

1827-019

SOUTHAMPTON COUNTY
CHANCERY PAPERS

GARDNER et al VS. GARDNER

3/1827

other surnames: Parker

Henry Gardner to

or Bill.
p.c. p.c.

Elez. Gardner.

Baker.

Feb. 19th 1827 / J. J. Dimes

Secrecy. Copied

L. A. M. P. Co. Co.

To the worshipful Court of Southampton
County in chancery sitting humbly complaining
Shew unto your worships your Orators and Orature Henry
Gardner, Gordon Parker & Jane Elizabeth Parker infants
suing by Harrison Parker their next friend, that about
the first of February last, Henry Gardner late of the
County of Southampton, departed this life intestate.
The said intestate ~~left several~~ died seized & possessed
of three several tracts or parcels of land, situate in
the County of said, one tract containing by estimation
seven hundred acres, the same being the tract upon
the intestate resided at the time of his death, one
tract supposed to contain about seven hundred acres,
and one other tract containing by estimation one hundred
acres, to which is attached a certain place on Nottoway
River near Jones Ferry: the said testator left a
widow named Elizabeth one son, to wit, your Orator
Henry & two grandchildren, namely, your Orator and
Orature Gordon & Jane Elizabeth, to whom the said
real estates descend as the said intestate lies at
law: and in these circumstances the said Elizabeth
being in possession of the said several tracts of
land & being intitled to deliver them, your Orators
and Orature have frequently applied to her for a
division thereof according to law: But these reasonable
requests have hitherto been refused: In Tender con-
sideration whereof 1.^o To the End therefore that the
said Elizabeth Gardner, widow subject as aforesaid,
who is prayed to be made defendant hereto do may
upon her corporal oath may full & perfect answer
make to all & singular the said allegations and
that as perfectly as if the same were her again
repeated & she should be interrogated: And your Orators
forative pray that your worships will decree

a division of the said several tracts or parcels of land, allotting to the said Elizabeth the defendant her proper down therein & to John Parker & his heirs the share to which they are entitled, & that you will make such other or further order or decree in the premises as may seem consistent with equity & justice: may it please the court to grant the

The answer of Elizabeth Gardner widow defendant of Henry Gardner to the bill of complaint exhibited against her in this court by Henry Gardner, Godwin Parker & Jane Elizabeth Parker infants suing by Francis Parker their next friend complainants.

This Respondent saving &c. for answer to the said bill saith that the allegations therein contained are true, and she consents to a decree directing an allotment of her dower in the land where her late husband Henry Gardner died &c. & a division of the balance among the complainants according to their respective rights. & that she does deny all fraud &c. & says to be her due & unpaid with her costs &c.

Gardner is: Gardner - chg.

This cause came on this day to be heard upon the bill answer by consent of parties and was argued by counsel. On consideration whereof the court doth adjudge order & decree that Jacob Gardner, John Parker & ^{Jane D. Maplesburg} ~~Robert~~ ~~Robert~~ ~~Robert~~ or any two of them, assisted by a competent surveyor if necessary, do allot & set apart to the defendant Elizabeth Gardner, for life, one third part of the several tracts or parcels of land ^{in the bill mentioned} whereof Henry died seized & possessed, situate in the county of Southampton: that they or such of them as may not do allot & set apart to the comp. Henry Gardner, in fee simple, one equal moiety of the balance of the said land, and to each of the complainants Godwin & Jane Elizabeth one half of the remaining moiety of the said land, & that they report &c.

Gardner
vs
Gardner } In Chancery
Comm. Report

March
~~April~~ 1827 Rept. ret. & final
Dues -

In obedience to a Decree and order of the county court of Southampton, an attested copy whereof is hereto annexed; we Jacob Gardner and Jesse Parker, two of the commissioners named in the said decree, with the assistance of Wm M. Jones, a surveyor, by us deemed competent; have allotted and set apart to Elizabeth S. Gardner, for life one third part (in value) of the several tracts or parcels of Land, whereof Henry Gardner, her late husband, died seized and possessed, situate in the county of Southampton, in the following manner, *viz*—

First. By examining the title papers we found the deceased to have died seized and possessed of the following tracts or parcels of Land, to-wit.

