

1827-008 Chancery Causes: James Peden, by &c vs Jeremiah Peden's admr & Emily Peden, by &c

Dale of Wight County

James Peden an infant being by Elizabeth Peden his mother

Emily Peden ^{an infant} one of the heirs at law of Jeremiah Peden and Lemuel Peden admors. of said Jeremiah's estate

This cause in which the Court doth appoint Edmund Peden to be guardian ad litem to the infant Emily was this day docketed, and by consent of parties with the assent of the Court, came on to be heard upon the Bill, answer, ~~depositions~~ filed and was argued by counsel; whereupon after mature deliberation, the Court doth as judge, order and decree that Nathaniel Young, John R. Todd, and Samuel P. Jordan with the aid of the County Surveyor, if necessary, do ~~divide~~ divide into two equal moieties the land and slave, in the Bill mentioned, to wit, the land whereof Jeremiah Peden died seized and entitled to in fee in the County of Kent and slave, Peter, Charles and Jim, having regard to quality and quantity; that they allot one moiety to the complainant James Peden and the other moiety to the defendant Emily Peden - and that if required by the said admors. the next friends of the said infant do execute upon said decree for the said infant to the said admors. Conditions as the law directs that ~~they~~ the said Court make report of their actions and doing to this Court in order to a final decree & Liberty is reserved to the ~~infant~~ ^{infant}

infant ^{supra} to show cause against this decree if any she can within one year after she arrives to the age of 21 years -

Done at the Court of the County of Kent this 30th day of January 1825
Attest
John R. Todd
Clerk of the Court

James Peden
vs
Emily Peden
Decree for partition

Testament which is of record in the County of
of July of 1812, devised to his widow ~~the~~ life
two negroes, Bess and Lucy, and directed that
after his death the said negroes ~~should~~
their future increase should be divided equally
between all his children - of which the said ~~James~~
-iah was one - after the death of the said
Jeremiah the father of your orator, the widow
of the said James ~~pekin~~ died, and the said
slaves and their future increase were divided
by a decree of the County Court of July of 1812
agreeing to the will of the testator James,
in which division, negroes Peter, Charles, and
Jim were set apart and allotted to the ~~then~~
estate of your orator father Jeremiah ~~pekin~~;
your orator charges that it is not necessary
for the payment of debts, that the slaves ~~of~~ ~~fore~~ ~~said~~
shall be obtained by the said ~~Romond~~ ~~pekin~~
who is now the admor.^r of Jeremiah ~~pekin~~,
and that it will greatly promote the interest
of your orator as well as that of his sister
Emily ~~pekin~~, to have a division of the said
slaves as well as of the lands ~~of~~ ~~fore~~ ~~said~~, &
because it cannot be effected without
a decree of this Court, he asks that the said
Romond ~~pekin~~ admor.^r of Jeremiah ~~pekin~~ &
the said Emily ~~pekin~~ who is one of the heirs at
law of said Jeremiah, ~~be made~~ ~~set apart~~
be made defendants hereto, the request to
answer the allegations ~~of~~ ~~fore~~ ~~said~~ as fully as if
the same were herein again repeated & they
thence more particularly interrogated;
that you will appoint some proper person to
expound the intent of the said Emily ~~and~~ that
you will decree that the real estate & slaves
~~of~~ ~~fore~~ ~~said~~ be divided between your orator &
the said Emily according to law as in ~~part~~
before the complainant will con-

May 8th -

A. Atkinson or
also for ~~pekin~~

The joint and separate assent of Romond ~~pekin~~
as admor.^r of Jeremiah ~~pekin~~, and of Emily
~~pekin~~ an infant by Romond ~~pekin~~ her Guardian
as ~~liten~~ to a bill of complaint exhibited
against them in the County Court of ~~fore~~ ~~said~~
by James ~~pekin~~ an infant suing by Elizabeth
his next friend -

These defendants saving and reserving
to themselves now but all times hereafter and
any manner of benefit and advantage
of exception to the errors & imperfections in the
complainant's bill contained, the said
Romond ~~pekin~~ as admor.^r of ~~fore~~ ~~said~~ saith that
it is true he is the admor.^r of Jeremiah ~~pekin~~
and both not know of any debts of his estate
which make it necessary for him - longer to
hold in that character the slaves in the bill
mentioned, and is willing to surrender them for a
division upon a decree of this Court provided
he can be indemnified according to law;
and the infant Emily says by her Guardian as ~~liten~~
that being of tender years she cannot be much
acquainted with the facts charged in the
complainant's bill - she however cannot deny
the truth of the statement and submits her rights
and interest to the protection and care of this
Court &c. -

