

1820-007

Chancery Causes: John Garner, by &c vs Thomas Garner

Isle of Wight County

Plat in Oversize Box 1

other surnames: Hall

~~Garner~~ Garner

Mr B. Pitts in charge

~~Garner~~

~~Garner~~

Garner

Mr B. Chy

~~Garner~~

March 3rd 1818 Bill of
filed & Interly done

Feb. 7th 1820 rept. ut. o.
V. Des. & done accordingly

W. J. Mayo

The answer of Thomas ~~Garnier~~ to a bill of complaint exhibited
against him in the Superior Court of the City of New York by
John ~~Garnier~~ an infant of tender years being the
~~Garnier~~ his guardian. -

This respondent having and viewing to himself how far
all the ~~above~~ ^{described} affairs were right of exception to the
errors & uncertainties with respect to the bill of complaint
contained for answer thereto or too much thereof
as he is advised it is returned for him to answer -
answering says that he desires all friends, connections
is willing that the Court shall make the same prayer
for or any other which may comport with equity &
justice. He prays hence to be dismissed. Thomas guardian

Gaskin
vs Gaskin
Gaskin

By consent of parties and the order of the Court
this cause came on this day to be heard upon the
Bill, answer and exhibits and arguments of Counsel
whereupon the Court with assents, order & decree
that John Phillips, Geo. Hall & Son, Hall or any 2 of them
with the aid of the County Surveyor or his deputy
divide into two equal shares the ~~land~~ ^{amount of}
~~land~~ ^{land} ~~which~~ ^{which} ~~Garnier~~ ^{Garnier} ~~deed~~ ^{deed} ~~signed~~ ^{signed}
~~in the bill mentioned~~ ^{having regard to quality & quantity}
that they allot one half to the complainant on this side
and the other one half to the defendant
that they note up the Sheriff take Court

To the Worshipful Court of the High Court in
Chancery sitting, humbly complaining sheweth your
honour your orator ^{Garnier} ~~Garnier~~ an infant of
tender years being by ^{Mr. Hall} his Guardian. That his
father Thomas ^{Garnier} ~~Garnier~~ departed this life or or about
the day of ~~adomine~~ ^{adomine} 1805 or '6 having first
made and published his last will and testament a copy
of which is herewith annexed and prayed to be read
taken and considered as a part of his will in which
he devises as follows: "I give unto my loving wife Mary
Garnier all that state of my land and all the rest of my
estate, consisting of horses, cattle, sheep, sheep, household
goods and kitchen furniture and plate &c &c &c
during her life, and after my wife's death I give unto
my two sons Thomas Garnier and John Garnier my
lands to be equally divided equally to ~~equally~~ ^{equally} &
quality then and then his forever" That the said
Thomas Garnier ~~deceased~~ ^{deceased} the said Thomas departed this life
or or about the day of ~~adomine~~ ^{adomine} 1805 or 1806
since which time your orator has been very anxious
that a division of the said land should be made
according to the will of his said father but he has
not been able to have the division made in consequence
of the unwillingness of the said Thomas ^{Garnier} ~~Garnier~~ who has prayed
to be made a defendant to this bill. Inasmuch as
your orator is remedily except by the intervention of
this Court of Equity, he prays the aid of your worship.
Your complainant prays that the said Thomas ~~Garnier~~ ^{Garnier}
be compelled full true and perfect answer to a bill
to all and singular the allegations of said a bill
and if the same were here again repeated the Court
more particularly interrogated to the end thereof
he prays that your worship will decree that the
lands so bequeathed to the widow of the said Thomas
during her life, be divided equally between
your complainant and the said Thomas ^{Garnier} ~~Garnier~~
That your honours will appoint fit & proper
person to carry the said decree into effect. For
in duty bound he will ever pray &c

Althorpe P. G.

Isle of Wight County (to wit)

I do hereby certify that at the request of Thomas Garner, and in conformity to the annexed decree of the Court of the aforesaid County. I have surveyed the land mentioned in the said decree containing Three hundred and four Acres & $\frac{64}{100}$ - As will appear by the annexed plat, and have also run the dividing line, as will also appear by the said plat, reference being had to the field notes, taken on the survey, which being herunto annexed will fully explain the boundaries thereof -

Given under my hand this 24th day of Decr. 1819.

Thomas Uzzell Depy Sur^{or}

Garner

17

Garner

Interd.

Interd. deus

(Stoep)

Isle of Wight County March Court 1818

John Garner an infant of tender years
suing by Thomas Hall his guardian . . . Compts:
against

Thomas Garner

Defendant

In Chf.

By consent of parties and the advice of the court
this cause came on this day to be heard upon the bill answer
and exhibits and arguments of Council - Whereupon the Court
doth order adjudge and decree; that John Phillips, George
Hall and James Hall or any two of them, with the aid
of the County Surveyor (if necessary) divide into two equal
shares the land of which Thomas Garner did seize -
having regard to quality and quantity that they allot
one half to the complainant and the other half to the defendant
and make report thereof to the Court in order to a final
decree -

Attest, Geo. D. Dick D.C.



No. 2. - $161 \frac{32}{160}$ Acres

Thomas Garners

17578 Dividing line

210.
A. 1. - $143\frac{32}{160}$ Acres

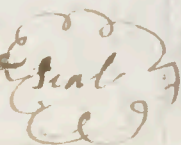
John Garner

Blodwight County Court was appointed by
The annexed decree of Blodwight County Court made
March Court 1818 have proceeded with the assistance of the
Deputy County Surveyor to and in to affect the said
Decree as follows to wit. To John Garner we have
allotted Lott No 1 containing $103 \frac{1}{2}$ acres and bounded
by Dolphin Drivers and Pears James Gamers Boleses
and James Halls lands. To Thomas Garner we have
allotted Lott No 2 containing $161 \frac{5}{8}$ acres and bounded as
follows to wit beginning at a road at the road leading to
Smithfield running the dividing line North 57 deg E
to Drivers line thence to Under Woods & Daviss and
James Halls to the first station the plot of which
is herewith annexed. all which is respectfully submitted
to the County Court of Blodwight given under
our hands and seals this 28th day of December 1818

John Phillips



James Hall



*The Report
of Garveys Land*