1821 - 019 Chancery Causes Patience Johnson, widow & Jacob Johnson, dec'd vs Patsey Johnson
Isle of Wight County & Jacob H Duck, admr of Jacob Johnson, dec'd

Johnsons Exr

vs. Bill &c

Duckr admor Johnsons

Exr.

nevertheless the said Compts. have not hitherto been enabled to obtain from the said Patsey Johnson & Jacob H. Duck the discoveries to which they are entitled — In Tender consideration whereof & inasmuch as your Compts. are without remedy in the premises except by the assistance of a court of equity where matters of this nature are properly cognizable — To the end therefore that the said Patsey Johnson and Jacob H. Duck admr. as aforesaid (who are prayed to be made defendants hereto) may upon their corporal oaths full & perfect answer make to all & singular the premises as allegations & that as particularly as if the same were hereafter repeated & they thereto interrogated — they may say whether the account here given of the property aforesaid — whether the land aforesaid may be sold, subject to the widow's dower thereof for the purpose of making division thereof, & whether they will consent to a division of the said slaves in such manner as be legal & proper — Your complaints pray that your worships will cause a sale & division of the lands & slaves aforesaid in such manner as to your worships may seem just & equitable and that you will make such other or further order & decree in the premises as may be deemed right & proper — May it please the court to grant the Certificate directed &c. Comp.ts &c. as in duty bound they will ever pray &c.

The joint & separate answer of Patsey Johnson and Jacob H. Duck admr. of Jacob Johnson dec.d as also admr. of Elizabeth & Polly Johnson dec.d to the amended Bill of Compt. exhibited in this court by Patience Johnson & others complainants — These respondents saving & reserving to themselves &c. for answer thereto say, that the allegations in the said Bill set forth are true & correct — they consent that the lands & slaves in the bill mentioned may be sold or divided as to the Court may seem best — they deny all fraud &c. pray to be hence dismissed with their reasonable costs in this behalf sustained &c.

Richd. H. Baker
for Defts —

To the worshipful Court of Isle of wight County in Chancery sitting, Humbly complaining shew unto your worships your Orator and Oratress Patience Johnson widow and relict of Jacob Johnson deceased, Phenely Johnson, Lawrence Johnson, Goodman Johnson, Jesse Johnson, Jacob Johnson, Roana Johnson and Eley Johnson which said Eley, Roana, Jacob, Jesse Goodman, Laurence and Phenely are infant children sueing by the said Patience Johnson, that some time in the year 181 Jacob Johnson first above mentioned departed this life intestate seized & possessed of real & personal estate - & certain Jacob H. Duck has legally qualified as his admr. & thereby poss. himself of the slaves & personal estate of which the said intestate was so as aforesaid possessed - the land to which the said intestate died entitled is situate in Black water river in the said County of Isle of wight & contains by estimation three hundred & eighty six acres & the slaves to the said Duck as admr. or aforesaid has acquired title are of the following names and description, to wit, Jenny, Will, Patience, Sailor, Tom, Jim, Amelia & child Dave, Tracy, Julia, Dick, Anica and Richmond - since the death of the said Jacob Johnson two of his children, Elizabeth and Polly have departed this life, upon both of whose estate the said Jacob H. Duck has also qualified as admr. - the said Elizabeth Johnson deceased, departed this this life after she attained lawful age, but the said Polly at the time of her death was a minor - in consequence of the death of the said Elizabeth after her arrival to full age, her mother the said Patience will be entitled to a part of the land and slaves to which she was entitled, & also to a part of the slaves to which the said Polly was entitled - Your complainants further state that the said slaves in the hands of the said admr. will not be required for the payment of the debts due owing from the estate of the said Jacob Johnson, & that the said land when sold subject to the dower right of the said Patience will not be equal in value to one hundred £ sterling - the complts, except the said Patience who is the widow as aforesd. and the said Eley who is a nephew, as they were children of the said Jacob Johnson, and entitled with Patsey another child, to the land & slaves of which the said Intestate died entitled -

