1834-011 Chancery Causes : Moses Williams v ux + al vs Sarah Jordan's admr

Isle of Wight County

other SUR Names: Wills, Tynes, Shivers, Whitehead,

of Isle of Wight county, by Mary Williams and wife, James M. Jordan, and others.

This respondent, now, and at all times hereafter, saving and reserving to himself all benefit of exception to the allegations of the plaintiff's 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 hence dismissed with his reasonable costs, in this behalf expended.

Albert G. Shivers admr
of Sarah Jordan dec'd

Williams &
others.
vs.
Jordan's admr.

Bill &
answer
&c

December 5th: 1831 Bill &
answer filed. 1 July 1834 decree

Feby. 6th 1832 report rec'd
& Conf'd

June 2nd 1834 Supplemental report
conf'd 1102

following slaves to wit, Hannah, Eliza, Daniel, Catharine, Amanda, Jarlton Rhodes, Millerson, Robert, Elvina, Madison Lucinda Mahala, Barbara, Caroline, and John; - that Albert G. Shivers has duly qualified as administrator of the said Sarah Jordan deceased and possessed himself of all the said slaves and other personal property of which she died possessed, and has also possessed himself of the tracts of land aforesaid; - Your Orators and Oratrices are advised and understand that the said Sarah Jordan deceased owed little or nothing at the time of her death, and that the produce of the sale of the perishable property of her estate will be much more than sufficient to pay all her just debts, and expences of administration, that the crop is now nearly completed, and they conceive that a division of the estate before the beginning of the next year will be much to this interest; Your Orators and Oratrices have therefore applied to the said Albert G. Shivers as admr. as aforesaid for a division of said slaves and the said tracts or parcels of land or for a sale of them in order to a division, the said tracts of land being small, not capable of an advantageous division, and the shares if divided of much less value than three hundred dollars; - But now so it is may it please your Worships that the said Albert G. Shivers admr. as aforesaid, hereinafter called Defendant, has under various pretences refused, alledging that whilst he is willing to accomodate your Orators and Oratrices in the premises and in relation to this interest, he fears that the infancy and inability of others may interpose and object at this time: All which doings and doings of the said Defendant are contrary to equity and good conscience, and tend greatly to the injury of your Orators and Oratrices in the premises: - In tender consideration whereof and forasmuch as your Orators and Oratrices are without remedy at law and can only be relieved in this worshipful court where matters of this sort are only cognizable and justice duly administered; - To the end therefore that the said Defendant may answer the premises as fully and distinctly as if the same were here again repeated & he then to especially interrogated; and that by a decree of this worshipful court the said Defendant may be compelled to make such division of the slaves aforesaid of which the said Sarah Jordan deceased died possessed as to law doth belong by commissioners appointed for that purpose and that the said commissioners also allot the aforesaid lands into ^ order to a division of the same according to law; and may it please your worships your orators and oratrices may have all such other and further relief in the premises as may be agreeable to equity and justice, and to accord to them all such ^ as may be necessary and proper &c.

Wm Smith Solr for Complainants

The answer of Albert G. Shivers, administrator of Sarah Jordan deceased, to a bill exhibited against him, in the worshipful court of