That called 'The home tract', which we find to have been purchased in different parcels, and from different persons, but all adjoining, and together making up the number of, One thousand and fifty nine and an half acres. That called 'The Carr tract' purchased in like manner at different times and from different persons but lying contiguous, and amounting to six hundred and fifty five acres; and a small piece containing seven acres, purchased from Polly Jones, which embraces the Fishing called 'Seepstakes'; making in the whole Seventeen hundred and ^{Twenty one} ~~and~~ an half acres.

To Elizabeth S. Gardner we have allotted and set apart as her dower, in the whole of the above lands—Four hundred acres, being a part of the first mentioned or 'home tract', Bounded as follows—*viz*—

Beginning at a point on Halloway river, Ten paces

below the lower end of The upper seine beach. running thence
in a North easterly direction, through the pocomo, to a large
Persimmon tree standing in the apple orchard, in a
southeasterly course from the dwelling house. Thence
N. 50. E to a stake on the fence side. Thence S. 48 E
57 Poles to a pine. Thence N. 53 E. 39 Poles to a small
pine at the corner of the fence. Thence N. 9. W. to the
fish road, thence along the fish road to the path leading
from the house to the Brown's ferry road. Thence along the
said path to a Poplar in the last mentioned course
of N. 9 W. thence continuing that course to James
Britt's line (a pine) thence along Britt's line to the
River thence down the various courses of the river
to the beginning. with the privilege of removing the cross
fence on the S. East side of the orchard, with the cross
-pen fence, in order to run a fence on the dividing
line through the orchard, and through the woods -
pasture; at any time she may think proper.

To the Complainant Henry Gardner, we have allotted
and set apart in fee simple, One moiety of the remain-
-ing two thirds in value, It being all the Tract called
"The Carr Tract" except one hundred and fifteen
acres, which was purchased by the dec^d at the sale
of the one fourth part of the lands of which the late Jesse
Gardner ~~dec~~ ^{dec} dec^d seized, as appears by a
Deed executed by Jacob Darden, Jesse Parker, Jephah
Darden and Jacob Daughtry commissioners appointed
by the Court for that purpose - which Deed bears date
the 3^d day of July 1819, and is duly recorded,
leaving to the said Henry Gardner Five hundred
and forty acres as his full moiety of the remaining

two thirds. And to the Complainants, Edwin,
and Jane Elizabeth Parker, we have allotted and assigned

The remaining part of the Home Tract - $659\frac{1}{2}$ acres

The lot purchased from Jesse Darden
estate as above mentioned } $115\frac{1}{2}$ acres

And the Sweepstakes fishing containing $781\frac{1}{2}$ Seven hundred
in all

eighty one and an half acres, as their full moiety of the
remaining two thirds.

Your commissioners being of opinion, that it would
be more to the interest of the children to leave this lot
for the present, undivided, we have on the request
and consent of Harrison Parker their Equidivisors
omitted to do so. All of which is respectfully
submitted to the Court. Given under our hands
this 21st Feb^y. 1827.

Jacob Darden
Jesse Parker
— E

Gardner &c
vs. Interlocutory
Gardner Decree.

Copy

Southampton County February Court 1827

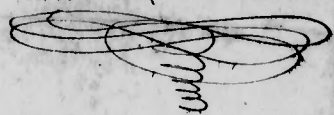
Henry ~~Goodwin~~ Goodwin Parker and Jane Elizabeth Parker
infants. suing by Harrison Parker their next friend Complaint
against

Elizabeth Gardner widow and relief of Henry Gardner. Defendant

In
Chancery

The Cause came on this day to be heard upon the bill
and answer by Consent of parties and was argued by Counsel. On consideration whereof The
Court doth adjudge or ^{do} decree that Jacob. Darden. Jope Parker and James. D.
Masperburg or any two of them assisted by a Competent Surveyor, if necessary. do allot
and set apart to the defendant Elizabeth Gardner for life one third part of the several
tracts or parcels of land in the bill mentioned whereof Henry died seized and possessed
situate in the County of Southampton, that they or such of them as may act do allot &
set apart to the Complainant Henry Gardner in fee simple one equal moiety of the
balance of the said lands and to each of the Complainants Goodwin & Jane Eliza-
beth One half of the remaining moiety of the said lands and make report &c

Test.

James Rochelle. lcb


I certify that I am willing that the county
court of Southampton may decree a division of
the lands wherof my late Husband Henry
Gardner did possess, giving me down
therein according to law.

Feby. 8. 1827. (Signed) Eliza S. Gardner

Test
James Scoggin