1827-004 Chancery Causes. Mary Anne Johnson + al, by &c VS Lawson F. Holland, admr

Isle of Wight County

of Henry Johnson

other surnames: McClenny

Mary Anne Johnson Vals.
vs Bill, Ans. & Decrees
Lawson F. Holland.

April 3d 1826
Bill & Ans. files & Interlocutory

June 5th 1826
Report returned & confd.

Sept. 3d 1827 Report confirmed & final decree

Brooke. Atto.

(Isle of Wight)

and your Orator and Oratrices charge the fact to be, that a division in kind of the slave named, is utterly impossible and impracticable, and they pray for a sale to be ordered and the proceeds divided equally among them. But now so it is, may it please the Court, that the said Lawson F. Holland, admor &c as aforesaid, combining and confederating himself with divers persons unknown to your Orator and Oratrices, whose names when discovered, they pray may be made parties to this their bill with apt and proper words to charge them. Craves to defraud and defeat your Orator and Oratrices in the premises, and having possessed himself of the said slave Jack, and other chattel and personable estate of the said Intestate, he the said Lawson F. Holland, altho in a deceitful and respectful manner solicited and entreated by your Orator and Oratrices said next friend, refuses to come to any division or sale of the said slave Jack; and many pretences are resorted to by the said admor &c sometimes he pretends that the complainants being infants is not bound to account with them in any shape or manner during their minorities and that his intestate's Estate is considerably indebted, and that he has paid away large sums of money — At other times he pretends that if your Orator and Oratrices are entitled to any portion of the said slave Jack, that he cannot be upon him-self to make the sale or division without the sanction and authority of a Court of equity which Court alone has and possesses all the powers necessary and proper for the relief of the Orators in the case now stated. All which actings and doings are contrary to equity and good conscience and tend to the manifest injury and oppression of your Orator and Oratrices.

In the End therefore that the said Lawson F. Holland, may be made a defendant hereto, as admor &c of the said Henry Johnson dec^{d} and be compelled upon his corporal oath full true and perfect answers to make to all and singular the premisses, and allegations herein contained, as if the same were here again repeated, and he thereunto particularly interrogated more especially that he the said Lawson F. Holland admor &c as aforesaid may set forth, discover and declare, whether he is not admor &c of the said Henry Johnson, and did he not die intestate, & the slave Jack the only slave left by the said Intestate, will it be necessary to sell it, is he willing now to surrender him, for the purpose of the payment of debts, division among the heirs, under a decree of this Court &c or the complainants the children and heirs at law of the said Intestate. Your Orator sometimes lastly pray, that your Honors will appoint a Comm^{rs} or Comm^{r} to make sale of the slave Jack, and divide the proceeds of the sales thereof among the proper claimants who are your Orator and Oratrices. and that this Court will make such other or further order or decree in the premisses as shall be more consistent with the principles of equity and good Conscience. May it please your Worships to grant the Commonwealths writ of Sp^{a}; directed &c. commanding &c

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The Answer of Lawson F. Holland administrator &c of Henry Johnson dec^{d} to the bill of complaint of Mary Anne Johnson, Marcilla Johnson, Nepersion Johnson, Henrietta Johnson, and Georga Johnson, all of which being infants sue in their behalf by William McCleny their next friend.

This defendant now and at all times hereafter saving and reserving to himself all benefit and advantage of exception to the many errors uncertainties and insufficiencies in the complainants said bill of complaint contained, for answer thereto, or unto so much thereof as he is advised it is ma-terial or necessary for him to make answer unto, answers and says. That he is admor &c of the said Henry Johnson dec^{d} late of the county of Isle of Wight who died Intestate, on or about the month of February 1824. That he died possessed of a very small property, they being all the slaves named Jack proved to be upwards of forty years of age that he has been actively engaged in the duties of his admor: and he believes that he has now fully paid the debts out of the estate and has no objection that the slave Jack, shall be surrendered to the pltffs who he admits are the children and heirs of the said Henry Johnson his Intestate, for the purpose of being divided among them, under a decree of this Court. He has never been unwilling that the said slave should be disposed of in a legal and proper manner, and he will therefore submit to any decree which this Court may be pleased to make, and direct, whereby his rights and interest may not be unjustly affected or injured. This defendant further answers and says, that he was advised that he could not safely consenting to a sale or division without the sanction and authority of a Court of competent jurisdiction, and therefore has always declined Applications made to him by the complainants their next friend for division. He denies all fraud and combination in the bill charged. without that, that &c.

(signed) Lawson F. Holland

To the Worshipful Court of Isle of Wight
County in Chancery sitting.

Humbly complaining shew unto the Court your Orator and
Oratrices, Mary Jane Johnson Marcella Johnson
Nevison Johnson, Henrietta Johnson and Louisa Johnson
the children of Henry Johnson being infants & have allowed to sue by their next
friend William McClenny

That a certain Henry Johnson the father of your orators
and oratrices was in his life time and at the time of his death
possessed of, and entitled to, a negro man slave named Jack
and some chattel and moveable property, that he died intestate
on or about the day of February A.D. 1874 and that a certain Lawson
F. Holland qualified as his administrator in the County Court
of Isle of Wight not long after the death of the said intestate
and possessed himself of the said slave and other property and
still continues to hold the same. Your orators and oratrices
by their said next friend further state, that they are his
children and heirs at law and entitled to share and
divide his in equal degree after the payment
of his debts, and funeral charges and expenses paid.

