1817 -031 Chancery Causes Elizabeth Cutchins, Easter Godwin Cutchins & Rachael Cutchins, by v c

Isle of Wight County vs Joseph Cutchins, extor of Josiah Cutchins

other surnames: Hall

To the worshipful the justices of the county of Isle of wight in Chancery Sitting - Humbly complaining shew unto your worships your Orators Elizabeth Catchins Easter Godwin Catchins and Rachael Catchins, which said Easter and Rachael are infants suing by Thomas Hall their uncle and next friend, that about two or three years since Josiah Catchins the father of your complainants departed this life, having first made and executed his ~~which~~ last will and testament, by which he appointed a Certain Joseph Catchins executor - that the said last will and testament has been duly recorded in the proper court of this County, after which the said Joseph Catchins qualified as executor of the said Josiah Catchins, and by virtue thereof acquired possession of all the personal estate of which the said Josiah Catchins died seized and possessed, among which there are the following negroes, to wit, Prusian, Dick, Jimmy and Penny - Your Complainants state, that by the Will of their father, (a copy of which is hereunto annexed as a part of this Bill,) they are entitled to the said Negroes, share and share alike, and in consequence thereof they have frequently applied to the said Joseph Catchins, and urged him to make division of the same accordingly - But so it is the said Joseph Catchins, under a variety of frivolous pretences, hath hitherto wholly refused, and doth still refuse so to do - In Tender Consideration whereof and for as much as your Complainants are ~~unable~~

remedy without the assistance of a court of equity - To the end therefore that the said Joseph Catchins (who is prayed to be made defendant hereto) may upon his corporal oath ~~may~~ as fully and sufficiently answer the foregoing premises as if the same were here again repeated and he thereto more particularly interrogated - that he may declare whether he has possession of the said slaves, or are they not liable to division in the manner herein before stated - whether the debts against the estate of his testator or any other matter vesting that he should withhold the said slaves from your complainants -

Your Complainants pray that your worships will appoint fit and proper Commissioners to make equal division of the said slaves & if such division cannot be effected in kind that the said Commissioners be directed to make sale of one of the said slaves for the purpose of an equal division thereof - lastly your Compts. pray that your worships will make such other or further order & decree in the premises as may seem consistent with equity & good conscience - that your worships will grant them the common writ of Subpa. directed &c commanding &c and as in duty bound they will ever pray &c

The Answer of Joseph Catchins to a Bill of complaint exhibited against him by Elizabeth Catchins and others in the County Court of Isle of Wight -

This Respondent saving and reserving to himself all benefit and advantage of exception to the many errors & insufficiencies in the said Bill contained, for answer thereto saith, that he is the executor of Josiah Catchins decd & has possession of the slaves in the Bill mentioned -

He admits that the situation of his said testators estate does render it necessary that he should oppose a division of the said slaves & therefore he consents that such decree may entered in relation thereto as by your worships may be deemed just & legal - He denies all fraud &c & prays to be hence dismissed with his costs in this behalf most wrongfully sustained &c

Jos Catchins

Eliza: Cutchin et al
vs. Bill, Answ
and Decree.
Jo: Cutchin, exor.
Jos: Cutchin, Rec.

August 1817
Bill & answ. filed & testony
taken

Elizabeth Catchings, Easter Godwin Catchings and Rachael Catchings, which said Easter & Rachael are infants suing by Thomas Hall their Uncle & next friend — Compts.

vs.

Joseph Catchings exor. of Josiah Catchings dec. — Defdt

This Cause came on this day to be heard upon the Bill and answer & argument of counsel by consent of the parties and with the ~~will~~ assent of the Court, whereupon the Court doth order adjudge and decree that John Clark, Bartholomew Lightfoot, and Josiah C. Reynolds or any two of them do divide the slaves in the Bill mentioned, to wit, Prupsian, Dick, Giving and Penny into three equal parts, & allot and deliver over one of the said parts to the compt. Elizabeth Catchings, and to the guardian of each of the infant compts the two remaining parts share & share alike: and the Court doth further order adjudge and decree that if from the nature of the property a division thereof should be deemed impracticable, the said Commissioners, or such of them as may act, after giving ten days public notice of the time and place, do expose to sale the negro slave named Penny, and with the proceeds thereof (first paying the proper and necessary expences of this suit,) make such division of the said slaves, or may be equal and agreeably to the foregoing directions — and make report to this Court in order to a final decree —

Eliza: Catechin tab
vs. 3 Decoss.
Jo: Catechin ℞ℓ