

1836-005 Chancery Causes'. Mary Frances Davis & al, by v c. vs Edward R. Hunter & ex & al

Sale of Wight County

other SURNAMES'. Sinclair,
Southall, Godwin

Davis John
vs 3/4 Bill
Hemlin Jr.

Feb. 4th 1833. Bill & Ans.
Hemlin & Int. & deposed

April 4th 1835 rept. not
and final decree entered

death of the said Catharine Sinclair
the testatrix gives the said slaves,
and other property to and for life
to her grand children living at the
death of the testatrix, who are Turner
Southall, James Brouthart and Georgia
na (four by Southall), now the wife of
Wm H Goodwin. Your complainants
represent that the said Catharine Sinclair
sometime since intermarried with
one Edward R Keen who has by
virtue of the marriage gotten possession
of the said slaves, and sent him now in
prison to twenty seven, thought to be worth
\$5275 and your orators from conversations
and threats on the part of the said
Keen who is anxious they believe
to rise himself by some means of
at least a part or the whole of the
money, some he is expensive, he who has
already offered to sell his interest in
the slaves for a sum less than that which he
thinks they may be so managed or
neglected that a serious injury
may result to your complainants,
believe that it may be much to their
benefit, if the consent of the others
concerned can be had, that the said
slaves shall be divided, first
making out of the whole such com-
-pensation to the said Edward
R Keen and wife as may be seen
a fair price for his life estate. If this
proposition shall accord with the
wisdom of the Court, and the

approbation of the other persons who
he obtains, your complainants
whose interest are especially under
the protection of the Court, they
beg you to grant - they ask that the
said Edward R Keen and Catha-
-rine his wife, Turner Southall, J^r
Brouthart and Wm H Goodwin &
Georgiana his wife be made defend-
-ants to this bill, that they be required
to answer this bill, and that you
will make any decree in the
premises for your complainants
relief which you may judge
expedient - for in England
they will pay for -

A. Atkinson

Attos for J^r

William Davis next friend

To the County Court of Isle of Wight
in chancery sitting, humbly complaining
shew unto your Honors, his ^{own} orator,
and oratrix, ^{Mary Frances Davis, Thomas Davis,}
~~Sarah Davis and Catharine Davis~~,
~~infants of tender years, being by William~~
~~Davis, their next friends and father~~
that some years since to wit, in the
year 1821 on the 25th of May, one
Catharine Davis then of Isle of Wight
being possessed of a valuable estate
under her will which after her death,
was on the 6th of March 1826 admit-
ted to record in the County Court of
Isle of Wight, and office copy of which
is hereto annexed and prayed to be
considered as a part of this plea. The
executrix named to wit, Catharine
Sinclair qualified to the said office
is herself of the estate, the principal
part of which she has held without
any account for the same up to this
period. Your complainants, ^{James} ^{Southall,} ^{Georgiana} ^{Godwin}
wife of Mr Henry Godwin, ~~the~~ ~~last~~ ~~living~~
~~of Mr Davis~~, are the only grandchild-
-ren of the testatrix now living
who were living at her death, there
have died leaving descendants.
The Court will discern from an exami-
-nation of the will here referred to, that
the testatrix ~~gives~~ ^{leaves} to her said
then Catharine Sinclair during her life,
all her slaves both male & female, young
old and their increase (except such as
she particularly refers to), and at the

Lavis to the

for 3 Season
of 1820
Kenton Dr. _____

Kenton Dr. _____

they would relinquish to him either
some portion of the slave, or a fair
equivalent for ~~the~~ ^{the} life estate. He
should upon the principle of self
interest, expose to the highest bidder
the whole of said slave, for the
remainder of said Catharine's
life - since which, the remainder-
men of full age have no
difficulty in coming to an agree-
ment agreeable to them & to
your respondent, and no doubt
to the interest of the complainants
who are infants, but over whose
interest in this subject, no person
has controul except your Honor;
they therefore are glad that the
complainants have presented the
question to the consideration of
the Court, & their respondents agree
to relinquish all title to the slave

held for life
by virtue of the will of Catharine
Davis, provided the Court shall
be of opinion and shall they
agree, that Court, shall sit apart
to your respondent to be held in
fee and absolute estate ~~the~~ part
the value of the said slave, in time
- Having answered, they deny
all fraud & pray leave to be
dismissed &c.
(Signed,

The answer of Edward R. Hemmels &
Catharine his wife to the Bill of
complaint against them both exhibited
- to in the County Court of Blount
by Davis

infants being by their father & mother
own Davis - The defendants say
that the Bill sets out the truth so far
as it relates to the loan for life, of a
parcel of Slaves to own respondent
Catharine, who in remainder, has,
been devised to the grand children
of the testatrix Catharine Davis, living
at her death, and it is also true
that finding the life estate unmanage-
able and unprofitable to them, the
respondent Hemmels without meaning
to violate the laws or any principle
of justice, sometime since determined
that known to the parties concerned
in remainder, that unless some arrange-
ment could be entered into, whereby

Turner & Southall

doth

a or: } answer

be in infant &

the infancy of the complainants,
for whom no person can act
except their wards. These adults
who are of full age have on
their part agreed to join to Dr.
Beckwith Dr. ~~an absolute~~ estate
among by estimation to ~~1/4~~ ^{1/2} ~~of the whole~~
for the surrender of their ~~estate~~
they consent that the Court
shall decree &

Sign,

J. H. Southall

J. B. Southall

and J. H. Southall

5375
100
7 15275
1753.66
#

16 1753.66 / 47
64
113
112
13

753.66
47
800.

To the County Court of Blount & Wright
in chancery sitting - the joint &
separate returns of James B. Southard
James B. Southard and W. H. Jordan
and Georgiana his wife to the bill
of complaint exhibited in the said
Court against them and others by
Messrs T. Davis & others,
infants being by their father next
friends W. H. Davis -

Then defendants saving &c. for answer
say that the principal allegations in
the bill are true, and that what they
conceive them true in trust, leave
them to believe that the remainder
- men ought to ~~be~~ agreed to take
now the slaves in the bill men-
- tioned, and give to them to wife
who have clearly the right to sell
their life estate, a fair equivalent
of the whole subject could long
since have been settled, but for

Pursuant to the annexed decree of the Court of Isle of Wight County, we the undersigned have made division of the slaves alluded to in said decree, among the complainants and defendants in the following manner to wit:
To Edward R. Hunter and wife in fee simple we have allotted, Negroes Adeline & her children, Preston & . Negro woman Emma and her infant child valued at eight hundred dollars

To Mary F. Davis we have allotted Negroes Martha Ann & her two youngest children Cornelius & