1862-003 SOUTHAMPTON COUNTY CHANCERY PAPERS GARDNER and Wife vs. GARDNER'S ADMR, et al 1/1862

other SURNAMES: Cogsdale, Coggsdale

Jandmeasure
or 3 Decm
Jandmeasure

1858 Dec 6th Decree filed
† 1859 Jany Decree amended
1861 Dec Report.
1862 Jany 6 Confd

Gardner's wife
vs
Gardner &c

This day this cause came on to hear on the bill, answers and general replication Thereto by consent of parties and was argued by counsel on the consideration whereof the court doth adjudge and decree that Lt Governor E. Johnson & Wm H Cogsdale who are hereby appointed special commissioners for that purpose shall after having given at least twenty days notice by public advertisement at the court house precinct to sell at public auction to the highest bidder at the court house on some court day the slave Mendith belonging to the estate of Everett Gardner deceased for cash and after paying the costs of this suit and the sale allot one fifth to Wm H Cogsdale and Mary his wife, and the residue divide into four equal shares and allot one fourth to the said Gardner and Mary his wife, one fourth to the lawful guardian of Mary E Gardner, one fourth to the lawful guardian of Caroline Gardner and one fourth to the lawful guardian of Margaretha Gardner, and make report to this court in order to a further decree

But the commissioners named above are not to act under this decree until they or some one for them shall have executed in the clerks office of this court a bond in the penalty of fifteen hundred dollars conditioned as the law directs

To the worshipful County court of Southampton County
in chancery sitting

Humbly complaining your orators
Uriah Gardner and Abby his wife show unto your worships
that sometime in the year Count Gardner of Southampton
died intestate leaving considerable estate real and personal
and that Goodman & Johnson qualified as his administrators
and leaving Mary his wife since intermarried with
Wm H Cogsdale and Elizabeth Gardner (a child since
dead under the age of eighteen and whose portion goes
equally to the widow and surviving children) Abby
Marino to Uriah Gardner, and Mary E, Faustina and
Maynathal Gaiblen his children and his distributees and
heirs at law, Your Orators state further that the admrs
Goodman & Johnson has gone on and fully administered
the estate paid all the debts due and that it is now
ready for distribution among the heirs, that the only
property now in his hands is a negro man Meredith
and that he will have to be sold for distribution
In Tender consideration whereof and inasmuch as
your orators are without relief except in a court of
equity They therefore pray that Goodman & Johnson admrs
of Count Gardner dec'd Wm H Cogsdale and Mary
his wife, Mary E, Faustina and Maynathal Gardner
three infants by some fit and proper person their
guardian ad litem appointed for that purpose may
be made parties defendant to this bill, and compel
them as full and perfect answer make to the allegations
therein contained as if they had been thereunto more
fully and specially interrogated and that the court
would direct a sale of the slave Meredith and a
division of the money arising therefrom according to
the rights of the parties, and that the court would
grant such other and general relief the premises
considered as equity may dictate and the nature of
this case may require and as in duty bound your
orators will ever pray &c

Thomas H. G.

The answer of Goodman E Johnson to the above bill

This defendant saving &c for answer to &c say that he believes the debts of his intestate are paid and has no objection to the courts granting the decree prayed for and having fully answered prays hence to be dismissed with his costs &c

Shands p. d.

The joint answer of Wm E Logsdale and Mary his wife

These defendants for answer &c say they deem that the court would allot them so much in fee simple in lieu of their life right in one third and having fully answered &c pray hence to be dismissed with &c

Shands p. d.

The joint answer of Mary E, Faulina and Marmaduke Gardner by L R Edwards their guardian ad litem

This defendant for answer to the said bill or as much thereof as he is advised it is material for him to answer, answering, says, that he knows nothing of the facts of the case but submits interest of his wards to the care of this court whose guardian duty it is to protect the rights of infants, and having fully answered prays hence to be dismissed with his costs &c

Shands p. d.