In obedience to a decree of the worshipfull Court of the County of Isle of wight to us directed bearing date December Court 1819 we devided the negroes therein named into three parts and allotted to Patience Johnson three negroes Will Jim and Patience for her one third part it being her dower right of said negroes named in the decree, and then devided the remaining two parts of the negroes between the Complainents and defendants under the consideration that the proceeds of the sale of Land would enable us to pay over to each of the Complainants and defendants the difference in the Value of negroes; we then ~~[illegible]~~ made sale of the Land for $1025.50 and after deducting 5% Ct. and the Attorneys & Clerks fees found that the proceeds of the sale of Land would not enable us to make an Equal division as directed we then by the advice of Counsil and with the consent of the Guardians of the infant Children and all the other Complainants and defendants ~~named~~ in the aforesaid Decree made sale of the two negroes Taylor and Amelia which we had allotted to the two Dec.d Children Elizabeth and Polley Johnson for the sum of $900 and after deducting 5% Ct" and the additional fee to the attorney for the amendment to the decree we paid over one bond Patience Johnson to the amount of $36.38 it being one Eleventh part of one Eleventh of the proceeds of the sale of Land and two negroes after deducting the Expences of the sales which she heird from the Dec.d Child Polley Johnson we then devided the remainder part of the negroes and the amount of the sale of Land and the two negroes that we sold as follows— to wit/ first we Allotted to Patsey Johnson one negro boy Richmond $200 and one Bond of $234.85/n to Phenaby Johnson one negro Girl Judy $300 one Bond $154.85/n to Jacob Johnson one negro man Tom $450 one Bond $4.85/n to Jesse Johnson one negro man Sam $20.00 one Bond $434.85/n to Roana Johnson one negro boy Dread $250 one Bond $204.85/n to Lawrence Johnson one negro Girl Anaby $200 one Bond $254.85/n to Goodman Johnson one negro boy David $100 one Bond $354.85/n to Cley Johnson one negro Girl Treasy $325 one Bond $129.85/n

Given under our hands 23th March 1820

Godwin Councill

Solomon Butler

Henry Daughtrey

Johnson

2. Mo Decree.

Decree adms. Johnson

&c —

December 1819 Interl. decree.

3d. Jan. 1820 decree

amended —

November 1821 report &c returned

and decreed accordingly —

act are directed to divide Sallet in the following manner viz.
to the guardian of each of the infant Compts. one tenth part thereof,
to the Defendant Jacob K. Duck as admr. of Elizabeth & Polly Johnson
two tenth parts thereof, and to the Defendant Patsey Johnson the
remaining one tenth part thereof: & the Court perceiving difficulty
herein, do further order adjudge & decree that the said Comrs. or such
of them as may act, for the purpose of making the said Comrs. to make
division of the said slaves equally to the foregoing principles, be duly
authorized and required to use the bonds or proceeds for which the said
land may be sold; or, if to the said Comrs. it may seem right and
necessary, to make sale in such manner & upon such terms as to
them it may seem proper, one or more of the said slaves, for the purpo-
se of effecting a fair & equal division thereof. the Court, notwith-
standing what is herein before stated, doth further order adjudge
& decree that the said Comrs. or such of them as may act, do
cause to be sold at the sale of the said land a sum sufficient
to pay & discharge the proper & necessary expenses of this suit viz.
& make report &c.

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Patinea Johnson widow and relict of Jacob Johnson dec.d Phereby Johnson, Laurence Johnson, Goodman Johnson, Jesse Johnson, Jacob Johnson Riana Johnson and Eley Johnson ~~Plaintiffs~~, which said Phereby, Laurence, Goodman, Jeffe, Jacob & Riana are infants & Eley an infant suing by the said Patinea Johnson their mother & next friend

Vs.

Patsey Johnson, Jacob N. Deack admr. of Jacob Johnson dec.d and the said Deack as admr. &c. of Elizabeth and Polly Johnson dec.d — defendants!

