1826-012 Chancery Causes, Thomas Herring &c vs John Hatton & Wx, admrs of Daniel Herring &c

Isle of Wight County Samuel Batten, Junior's admrs &c vs Daniel Herring's admrs &c

Other SURNAMES: Bridger, Andrews, Eley, Moody, Powell, Seeds, Whitley,

Herring &c
vs
Hatton admr of Berry
and others

Octo 1823 Bill filed and order of publication

December 1823 leave given to amend bill and Daniel Whiting admor of Samuel Hatton &c &c made a party complt in this cause

January 5th 1824 by consent this cause came on to be heard and was Interlocy decreed

June 7th 1824 report returned and ordered to be filed for exceptions

August 8th 1826 Report confirmed & finally decreed

(5)
Edmond (alias Money) Baltin George Francis &
Daniel Baltin ~~&~~ & who are out of this
Commonwealth in the way prescribed by law
against absent defendants and as in duty
bound they will ever pray &c —

Attys. Atkinson
Attys. for compltt.

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1.

To the justices of the County Court of Ashe Right sitting in Chancery humbly complaining, sheweth unto your worships your orators and orators Thomas Herring and Martha Herring, (children and heirs at Law of Jesse Herring deceased) James Bridges and Elizabeth his wife formerly Elizabeth Herring, Mary Bridges formerly Mary Herring, and Martha Andrews formerly Martha Herring which said Elizabeth, Mary and Martha are the children and heirs at Law of Elias Herring deceased; Samuel Battin, Clements Battin, William Battin, Miley Battin, William Lunn and Emily his wife formerly Emily Battin, Isaac Moody and Nancy his wife formerly Nancy Battin which said Sam., Clements, Wm., Miley, Emily and Nancy are children and heirs at law of Martha Battin dec. who was before her marriage Martha Herring, and Samuel Battin, William Battin and Nancy Battin the three latter children and heirs at Law of Lem. Battin who was also a son of the said Martha Battin. That Daniel Herring late of the County of Ashe Right, departed this life on or about the day of A. Domini 1822 seized and possessed of a considerable real and personal estate lying and being in the County aforesaid and within the jurisdiction of this Court; That the said Daniel Herring left a paper writing purporting to be a will and which has been admitted to record in the Superior Court of Law for the County of Ashe Right, and admitted by the Court aforesaid, to be a will as to the personal estate therein devised; That the said Daniel Herring left a many valuable negro slaves and considerable chattle estate not

devised by the said writing, also several tracts or
parcels of land as aforesaid, which said lands
and the property not devised, your orators and
orators are advised, descend to the heirs at law
of the said Daniel Herring; the said Daniel
Herring ~~died~~ left neither a child or any descen-
-dant of a child, neither a father or mother,
brother or sister, and your complainants under-
-stand and believe that they are a certain Martha
Herring Hatton wife of John Hatton, ~~and Mary~~
alias Redmond alias Mary Batten, George Powell
and Daniel Batten, the three latter represented
to be residents of the State of Tennessee, are the
sole heirs at law of the said Daniel Herring,
and in order to shew more distinctly the truth of
this allegation, they beg leave to make the following
statement; Daniel Herring aforesaid has three brothers
and a sister, to wit, Elias Herring, Jeff. Herring ~~and~~
Milly Herring and
Martha Herring; Martha Herring intermarried
first with Batten alias afterwards with George Powell, the all
~~with~~ Batten ~~who~~ ~~died~~ of whom died many
years past, having the aforesaid Sam. Batten, Clement Batten,
Edmund Batten (alias Mary Batten) Wm. Batten,
Milly Batten, Emily Batten, ~~Mary Batten~~, Lewis
Batten, children of the said Martha by Batten; also Nancy
and George Powell children of said Martha by George Powell and
all of whom are now believed to be living except
Lewis Batten ~~late~~ aforesaid who died many years ago
leaving the aforesaid Sam. Batten Daniel Batten, William P. and
Henry Batten his ~~children~~ children; ~~and~~
Milly Herring died many years ago and left one child to wit, Martha
now the wife of John Hatton
Elias Herring died in the lifetime of the said Daniel
Herring, and left the aforesaid Elizabeth now Elizabeth ~~Herring~~
Briggs, Mary now Mary Briggs and Martha
now Martha Andrews, ~~and~~ his children, and who
are a part of the complainants; and Jeff. Herring
died also in the lifetime of the said Daniel
Herring, having two children, to wit, the aforesaid

(3)

Thomas Herring and Martha Herring. ~~—~~

Your complainants beg leave to state that there are
negro slaves, to wit;

many of them young and of small value and
that consistent with justice and the interest of the parties
concerned, neither the said negro slaves or the real
estate can be divided in kind - ~~that~~ the
share of each distributee in the said real estate is
more than
of worth the sum of three hundred dollars, and
they are informed that under such circumstances, the
real estate and slaves can be ~~sold~~ legally sold by
a decree of this worshipful Court in order for a
division - That after the death of the said Daniel
Herring, a certain John Hatton of the County of
Isle of Wight, administered upon his said estate in
the Superior Court of Law for the County of Isle of
Wight, and that he hath acquired the possession
of the aforesaid slaves, and of a large ~~part~~ ~~of~~ chattel
estate or might have done so; that he hath sold
the chattel estate sometime ago, and your complain-
-ants humbly conceive that as the said Daniel Herring
owned but little money, the debts have been paid
and satisfied by the said John Hatton administra-
-tor as aforesaid, and that it is not necessary
that he should longer continue in possession of
the slaves aforesaid - The aforesaid Edmund alias
Mary Batten, George Powell and Daniel Batten
three of the heirs of the said Daniel Herring are
out of this Commonwealth and are resident
(as they are informed and believe) of the State of
Tennessee - The said complainants have repeatedly
called upon the said John Hatton for a division
of the said estate, but he has refused to deliver over
the said slaves for a division without a decree of
this worshipful Court; ~~alledging that~~ some of the heirs
~~are~~ out of the Commonwealth of Virginia, and
they are unable to obtain a division of the said
estate without the interposition of this Court - In tender

consideration whereof, and for as much as your
complainants are remediless in the premises save
in this Court of Equity in which matters of this like
kind are alone properly cognizable and relievable,
they pray the aid of your worships. They pray
that the said John Hatton and Martha his
wife, and the said John Hatton in the character
of administrator of the said Daniel Herring,
Edmund alias Mooney Battin, George Powell and
Daniel Battin which said Edmund alias Mooney,
George and Daniel are out of the State of
Virginia, be made defendants to this bill of complaint;
That the said John Hatton administrator as aforesaid
and the said John Hatton and Martha his
wife, Daniel Battin, Edmund Battin and George Powell
be compelled full true, perfect and direct answer
to make upon their oaths, to all and singular the
allegations aforesaid, as fully as if the same were here
again repeated and they charged more particularly
interrogated. ~~But that they may~~ ~~and put them~~ ~~forthwith~~
~~and~~ ~~and that~~ ~~aforesaid~~ ~~decreed~~
~~the~~ ~~said~~ ~~Chancellor~~, ~~and~~ ~~thereby~~
~~aforesaid~~ ~~partnership~~ ~~property~~ ~~of~~ ~~and~~

Your complainants are advised
that as the share of each distributee in the real estate
aforesaid will not exceed the value of Three Hundred
dollars and as the slaves are of such a quality that
an equal division thereof cannot be made in
kind, it is in the power of this Court to direct a sale
of the said real estate and slaves for the purpose of
causing a fair and equitable division. They
~~further~~ pray that the Court will decree that the said
lands and slaves be sold by some fit and proper
person appointed for that purpose by the Court, &
that the ~~said~~ ~~he~~ proceeds be divided between the
complainants and the defendants according to their
legal and proper demands. They pray that they
may be permitted to proceed against the aforesaid

To the County Court of Pittsylvania sitting in Chancery, humbly complaining, shew unto your Worships your orator Daniel White by [illegible] of Samuel Battin jr. dec'd late of the County aforesaid and your orator Samuel and Louisa Battin ~~infant~~ infant and heir at law of the said Samuel Battin junior, suing by the said Daniel White, their next friend, That the said Samuel Battin deceased in his lifetime and others, did sometime about the day of A.D. 1823 exhibit their Bill of complaint in this Honourable Court against John Hatton administrator of Daniel Herring dec'd and the said John Hatton and Martha his wife, and George Powell, Daniel Battin and Edmund Battin Money Battin which said George Powell Daniel Battin and Edmund Battin were charged in the original bill to be out of this County and paramount other things for the recovery of their legal and proportionable part or share of the estate real and personal of the said Daniel Herring deceased. And your orator further sheweth that since the commencement of the said suit the said Samuel Battin jr. the late [illegible]

of your orator and oratrix Louisa & Samuel Batton
and the infant Sarah Batton hath expired this life intestate
by reason and the aforesaid Daniel Whitby has
taken upon himself before the County Court
of Westmoreland the administration upon the
estate of the said Samuel Batton by reason
whereof the suit hath abated as to the
said Samuel Batton - but the petition of the infant, the only below
Daniel Whitby against the said Batton and others to be set aside
their next friend are the sole heirs at law
of the said Samuel Batton and they charge
that the said suit ought to be revived in
the name of the said Daniel Whitby and
of themselves and to stand in the same condition
with respect to the parties in this bill
of review as it was in with respect to the
parties to the original bill at the time the
abatement happened and they pray that the
suit may be revived accordingly - They lastly
pray that the said John Batton as admr aforesaid
of Daniel Herring, the said John Batton and
Martha his wife, George Rowe, Daniel Batton and
Jemima alias Mourning Batton be made defendants
hereto and that they be compelled fully perfect
and direct answer to make to the allegations
aforesaid - That your worships will be pleased that
the said John Batton as admr of Daniel Herring
shall cause an account of his intestate
which are liable to distribution between the
heirs at law for sale and distribution &c
and that your worships will direct that
the admor of the said Samuel Batton's own
complaint Daniel Whitby) shall be
upon the division of the estate aforesaid to
part of the personal estate to which the
intestate was in his lifetime entitled and
that the complainants heirs at law of said
Samuel Batton may receive the part of the
real estate to which their ancestor was
entitled in his lifetime and that your
worships will make such other or further
decree in the premises for their relief
which may comport with justice & equity
and may it please your worships to
grant to your complainants the Commonwealth's
writ of Spa commanding & directed &c

