

1819-011

Chancery Causes: John Simmons Gwaltney vs Mary Gwaltney, jdn & al

Isle of Wight County

other surnames: Gwaltney

whole blood, and the remaining two eleventh parts to the defendant
Mary Gwatney mother to the said decd. infant James Gwatney, son
of the said James Gwatney decd.

If a division of the slaves cannot be effected in kind, or the
parties may refuse to pay the difference estimated by the commis-
sioners, then the said Commissioners are required having first
advertised the time and place of sale ^{at least} 20 day previous thereto
to expose to the highest bidder one or more of the aforesaid slaves on a
credit of six Months, that they divide the proceeds between the
complainant & defendants, in the proportions aforesaid; and take
bond or bonds of the purchasers with good security for each
separate part and assign the same to the complainant and
defendants respectively. And make report of their proceedings
herein to this Court, in order to a final decree.

Gwatney
vs
Gwatney's infant

James Gwatney
February 1819
James Gwatney
December 1818
James Gwatney
James Gwatney
James Gwatney

of the slaves attested to the deceased Infant James he divide into ~~six~~ whole
portions and one half portion, and that the half share be attested to your
complainant John G Gwatting as of half blood, and that ^{whole} equal portion shall
be attested to Mary the mother with her infant children. And finally he prays
that this court would make any other or further order or decree in premises which
by them may be deemed right & just, and as in duty bound they ever
pray &c.

John Simmons Gwatting

To the worshipping court of Isle of Wight County sitting in chancery.

The joint and separate answers, of Winnez Gwatting, Josiah Gwatting, William
Gwatting, Thomas Gwatting Benjamin ^{Gwatting} & Mary Gwatting their ^{guardians}
~~and~~ next friends appointed by the court to defend them in this be-
half, to the bill of complaint exhibited against them by John Simmons
Gwatting. These respondents now and at all times saving and reserving to
them selves every benefit of exceptions to any errors or imperfections in
the complainant's bill contained; ~~for~~ answer thereto, or to so much
there of, as they are advised is necessary or material for to answer; answer,
& say that they cannot gainsay the complainant's allegations and they
are willing that this court should pronounce such order, or decree
in the premises, as may be just and right. Relying upon the wisdom
and justice of this court, These defendants having answered pray to be
be hence dismissed &c.

Mary Gwatting

Gwatting

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Gwatting's infant & Defendants

In Chancery

By consent of parties and the assent of the court this cause
was this day docketed and came on to be heard, on the bill, answers &
exhibits filed therein and was argued by Counsel, whereupon it is
adjudged ordered and decreed, that Josiah Holleman, William Gray, Jr.
Joseph Caper & Benjamin Brock or any three of them, assisted by the county
surveyor, do divide by proper metes and bounds the land whereof James Gwa-
tting died seized and possessed in the county of Isle of Wight ~~county~~ containing
150 acres into seven equal parts (subject to the dower of the defendant
Mary heretofore assigned, ^{her} having regard to quality as well as quantity.
and allot, and assign, one part thereof to the complainant John G Gwa-
tting, one other equal seventh part to each of the infants, Winifred
B. Gwatting, Josiah Gwatting, William Gwatting, Thomas Gwatting and
Benjamin Gwatting. And that they divide the remaining seventh part
into eleven other equal parts and allot and assign one part to the
complainant John G Gwatting, brother of the half blood to James Gwatting
decd. and two other parts to each of the infants defendants Winifred B. Gwa-
tting, Josiah Gwatting, William Gwatting, Thomas Gwatting & Benjamin Gwa-
tting, brothers ~~and~~ sister of the whole blood to the said decd. infant James-
Gwatting. That they divide the slaves Peter, Tempy, Diner, Patty and Moses
and their increase whereof the said James Gwatting died possessed, into
seven equal parts and allot one part thereof to the complainant, and each
of the infant defendants. That they divide ^{the} other seventh part, into
thirteen ~~parts~~ equal parts, and allot and assign one part thereof to the com-
plainant John G. Gwatting, brother of the half blood. And two other
equal parts to ~~these Gwatting~~ the infant defendants. brothers & sister of the

To the worshipping court of Isle of Wight in chancery sitting.

Humbly complaining shew unto your worships your orator, John Simmons Gwatiney, one of the children & distributees of James Gwatiney deceased.

That the said James Gwatiney departed this life some time in the year 1813 intestate, that he was seized and possessed of, at the time of his death a tract of Land situate, and lying in this County containing 150 acres. The said James Gwatiney also died possessed of seven Slaves, Anachy, Peter, Lemmy, Henry, Dianer, Patty & Moses. That as he died intestate, his estate of every kind ~~seem~~ ^{vested} ~~descended to~~ your orator & orators, according to an act of Assembly in such case made and provided. Your orator further shew to your worships,

that the said James Gwatiney left a widow, Mary Gwatiney, who has heretofore had her dower assigned her out of the said Land & Slaves, & nevertheless still remains in possession of the aforesaid property.