Jardine & wife

vs 3 Amended Decm

Jardine

1859 Jany 7

Gardner v wife
vs 3 Amended Decree
Gardner ec

This cause this day came on again to be heard on the papers formerly had and was argued by counsel on the former motion the court doth adjudge order and decree that Godman C Johnson William H Coggdale who are hereby appointed special commissioners for this purpose shall after having given thirty days notice by public advertisement at the court house proceed to sell at the court house on some court day at public auction to the highest bidder for cash the slave Meredith belonging to the estate of Everett Gardner dec and after paying costs of this suit and sale allot one fifth of the purchase money to Wm H Coggdale and Mary his wife in lieu of her life estate and as hire to one of the children, and the residue divide into four equal shares and allot one share to Uriah Gardner and Abby his wife one share to the lawful guardian of William Gardner one share to the lawful guardian of Faustina Gardner and one share to the lawful guardian of Mary N Gardner and make report to this court in order to a further decree

But the commissioners named above are not to act under this decree unless they or some one for them shall have given security in the clerks office of this court a bond in the penalty of fifteen hundred dollars conditioned as the law directs

Gardner Jervise
v. } Co: Decree.
Gardners adm Jr

Southampton January Court 1859

Uriah Gardner & Abby his wife Plffs

against } In Chancery

Goodman & Johnson admor. of Everett Gardner & others Dfts

This day this cause came on again to be heard on the papers formerly read and was argued by Counsel, on the hearing whereof the Court doth adjudge order and decree that Goodman & Johnson, William H Cogsdale who are hereby appointed Special Commissioners for that purpose shall after having given twenty days notice by public advertisement at the Courthouse proceed to Sell at the Courthouse on Some Court day at public auction to the highest bidder for cash the Slave Meredith belonging to the estate of Everett Gardner dec'd and after paying Costs of this Suit and Sale allot one fifth of the purchase money to Wm H. Cogsdale and Mary his wife in lieu of her life estate and as heir to one of the children, and the residue divide into four equal Shares and allot one Share to Uriah Gardner and Abby his wife, one Share to the lawful guardian of William Gardner, one Share to the lawful guardian of Faustina Gardner and one Share to the lawful guardian of Mary H Gardner and make report to this Court in order to a final decree.

But the Commissioners named above are not to act under this decree until they or some one for them shall have executed in the Clerks Office of this Court a bond in the penalty of fifteen hundred dollars conditioned as the law directs.

A Copy

Teste L R Edwards Clk

additional Clks Costs $0.80 ¢.

Costs of first decree 3.50

$4.30 paid

P R Edwards

Gardner & wife

vs

Goodman E. Johnson Adm of Everitt Gardner dec'd.

We the undersigned Commissioners appointed for that purpose, beg leave to report, that by the authority of a decree of the County Court of Southampton entered at the January term 1859, did, on the 21st day of February 1859, at and before the Court-house door of said County, sell at public sale to the highest bidder for Cash, the slave, Meredith, belonging to the estate of Everitt Gardner dec'd. (the term and place of sale having been advertised by several advertisements posted up at the most public places in the county twenty days previous thereto in conformity to said decree) when Jonas W. Lawrence became the last bidder and purchaser for the sum of $1410.00

your Comm'rs: then received the purchase money, and deducted therefrom

$10 the auct: fee, $4.30 the Clerk fee, $37.20 the Commissions & $1. P.C. Crier . . $52.50

leaving a balance of . . $1357.50

we then paid Wm H Coggsdale & wife 1/5 of the balance 271.50

$1086.00

and then paid Uriah Gardner & Ally his wife 1/4 of the residue 271.50

$814.50

Now 1/4 to Wm Gardner $271.50

1/4 to Faustina Gardner 271.50

& 1/4 to Mary A. Gardner 271.50

$814.50 which amount

for the purchase money aforesaid.

As there is no lawful guard: for either of the infant defendants, we therefore return the sum of Eight hundred & fourteen dollars & fifty Cents (the balance in our hands) together with our report to the Court.

Respectfully submitted.

G. E. Johnson

William H Coggsdal

The money was not returned with this report but is accounted for by the Comr on his account as Guardian of the infants – See this Guardian account.

LRC

1861 Dec

No money returned with this report.

Cogsdale

3 Com. Bond

Gardner

KNOW ALL MEN BY THESE PRESENTS, That we Goodman E Johnson. Wm H. Coggsdale. Wm Coggsdale

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Fifteen hundred ——— Dollars, current money of Virginia, to the payment whereof well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this 17 day of January A D. 185 9.

The Condition of the above Obligation is Such, That if the above bound Goodman E Johnson & Wm H Coggsdale as Commissioners appointed by a decree of the County Court of Southampton County entered on the 17 day of January 1859 in the suit of Gardner Ellis &c. vs. Gardners admor &c.

shall faithfully discharge the duties of his said office or trust according to law, then the above obligation to be void, or else to remain in full force and virtue.

Signed, Sealed and delivered in the presence of ~~the Court~~.

Goodman E Johnson L.S.

his
William + Coggsdale L.S.
mark

William H Coggsdale L.S.

Gillum Edwards L.S.

Securities Justified on oath as to their Sufficiency

L.R. Edwards Clk