do carry the foregoing decree into
effect and make report to this Court in what manner
they have done the same in order to a final decree

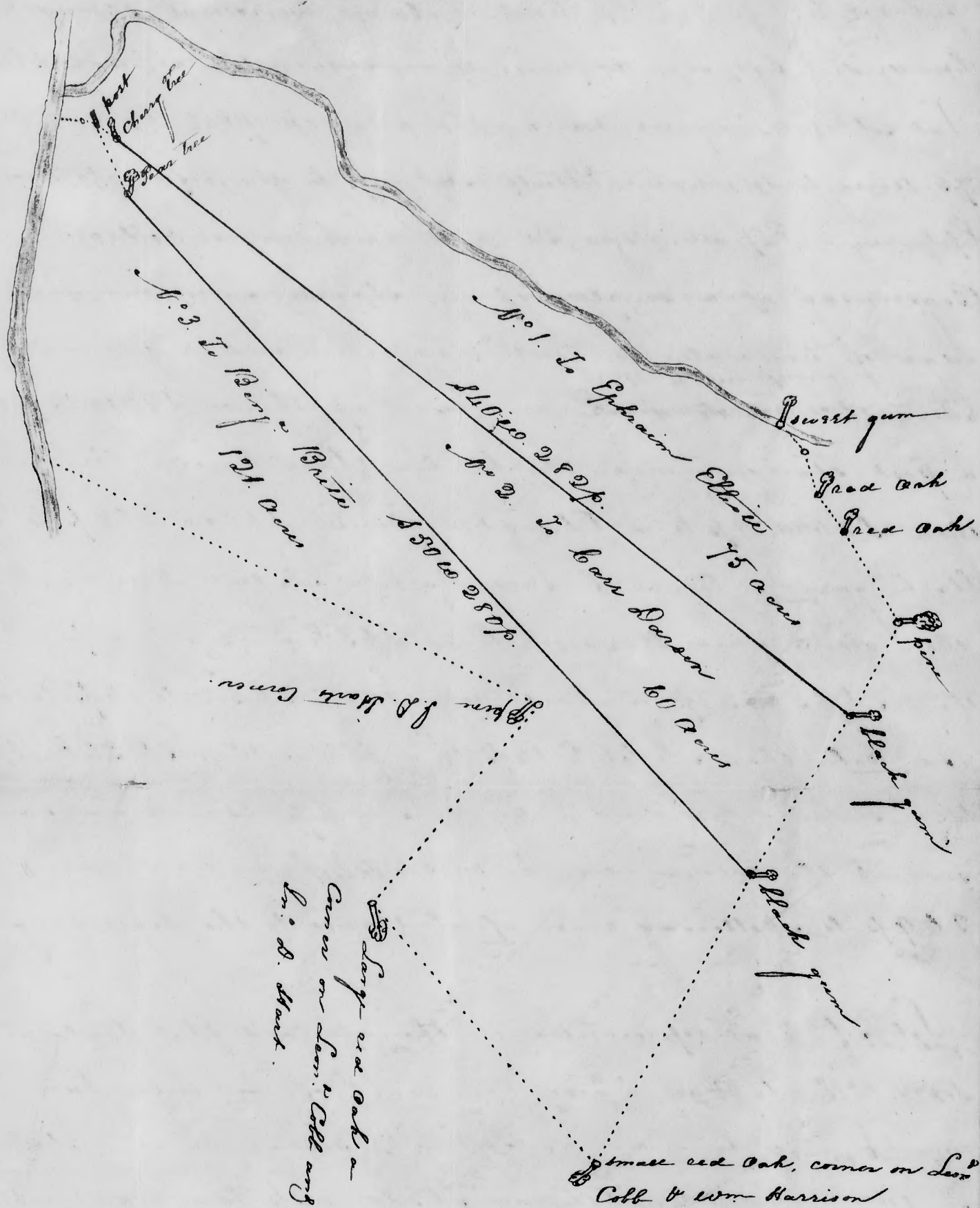
@ Copy Teste A. Middleton D.C.

Agreeable to a decree of Southampton Court dated June Session
1798. - We have viewed & Valued the Lands whereof Jesse Hart
died seized & possessed as follows. The tract of Land devised to
Richard Hart containing Eighty Acres valued at Eleven Shillings
& four pence p. Acre, under the incumbrance of the Widow's dower.
Another Tract of Land devised to William Hart containing
100 Acres, valued at fourteen Shillings & four pence p. Acre under
the Incumbrance of the Widow's dower -

Also another Tract devised to Moses Hart containing $125\frac{1}{2}$
Acres, valued at ~~ff~~ twelve Shillings p. Acre -
under the Incumbrance of Abia Nomble's life. Witness our
hands this 2nd day of August 1798. -

Edw. Bailey
Tho. Pultney
Sol. Holmes

44
70
75
12/180/15.



