

1828-019

Chancery Causes. Mathew Joyner and wd vs Etern Chapman 's admr + Mary Ann F.

Dale of Wight County

Chapman, by v C

To the worshipping court of Justices of
Might county in Chancery sitting.

Thumblly complaining sheweth unto your
Worships your Orator and Oratrix Mather Joy-
ner and Eliza his wife late Eliza Chapman.

That your Oratrix ~~is~~ the widow of Exr^{or}
Chapman deceased who died sometime about
the day of 1824, leaving one child

Mary Ann J. Chapman, ~~and~~ after having duly
made and published his last will and testament
in writing and appointed his brother Benjamin
Chapman executor of the same; that the said
will has been duly proved in the county court
of this county, and the said Benjamin Chap-
man having refused to qualify as executor thereof,
of administration with the will annexed has
been granted to a certain James Chapman.

That the said testator was seized and possessed
at the time of his death of a valuable tract of
land lying and being in the county of
Might, and of the following slaves, to wit, Ab-
bott, Amy, Isaac, Jacob, Charles, Savinia, John,
Lucy and ~~Eliza~~ ^{Eliza} ~~the young~~ together with
considerable other personal estate: That the
said Exr^{or} Chapman by his said will, an at-
tested copy of which is hereto annexed and pro-
posed to be taken as a part of this bill, devised
and bequeathed to your Oratrix the what
of his real and personal estate during her vi-
dowhood, or in case of her marrying, such por-
tion as the law allows, with remainder over
at her death as in the count of her marriage
to his said child Mary Ann J. Chapman: That

That your Orator and Oratrix intermarried some time about the day of 1826, and are advised that under the provisions of the said will your Oratrix is entitled to be endowed of one third part of the said land of which ^{the said} Exr Chapman died seized and possessed for her life and to the use also for her life of one third of the said slaves which may remain after all his just debts &c. are paid: that your Orator and Oratrix believe that the said Exr Chapman was very little indebted, and that the said James Chapman the admr. aforesaid has paid all or nearly all the creditors, and that there is no necessity for selling any of the said slaves for that purpose, and your Orator and Oratrix being desirous of obtaining her proportion of the estate of her late deceased husband, have in the most friendly manner made application for that purpose. But now so it is may it please your worship, that the said James Chapman the admr. aforesaid, and the said Mary Ann F. Chapman being after called Defendants have under various pretences refused: the said James alleging that while he is willing to accommodate your Orator and Oratrix in relation to their interest he fears the interference of the other Defendant may introduce an objection at this time; and the said Mary Ann F. Chapman says that being an infant so far as the said lands & things she has no consent to give. All which doings and doings of the said Defendants are contrary to equity and good conscience and tend greatly to the injury of your Orator and Oratrix

in the premises: In tender consideration whereof and forasmuch as your Orator and Oratrix are without remedy at law, and cannot be relieved in this worshipping court where matters of this sort are only or properly cognizable and justice duly administered. - To the end therefore that the said Defendant Mary Ann F. Chapman may, by her guardian for that purpose assigned to her, answer the premises; and that the other Defendant may by his oath distinctly answer the foregoing allegations, as fully and as completely, as if the same were here again repeated, and they were here again more particularly thereto interrogated: and that by a decree of this worshipping court commissioners may be appointed to lay off and ^{assign} to your Oratrix her dower in the lands whereof Exr Chapman deceased died seized and possessed and her proportion of the slaves before mentioned agreeably to the will of the said testator: And may it please your worship to grant all such other and further relief in the premises as may be consistent with the substance and principles of this court; and to award all such other and further process as may be necessary and proper in the premises &c. &c.

Mathew J. J. J.

A. Smith atts for the Plaintiffs

The answer of James Chapman administrator with the will annexed of Exr Chapman deceased, to a bill exhibited against him and Mary Ann F. Chapman, in the worshipping full court of W. of W. county, by Matthew J. J.

Joyner and Eliza his wife Plaintiffs.