To the worshipful the court of Isle of Wight county in chancery sitting: — Humbly complaining sheweth unto your worships your orators and oratrices Moses Williams and Polly his wife late Polly Jordan, James M. Jordan, Nancy Wills late Nancy Jordan, & Ethelbert Jordan a person of unsound mind by Nancy Jordan his committee, Henry Tynes, Fisher Tynes, and Merit Tynes and Belvidera, Winfield S. and James Tynes, by Joseph B. Whitehead ~~their~~ his next friend infants under the age of twenty one years — That Sarah Jordan late of the county Isle of Wight died about the day of September 1831 intestate, leaving three children your orator James M. Jordan and your oratrices Polly Williams and Nancy Wills, and eight grand children to wit Albert G. Shivers, son and heir at law of Sarah Shivers deceased, late Sarah Jordan & Ethelbert Jordan and heir at law of Wm. Jordan deceased, and Henry, Fisher, Merit Belvidera, Winfield S. and James Tynes the children of Robert Tynes deceased, — that the said Sarah Jordan deceased was, at the time of her death, seized and possessed of three small tracts of land lying and being in the county Isle of Wight aforesaid, one containing twelve acres and bounded by the lands of Wm. and Elisha Everit, James M. Jordan and others, one containing acres, purchased of the estate of Burwell Jordan, and bounded by the lands of Nancy Wills, Wm. & Elisha Everitt and others, and the other containing acres, called Pounells, and bounded by the lands of Henry Pruden, Amelia Jordan and others, and besides other personal property, was possessed of the

Williams & others

vs. } Decree &
Shivers &c } report

Febg. 5th 1832 Exceptions
& cont'd

We the Undersigned Commissioners Appointed by the Court in the annexed decree proceeded on the 20th day of December 1831 after having advertised the time & place of sale according to the directions of said decree to divide & sell the Slaves and Lands named in said decree in which division Nancy Jordan committee of Ethelbert Jordan drew negro Daniel and $22.50 James M Jordan drew Hannah & child Robert Carleton Wheeler & Charbarce and had to pay $57.50 Moses Williams in right of his wife Polly drew China Caroline & John and $37.50 Nancy Wells drew Madison Donellson and had to pay $27.50 Albert G Shivers drew Eliza & Malala $22.50 and the heirs of Robert Lyons drew Catharine & Lucinda $2.50. The Commissioners found it necessary to sell one of the Slaves to make an equal division of the net and they accordingly sold Amanda for the sum of $240 from which deduct $12 commissions leave $228 which sum was used to equalize the division of which sum to wit $228 $60.50 was allotted to Nancy Jordan committee of Ethelbert Jordan $45.50 was allotted to Moses Williams in right of his wife Polly $10.50 to Nancy Wells $60.50 to Albert G Shivers and $21 with the sum of $19.50 which James M. Jordan had to pay over his proportion of Amanda making $40.50 was allotted to the heirs of Robert Lyons.

They then proceeded to sell the land named in the decree at which sale Nancy Wells purchased

the land lying south of the mansion house and adjoining the lands of Elisha & William Everett for the sum of $100 and Albert G Shivers purchased the Lands called Farnells for the sum of $10 making the sum of $110 from which deduct $18.63 expenses of suit & sale leaves $91.37 one sixth of which being $15.23 they agreed to James M. Jordan & to moses Williams & to Albert G Shivers & to Nancy Wells & to Nancy Jordan Cont. of E. Jordan dec'd & to Robert Lynes Heirs. The they proceeded to sell the slaves which were allotted to the [illegible] Robert Lynes in the division, at which sale Nath. Sweden became the purchaser for the sum of $417 from which deduct $20.85 commissions leaves $396.15 to which add 1/6 of the land $15.23 and $40.50 their proportion of Amanda make the sum of $451.88 which they divided into six equal portions making $75.31 to a share 3/6 of which they agreed to Henry L. Lynes in his own right and as agent for Robert H. and Merit M. Lynes and the other 3/6 to Jos B Whitehead Exec. of Belvedere. Wingfield S. & James Lynes

J B Whitehead
Nath. Sweden Jr
Mills N Jordan
Comrs

Isle of Wight County December Court 1851.

Moses Williams & Polly his wife late Polly Jordan
James M. Jordan, Nancy Wells late Nancy Jordan,
Ethelbert Jordan a person of unsound mind by
Nancy Jordan his committee, Henry Tynes, Fisher
Tynes, and Merit Tynes, and Belvidera, Winfield S.
and James Tynes by Joseph B. Whitehead their next
friend - Compltts.