This cause this day came on to be heard upon the bill and answer by consent of the parties and with the assent of the court whereupon the court doth order adjudge and decree that Joseph W. Ballard, Godwin Councill, Henry Daughtry Holoman Butler or any two of them, after giving ten days public notice of the time and place of sale, do expose to public auction on the premises the tract of land in the bill mentioned (the same being the land of which the said Jacob Johnson died possessed & containing by estimation 366 acres) on a credit of nine months subject to & in every respect liable to the dower right of the said Patinea Johnson; that the said Comrs. or such of them as may act do take bonds with security for the proceeds of the said sale, payable to the following persons & in the following manner & proportion: that is to say one bond with security payable to the said ~~Elizabeth Johnson~~ Patinea Johnson for one eleventh part of one eleventh of the said proceeds - one bond with security each for one ~~eleventh~~ tenth part of the balance of the said proceeds & payable as follows to wit one of the said last mentioned bonds to ~~each~~ the guardian of each of the infant complainants two of the said last mentioned bonds to the ~~guardian of~~ and each of the defendant Jacob N. Deack as admr. of the said Elizabeth & Polly Johnson, & one of the said bonds payable to the defendant Patsey Johnson — and the court doth further order adjudge and decree that the said Comrs. or such of them as may act at the time & place aforesaid do divide the following slaves to wit, Sam, Will, Patinea Tailor, Tom, Jim, Amelia & child Dave, Tracy, July, Dick, Annicky and Richmond - that the said Comrs. or such of them as may act do assign & set apart to the said Patinea Johnson as her dower right one equal third part of the said slaves, and the remaining two third parts of the said slaves the said Comrs. or such of them as may

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Lieu of Wright County December Court 1819

Patience Johnson widow and relict of Jacob Johnson dec'd
Phereby Johnson Laurance Johnson Goodman Johnson Lyre
Johnson Jacob Johnson Roana Johnson Eley Johnson
which said Phereby Laurence Goodman Jacob Roana Lyre
and Eley are infants suing by the said Patience Johnson
their mother and next
friend Complts.

against
Patsey Johnson, Jacob H. Duck admor of Jacob Johnson
dec'd: and the said Jacob H. Duck as admor of Elizabeth
Polly Johnson dec'd. Defts In Eqty

This cause this day came on to be heard upon the bill and Answer by consent of the parties and with the assent of the court - whereupon the court doth order adjudge and decree that Joseph W. Ballard Godwin Council Henry Daughtrey and Solomon Butler or any two of them, after giving ten days public notice of the time and place of sale, do expose to public auction on the premises the tract of land in the bill mentioned (the same being the land of which the said Jacob Johnson died possessed and containing by estimation 360 acres) on a credit of six months subject to and in every respect liable to the dower right of the said Patience Johnson - That the said commissioners or such of them as may act do take bonds with security for the proceeds of the said sale payable to the following persons and in the following manner & proportion - that is to say one bond with security payable to the said Patience Johnson for one Eleventh part of one Eleventh of the said proceeds - and one bond with security each for one tenth part of the balance of the said proceeds and payable as following to wit, one of the said last mentioned bonds to the guardian of each of the complainants, two of the said last mentioned bonds to the defendant Jacob H. Duck as admor. of the said Elizabeth and Polly Johnson, and one of the said bonds payable to the defendant Patsey Johnson - and the court doth further order adjudge and decree that the said commissioners or such of them as may act at the time & place aforesaid to divide the following Slaves, to wit, Sam, Will, Patience, Tailor, Tom Jem Amelia Hetty Dave, Tracy, Lucy, Dick, Amaby and Richard - That the said commissioners or such of them as may act do assign and set apart to the said Patience Johnson