Atkinson p. q

Whitby admor.
of Baltis Lothes
v. Bill of
Rivers
Jervis admor. &c

Dec. rule 1820.

To the County Court of Bleff Night Sitting in Chan=
cery - The Answer of John Hatton and Elizabeth
his wife, and of the said John Hatton as a Dev.ee of
of Daniel Herring deceased, and of Geo. Powell to a Bill of Complaint
exhibited against them and others in the Court
aforesaid, by Thomas Herring and others -

The defendants saving and reserving to themselves
any Right that it is from Daniel Herring deceased this
life under the circumstances set forth in the
Complainants Bill, that the complainants and
the defendants in the Bill are the heirs at Law of
the said Daniel Herring - The said John Hatton
as a Dev.ee as aforesaid cannot deny but that he is
a Dev.ee of the said estate and in possession of the Slaves
not devised by the will of the said Herring - He cannot
gainsay the allegations of the complainants - is
willing to surrender the Slaves for a sale decreed
provided the distributive Shares given him Bonds &
security agreeably to Law - The defendants
are willing that the Court should as speedily as
possible with their consent, make any decree in
the premises which can be sanctioned by
Law and Equity - Having answered they
pray hence to be dismissed &c -

signed

John Hatton

George his X Powell
mark

Hatton Esqr

adv: 3 Ancon

Kersey Esqr

To the County Court of Isle of Wight sitting in Chancery - The answer of Daniel Batten and Rebecca Batten to a Bill of complaint exhibited against them and others by Henry Bolton in the County Court of Isle of Wight -

These defendants say ~~that they are of [illegible] Batten deceased and [illegible] his wife [illegible] said bill to be true~~ they believe the statement made by the complainants is correct, & willing to the decree which is asked and pray the Court to make any order in the premises which may comport with justice & equity - having answered they pray to be dismissed &c - signed Daniel + his Batten mark

Isle of Wt. County, to wit -
Sworn to before me this day of A.D. 1823 -

Bodin (Paul)

The answer of John Hatton and Martha his wife and of John Hatton admr. of Danl Henry to a Bill of revivor exhibited in the County Court of Wayne Wright against them and others by Danl Whitley admr. of Samuel Battin and others —

These defendants saving &c for answer say; that they cannot deny but that the infant complainants are the children and sole heirs at Law of Danl Battin dec'd and that the said Danl is his administrator nor that they are entitled as charged in the Bill — The said defendant John Hatton admr. of Danl Henry said the said Hatton and wife are ready to comply with any order the Court may pronounce in the cause having answered they pray hence to be dismissed &c. —

Sign'd John Hatton

Wayne Wright County Sct. This day came before me John Hatton who made oath that the foregoing answer contains the truth as far as depends upon his knowledge and that as far as depends upon the knowledge of others he believes it to be true — Given under my hand and seal as a Justice of the Wayne Wright County this 20 day of Dec. 1823 —

Edmund Rain (Seal)

Patton &c

ac: Zamora

White ac: &c

The answer of George Powell to an original Bill of
complaint exhibited in the Court of Chancery by
against him and others by Thomas Herring Solicitor
and to an amended Bill or Bill of revivor exhibited
by Saml. Whitty admr of Saml. Battin dec'd and
others in the same Court against him Solicitor -
The defendants saving &c, for answer says that they
is an nephew of the deceased Daniel Herring, &
claims his proportionable share of the undisposed
real and personal estate of the said Daniel
Herring - They admit that Saml. Battin
Clement Battin, Mooney or Edmund Battin, Mr
Battin, Wiley Battin Emily Sands wife of Mr Sands,
Nancy Moody wife of Isaac Moody, Elizabeth
Bridges wife of Jas. Bridges, Mary Bridges Martha
Andrews, Thomas Herring and Martha Herr-
ing and Martha Hatton wife of Jno Hatton
are nephews and nieces of the said Daniel
and that Lemuel Battin who was also a
nephew died some years past, having the following
issue, that is to say Saml. Battin, Saml. Battin,
Mr Battin and Henry Battin - He cannot deny
but that the original Bill and the Bill of
Revivor contains the truth of such allegations
as he cannot gainsay - They will that the