(signed) ~~pekin~~ admor.
Guardian as ~~liten~~ to
E. ~~pekin~~ the infant -

To the justices of the County Court of Ill of Wisa
in Chancery sitting; humbly complaining
whereunto your worship, your orator James
Peden, that of the County of Ill of Wisa that
an infant, ^{his next friend,} ~~being~~ ^{plaintiff} ~~by Elizabeth Peden~~ ^{his next friend,} ~~that~~
a certain Jeremiah Peden late of the County
aforesaid and father of your orator departed
this life intestate on or about the day of
Adominis 1805 or 1808 seized in fee
simple of a tract of land lying in the
County aforesaid containing by estimation
one hundred and fifty acres (more or less);
that the said Jeremiah left your orator
his only child then ~~living~~ ^{born} and his
wife suspect of a child who was often a
boy and is now called Emily Peden which
said Emily is also an infant under the
age of twenty one years - your orator is
anxious that the said tract of land should
be divided equally between himself and
the said Emily Peden, they being the only
heirs at law of the said Jeremiah Peden,
your orator is however advised that as
the interest of infants is involved, the said
land cannot be properly legally divided
except by and through the aid of this
Court in which such matters are alone
properly cognizable and relieved. In
~~such consideration whereof and for~~
your orator says he furthermore to state
that a certain Romeno Peden is the administrator
of the goods, chattels & effects of his deceased father
the said Jeremiah Peden and hath in his
possession the personal estate of said intestate;
that the father of the said Jeremiah Peden, to
wit James Peden Senior by his last will &

Pursuant to the annexed decree, we the undersigned commissioners have proceeded to the division of the Land and slaves mentioned in the said decree among the complainant James Pedin and the Defendant Emily Pedin as directed therein to wit,

To James Pedin we have assigned negroes, Peter valued at three hundred and fifty dollars - and negro boy Jim valued at three hundred dollars - and for the said James Pedin to pay the said Emily Pedin one hundred and fifty dollars -

To Emily Pedin we have assigned negro Charles valued at three hundred and fifty dollars - and to receive from James Pedin one hundred and fifty dollars -

The tract of land mentioned also in said decree of which Jeremiah Pedin did seize and containing by a recent Survey, one hundred and seventy eight & an half Acres we have divided as follows Lot. No. 1. containing $89\frac{1}{4}$ Acres adjoining the Lands of William Bagnall, and bounded by a dividing line commencing at the corner of said Bagnalls ditch on old town road, running a line of new marked trees N. W. 4. ^{ch^s} 02. 40 links to the creek, we have assigned to James Pedin: -

Lot. No. 2 containing $89\frac{1}{4}$ Acres adjoining Edm and Pedin tract, called the Wood tract, and divided by the aforementioned dividing line, we have assigned to Emily Pedin - Given under our hands this 3rd day of February 1727 -

Sam^l & J^r Jordan
Barth: Lightfoot

Pedro y Fründ

vs.

3 Copy

Pedro y Fr.

Int. T. decree

anexo orden

Isle of Wight County

January Court 1825

James Peden an infant suing by Elizabeth
Peden his next friend } complt.

against

Emily Peden an infant & one of heirs of
Jeremiah Peden ~~Deed~~ & Edmund Peden
adm^r of the said Jeremiah Peden ~~Deed~~ } Defts

In Chancery

This cause in which the court doth appoint Edmund
Peden to be guardian ad litem to the infant Emily was this day docketed
and by consent of the parties and with the assent of the court, came
on to be heard upon the Bill & Answer filed and was argued by
counsel, whereupon after mature deliberation the court doth
as judge order and decree that Nathaniel Young John R. Todd
and Samuel P. Jordan with the aid of the county surveyor, if
necessary do divide into two equal moieties the land and
slaves in the Bill mentioned (to wit) the land whereof Jeremiah
Peden died seized or entitled to in fee in Isle of Wight County
and slaves Peter, Charles & Jim having regard to quality and
quantity; that they allot one moiety to the complainant James
Peden and the other moiety to the defendant Emily Peden and that
if required by the said administrator the next friends of the said
infants do execute refunding bonds for the said infants to the
Peden administrator conditioned as the Law directs and that the
commissioners make report of their actings and doings to this
court in order to a final decree. Liberty is reserved the infant de^{ft}.
to shew cause against this decree if any she can within one year
after she arrives to the age of Twenty one years

Attest

Nathl. Young C^l.

Isle of Wight County August Court 1825

By consent of the parties in the above cause Nathaniel
Lightfoot is appointed a commissioner in addition to those heretofore
appointed in this cause to assist in carrying the above decree into effect

Attest

Nathl. Young C^l

Prison 1000

3 Lines

Prison ^{again} 1000

Prison 1000

Pres. McPherson
in
Pres. LaSalle

This cause came on this day
again to be heard upon the papers formerly
read in the report of the Court, made in pursu-
-ance of the order of the 3^d July 1845 to which
report no exceptions have been filed, where-
-upon the Court both agreed, or so far as
that the said report be confirmed & be
absolutely binding on the parties and that
the costs be borne by the parties accord-
-ing to their respective shares in the subject matter
of this cause.