

1830-005 Chancery Causes: John Carroll vs Lee Edwards' admr

Isle of Wight County

other surnames: White,
Purdie, Carroll

the no
Humbly complaining therewith that

Carnoll V. wife &

vs. $\frac{2}{3}$ Bill and mo?

Edwards admor.

November 3^d 1828 Bill was
answered filed and Interests
decree

April 5th 1830 report
returned & cont'd

May 3^d 1830 report couge
and final decree entered

them all off and ^{that there is} a considerable surplus
still in the hands of his representatives, that
there have come to the hands of the said
admr. John H. Purdie ^{strongly and openly as aforesaid} the following slaves
belonging to the estate of the said J^r Edwards
to wit Daniel, China, and an infant child
female child unnamed of the said China, that
your Orators and Oratrix believing that are
advised that your Orator John Carroll in
right of his said wife Felia is ^{by law} entitled to one
third part in value of the said slaves for the
life of his said wife, and the residue your
Orator John B. Edwards his heir at law is en-
titled to, and believing that a division of the
same would be for the interest of your Ora-
tors and Oratrix, have applied to the said
John H. Purdie late sheriff and admr. as
aforesaid for a division of the same or a
sale of the said slaves for that ^{purpose} as they can-
not be conveniently divided: But now
it is may it please your worship that the
said John H. Purdie admr. as aforesaid here-
in after called Defendant, while he has no
objection to a division or sale of the said slaves
refuses an account of the infancy of one
of your complainants; all which conduct is
contrary to equity and good conscience: In
tender consideration whereof and forasmuch
as your Orators and Oratrix are remedyless
in the premises and can only be relieved in this
worshipful court where matters of this sort
are only cognizable and justice duly admini-
stered: To the end therefore that the said
Defendant

may on his oath answer the pre-
mises as fully and completely as if the same
were again repeated. And that by a decree of
this worshipful court commissioners may
be appointed to make sale of the said slaves
for the purpose of a division assigning to
Orator John Carroll in right of his said
wife Felia such a proportion of the pro-
ceeds of the sale as to your worship may
seem just in view of her third for life.
And may it please your worship to grant
all other and further relief in the premi-
ses as may be consistent with the rules &
principles of this court, and to award all
such process as may be necessary and pro-
per in the premises &c. &c.

John B. Edwards

W. Smith atty for
the Plaintiffs

To the worshipful court of Isle of Wight
county in chancery sitting. -

Thumblly complaining sheweth unto
your worship^{ful} ^{your orators and oratrix} John Carroll and Lelia his
wife late Lelia Edwards widow and relict of
Jm Edwards deceased, and John B. Edwards
infant son of the said Jm Edwards by Lelia
Carroll his next friend; that the said Jm Ed-
wards did come about the day of

intestate leaving your oratrix his
widow and your orator John B. Edwards
his infant son and heirs at law; that ad-
ministration on the estate of the said Jm
Edwards was duly committed by the court
of Isle of Wight county about the day
of to James White who departed
this life about the day of

and administration de bonis non was about
the day of committed to John
H. Purdie ^{late} sheriff of this county, that the
said Jm Edwards was at the time of his death
possessed of a considerable personal estate
~~which was~~ as will appear by the inven-
tory and appraisement of the same return-
ed and recorded in the office of the court
of this county, that your orators and ora-
trix have always understood that the said
Jm Edwards was very little indebted at the
time of his death and that the said James
White in his life and whilst the admini-
stration ^{of his estate} was in his hands had paid
them

The answer of John H. Puddie
late sheriff and administrator ^{in bonis non} of the
Estate deceased to a bill exhibited against
him in the worshipful court of the
Wright County by John Carroll and Leticia his
wife and John B. Edwards by his next friend

This respondent now and at all times
hereafter saving and reserving to him-
self, all benefit of exceptions to the al-
legations of the bill of the Plaintiffs,
for answer thereto, saith, that he ad-
mits so far as he is at present advised,
that the allegations of the bill are true,
and that he hath no objections 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 reason-
able costs, in this behalf expended.

W Whitehead
for W Puddie late
Shff & admr of the
Estate

This cause came on this day to be
heard by consent of parties on the bill
and answers and exhibits, and was ar-
gued by counsel: on consideration
whereof the court doth adjudge, order,
and decree that Joseph B. White -
has a - - - - - or any of the
commissioners appointed for that pur-
pose to sell the slaves Daniel, China
& his infant ^{child} in the bill mentioned after a
reasonable public notice, on a credit
of nine months, except so much
thereof as may be necessary to defray
the expenses of the sale and this suit,
which may be for cash; and that the
said commissioners take a bond with
good security for one sixth part of the
net proceeds of the said sale and assign
the same over to the said John ~~White~~
in right of his wife Selia and in
lieu of her interest in one third of the
said slaves for life; and that the said
commissioners

commissioners take a bond with good se-
curity for the residue of the net proceeds
of the said sale and assign it over to
--- the guardians of the in-
fant complainant and make re-
port of their proceedings hereinafter
described to a final decree

The Report in
the Case of Carnie
& wife
vs
Edwards admr.

The commissioner has also paid the cost
of the suit to the persons entitled
all of which is respectfully Submitted

Jos. P. Whithead

Feb. 23^d 1830

In obedience to the annexed decree the Commissioner therein named after having advertised the time and place of the sale according to the directions of the decree procured on the the 31st day of December 1828 in the Town of Smithfield to sell the slaves named in the decree according to the directions thereof at which sale John Carroll became the purchaser of China and her infant child for the sum of one hundred & ninety three dollars fifty cents and John G. Sumner became the purchaser of Daniel for the sum of one hundred dollars which two sums are equal to the sum of two hundred & ninety three dollars fifty cents. from which deduct the sum of twenty eight dollars sixty five cents cost of suit & sale leave the sum of \$264. 85 the one sixth of which being \$44. 14 he assigned to John Carroll in right of his wife Lydia and the remaining 5/6 he assigned to Jo: B. Whitehead guar. to John B. Edwards or Pham of Lee Edwards which 5/6 make the sum of \$220. 91^c

Carroll & wife D. C. J. & Co

vs Z. Pierson

Edwardes admor.

Attest for

L. B. Whitehead

In Isle of Wight County November Court 1878.

John Carroll and Silca his wife late Silca
Edwards widow and next of Lee Edwards
deceased and John B. Edwards infant son of
the said Lee Edwards by John Carroll his
next friend.

Complainants
against

John H. Pundie late Sheriff and administra-
tor de bonis non of Lee Edwards dec'd.

Defendant.

In Chancery

This cause came on this day to be heard by consent of parties on the
bill and answer filed exhibits ~~and~~ was argued by counsel. On considera-
tion whereof the court doth adjudge, order and decree that Joseph B. White
be a commissioner appointed for that purpose do sell the slaves,
Daniel, China, and her infant child in the bill mentioned after a
reasonable public notice on a credit of nine months, except so much
thereof as may be necessary to defray the expenses of the sale and this
sum which may be for cash, and that the said commissioner take
a bond with good security for one sixth part of the net proceeds of the
said sale and assign the same over to the said John Carroll in right
of his wife Silca and in lieu of her interest in one third of the said
slaves for life, and that the said commissioner take a bond with good
security for the residue of the net proceeds of the said sale, and assign it
over to the Guardian of the infant complainant, and make report of
his proceedings herein in order to a final decree.

Attest Teste Nathl. Young &
"C"