Court shall make any Decree in the premises as shall is consistent with justice & Equity — Having answered the prayer hereof to be dismissed &c — his
signed/ George ↖ Powell
mark

Johnson County to wit — This day George Powell made
oath before me a justice of the peace to the truth
of the foregoing answer — Given under my hand this
day & date 1823 —

George Powell
Answer
Filed Aug 1823

The commonwealth of Virginia to the Sheriff of Isle of Wight county Greeting; We command you to summon John Hatton and Martha his wife, John Hatton of Daniel Herring, Daniel Battin, Edmund (alias Monry) Battin and George Powell to appear before the Justices of our county court at the courthouse on the first monday in October next to answer a bill in Chancery exhibited against them by Thomas Herring, Martha Herring, James Briggs & his wife Elizabeth, Mary Briggs, Martha Andrews, Samuel Battin, Clement Battin, William Battin, Willy Battin, William Sears and Emily his wife, Isaac Moody & Nancy his wife, Samuel Battin jr., William Battin jr. & Henry Battin and this they shall in no wise omit under the penalty of £100 each and have then this writ. Witness Nathaniel Young clerk of our said court at the courthouse the 10 day of September 1823. in the 48th year of the commonwealth

Nath[l] Young. C.
"C"

No Inhabitants to Monyalias Edmon
Batten Daniel Batten & Lewis
pat 6. 1823 & Woodhead &
A Woodley & Co

Boring Rodds
in 3 Districts
Cont. 350 a Res. Surv.

To Quit rents in
Arrear and Ls 3:

Arrears 43

Isle of Wight County, to wit,

Agreeably to a decree of the Court of the said County pronounced at January Court 1824 in a suit depending in the Court of said County in which Thomas Herring and others are Plaintiffs and John Hatton and Martha his wife and others are defendants, having advertised the time and place of sale agreeably to the said decree, the undersigned Commissioner did on the 14th day of January 1824 expose to sale to the highest bidder agreeably to the terms of said decree the following real estate and slaves as to which Daniel Herring died intestate to wit;

the manor plantation of which John B. Eley became the Purchaser for $2000.
the Bridger Plantation of which Samuel Battin became the purchaser for $499.—
the Roberts Plantation of which James Bridger became the purchaser for $402.—

amounting to $2901.00

from which was deducted for costs & commissions upon the sale . . . 209.95

leaving a nett balance to be divided of $2692:05

Your Commissioner has taken bonds from the purchasers ~~for~~ and a deed of trust upon the manor plantation to secure the purchase money therefor, and has paid to Thomas Herring, Martha Herring, James Bridger Mary Bridger, Martha Andrews, Clements Battin, William Battin Sen. Riley Battin William Lee in right of his wife, Isaac Moody in right of his wife John Hatton in right of his wife Edmund Battin Geo. Powell Sam. Battin Sen. each one fifteenth making 2512.58

to Daniel Battin, Henry Battin & Wm Battin jr. $60 each making . . . 134.60¼

& to Louisa & Sam. Battin . . . . $60 equal to 44.86¾

$2692.05

Negro man Matt of which William Seds became the purchaser for $ 403.00

Negro man Wardy of which Samuel Battin became the purchaser for 351.00

negros Prince & Dinah of which John B. Clay became the purchaser for 375.50

negros George & Betty of which Clements Battin became the purchaser for 290.50

Negro Abram, of which Thomas Herring became the purchaser for 200.00

negro Jack of which James Bridges became the purchaser for 200.00

negros Chloe, Charity & child Pennelia & Malcomb. of which John Hatton became the purchaser for 3/3 991.00

negros Osburn. Dinah & child milly to Edmund Battin for 552.00

negro Pegg to Edmund Battin for 240.00

$3569.00

from which was deducted a commission upon the sale of the aforesaid slaves 3/3 103.45

$3405:55

Out of which y our Commissioner has paid to Thomas Herring Martha Herring, James Bridges Mary Bridges Martha Andrews Clements Battin William Battin Senr. Willy Battin William Seds in right of his wife, Isaac Moody in right of his wife John Hatton in right of his wife, Edmund Battin George Powell & Samuel Battin Senr. each 1/15 making 3253.10

to Daniel Battin, Henry Battin, & William Battin jr. 1/60 ~~each~~ making 3 174.27 3/4

to Daniel Whitley administrator of Saml. Battin junr. 1/60 50.09 1/4

$3405:55

Which is respectfully submitted to the Court: Given under my hand this 10th day of april 1824

Barth. Lightfoot Comr

Thomas Herring, Martha Herring, James Bridger and Elizabeth his wife, Mary Bridger, Martha Anderson, Samuel Battin, Clement Battin, Mr. Battin, Riley Battin, ~~Mr. Battin, Riley Battin~~ Mr. Seth & Emily his wife, Isaac Moody and Nancy his wife, Lazarus Battin, Mr. Battin Jr. and Henry Battin ——— complts

vs.