This respondent now and all times ^{heretofore} having and reserving to himself all benefit of exceptions to the allegations of the Plaintiffs' bill for answer thereto saith, that he admits so far as he is at present advised, that the allegations of the bill are true, and that he hath no objection to any decree which this worshipful court may think proper to make in the premises; and having thus answered prays to be dismissed with his reasonable costs in this behalf ~~to be~~ expended. J. L. Chapman
adms

The answer of Mary Ann F. Chapman an infant under the age of twenty one years by her guardian ad litem to a bill exhibited against her and James Chapman admr. of Eum Chapman deceased in the Worshipful court of J. L. of the 1st county by Matthew Joyner and Eliza his wife Plaintiffs.

This respondent by her said guardian, for answer to the said bill says; that she is an infant under the age of twenty one years, and for the protection of her rights, she begs leave to place herself under the control of this Worshipful court; and hence she prays to be dismissed with her reasonable costs in this behalf expended.

Mary Ann F. Chapman by

James Chapman her guardian ad litem

In Obedience to the annexed decree of the Court of Schoharie County
bearing date December Court 1826, to us directed, we the undersigned
Commissioners Appointed by said decree have laid off and assigned
to Matthew Boyner and Eliza his Wife as the dower of the said
Eliza in the land which Eam Chapman dec. died poss. as
followeth to wit beginning at a pine standing in or near the
line of John Holliman thence running a South east. Course
along a line of stabs, between the Dwelling house and Smoke
house on the land which P. Eam Chapman dec. died poss.
to Benj. Chappmans line thence running a long S. Benj. Chappmans
line to John Hollimans line thence running a long S. Hollim
mans line to the first Station - - - - -

We have also laid off and allotted to the said Matthew Boyner
and Eliza his Wife as the said Eliza's right in the slaves, which
said Eam Chapman dec. died poss. during her life as foll
-oweth, to wit Isaac, and Elikas and that the said Matthew
Boyner pay one third part of the expence for supporting old
negro man Abraham, he being very old and unable to
work - Given under our hands this 14th day of January -
eighteen hundred and twenty seven - - - - -

Jordan Parr
Jas. Crocker
John Holliman

Joyner & wife

vs.
Chapman's admr.
& alias

In Chancery

This cause came on this day to be heard by consent on the bill answers and exhibits, and was argued by counsel; on consideration whereof the court doth adjudge order and decree, that Loren Parr James Crocker John Holliman & Saml Thomas — or any three of them commissioners appointed for that purpose do lay off and assign to the Plaintiffs one third part, having regard to quantity and value of the lands whereof Exr Chapman died seized and possessed, as the dower of the said Chiza therein, and that the said commissioners also lay off and allot to the said Plaintiffs one third part of the said slaves in the bill mentioned, to wit, Abaaham, Amy, Isaac, Jacob, Charles, Sarina, Sally, Lucy, and Charles the young or having regard to number as well as value for the use of the said Chiza during her life and make report to the court of their proceedings herein in order to a final decree.

Joyner & wife
vs.
Chapman & al. } The Chan
ury.

December 4th 1826 Filed
Inter & decree

March 5th 1827
Report returned & cont.

August 4th 1828 report conf.
& final decree entered

In Blount County Court December the 4th 1826
Matthew Joyner and Eliza his wife
formerly Eliza Chapman } Complainants
against

James Chapman administrator with
the will annexed of Eum Chapman decd.
and Mary Ann F. Chapman an infant } Defendants
under the age of twenty one years suing
by James Chapman her next friend.

In Chancery

This Cause came on this day to be heard by
consent, on the bill answer and Exhibits, and was argued by
counsel, on consideration whereof the Court doth adjudge order
and decree that Jordan Parr, James Crocker John Holliman
and Samuel Thomas or any three of them commissioners appoi-
=nted for that purpose do lay off and allot to the Plaintiffs
one third part, having regard to quantity and value of the
lands whereof Eum Chapman decd. seized and possessed, as the
owner of the said Eliza therein, and that the said Commissioners
also lay off and allot to the said Plaintiffs one third part of
the said slaves in the bill mentioned, (to wit) Abraham, Amy,
Isaac, Jacob, Charles, Lovina, Sally, Lucy, and Elias the younger
having regard to number as well as value for the use of the
said Eliza during her life and make report to the court of their
proceedings herein. order to a final decree.

Attest. Nathl. Young & S. Mc
C

Soyner & Wife
vs 3 Decr
3
Chapman. Admot.

Copy for
Commissioners

C

b. b.