as her dower or right, one equal third part of the said Slaves, and the remaining two third parts of the said Slaves the said Commrs. or such of them as may act, are directed to divide and allot in the following manner Viz. to the guardian of each of the infant complainants one tenth part thereof, to the defendant Jacob H. Duck as donee of Elizabeth and Polly Johnson two tenths parts thereof, and to the defendant Patsey Johnson the remaining one tenth part thereof and the Court perceiving difficulty herein, do further order, adjudge and decree that the said commissioners or such of them as may act for the purpose of enabling the said commissrs to make division of the said Slaves equitably to the foregoing principles are hereby authorized and required to use the or proceeds of which the said Land may be sold, or if to the said commissrs it may seem right and necessary, to make sale in such manner and upon such terms as to them it may seem proper, one or more of the said Slaves for the purpose of effecting a fair and equal division therein - The court notwithstanding what is herein before stated, doth further order adjudge and decree that the said commrs. or such of them as may act do receive in Cash at the sale of the said Land a sum sufficient to pay and discharge the proper and necessary expenses of this Suit & make report thereof to the court in order to a final decree —

A Copy Teste David Dick D.C.

Johnson

v.

Johnson

} Amended Decree in Chyr

3d. Jan'y. 1820 ent'd K

Ord'r to be copyed

Patience Johnson widow and relict of Isaac Johnson
dec.d plaintiffs vs.t Patsey Johnson & others defendants.

This Cause again came on this day to
be heard by Consent of Parties and with the assent of the
Court, and it appearing to the satisfaction of the Court
that Robert Johnson in the Bill mentioned departed this
life subsequently to the death of his father the said Isaac
Johnson, by reason whereof the admin.r of the said Robert
became entitled to the part or share allotted by a previous
decree in this cause to the infant Comp.t Eley Johnson,
Whereupon the, court with the assent of the parties,
doth order and decree that Elisha Darden as admin.r
of the said Robert Johnson be considered a party
Comp.t in this cause & that the Comm.rs before appointed
or such of them as may act, do pay to the said
Elisha Darden as admin.r as aforesaid the part or
share of the said estate heretofore allotted and assigned
to the said Eley Johnson, & make report &c.

Isle of Wight County to wit, January Court 1820.

Patience Johnson widow and relict of Jacob Johnson dec'd., Phereby Johnson, Lawrence Johnson Goodman Johnson, Jesse Johnson Jacob Johnson, Roana Johnson, and Eley Johnson, which said Eley, Roana, Jacob, Jesse, Goodman, Lawrence and Phereby are infant children sueing by the said Patience Johnson their next friend ..... Compltt.