In obedience to an interlocutory decree, 'Danson &c. against
 'Hart, Brett & others, pronounced, at January term, by the
 County Court of Southampton in the year One thousand eight
 hundred & twentyfour, and herewith annexed: We, your
 Commissioners, have made a division of the tract of land
 and slaves in the decree mention'd: all of which, pro-
 ceedings and appropriations, we your said Commissioners

beg leave to report: The tract, contains by actual survey, two hundred & fifty six acres: as represented in the annex'd plat.

Lot N^o 1 as represented in the annex'd plat, Containing 75 acres to William Elliott subject to the life estate of Ephraim Elliott: marked and bounded as follows:

Beginning at a small Cypress standing in, or near, the edge of tea water in Nottoway river and a few rods above the mouth of the mill swamp, thence S 26^o W. 13 p. to a post standing near the kitchen, Carr Dardens Corner; then S 34^o W 8 p to a Cherry tree, thence S 40^o W. 282 p. to a black gum a Corner of said Darden, in W^m Harrison's line, then along said Harrison's line S 63^o E. 32 1/2 p. to a pine, then N 65^o E. 32 p. to a red Oak, then N 52^o E. 14 p. to a red Oak, then N 65^o E. 14 p. to a pine, then N 31^o E. 11 p. to a sweet gum in the mill swamp: then down said swamp the several courses thereof & bounded thereon 269 p. to Nottoway river above: thence to the beginning.

Lot N^o 2 as represented in the annex'd plat, Containing sixty acres; to Carr Darden in right of his wife Lucy: marked and bounded as follows: Beginning at a stake in W^m Elliott's line, thence S 63^o W. 22 p. to a pear-tree, then S 50^o W. 280 p. to a black gum Benj^l Bratts corner on W^m Harrison then along S^o Harrison's line S 63^o E. 52 p. to a black gum W^m Elliott's corner, thence along S^o Elliott's line N 40^o E. 282 p. to a Cherry tree; then N 34^o E. 8 p to the beginning.

Lot N^o 3 as represented in the annex'd plat: Containing One Hundred & twentyone acres: To Benjamin Bratt, in

right of his wife Elizabeth: marked and bounded as follows: Beginning at a small Cypress standing on Nottoway river as above: W^m Elliott's corner: thence out S 24^o W. 13 p. to a post, then S 63^o W. 22 p to a pear tree in Carr Dardens line, thence S 50^o W. 280 p. to a black gum said Dardens Corner: then N 63^o W. 100 p. to a red Oak, W^m Harrison's & Leon^o Cobb's Corner: then N 50^o E. 105 p. to a large red Oak: S^o Cobb's & ~~Leon~~ D. Harts^{Corner}, then S 50^o E. 80 p. to a pine In^o D. Harts Corner: then N 25^o E. 172 p. to Nottoway river above, then down said river 103 p. to the beginning: which we do adjudge, having regard to quality as well as quantity, renders the division equal; all of which is submitted.

Your worships in your decree hath further ordered that we divide the slaves allotted to the widow of the late William Hart de^o into four equal parts: which we effected in the following manner:

Lot N^o 1: Negro man Jacob valued at \$308. 33 1/3 to the estate of Henry W. Hart de^o, which receives from N^o 2 the sum of \$41. 66 2/3 & from N^o 3. \$8. 33 1/3 which makes the sum of \$358. 33 1/3 his proportional part.

Lot N^o 2: Negro man Norridge valued at \$400. to Ephraim Elliott in right of his wife Margaret, from which deduct the sum of \$41. 66 2/3 paid to N^o 1. leaves \$358. 33 1/3 his proportional part.

Lot N^o 3: Negro man Simon valued at \$375. to Carr Darden in right of his wife Lucy, from which deduct the sum of \$41. 66 2/3, one equal moiety of which is paid to N^o 1. the other to N^o 2. leaves \$358. 33 1/3 his

proportional part.

Lot N^o 4: Negroes Will & Harry valued at \$350 to
Ben^g. Britte in right of his wife Elizabeth: to which
sum add \$8. 33 $\frac{1}{3}$ received from N^o 3. makes his
proportional part the sum of \$358. 33 $\frac{1}{3}$.

Your Commissioners then proceeded to sell the slave
Jacob, drawn by the estate of Henry W. Hart de^d on a
Credit of 12 months, when Edwin Harrison became the
purchaser for the sum of \$367. 00

deduct 5 $\frac{1}{2}$! Commissions on \$367. 00 18. 35

Leaves a balance to be divided into 5 shares of \$348. 65

Your Commrs then proceeded to take five separate
bonds of Edwin Harrison, with William Harrison his
security for the sum of \$69. 73 each.