John Hatton and Martha his wife, ~~Hatton~~ John Hatton adv.ts

of Daniel Herring, Edmund (alias Money) Battin, George Powell and Daniel Battin ——— defends

This day came the plaintiffs by their attorney, and it appearing to the satisfaction of the Court that the defendants Edmund (alias Money) Battin, George Powell and Daniel Battin are not inhabitants of this ~~State~~ Commonwealth, on the motion of the plffs. it is decreed and ordered by the Court that the said defendants do appear here on or before the first Monday in January next, and answer the ~~complainants~~ bill of the complainants, & give security for performing such decree as the Court may make herein; and that a copy of this order be forthwith ~~published~~ inserted in some news paper published in the Borough of Norfolk, and continued for two months successively, and that another copy be posted up at the door of the Court House of this County ~~for two months successively~~ ———

The defendants Edmund (alias Money) Batten George Powell and Daniel Batten not having entered their appearance

Henry de
~ Jordan
Junr Executor
Dennis Abbott

Thos. Herring and Martha Herring children and heirs at law of Jesse Herring dec'd, Jonas Briggs and Elizabeth his wife, formerly Elizabeth Herring, Mary Briggs, formerly Mary Herring, and Martha Auburn, formerly Martha Herring, which said Elizabeth, Mary and Martha are the children and heirs at law of Elias Herring dec'd, Samuel Battin, Clement Battin, Wm Battin, Wiley Battin, Wm. Isaac and Emily his wife, formerly Emily Battin, Isaac Moody and Nancy his wife, formerly Nancy Ponds, which said Saml, Clement, Wm, Wiley, Emily and Nancy are children and heirs at law of Martha Battin dec'd. who was before her marriage Martha Herring, and Daniel Whitley adm'r. of Saml Battin jr. and Saml and Louisa Battin infant children of the and heirs at law of the said Saml Battin jr. suing by Saml Whitley their next friend, ~~and Lud. Battin~~ and Wm Battin junior and Henry Battin which said Wm Battin jr, Henry Battin and the aforesaid Saml Battin jr. dec'd the ancestor of the infants aforesaid, were heirs at law of Lud. Battin who was also a son of the said Martha Battin ——— complainants

against

John Hatton and Martha his wife, John Hatton adm'r. &c. of Saml Herring dec'd, Saml Battin, Edmond (alias Monny Battin and Giles Ponds Sr.

The complainants in this cause having proceeded against the defendants Saml Battin, Edmond alias Monny Battin and Giles Ponds in the mode prescribed by law against absent

defendants; and the said Daniel Edmund and George having appeared and filed their answers by consent to the original and amended bill filed; and the said Hatton & Wife having filed their answer to the cause was this day docketed, and came on to be heard by consent of parties and the apart of the Court upon the original and amended bill, the answers of the defendants and the exhibits filed and was argued by Counsel, whereupon the Court doth adjudge, order and decree that Bartholomew Leighfoot be and he is hereby appointed a Commissioner and directed, after giving at least ten days notice by advertising the sale at the Court House of this County, and at such other place as he shall judge expedient, to expose to sale to the highest bidder at publick auction, upon a credit of 12 Months, except for such part thereof as will be necessary to pay the expences of this suit and of the sale which are to be reported in Court the lands and slaves, in the Bill mentioned, it being the undivided lands and slaves of which said Herring died seized in Isle of Wight County; it is further ordered and adjudged that of the purchasers more orders and adjudges that of the purchasers of the real estate, he take Bonds with good personal security together with a deed of trust or deeds of trust upon the said lands to secure the payment: and that of the purchasers of the slaves, he do take Bonds with good security in such way or to enable him to carry this decree into effect, (unless the plaintiff or defendants shall be purchasers) and in that event the Court is required to secure the payment of so much of the purchase money as shall be over and above his or their proportion of the said estate, or the same may as purchasers disinterested in the sale are required in this decree to secure the payment

That of the first amount of the sales of the real estate the said Court do pay one fifteenth to Thomas Herring, one fifteenth to Martha Herring; one fifteenth to James Bridger, one fifteenth to Mary Barrow, one fifteenth to Martha Andrews, one fifteenth to Clement Battin, one fifteenth to Mr Battin; one fifteenth to Nicky Battin, one fifteenth to William Sen and Emily his wife in her right; one fifteenth to Isaac Mooney and Nancy his wife in her right; one fifteenth to John Hatton and Martha his wife in her right; one fifteenth to Edmund alias Mooney Battin, one fifteenth to George Powell, one fifteenth to Sam'l Battin Senior; one sixtieth to Sam'l Battin; one sixtieth to Lydia Battin equally between the said Sam'l Battin and Lydia Battin, infant children and heirs at law of Sam'l Battin junior, one sixtieth to Mr Battin jr; and the remaining one sixtieth to Henry Battin. That of the next proceeds of the sales of the slaves, he do pay one fifteenth to Thomas Herring, one fifteenth to Herring, 1/15 to James Bridger, 1/15 to Mary Barrow, 1/15 to Martha Andrews, 1/15 to Sam'l Battin Senior.