Intender consideration whereof and in as much as your complainant is without remedy ^{elsewhere}, he prays that the said Mary Gwatiney as guardian and next friend

to the infant children, Winney Gwatiney, Josiah Gwatiney, William Gwatiney, Thomas Gwatiney, and Benjamin Gwatiney, infants children of the said James Gwatiney Do be made defendants hereto, and be compelled to answer all and singular the allegations herein contained fully and unreservedly. Your complainant further shew to your worships that after the

death of the father James Gwatiney, and before any distribution of his ~~part~~ ^{life} estate James Gwatiney an infant departed this ^{life} being intitled to one

equal seventh ^{part} of all the Land & Slaves the said (James) the father died seized & possessed of; he further prays that at the same time and place

& that one seventh be divided among your complainant & defendants as is in such cases ^{are} made or provided by law, that is one ^{11th} part of the land

to your complainant John G. Gwatiney, ^{of the half blood} and two equal ^{11th} parts of the land to Winney Gwatiney ^{not b.} two ^{11th} to Josiah Gwatiney ^{not b.} two ^{11th} to William Gwatiney ^{not b.} two ^{11th}

to Thomas Gwatiney and two ^{11th} to Benjamin Gwatiney. That the one seventh of =

In obedience to a decree of the Honourable Court of
Sleepyhead County hereto annexed and the Commissioners
therein named have Proceeded to carry the same into effect
so far as respects John, S. Gwatney and James Gwatney ~~et~~
in the following manner (to-wit) first we do assign to
the said John, S. Gwatney one negro man named Peter
of the value of five hundred dollars, deducting therefrom
three hundred dollars it being one seventh part of all
the slaves named in said decree, also twenty three
dollars and seven and one half cents it being one thirteenth
part of James Gwatney's ~~et~~ Proportion of the said slaves
also we further say that the said John, S. Gwatney
shall pay Mary Gwatney Guardian for the complainants
Winifred Josiah William Thomas and Benjamin Gwatney
the sum of forty six dollars and fifteen cents each,
also pay the said Mary Gwatney in her own Right
forty five dollars and twenty eight and one half cents
and from the Request of the Parties as also being
fully persuaded in our own minds that a further
division at this time would be injurious to the
Parties concerned we Proceed no farther giving
under our hands this 1st day of January 1869

Coriari Hallman
Joseph Cofer
Benjamin Brock

of the Slaves cannot be effected in kind or the parties may refuse
to pay, the difference estimated by the commissioners, then the said
commissioners are required having first advertised the time & place of
sale at least 20 days previous thereto, expose to the highest bidder
one or more of the aforesaid Slaves on a credit of six months, that
they divide the proceeds between the complainant & defendant in the
proportions aforesaid and take bond or bonds of the purchaser with
good security for each separate part and assign the same to the
complainant & defendant respectively - and make report thereof
to the Court in order to a final decree -

Attest John D. Deane D.C.

Attest
John D. Deane

Isle of Wight County December Court 1818

John Simmons Gwallney Compt
against

Minney Gwallney, Josiah Gwallney William Gwall-
ney Thomas Gwallney Benj^d Gwallney Seltary Gwall-
ney their guardians Defts

In Chancery

By consent of parties and the order of the court this cause was this day docketed and came on to be heard on the bill answer and Exhibits filed therein and was argued by Councils. Whereupon it is adjudged ordered and decreed that Josiah Holliman William Gray Joseph Cooper & Benj^d Brooks or any three of them assisted by the surveyor of this county do divide by proper metes and bounds the land whereof James Gwallney died seized and possessed in the County of Isle of Wight containing 150 acres into seven equal parts subject to the dower of the defendant Mary heretofore assigned her having regard to quality as well as quantity, and allot and assign one part thereof to the complainant John S. Gwallney, one other equal seventh part to each of the infants Minney, Josiah, William, Thomas & Benjamin Gwallney and that they divide the remaining seventh part into eleven other parts and allot and assign one part to the complainant John S. Gwallney brother of the half blood to Jas. Gwallney decd. and two other parts to each of the infants defendants as aforesaid brother & sister of the whole blood, to the said decd. infant James Gwallney - That they divide the Slaves Peter, Tempy, Diner Polly and Mops and their increase whereof the said James Gwallney died possessed into seven equal parts and allot one part thereof to the complainant & each of the infant defendants - that they divide the other seventh part into thirties equal parts, and allot and assign one part thereof to the complainant John S. Gwallney brother of the half blood and two other equal parts to the infant defendants, brother & sister of the whole blood and the remaining two eleventh parts to the defendant Mary Gwallney mother of the said decd. infant James Gwallney son of the said James Gwallney decd. and if a division