One of which bonds have been delivered to Carr Darden
in right of his wife Lucy for the sum of \$69. 73

One to Edwin G. Hart for the sum of 69. 73

One to Temperance Harrison for ditto 69. 73

One to Ben^g. Britte & wife for ditto 69. 73

One to the Guar^{an} for Wm. Elliott for ditto 69. 73

making the sum of \$348. 65

which will account for the purchase money, after
deducting the Commissions as above stated:

All of which is, to your worships, submitted.

Given under our hands & seals this day of
January. 1824.

Josef Parker Seal
Ephedre Warren Seal
Leonard Cobb Seal
mark

J^o Hart

32/10

in the eyes

Copied

John Hart

To J^o Simmons Sheriff of Southampton D^y

1790. To 310 Acres Land - - - - - £0. 12. 1

To 3 leveys 9/ 4 pole 10/ 2 horpes 1/ - - - - - 1. 0. 0

£1. 12. 10

Chy. & J^o Simmons late
Sh^r of S^oth County

In the name of God amen I Jesse Hart of Southampton county do make and sever this to be my last will and testament and for what temporal estate it hath ben please God to bestow on me I dispose of in form and manner following—

Item I give to my son Richard Hart the plantation whereon he now lives containing eighty acres more or less to him and his heirs forever bound as follows beginning at the head of Snake branch down the said branch to the fork from thence a straight line to the head of the haweslash down the said slash to the low grounds of the swamp from thence a straight south west course to the main run but if my son Richard should die without lawfull issue for my son Moses to possess the said land

Item I give to my son William Hart the plantation whereon I now live containing one hundred acres more or less to him and his heirs forever but if my son William should die without lawfull issue for my son Sam Hart to possess the said land

Item I give to my son Moses Hart all the land I bought of Jesse Wadwell containing one hundred & twenty five acres more or less to him & his heirs forever

Item I give to my son Moses Hart seven pounds in money

Item I give to my son William Hart seven pounds in money

Item I give to my son Samuel ^{Hart} twenty pounds in money

Item I give to my daughter Mary Hart ten pounds in money

Item I give to my daughter Miland Hart ten pounds in money

Item I give to my daughter Jane Hart fifteen pounds in money

Item I give to my daughter Charity fifteen pounds in money

Item I give to my son Richard my hot water still after my death if he will pay twelve pounds to my estate

Item The res of my estate to be equally divided between my wife Nancy Hart and all my children namely Richard¹ son, Sarah², Mary³, Moses⁴, Miland⁵, William⁶, Jane⁷, Charity⁸ and

And Samuel Hart —

Item My will and desire is that my son Richard should have liberty to put out my young children when he thinks best —

Item I likewise appoint my son Richard Hart and Jesse Womble my whole and sole executors of this my last will & testament in witness whereunto I have set my hand & seal this 31st Day of December 1790 —

Sign'd & sealed published
and delivered to be the
last will and testament
of the above in presence of

his
Jesse Hart Seal
mark

Joseph Hart

Joseph Hart

Benjamin Hart

Jesse Hart

© True Copy, test, Sam Kello B.

At a court held for the county of Southampton the 11 day of Feb^y 1796 This will was presented in court by Richard Hart & Jesse Womble the Executors therein named proved by the oaths of Joseph Hart Joseph Hart Benjamin Hart & Jesse Hart witnesses thereto and ordered to be recorded and on the motion of the said Executors who made oath according to law Certificate is granted them for obtaining a probat thereof in due form giving security, Whereupon
So —

Juan Kello

in a like

(Copy)

for Harts will

Heart
to
Heart Dead

Transfer made

This Indenture Made this second day
of August in the year of Our Lord One thousand
Eight hundred and twenty, Between Lefe Hart
and Mary his wife, Robert Hart and Cherry his wife,
Thomas Holliman and Sylvia his wife, John J
Gadler and Candy Sally his wife, and Hartwell
Hart and Olive his wife, of the one part, and
Benjamin Hart of the other part, all of the
County of Louisa in the State of Virginia
Witnesseth; that the said Lefe and Mary his
wife, Robert and Cherry his wife, Thomas Holliman
and Sylvia his wife, John J. Gadler and Sally
his wife, and Hartwell Hart and Olive his
wife, for and in consideration of the sum
of four hundred dollars, to them in hand ~~paid~~
paid, or to be paid, by the said Benja
Hart before the enrolling and delivery of these
Presents, the receipt whereof is hereby acknowledged
have granted bargained sold aliened released and
Confirmed, and by these presents, do grant bargain
sell alien release and Confirm, unto the said
Benjamin Hart his Heirs and assigns forever,
all their right title and interest to a certain
tract or parcel of Land, lying in the County
of Louisa in the State of Virginia, and bounded ^{by} the lands of John
Pleasant Cole Mrs. Bailey Richards Hart Charles

