

1837-023 SOUTHAMPTON COUNTY
CHANCERY PAPERS

GARDNER, By Friend

VS. GARDNER'S ADM'R.
& ROBERTSON'S ADM'R.
2/1837

Other surnames: Francis,
Daughtrey

To the justices of the County Court of S^campton in
Chy: sitting, humbly complaining, shew to the Court
your oratrix Barbara R. Gardner an
infant being by Solomon Bayley
her next friend - That one Elizabeth Frances
Gardner late of the County of S^campton departed
this life intestate, under the age of 21 years,
without issue and unmarried, leaving
an estate, consisting in part of four negro
slaves, called Harry, Tim, Mike & Cherry
- since which

as administrators on the said estate before the
County Court of S^campton were appointed
~~the~~ ^{they} of the estate, much more than suf-
-ficient to pay the just debts and funeral
expenses without requiring a sale of the
slaves or either of them - The said deceased
infant had at the time of her death
your oratrix her sister, and a mother
who was then Tabitha Roberson wife of
one Lemuel Roberson of the said County,
the said Tabitha Roberson the mother
has since died, leaving her husband
surviving, and one Jacob R. Bayley
has administered on her estate before the
County Court of S^campton - Your oratrix
is advised that the estate of her said
sister after death descended equally
to herself and the mother, and as the
mother was a married woman her
share will go to her husband for the use
of the surviving husband after payment
of debts &c. and she is advised that the
intent of all concerned requires a divi-
-sion of the said slaves - but notwithstanding
she has ~~not~~ ^{not} requested such a division,
she is advised by the advisors of the said

decree, that no division can be
legally made except by the intervention
of a Court of Equity, and that he will
not surrender the said slaves except
under the order of this Court all which
is contrary to Equity. In tender consid-
eration whereof she prays that the said
admr: of the said Elizabeth Francis
Gardner decd. and the said Jacob R.
Daughtry admr: of Tabitha Robertson
decd: be made defendants unto and
be required to answer this bill, fully
and unavailingly, that you will decree
a division of the slaves aforesaid
according to the statute of distribution
and make any other order in the
premise, consistent with equity
and as is duly demanded she will pray.

A. Atkinson p. g. (signed)
Solomon Daughtry

To the Court of Bathampton County. The
plaintiff answers of Samuel Vaughan
admr: of Elizabeth Francis Gardner decd.
to the bill of complaint against them
and other in said Court exhibited by
Barbara R. Gardner an infant child
by Solo. Daughtry her next friend -

The defendants - said R. answer
and say - the allegations in the bill are
substantially true and they are willing to
surrender the slaves of the estate of the
said Elizabeth F. Gardner to be divided
provided the parties entitled be decreed

to execute to him a few of his honor as the
law requires &c. - (signed) Samuel Vaughan

The answer of Jacob R. Daughtry admr: of the
estate of Tabitha Robertson to the bill exhibited
against him and others in the Co. of Bathampton
by Barbara R. Gardner &c.

The defendant says he is admr: of the estate
of Tabitha Robertson and consents to the
same asked for &c. pray hence to be signed.
(signed)
Jacob R. Daughtry

Barbara R. Gardner an infant child by
Solomon Daughtry her next friend
admr: of Elizabeth F. Gardner & Jacob R. Daughtry
admr: of Tabitha Robertson decd: -

This cause came on this day to be heard
on the bill and answer filed, and was
argued by counsel; on consideration
whereof the Ct. both judge, order
decree that said parker, Harrison parker,
Munroth Holland, Hardy Rawls and
Goodman & Johnson or any 3 of them
divide into two equal parts having
regard to quality and quantity, the slaves
belonging to Elizabeth Francis Gardner at
her death; that they allot one moiety to
the mansion of the R. Barbara R. Gardner

and the other half to Jacob R. Baughtry
 admor. of Tabitha Robertson decd: -
 And the Court doth further order that before the
 said distribution shall be entitled to the
 property aforesaid, the said infant by guardian,
 and the said Jacob R. Baughtry admor. of
 Tabitha Robertson, if required by the admor. of
 Elizabeth Fran. Garrison, execute bonds with
 good security in a penalty equal to twice

1836 Dec. 18
 1837. 24th. Not yet returned?

Garrison filed
 " by his de
 Garrison against
 Robertson admor.

1838. 1198.

Albion

the value of the share of each, payable to
 the representative of the said Elizabeth Fran.
 Garrison, conditions to refuse any por-
 -tions of any debt or demands which
 may hereafter arise against the said Elizabeth
 Fran. Garrison estate, together with the costs
 attending the same. - And the said Court
 will make report in order to a final decree.

Boy Jim - - - - 900.00
Lyle Cherry - - 200.00

Gardner & Co

Boy Mike - - 900.00
Man Harry - - 200.00

in } Co. Deane

Gardner & Co

For Commissioners

Southampton December Court 1836-

Barbara R Gardner an infant suing by Solomon Daughtrey her next friend

Plff

In Chancery

against
Samuel Vaughan Adm. of Elizabeth Francis Gardner dec^d & Jacob R Daughtrey adm. of Tabitha Robertson dec^d

This cause came on this day to be heard on the bill and answer filed, and was argued by Counsel: On consideration whereof the Court doth adjudge, order and decree that Jesse Parker, Harrison Parker, Meredith Holland, Hardy Rauls and Goodman E Johnson or any three of them, divide into two equal parts, having regard to quality and quantity the slaves belonging to Elizabeth Francis Gardner at her death, that they allot one moiety to the guardian of the Plaintiff Barbara R Gardner and the other half to Jacob R Daughtrey, Adm. of Tabitha Robertson dec^d. And the Court doth further order that before the said distributions shall be entitled to the property aforesaid, the said infant by guardian and the said Jacob R Daughtrey Adm. of Tabitha Robertson, if required, execute bonds with good security in a penalty equal to twice the value of the share of each payable to the Representative of the said Elizabeth Francis Gardner, conditioned to refund due proportions of any debts or demands which may hereafter arise against the Estate said Elizabeth Francis Gardner's estate, together with the costs attending the same. And the said Commissioners will make report in order to a final decree -

Attest Teste

L. R. Edwards

In obedience to an interlocutory decree: Garner & agent
Vaughn and others, pronounced by the County Court of
Southampton, at December Court 1836, your Commissioners
having decided the slaves belonging to Eliza F. Garner
at her death, between the distributees, namely the heirs
of Barbara R. Garner, and Jacob H. Daughtrey the adm.
of Tabitha Robertson de^{ce}, beg leave to report.

Your Commissioners proceeded on Saturday the 31st day
of Decem^r. 1836, first to estimate the value of the slaves
in the bill mentioned namely;

Tim ^r valued at	\$900
Mike " "	\$900
Harry " "	\$200
Cherry " "	\$200

$\frac{1}{2} = 2200$

\$1100 to each share.

We then placed Tim^r. \$900

and Cherry at 200 in lot N^o 1 which was drawn
by Samuel Vaughn the guardian of Barbara R. Garner

We also placed Mike \$900

and Harry at 200 in lot N^o 2 which was
allotted to Jacob H. Daughtrey the adm. of Tabitha Robert-
son de^{ce}.

The distributees by guardian &c, then executed bonds with
security in a penalty equal to twice the value of the
share of each, payable to the representative of the said
Elizabeth F. Garner, conditioned to refund due propor-
tions of any debts or demands which may hereafter
arise against the said Elizabeth F. Garner's estate, toge-
ther with the costs attending the same.

all which is respectfully submitted.

Given under our hands the 31st of Decem^r. 1836.

Leff^r Parker
Hardy Raulb