1/15 to Clement Batties 1/15 to Mr. Batties 1/15 to Nicky Batties
1/15 to Mr. Lucas and Emily his wife in her right 1/15 to Saml.
Mooney and Bethany his wife in her right 1/15 to John
Hatton and Martha his wife in her right 1/15 to Dom.
olio Clooney Batties 1/15 to Geo. Powell 1/60 to Danl. Batties,
1/60 to Saml. Whitby adm. of Saml. Batties ye. dec.
1/60 to Mr. Batties ye. and the remaining one sixtieth to
Henry Batties — — It is furthermore decreed that before
any distributee shall receive his or her distribut-
-able share of the sales of the aforesaid slaves, such distributee shall
shall give Bond with good security to the said
John Hatton as adm. &c. aforesaid of Saml. Henning
in the penalty of double the amount of such such
distributee in the slaves aforesaid: conditions to
defend in proportion if any debt or demand which
may afterwards appear against the said Saml. Henning
and the cost attending the recovery of such debt
It is furthermore decreed that the complainants and
the defendants who are of lawful age, do convey
by good and sufficient deeds conveyance
to the purchasers of the real estate
all the right, title and interest which they
have thereto, with general warranty;
and that the said Barthelemew Lightfoot
as the next friend of the infant complain-
-ants do convey to the purchasers of the
said real estate by a good and sufficie-
-ent deed of conveyance, without warran-
all the right and interest which the
infant defendants have to the said real
estate. ~~Liberty is reserved to the~~
And that the said Comm.r make report
to this Court of his acting and doing
in the premises in order to a final
decree —

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Isle of Wight County January Court 1824

Thomas Herring and Martha Herring children and heirs at law of Jesse Herring deceased, James Bridger and Elizabeth his wife formerly Elizabeth Herring, Mary Bridger, formerly Mary Herring, and Martha Sanders, formerly Martha Herring which said Elizabeth, Mary and Martha are the children and heirs at law of Silas Herring deceased, Samuel Ballow, Clements Ballow, William Ballow Nelly Ballow, William Sale, and Emily his wife formerly Emily Ballow, Isaac Moody, and Nancy his wife, formerly Nancy Powell, which said Samuel Clements, William, Nelly, Emily, and Nancy are children and heirs at law of Martha Ballow deceased, who was before her marriage, Martha Herring and Daniel Whitley administrator of Samuel Ballow jr and Samuel and Lucy Ballow infant children and heirs at law of the said Samuel Ballow jr suing by Daniel Whitley their next friend, William Ballow jr and Henry Ballow which said William Ballow jr Henry Ballow, and the aforesaid Samuel Ballow jr deceased the ancestor of the infants aforesaid were heirs at law of Samuel Ballow who was also a son of the said Martha Ballow Complainants

against

In Chancery.

John Ballow and Martha his wife John Ballow admor. &c of Daniel Herring deceased Daniel Ballow, Edmond alias Money Ballow, and George Powell Defendants

The complainants in this cause having proceeded against the defendants Daniel Ballow, Edmond alias Money Ballow, and George Powell in the mode prescribed by law, against absent defendants, and the said Daniel, Edmond and George having appeared and filed their answers by consent to the original and amended bill filed and the said Ballow and wife having filed their answers, this cause was this day docketed and came on to be heard by consent of parties and the assent of the court upon the original and amended bill, the answers of the defendants and the exhibits filed, and was argued by counsel whereupon the court doth adjudge, order and decree that Bartholomew Leighfoot be and he is hereby appointed a commissioner and directed after giving at least ten days notice by advertising the sale at the courthouse of this county and at such other places as he shall judge expedient, expose to sale to the highest bidder at public auction upon a credit of twelve months, except for such part thereof as will be necessary to pay the expenses of this suit and of the sale which amount will be required in cash the lands and slaves in the bill mentioned it being the undivided lands and slaves of which Daniel Herring late of