= Hart and Lipe Hart Jr. which said land was given
 to John Hart late of this County, by his father Robert
 Hart, in his last will and Testament, to have
 and to hold unto the said Benjamin Hart his
 heirs and assigns forever, and also the remainders and
 remainders, reversion and reversions rents Issues and
 profits, of the said tract and parcel of land
 to the only proper use and behoof of him the said
 Benjamin Hart his heirs and assigns forever, and
 the said Lipe Hart and any his wife, Robert Hart
 and Cherry his wife, Thomas Holliman and Sylvia
 his wife, John G. Sadler and Sally his wife, and
 Hartwell Hart and Olive his wife, for them
 = selves their heirs and assigns, doth Covenant grant
 and agree, to and with the said Benjamin Hart,
 that they will warrant and forever defend unto
 him the said Benjamin Hart, the aforesaid tract
 and parcel of land against the lawful claims
 of any person or persons Whomsoever.

In Witness whereof the parties to these presents
 have hereunto set their hands, and affixed their
 seals the day and year first above written
 Signed sealed and delivered
 in presence of

Arthur Holliman
 Silas Sumner
 Rufus Hart

Lipe ^{his} Hart ^{mark} Seal
 Sylvia ^{her} Sadler ^{mark} Seal
 Robert ^{his} Hart ^{mark} Seal

Herod Sumner
 Lipe Bailey

Thos. Holliman Seal
 Sylvia Holliman Seal
 John S. Sadler Seal
 Sally ^{her} Sadler ^{mark} Seal
 Hartwell ^{his} Hart ^{mark} Seal
 Olive Hart Seal

Southampton County to wit

We Silas Sumner and John C. Gray
 Justices of the peace in and for
 the State of Virginia, do hereby Certify that say
 Hart wife of Lipe Hart, Sylvia Holliman wife
 of Thomas Holliman, Sally Sadler wife of John S.
 Sadler, and Olive Hart wife of Hartwell Hart,
 Parties to a certain Deed for the Conveyance of
 real estate to Benjamin Hart, bearing date on
 the second day of August 1820, and hereunto
 annexed, personally appeared before us in our County
 aforesaid and being examined by us privately and
 a part from their Husbands, and having the
 Deed aforesaid fully explained to them, they
 the said say Sylvia Sally and Olive, acknowledged
 the same to be their act and Deed, and declared
 that they had willingly signed sealed and delivered
 the same, and that they wished not to retract the
 same under our hands and seals this 2^d day of August 1820.

Silas Sumner Seal
 John C. Gray Seal

Went
to } Dear
Barnes for
M.A. Everitt

Nov. 15th 1874 Ack'd
I rec'd _____ in open
Court _____

Recorded
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This indenture made & entered into this 13th day of
Nov^r 1824 between John D Stark of the first part
and Jacob Barnes, of the other part witnesses
that whereas ^{Voluntary Land,} ~~the said Stark~~ has heretofore purchased
a tract of land from Lemuel Everett situated in the
County of Southampton. now the said John D
Stark for & in consideration that Maria A.
Everett (who is the wife of the said Everett) was
entitled to a contingent interest in the said land
has relinquished to him her right of dower in the
said premises & for & in the further consideration
of the sum of one dollar to him in hand paid
by the said Jacob Barnes, of the second part
hath given granted bargained sold & by these
present, both give grant bargain & sell unto the
said Jacob Barnes the following property to-wit a Negro
woman Edy, one dorsal mare, one heaffon, one black
horse, one black filly & one gun boat
to him & his heirs forever upon special trust
nevertheless as hereinafter by him covenanted & agreed.

Sch and the s^d Jacob Barnes, - for and on his
part covenants and agrees that he will during the
life of the s^d Maria S. Bente allow to her the benefit
of the s^d property to her own free & separate use, either
by permitting ^{her} to have and keep the possession of
the same or by permitting ^{her} to enjoy the rents and pro-
fits thereof at her own election, and at her death
that he will convey the same in fee to her children
or such of them as there be, providing that at all
times it may be lawful for the s^d Jacob Barnes
upon the request in writing of the s^d Maria S. Bente
to sell the whole or any part of the s^d property
& purchase other property or permit to her the
use of the money therefrom arising at her election,
in which event and on the death of the s^d Maria
such transfer or conveyance shall be made
to her children or as the nature of the then
existing property may admit of. In Testimony whereof
the parties have hereunto set their hands and seals
the day and date above written

Teste
Lawrence Cook

Sally H. Barnes

Nov 15th 1824

J. D. Hart

Jacob Barnes

Sussex County

In the Clerk's office the 15th November 1824

At a Court held for the County of Sussex on the 15th November 1824
This Indenture was acknowledged by John D. Hart and Jacob Barnes the parties
hereto and ordered to be recorded.

Teste.
James Rochelle C. C.