

1819-022 Chancery Causes, Albert H. Shivers & John Shivers, by &c vs William Murphy &

Isle of Wight County ux, widow of John Shivers

other surnames: Bevan,

Genl G. Shivers and
his friend Bill
Murphy and

For Godwin (of Soc.)
Nathl. Wiles &
Nathl. Pruden & Comd.
Joseph Bullock & many

November 1819 Bill Hans?
and interly dined

Printed

The answer of William Murphy and Jane his wife, late Jane Shivers, who was the widow and relict of John Shivers dec'd to the bill of Complaint against them in the Worshipful Court by Albert G. Shivers and John Shivers infants suing by Thomas Bevan their next friend, exhibited.

These defendants now and at all times hereafter saving and to the many and uncertain and false allegations in the Complainants said bill of Complaint contained therein and thereto, or unto so much thereof as they are advised it is necessary or material for them to answer unto, answer and say -

That it is true as charged by the Complainants in their said bill, and therefore they admit it that John Shivers late of the County deputed this life intestate, about the time spoken of and it is also true that he was seized in fee of in and to a certain tract or parcel of land situate in the County of ... given by the Complainants. Now defendants ... the precise quantity of land but suppose the tract contains one hundred acres more or less. They are perfectly willing and do consent that the Worshipful Court may appoint Commissioners for the purpose of dividing the same and assigning one third part thereof to these defendants to be held by the said Jane for and during her natural life. These defendants deny all fraud and combination in the bill charged, and pray the same hence dismissed with their reasonable costs wrongfully sustained. Without that, that &c.

and be compelled to answer the same on oath as fully and particularly
as if the same were here again repeated and they thereto interrogated
that they set forth, and make a true discovery of the lands and tenements
whereof the late John Shivers died seized and possessed, and where the
same are situate, the quantity of acres &c. and whether they are now
willing, that the same may be divided according to law. —

Your Orators lastly pray that your Worship will appoint
fit and proper persons to act as Commissioners, for the purpose
of dividing down unto the respondents, and dividing the residue
between the two said parts equally between your Orators.

And that your Worship will make such other, or further
order in the premises, as shall be more consistent with
justice and good conscience: may it please your Worship to grant
the Comers suit of damages directed &c. Commanding &c.

Proutis. Atte. for the Comers.

To the worshipful the Justices of ~~the County~~
Sole of Wight County in Chancery sitting.

Humbly complaining sheweth unto your worshipps, your orators and
Albert G. Shivers and John Shivers infants, under the age of twenty
one years suing by Thomas Bevan their sweet friends.

That John Shivers the father of your infant orators
late of the county aforesaid, departed this life intestate some time
on or about the year 181 seized in fee of and in the following
years a parcel of land, lying in the county of Sole of Wight
to wit, one hundred acres more or less, adjoining the lands of
Joseph Godwin, Joseph Bradley and others - And your orators further
shew, that their said father being so seized and possessed of and to
such real estate, and dying intestate, left a widow named Jane,
who hath since intermarried with one William Murphy, and your orators
as his heirs at law. And your orators further shew that on the death
of their said father, his lands descended and passed to them, as his heirs
at law, ~~subject however~~ subject however to the right of dower in his
said widow, to one full and equal third part thereof, during her life.

Your orators further shew that notwithstanding the foregoing statements
to wit, the said William Murphy and Jane his wife, late Jane
Shivers, of the entire tract of land, and at this often requested by their
said sweet friends, have altogether refused to come to a fair, just
and equal division of the same.

But now it is may it please your
Worshipps, the said William Murphy and Jane his wife, late Jane
Shivers, combining and confederating themselves with divers
persons unknown to your orators, whose names when discovered
they may be made defendants hereto with apt and proper words
to charge them - In order to defraud and defeat your orators in the
premises, refuse to come to any division of the premises, but continue
to hold on the whole tract, to their exclusive use and benefit, and
times they pretend, that as your orators are infants, that no division
can be had till they arrive at age. at other times, they pretend
that they are entitled to the whole tract of land until dower shall be
assigned them, in a legal and proper way. All which actings
and doings are contrary to equity and good conscience and
tend to the manifest injury and oppression of your orators.

To the end therefore, that the said William Murphy
and Jane his wife, late Jane Shivers ^{late} widow and relict of John Shivers
dec'd may be made defendants to this their bill of complaint

Albat G. Shivers & others.
per most friend
W. Deere.
William Murphy Esq.

Nov. 1819 Intently done

about G. Shivers and John Shivers, infants, of John Shivers dec^d suing in
their behalf by Thomas Bevan their next friend. Complainant.
against } In Chancery.

William Murphy and Jane his wife, late Jane Shivers,
widow and ad^{ex} of John Shivers dec^d. Defendants.

This cause came on this day to be heard, by consent of the parties, and with the
assent of the Court, on the bill and answer filed therein, and was argued by counsel
on consideration whereof, the Court doth adjudge, order and decree, that Joseph
Godwin ^(of Joseph) Nathaniel Wills, Nathaniel Pruden, and Joseph Ballock, or
any three of them, to be attended by the County Surveyor, or if necessary, do proceed to
lay off and apportion by metes and bounds, unto the defendant, William Murphy, and Jane
his wife, one third part of the land in the bill mentioned, as the dower estate of the said
land, in the land of her late husband John Shivers, which is described in the
bill as containing one Hundred acres more or less, and bounded by the
lands of Joseph Godwin, Joseph Bradley and others, situate in the County of Kent
of Wright. And the said Commissioners, or such of them as may act, with them
proceed to divide the remaining two thirds of the said land, into equally be-
tween the infant complainants, about G. Shivers, and John Shivers, and
make report of their proceedings to this Court, in order to a final decree. Liberty is
reserved to the infants in this suit to shew cause, if any they can against this
decree at any time within one year after they severally attain the age
of Twenty One years —

To Joseph Prentiss.

atto. at Law.

Sir, we wish you to obtain a decree for
apportionment of dower and division of the land whereon John
Shivers died seized, said to contain one hundred acres more or
less, situate in the Springfield County; there is one third ^{the dower} to be allotted
to Wm. Murphy & Jane his wife; and Albert G. Shivers, by Thos. Bevan
his guardian, and John Shivers by Wm. Murphy his guardian are the
other remaining two thirds - and for so doing this shall be your
authority - Given under my hand the 1. Nov. 1849 -

Wm. ^{his} Murphy in right of
his wife Jane ^{Maria} Shivers,
or guardian of John Shivers -
Thomas Bevan
guardian of Albert G. Shivers -

Sally
Shivers

February 27 - 1819 this is to Certify to the
Court of Heshawright that I Sally Shivers do
Give up to My Grand son Alber & Shivers
all My Right Now Depending of his
Father John Shivers Land for his Benefi
test

William D Driver