

1827-009 Chancery Causes: James Peden + Emily Peden, by v c vs Mary Barber to extor + John
Dale of Wight County Barber Peden, by v c

was argued by counsel, whereupon the Court
 both adjourned, and then and decreed that said J.
 Jordan, Nathl. Young, & John R. Todd or any
 two of them, do divide into and allot the slave
 David and Lou in the bill mentioned, between
 the compls. and the defts. John Barlow preside
 in the following proportions having regard to
 quality and quantity, to wit, one fourth to
 Emily preside, one fourth to James preside &
 the other two fourths to John B. Preside;
 but if it shall be found impracticable to divide
 the said slave in kind as directed in this decree,
~~the said Court~~ so as not to prejudice the interest of
 the parties, then and in that event, the said Court
 are directed to sell the said slave to the highest
 bidder upon a credit of nine months ~~after~~ ^{or}
 for so much will pay out which will be for cash ~~after~~
 advertising the same and place of sale at some
 publick place in this County and in the town of
 Smiths for at least ten days previous; that of
 the purchaser or purchasers they take Bonds with
 good security in such way as to amount to
 the just proportion of each claimant and that
 they pay the same to the exors of the infants
 and make report of their actings and doings
 to the Court in order to a final decree —

Decree de

33 Sept

Decree of the Court

the said Court

3^d Jan^y 1825 Vice Chanc

Wm. T. Decree

~~the said Court~~

Aug. 1825 13th March. Signed

added to the former inventory

of the same who is directed to

act —

the 3^d Jan 1825 by the Court

report. not to be used

Sept. 3^d 1825 Report com-

plaintiff & friend decree

the said Court

come against the estate of said May Barber,
when in truth & justice the debt are paid &
satisfied & your complainants further represent that
the said John Barber Peir is an infant under the
age of twenty one year and consequently if the
said Edmund Peir is willing for a division
of the slaves aforesaid, it could not be made
without the interference of your worship - intend
consideration whereof, and for as much as your
complainants are remedied in the premises,
have by and through the aid of the Court,
they pray that the said Edmund Peir as executor
of May Barber, and the said John Barber Peir
be made defendants hereto and be compelled
in a proper manner to answer this bill.
That as the share of each distributee in the said
slaves cannot be allotted in kind, your Honors
will decree a sale of them to effect a division
if not otherwise practicable - that the said
Edmund Peir as exor. aforesaid be compelled
to surrender the slaves aforesaid and
that your worship will decree a sale of
them and a division of the proceeds among
the said comp'ts. and the said John B. Peir
according to the will of the testatrix May
Barber and that your worship will make
any further decree in the premises
which may comport with equity &
as in duty bound they will ever pray &c.

A. Atkinson p. q

The joint and separate answer of Edmund Peir
executor of May Barber and of John Barber
Peir an infant under the age of twenty
one years, by his guardian
ad litem, to a bill of complaint exhibited
against them in the County Court aforesaid
by James and Emily Peir infants being by
this next friend.

Then defendants saving &c. for answer
say, the said Edmund Peir exor. aforesaid that
he cannot gainay the allegations in the complain-
ants bill except that he denies any fraud or
disposition to oppress the complainants, does not
know of any debt of his testator which might
the sale of the said slaves in the plea mentioned
and is willing to surrender them under a decree
of the Court upon receiving reference hereof
according to law - The said John B. Peir is under
the age of 21 years and submit his rights to the
protection of the Court - Having answered they pray
leave to be admitted with their reasons and
costs in this behalf sustained &c.

signed

James Emily Peir infants being by Robert Peir
this next friend
3rd Chyth
Edmund Peir exor. of May Barber and John
B. Peir an infant

This cause in which the Court doth
appoints Robert Peir guardian ad litem to the
infant said was this day docketed and came on to be
heard upon the plea aforesaid, filed, and with the
assent of the Court and consent of parties, and