Isle of Wight County did seize of it is furthermore ordered and adjudged that of the purchasers of the real estate, he take bonds with good personal security, together with a deed of trust or deeds of trust upon the said lands to secure the payment, and that of the purchasers of the slaves, he do take bonds with good security, in such way as to enable him to carry this decree into effect, unless the plaintiffs or defendants shall be purchasers, and in that event the commissioner is required to secure the payment of so much of the purchase money as shall be over and above his or her proportion of the said estate in the same way as purchasers disinterested in the sale are required in this decree to secure the payment. That of the net amount of the sales of the real estate, the said commissioners do pay over 1/15 to Thomas Herring one fifteenth to Martha Herring one fifteenth to James Bridger one fifteenth to Mary Bridger, one fifteenth to Martha Andrews, one fifteenth to Clements Batten, one fifteenth to William Batten one fifteenth to Riley Batten one fifteenth to William Pace and Emily his wife in her right one fifteenth to Isaac Moody and Nancy his wife in her right, one fifteenth to John Batten and Martha his wife in her right one fifteenth to Edmund alias Mosey Batten one fifteenth to George Powell, one fifteenth to Samuel Batten deceased, one sixtieth to Daniel Batten one sixtieth equally between the said Samuel Batten and Louisa Batten infant children and heirs at law of Samuel Batten jr. one sixtieth to William Batten jr, and the remaining one sixtieth to Henry Batten; That of the net proceeds of the sales of the slaves he do pay over one fifteenth to Thomas Herring 1/15 to Martha Herring 1/15 to James Bridger 1/15 to Mary Bridger 1/15 to Martha Andrews 1/15 to Samuel Batten deceased 1/15 to Clements Batten 1/15 to William Batten 1/15 to Riley Batten 1/15 to William Pace and Emily his wife in her right 1/15 to Isaac Moody and Nancy his wife in her right 1/15 to John Batten and Martha his wife in her right 1/15 to Edmund alias Mosey Batten 1/15 to George Powell 1/60 to Daniel Batten 1/60 to Daniel Whitley assignee of Samuel Batten jr deceased 1/60 to William Batten jr and the remaining one sixtieth to Henry Batten; It is furthermore decreed that before any distributee shall receive his or her distributable share of the sales of the aforesaid slaves such distributee shall give bond with good security to the said John Batten as aforesaid or to aforesaid of Daniel Herring in the penalty of double the amount of such distributive in the slaves aforesaid conditioned to refund due proportions of any debt or demands which may afterwards appear against the said Daniel Herring and the costs attending the recovery of such debts. It is furthermore decreed that the complainants and the defendants who are of lawful age, do convey by good and sufficient deed of conveyance to the purchasers of the real estate, all the right title and interest which they have thereto with general warranty, and that the said Bartholomew Lightfoot as the next friend of the infant complainants do convey to the purchasers of the said real estate, by a good and sufficient deed of conveyance without warranty all the right and interest which the infant defendants have to the said real estate. And that the said commissioner make report to this court of his doings and doings in the premises in order to a final decree.

Teste. Batt. Young Cl

Herring & ab

vs Copy Decree

Herrings admor: &c

Herring &c
v
Ch
Katton.

This cause coming on again
to be heard this day upon the papers
formerly read and the report of the Com.
made in pursuance of the order of
Long T. 1824 - to which no exceptions
have been filed, and read and argued by
Counsel; On consideration whereof
the Court doth agree, order and decree
that the said report be confirmed and
that the costs of this suit be
mutually borne by the parties -

Henry

3 Mr.

Henry

We the Subscribers do Hereby certify that we are agreed that the County Court of Isle of Wight shall as soon as they shall and can legally do so, make a decree for a division of the estate of Danl Kenny undivided by him in his Last Will, between those legally entitled to the estate; and we do Hereby make known that we are willing that Thomas Kenny and Betsey Kenny children of Jesse Kenny shall be considered as a part of the heirs of the said Danl Kenny deceased - and we are also of opinion that it will be necessary that the Court shall decree a sale of the whole estate to which we are entitled in order to effect a division of the same given under our hands and seals this 1st day of September 1823.

William Deeds
Benny his X Battin
William mark Battin Jr
James Bridger
Matthew Andrews
Betsey Bridger
Isaac Moody
Saml Battin Jr

All the Parties that Are willing that Thomas Herring & Wiley Herring shall come in Equal with the Rest of the Distributees will Be so Kind as to Assigna this Paper &c

William Battin jr

William Eeds

Samuel + Battin Jurer
his mark

Simmons + Battin
his mark

James Bridges

Henry + Battin
his mark

Mills Bridger

Samuel + Battin Segr
his mark

Wiley + Battin
his mark

Mathey Andrews

Isaac Hardy

[illegible]

Copied &
Examined
Decem
Battin Cahs
in B
Recorded

I do hereby consent that the suit depending in the County Court of Edgefield in the name of Thering & others Plaintiffs against Hatton & others Defts. shall stand in my name as adm. of Sand. Battin and as next friend to Louisa Battin and Sand. Battin his children & heirs of the said Sand. Battin - Given under my hand this 2d day of Dec. 1823-

Test

Daniel Whitten

Herring &c.

" 3 Lobsters

Hatton &c.

Consent for cause

to go on

January 15th 1824 Received of Barth: Lightfoot, Commissioner appointed under a decree of the Court of Isle of Wight County Bonds taken by virtue of said decree to the amount of . . . . . being our full proportion of the nett proceeds arising from the sale of property sold under said decree, belonging to the estate of Daniel Herring Decd.