In Chancery

against

Albert G. Shivers Administrator of Sarah Jordan decd. Deft

This cause came on this day to be heard by consent of parties, on the bill and answer, and was argued by counsel; on consideration whereof the court doth adjudge order and decree that Joseph B. Whitehead Nathaniel Braden Junr. & Wills W. Gardner or any two of them commissioners appointed for that purpose do divide the slaves Hannah, Eliza, Daniel, Catharine, Amanda Fenton Wheeler, Millerson, Robert, Chine, Madison Caroline, Elizabeth, Barbara, Caroline and Selina of which Sarah Jordan deceased died possessed, into six equal portions, making a sale of one of them for that purpose if necessary, and assign one portion to the complainant Moses Williams in right of his wife Polly, one to James M. Jordan, one to Nancy Wells one to the committee of Ethelbert Jordan and one to the defendant Albert G. Shivers; that the said commissioners after having given due notice thereof at two or more public places proceed at public auction to the highest bidder on a credit of nine months except so much thereof as may be necessary to defray the expence of the proceedings in this suit, the slaves of which Sarah Jordan died seized and possessed, and having divided the nett proceeds of the sale into six equal parts, take bonds with good security for said parts of the same, and assign one over to each of the complainants Moses Williams in right of his Polly, James M. Jordan, Nancy Wells, the committee of Ethelbert Jordan, and one to the defendant Albert G. Shivers, that the said commissioners further state, on the terms and conditions above, the sixth portion of the said slaves, and having regard to the amount of the proceeds of the sale of the said sixth portion of the slaves, the sixth portion of the sales of the land, divide the same into six equal parts and taking bonds with good security assign over one to each of the complainants Henry, Fisher, and Merit Tynes and one to the guardian of each of the infants complainants Belvidera, Winfield S. and James Tynes: and make report of their proceedings herein in order to a final decree.

A Copy Teste

Nath. Young C.

Williams &c. ff Lothers

vs.

Lindsay &c.

Moses Williams & Polly his wife } Plaintiffs
and others. } In Chancery

Against

Albert G. Shivers admr. of } Defendant
Sarah Jordan deceased

This cause came on this day to be heard by consent of parties, on the bill and answer, and was argued by counsel: on consideration whereof the court doth adjudge order and decree, that Joseph B. Whitehead, Nathaniel Pearson Jr. and Mills A. Darden or any two of them commissioners appointed for that purpose do divide the slaves Hannah, Eliza, Daniel, Catharine, Amanda, Fortune Wheeler, Millerson, Robert, China, Madison Lucinda Mahala, Barbara, Caroline and John of which Sarah Jordan deceased died possessed, into six equal portions, making a sale of one of them for that purpose if necessary, and assign one portion to the complainant Moses Williams in right of his wife Polly, one to James H. Jordan, one to Nancy Wells, one to the committee of Ethelbert Jordan, and one to the Defendant Albert G. Shivers, that the said commissioners, after having given due notice thereof at two or more public places, sell at public auction to the highest bidder on a credit of nine months, except so much thereof as may be necessary to defray the expenses of the sale and this suit, the lands of which Sarah Jordan deceased died seized and possessed, and having divided the net proceeds of the sale into six equal parts take bonds with good security for five parts of the

the same and assign one over to each of the complainants Mary Williams in right of his Polly, James M. Jordan, Nancy Wells, the committee of Thelbert Jordan, and one to the Defendant Albert G. Shivers, that the said commissioners furthermore sell, on the terms and conditions above, the sixth portion of the said slaves, and having added to the amount of the proceeds of the sale of the said sixth portion of the slaves, the sixth portion of the sales of the land, divide the same into six equal parts, and taking bonds with good security assign over one to each of the complainants Henry, Fisher, and Mary Ann Tynes and one to the guardian of each of the infants complainants Belvidera, Winfield S. and James Tynes, and make report of their proceedings herein in order to a final decree.