1815-003 Chancery Causes: James Clayton, by &c vs James Clayton's Admr & Jenny Clayton, by &c

Isle of Wight County

other surnames: Davis, Carrell

Clayton

vs 3 Bill &c

Clayton

Dec. 1814

December 1814 Interlocutory decree

Jany 1815 report rel. &c

dismissed accordingly

The Answer of Lucy Clayton by Thomas Carroll her
next friend & John Davis to a Bill of complaint
exhibited against them by Lucius Clayton an infant
suing by John Davis his next friend —

These respondents reserving to themselves all manner of right
& exception to the errors contained in said Bill, say
all intended to defraud the complainant and say they
admit the facts in the Bill stated to be willing
to such decree as prayed for, or that the Court will
make any other order as may seem to them
proper & equitable — They pray leave to be dismissed &c

Thos Carroll
next friend to Lucy Clayton
John Davis adm. of said
Lucius Clayton

Test

To the Worshipful Court of Chancery for the County of ...
Chancery sitting) humbly complaining, sheweth to this
Court your orator James Clayton an infant by John
Davis his friend that his father a certain James Clayton
late of ... died intestate on or about the day of
... A.D. 18... possessed of a considerable estate
both real and personal to wit a tract of land and
four negroes to wit, Louisa, Monica, Cain & Rose, that
he left him besides your orator an only child to wit Jenny Clayton
who is now an infant under the age of twenty one years by her next friend is prayed
to be made defendant to this Bill. That a certain
John Davis has administered on the estate of said deceased
who is prayed to be made party defendant to this
Bill. That these defendants are the only persons entitled
in right to the said estate. That
your orator and the defendant are the only heirs to said
intestate, & that in the present undivided state
this property is of but little value, but could it be
divided it would yield considerable profit to them
but they are advised that such a division cannot be
made only by the interference of this Court of Equity
wherein matters of such a nature are properly cognizable
That the said defendant in this Bill and the aforesaid
defendant also intending to defraud your orator have
never consented to such a division. To the end
therefore the pray that the said Jenny Clayton by her
next friend & said John Davis may be made defend-
-ants to this Bill & that they be compelled fully, truly &
perfect answer to make to all & singular the allegations
aforesaid. The further pray that your Honour
will decree that the said Slaves and land be
equally divided between your orator & the said
defendant to this Bill & that you will make such
further order for their relief as may seem proper
& the pray leave to be dismissed with their
&c.

John his + Davis next
friend to J. Clayton

Clayton
N J Chy
Clayton.

Dem

Clayton &c. }
vs } Chy:
Clayton }

By consent of parties and the assent of the Court this cause came on this day to be heard upon the Bill and answer, whereupon it is ordered, ordered and adjudged that John Parr, Thos. Hazzle, John Hazzle and Joseph Holladay or any three of them divide into ~~four~~ two equal shares all the negro slaves in the Bill of Complaint mentioned to wit: Lewis, Monica, Sam, and Rose - that they also divide into two equal shares the land belonging to the said estate that is by said report laid to John Clayton the complainant the other lot to Henry Clayton the defendant - they to the Court in order to make report of their proceedings

Clayton

Clayton

3 copy deeds

Isle of Wight County December court 1814

James Clayton an infant suing by
John Davis his next friend ..... Complt.
against
John Davis admor: of James Clayton
decd: and Jenny Clayton ..... Defts: } In Chancery

By consent of parties by their attorneys and with the assent of the court, this cause came on this day to be heard upon the bill and answer. whereupon it is decreed, ordered and adjudged that John Davis, Thomas Uzzell, John Uzzell and Joseph Holladay or any three of them, make equal division of the lands and Slaves in the bill mentioned, between the complainant James Clayton and the defendant Jenny Clayton, and make report of their proceedings to the court in order to a final decree

Teste David Dick D.C.

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An Appraisement of the Slaves of the Estate of James Clayton decd. Taken this 24th Day of Decr. 1814

| | | | $ | ct |
|---|---|---|---|---|
| 1 | Negroe Woman | Name | Lawis | 250 . 00 |
| 1 | ditto | Boy | ditto Sam | 300 . 00 |
| 1 | ditto | Girl | ditto Snakey | 265 . 00 |
| 1 | ditto | ditto | ditto Rose | 200 . 00 |
| | | | | 1015 . 00 |
| | | | each part | 507 . 50 |

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Agreeable to the annexed order of the Worshipful Court of Isle of Wight dated Decr. Court 1814. We the undersigned have made an equal Division of the Negroes belonging to the estate of James Clayton decd. between the heirs of said decd. to Wit, We have assigned unto Jane Clayton two Negroes, Lawis and Snakey, & to pay James Clayton Seven dollars fifty Cents: and have also Assigned unto James Clayton two Negroes, Sam & Rose: and to receive of Jane Clayton Seven dollars fifty cents — Given under our hands this 24th Day of Decr. 1814

Jno. Davis
John Uzzell
Tho. Uzzell
Joseph Holladay