And your orators and oratrices by leave
further to state that the said Henry Johnson died by their next friend, that the said
Lawson F. Holland having so possessed himself of the said
slave and personal and moveable and chattel Estate,
and there being no debts to pay which would render a sale of the
said slave necessary, your orators and oratrices had well hoped
that the said Lawson F. Holland the admr: would have
come to a fair and just division with them; but in this hope
they have been sadly disappointed, and he refuses to do any
thing in the premises for their relief and benefit.

And your orators and oratrices beg leave to
state and represent unto the Court that they are advised
that this Court sitting as a Court of equity, and being the Court in
which the administration was granted have power and
authority to decree the sale of a slave or slaves which descend
from a person dying intestate, and cause an equal division
in kind cannot be made, on account of the nature of the
property, and to direct the distribution of the
money arising therefrom, according to the rights of each claimant.

In obedience to the annex'd Decree of the County Court of Shaf=
=ington bearing date April Court 1826 to me directed I have
Pursuant thereto after having Advertised as directed in said Decree
at the House of Lawson F Holland on the 20th day of May last
made Sale of the Negro Jack mentioned in said Decree and
Lottie Small being the highest bidder became the purchaser
at the sum of One hundred & eleven Dollars and after dedu
=cting nineteen Dollars & fifty five Cents for the Cost of said
Decree & Commission at 5 p.r Cent leaves a nett balance
of Ninety one Dollars & forty five Cents which sum I have
divided into five equal parts and have taken five bonds payable
six Months after date to the Legal & proper guardian of the com=
=plainants in said bill mentioned with good Security each for
the sum of eighteen Dollars and twenty nine Cents which
bonds I have ready to pay over when call'd for Given under
my hand this 3rd day of June 1826

Benjamin Powell

Decree

In Isle of Wight County Court.
~~October~~ Term 1826.

Mary Anne Johnson, Marcilla Johnson, Nevison Johnson,
Henrietta Johnson, and Levisa Johnson the said Mary
Anne, Marcilla, Nevison Henrietta, & Levisa being infants
are allowed to prosecute this suit by
their next friend, ~~Wm~~

Complainants

against

In Chancery.

Lawson F. Holland administrator &c. of
Henry Johnson dec'd. . . . .

Defendant.

By consent of the parties and with the assent of the Court this cause
came on this day to be heard on the bill and answer filed, and was
argued by counsel, on consideration whereof the Court doth adjudge
order and decree, that Benjamin Powell whom
the Court appoints a special Commissioner for that purpose, do expose
to sale at public auction, on a credit of six months the slave Jack
in the bill and proceedings mentioned, having advertized the time and
place of sale for fifteen days, at the front door of the Court House
of this County, and at two public places near to the place
appointed for the sale, taking bonds with ample security from the
purchaser or purchasers at such sale. And the said Comm:
after deducting the costs of this suit, together with the necessary and
incidental expenses and charges attendant on the execution of
this decree, (which he is hereby authorized to demand of the purchaser
in cash) will then proceed to divide the nett amount of sales
into five equal parts or shares, giving unto the Complaintants
one fifth each: which parts or shares are to be taken in
seperate bonds, payable to the legal and proper guardian of the
complainants. And make report of his proceedings to this Court,
in order to a final decree. Liberty is reserved the parties on this
suit to shew cause if any they can, against this decree at any time
within 12 months, after they shall attain the age of twenty one years.

Mary Ann Johnson &ad

vs. Decree

Lawson F. Holland admor.

of Henry Johnson decd.

In Isle of Wight County Court
April Court 1826

Mary Ann Johnson, Marcilla Johnson, Neveson Johnson, Henrietta Johnson, and Levisa Johnson, the said Mary Ann, Marcilla, Henrietta, Neveson and Levisa being infants are allowed to prosecute this suit by their next friend ... Complainants

against

In Chancery

Lawson H. Holland administrator &c. of Henry Johnson dec'd. Defendant

By consent of the parties and with the assent of the Court this cause came on this day to be heard on the bill and answer filed, and was argued by Counsel: On consideration whereof the Court doth adjudge, order & decree that Benjamin Powell whom the Court appoints a special Commissioner for that purpose do expose to sale at public auction on a credit of six months, the slave Jack in the bill and proceedings mentioned, having advertised the time and place of sale for fifteen days at the front door of the Courthouse of this county and at two public places near to the place appointed for the sale, taking bonds with ample security from the purchaser or purchasers at such sale -- and the said Commissioner after deducting the costs of this suit, together with the necessary and incident expenses and charges attendant on the execution of this decree (which he is hereby authorized to demand of the purchaser in cash) will then proceed to divide the nett amount of sales into five equal parts or shares, giving unto the Complainants one fifth each -- which parts or shares are to be taken in several bonds, payable to the legal and proper Guardian of the Complainants: and make report of his proceedings to this Court in order to a final decree.

Liberty is reserved the infants in this suit to shew cause (if any they can) against this decree at any time within twelve months after they attain the age of twenty one years

A Copy Teste

Nath. Young CC

Att'o. fee ... $10:00
Clk's. " ... 4.00
$14.00