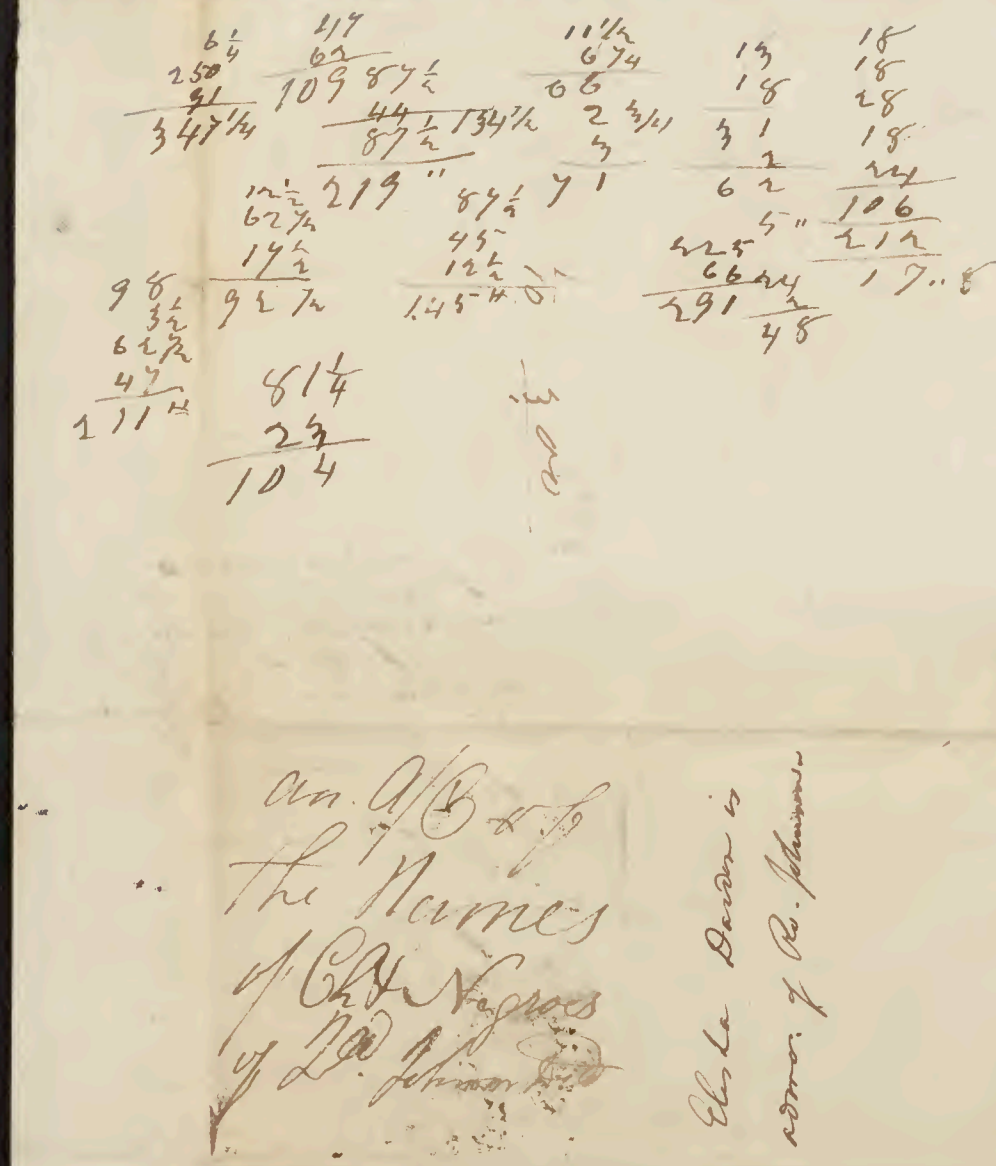
against

Patsey Johnson & Jacob H. Duck admr. of Jacob Johnson dec'd. as also admor. of Elizabeth and Polly Johnson dec'd. ..... Defts. In Chancery

This cause again came on this day to be heard by consent of parties and with the assent of this court, and it appearing to the satisfaction of the court that Robert Johnson in the bill mentioned departed this life subsequent to the death of his father the said Jacob Johnson, by reason whereof the administrator of the said Robert became entitled to the part or share allotted by a previous decree in this cause to the infant compltt. Eley Johnson, Whereupon this court, with the assent of the parties doth order decree that Elisha Darsey as administrator of the said Robert Johnson be considered a party complainant in this cause, and that the commissioners before appointed or such of them as may act, do pay to the said Elisha Darsey as admor. as aforesaid the party or share of the said estate before allotted and assigned to the said Eley Johnson, and make report thereof to this court in order to a final decree

Interlocutory decree $3.00

A Copy Teste Ath. Young D.C.



+Rahena Johnston Widow
+Eley Johnston dowf of Robert Johnston
×Patcy Johnston
Elizabeth Johnson dead
Polley Johnson dead
+Pherabia Johnson
Micajah Johnston dead
+Lawrence Johnson
+Goodman Johnston
+Lefte Johnston
+Jacob Johnson
+Roderick Johnston

Sam
Will
Patience
Jailor
Tom
Jim
Amelia & child dead
Fanny
July
dead
Anicky
Richmond

February 1820 Rec'd of Godwin Councill Solomon Butler & Henry Daughtrey Commissioners appointed in a decree of the County Court of Isle of wight bearing date december Court 1819 to Equally devide between the Complainants & defendants the Property nam'd in the aforesaid decree one Negro nam'd Judy and one Bond to the amount of one hundred & fifty four Dollars & 88 it being my Proportionable part of the Negroes and Proceeds of the Land, and of the Proceeds of the two Negroes & Proceeds of Land that was allotted to the two dec'd Children Elizabeth & Polley Johnson two of the defendants nam'd in the aforesaid decree in full