To the justices of the County Court of Isle of Wight in chan-
cery sitting, humbly representing, sheweth unto your worships
your orator James Paine and your oratrix Emily Paine
infants under the age of twenty one years, being the
Elizabeth Paine their next friends, that Mary Barker
late of the County aforesaid departed this life on or
about the day of ~~at~~ Dominica 1820 ~~and~~
having first made and published her last will &
testament which is of record in the County Court
aforesaid; ~~and~~ by the said will she appointed
Thomas Paine her executor who qualified to
the said will before the County Court of Isle of
Wight in due form of law - Having specifically
devoted a large proportion of her estate, she gives
after the payment of her just debts, to John Barker Paine
and to his heirs forever one half of the residue
of her estate; and she bequeaths unto her nephews
James Paine and her niece Emily Paine your
orator and oratrix, to them and their heirs
forever, the remaining one half of the residue
of her estate to be equally divided between them
- your complainants they have to state that they
are informed that the executor hath paid
the debts of the said testator and that there
are left two slaves David and Tom which
are included in the residuary clause and
consequently belong to your orator & oratrix &
the aforesaid John Barker Paine in the proportions
mentioned in the will of the said Mary Barker
and your complainants are desirous that
they shall have their proportions of the
slaves aforesaid set apart and allotted to them
but they are advised that they cannot compel
the said Thomas Paine exec^r as aforesaid to
surrender the slaves aforesaid unless by the
aid of this Court in which such matters are
properly cognized and relieved, the said John
Paine insisting that he hath a right to hold the said
slaves to meet any demand which may hereafter

Pursuant to the annexed decree; we the undersigned Commissioners have proceeded to the division of the slaves Tom and Davy mentioned in the said decree, as directed therein -

To John B. Pedin we have assigned negro Davy, valued at three hundred dollars as his full interest in said negroes -

To Emily Pedin we have assigned negro Tom, valued at three hundred dollars; and for the said Emily to pay James Pedin one hundred and fifty dollars: the said James and Emily Pedin consenting to such division, in preference to a sale of one of said negroes -

Given under our hands this 3^d day of February 1837.

Sam^l C. Jordan
Bath: Sighthorke

Pedini v.

vs.

Pedini exor. v.

copy
Int'l. decree

Isle of Wight County

January Court 1825

James & Emily Pedin infants suing by }
Elizabeth Pedin their next friends . . . } Compls.

against

Edmund Pedin executor of Mary Barber }
and John B. Pedin an infant . . . } Defts.

In Chancery

This cause in which the court doth appoint Edmund Pedin guardian ad litem to the infant defendant, was this day docketed, and came on to be heard upon the bill and answer filed with the assent of the court and consent of the parties, and was argued by the counsel, whereupon the court doth adjudge order and decree that Samuel P. Jordan Nathaniel Young & John R. Todd as any two of them do divide and allot the slaves David and Tom in the Bill mentioned between the complainants and the defendant John B. Pedin in the following proportions having regard to quality and quantity (to wit) one fourth to Emily Pedin, one fourth to James Pedin and the other two fourths to John B. Pedin: But if it shall be found impracticable to divide the said slaves in kind directed in this decree so as not to prejudice the interest of the parties, then and in that event the said commissioners are directed to sell the said slaves to the highest bidder upon a credit of nine months except so much as will pay costs which will be for cash after advertising the time and place of sale at some public place in this county and in the Town of Smithfield for at least ten days previous, that of the purchaser or purchasers they take bonds with good security in such way as to amount to the net proportion of each claimant, and that they pay the same to the guardians of the infants, and make report of their actings and doings to this court in order to a final decree.

Attest

Nathl. Young CD

Isle of Wight County August Court 1825

By consent of the parties in the above cause Bartholomew 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 CD

Prison L

7

Prison L

Barber's

Pedin & others VS Pedin & Barbours executor -

This cause came on again this day to be heard upon the papers formerly received, the report of the Comr. made in pursuance of the order of the 3^d day of January 1825 to which report no exceptions have been filed and was argued by counsel; on consideration whereof the court doth adjudge, order and decree that the said report be confirmed and held absolute and that the cost of this suit be mutually borne by the parties -