1821-007 Chancery Cause: William Murphy vs John Shivers v Albert Shivers, by v c

Isle of Wight County

other surnames: Devan, Murphrey

Murphrey

vs. Bill & Ans.

Shivers

Oct. 1821. Bill & Ans. filed
Thomas Bevan appointed Spl
Com. to the Defts. & Entered
decree

December 1821 report returned
and decree accordingly

By consent of parties with the assent of the Court this Cause having been docketed, came on this day to be heard upon the Bill and answer filed and argued by Counsel - whereupon the Court doth adjudge and decree that Joseph B. Whitehead ~~as trustee in the Bill mentioned of the County Court of the County aforesaid be~~ - do make sale of the negro man called Hanyla in the Bill mentioned ~~for Cash~~ ~~and pay the proceeds of said sale~~ unto the Clerk of the said Court and the ~~expenses of the sale~~ ~~for Costs~~. that they allot and pay over to the said Plaintiff in fee simple the one ~~half~~ part of the same in lieu of ~~his~~ the negro his present ~~reliant~~ in the said Bill and that they pay over to Albert Shivers Guardian for his benefit the balance and that the other one half they pay over to the said Plaintiff as Guardian of John Shivers - It is furthermore decreed that the Plaintiff retain out of the part allotted to John Shivers so much thereof as will pay the sum of $153.91 which appears to be due him upon his ~~Sheriff~~ account - ~~that they take Bond with good security of the purchaser~~ That they make report thereof to this Court with such matters as may be required by the parties or thought pertinent by themselves in order to a final decree -

life should be sold. That moiety as the Court shall judge proper shall be allotted to him in right of his wife in fee simple in lieu of her dower interest in the said land, and that the balance shall be allotted to the said infant children - and that out of the sum allotted to the said John Shivers the said Guardian shall be allowed to retain the amount due [illegible] the account returned and rec'd by the County Court of Elk Wight - He is advised that except by the aid of the Chy. Court the sale & desired Court cannot be made - He therefore prays the aid of your worships - He prays that the said John and Albert Shivers who are infants may be made defendants hereto and that by proper persons to be appointed to defend their interest in this suit may be compelled full true, perfect, direct and answer to make to all and singular the allegations aforesaid - and that your worships will make any decree in the premises which may comport with justice Equity - & they pray [illegible] as in duty bound

May it please the Court to grant unto the said Albert Shivers by Thomas Bevan a writ of subpoena to appear & answer the premises & abide the order decree of this Court in the premises

Thomas Bevan

3 Sept 1839
Sheppen

To the County Court of [illegible]

Humbly complaining, showeth to your worthy
your orator William [illegible]
that some time past a certain John Shivers departed this life
in this County entitled [illegible]
that is to say Albert Shivers and John
Shivers who all stood in [illegible]
who hath undertaken with [illegible]
[illegible] divided that
according to a [illegible] Court had room
[illegible] several slaves were allotted to the said John
Shivers as her dower in the slaves of the aforesaid
John Shivers - that among the number is a negro
man called Harry - that he is guardian to one
of the children of the said John Shivers towit John
Shivers who by a return of an account of his
guardianship made at [illegible] October Court [illegible]
[illegible] to be indebted to your orator in the sum
the Sum of £15.3.9½ Cents
the is advised that according to law the Court hath
the right to order that a part of the estate of the
said infant shall be sold and the balance
due your said orator upon the account shall
be paid out of the same your orator saith
that he is willing and believes it would comport
with the interest of the said infant children
that the aforesaid slave towit Harry one of the negroes
allotted to his wife as her part of her dower for

Isle of Wight County

Agreeably to a decree of the County Court of Isle of Wight pronounced at October Court 1821 - I have sold to the highest bidder for Cash the negro man Harry named in said decree - at which sale Joseph B. Whitehead became the purchaser of said slave for the sum of three hundred and fifty five dollars - The undersigned out of the proceeds of the sale has paid to Arch'd. Atkinson attorney at Law for the obtension of the decree ten dollars; and he hath paid to the Clerk his fee concerning the suit to the amt of five dollars and retained twenty dollar and 75 Cents being 5 per Cent - mission upon the amount of sale - leaving three hundred and twenty two dollars 25 Cents the remainder - of which he hath p.d to William Murphy in right of his wife one sixth say fifty three dollars 70 Cents; & to Thomas Brown Guardian of Albert Shivers he hath paid One hundred and thirty four dollar and twenty seven Cents - and the remainder say One hundred and thirty four dollar 27 Cents he hath paid to Wm. Murphy for John Shivers agreeably to the aforesaid decree Given under my hand this 29th day of November 1821

Joseph B Whitehead

Murphreys

vs. Ejectment decree

Shivers & Gow.

for

J B Whitehead

Isle of Wight County to wit:

October Court 1821.

William Wear Jr. & wife — Complainants

against

In Chancery

Thomas Bevan Special Guardian to Albert & John Shivers Orphans of John Shivers dec'd. — Defendant

By consent of parties with the assent of the Court this cause was this day docketed; and the Defendant Thomas Bevan was appointed special guardian for the Defendants Albert and John Shivers. The Bill and answer in this cause came on to be heard by arguments of Counsel. On consideration whereof the Court doth adjudge and decree that Joseph B. Whitehead do make sale of the negro man Jim called Davy, in the bill mentioned for cash, that he allot and pay over to the Complainants one sixth part in fee simple in lieu of his present interest in said slave in right of wife Jane formerly Jane Shivers late widow and relict of John Shivers dec'd. and that he pay over to the Guardian of Albert Shivers for his benefit, one half of the balance of the sale thereof and that he pay over to the Plaintiff as Guardian of John Shivers the other half thereof. And it is further ordered that the Plaintiff retain out of the part allotted to John Shivers so much thereof as will pay the sum of one hundred and fifty three dollars and ninety one cents which appears to be due him on his Guardian account of said John Shivers. & that he make report thereof to the Court with such matters as may be required by the parties or thought pertinent by themselves in order to a final decree.

Teste

Nath. Young Cl