Witness Allen Daughtrey

Henry Johnson

February 17th 1820 Recd of Godwin Councill & Solomon Butler and Henry Daughtrey Commissioners appointed in a decree of the County Court of Isle of wight to us decreted bearing Date December 1819 two negroes named Anaky & Davi — and two Bonds to the amount of Six hundred & nine Dollars 71 Cents it being Lawrence & Goodman Johnson's proportionable parts of the Proceeds of the Land and Negroes also their Proportionable parts of the two negroes and the Proceeds of the Land that was set apart for the two Decd Children Elizabeth & Polley Johnson two of the Defendants nomed in the aforesaid Decree in full

Test

Matthew Gardner

Richard Murfee

February 14th 1820 Recd of Godwin Council Solomon Butler & Henry Daughtry Commissioners appointed in a decree of the County Court of Isle of wight bearing December Court 1819 to us directed to make an Equal Division between the Complainants & Defendants therein named of the Land and negroes named in the aforesaid Decree, three Negro named Tom Lewis Dread and three Bonds to the amount of six hundred and forty four Dollars & fifty six cents it being Jacob Jeffers & Roana Johnsons respectionable Rents of the ~~Land~~ Proceeds of the Land, also of the Proceeds of Land and the two negroes that was allotted apart for the two Dec'd Children Elizabeth & Polly Johnson named in the aforesaid Decree, and also at the same time Recd three negroes Will Jim & Patience for my Dower right of Negroes aforesaid named in the decree and one Bond to the amount of Sixty Six Dollars and Sixty Eight Cents in full for my Eleventh part of one Eleventh of the Proceeds of the Negroes and Land that was allotted to Polly Johnson Dec'd one of the Defendants named in the aforesaid decree

Witness Allen Daughtrey

Patience + Johnson for my self and the above named Negro

Rec.d of M.r Gorin Councill One of the
Corner.s appointed to make sale & division of
the property of the late Jacob Johnson the
sum of ~~fifteen~~ fifteen dollars

Rec.d S.d Bal.e

Feb.y 2.d 1820

during the summer & fall of last advertisements
in writing from the Sheriff of the county of Rensselaer
stating that Canadian Bank notes would be received at par in pay-
ment of the public revenue, a policy which was
dictated as the most efficient safeguard by the undoubted
character of the paper of the said banks about the
period above mentioned —

February 1820 Rec.d of Godwin Councill Solomon Butler & Henry Doughtrey Commissioners appointed in a decree of the County Court of Isle wight to us directed bearing date December Court 1819 - to Equally Devide between the Complainants & defendants the property named in the aforesaid decree one negroe named Freeny and one bond to the amount of one hundred and twenty nine Dollars & 87½ Cts it being Eley Johnson orphan of Robert Johnson Dec.d my portionable part of the Negroes and the Proceeds of the Land and of the Proceeds of the two negroes & Land that was allotted to the two Dec.d Children Elizabeth & Colley Johnson two of the defendants named in the aforesaid Decree in full

Witness
Benj. Griffin

Elisha Powers

February 1820 Rec.d of Godwin Councill Solomon Butler & Henry Doughtrey Commissioners appointed in a decree of the County Court of Isle of wight to us directed bearing date December Court 1819 to Equally devide between the Complainants & defendants the Property named in the aforesaid decree one Negro named Richmond and one Bond to the amount of two hundred Dollars 87½ Cts it being my Proportionable part of the negroes and of the Proceeds of Land and of the Proceeds of the two negroes & Proceeds Land that was set apart for the two dec.d Children Elizabeth and Colley Johnson two of the Defendants named in the aforesaid Decree in full by me

Witness Allen Daughtrey

Colley + Johnson