Test

~~Barth. Lightfoot~~

Jordan Parr as to Bridger Exr. & Sam. Battin

Wm. G. Edwards as to George Powell

× James Bridger

× William Sweet

his

× Samuel + Battin Sen.

mark

George ~~his~~ Powell

× mark

× Isaac Hood

his

Henry × Battin

mark

his

× William + Battin Sen.

mark

Mooney Battin

his

Wiley × Battin

mark

his

Thomas × Herring

mark

her

Martha + Herring

mark

his

Clements × Battin

mark

Ann Ely for

Daniel Battin

William Battin Jr

Polley Bridger

Jr. Hartwell

We the subscribers do hereby direct the Commissioner who may be appointed by the Court of Chancery, to sell under the decree to be pronounced in the case of Herring &c. v Herring adm.rs &c., to pay to A. Atkinson out of the net proceeds of the sale of the property the sum of fifty dollars for his services in the premises to which the Bill &c. relates - and for so doing this shall be a sufficient authority for the said Commissioner - Given under our hands & seals ~~this~~ 5th day of Janry. 1824 -

Jn. Hatton
Williams Seals
Clements Hatton
William Hatton Senr.
[illegible]
Silas Summerlin
for Thomas & Martha Herring
Isaac Moody
Daniel Hatton
Henry Hatton
Samuel Hatton
William Hatton

To the Court
in the case of
Kennedy
vs
Kennedy

The following persons are the distributees to the undivided Estate of Daniel Herring dec.

John Batton in right of his Wife Martha daughter of Hillis Herring, who was the brother of said Daniel Herring. . . . . .

Samuel Battin . . . . . .
Clements Battin
Mary or Edmond Battin, now in the State of Tennessee
William Battin
Riley Battin
William Sheds in right of his Wife Emily
Isaac Moody in right of his Wife Nancy
George Powell now in the State of Tennessee
Samuel Battin, 10 or 12 Yrs since dec'd. who left the following Sons, Samuel, David, William & Henry.

} These are the decendants of Martha Battin who was the Sister of Daniel Herring.

} Note Daniel Battin the Son of Samuel is now in the State of Tennessee

James Bridges, in right of his Wife Elizabeth
Mary Bridges
Martha Andrews. . . . . .

} These are the decendants of Elias Herring brother to the said Daniel Herring.

Thomas Herring
Martha Herring

} These are said to be the Children of Jesse Herring, who was also the brother of the said Daniel Herring.

Herring
v.
Williams
Harris
and Ors.

Parties.

IN CHANCERY.

Isle of Wight County,
October Court, 1823.

Thomas Herring and Martha Herring, children and heirs at law of Jesse Herring deceased, James Bridger and Elizabeth his wife, formerly Elizabeth Herring, Mary Bridger, formerly Mary Herring, and Martha Andrews, formerly Martha Herring, which said Elizabeth, Mary and Martha are the children and heirs at law of Elias Herring deceased, Samuel Batten, Clements Batten, William Batten, Wiley Batten, William Seeds and Emily his wife, formerly Emily Batten, Isaac Moody and Nancy his wife, formerly Nancy Powell, which said Samuel, Clements, William, Wiley, Emily and Nancy are children and heirs at law of Martha Batten deceased, who was before her marriage Martha Herring, and Samuel Batten jr. William Batten jr. and Henry Batten, the three latter children and heirs at law of Lemuel Batten, whn was also a son of the said Martha Batten,

Complainants,

against

John Hatton and Martha his wife, John Hatton adm'r of Daniel Herring, Daniel Batten, Edmond, alias Money Batten and George Powell,

Defts.

THIS day came the plaintiffs by their attorney and it appearing to the satisfaction of the Court that the defendants Edmond, alias Money Batten, George Powell and Daniel Batten, are not inhabitants of this Commonwealth, on the motion of the plaintiffs, *it is decreed and ordered* by the Court, that the said defendants do appear here on or before the first Monday in January next and answer the bill of the complainants, and give security for the performing such decree as the Court may make herein, and that a copy of this order be forthwith inserted in some newspaper published in the Borough of Norfolk, and continued for two months successively, and that another copy be posted up at the door of the Court-house of this County.

A Copy. Teste,
NATH'L YOUNG, *C. C.*

Oct 10

NORFOLK BOROUGH, *to wit:*

ON this 27th day of Decem^r^ 1823 before me William B. Lamb an Alderman of the Borough aforesaid, personally appeared *Thomas G. Broughton,* proprietor and publisher of the Newspaper called the Norfolk and Portsmouth Herald. and made oath that the above order was published in the said Newspaper for and during the period of two months in succession, commencing the 10th day of October 1823

William B. Lamb

To

John S Ballon, Esq

Smithfield

Va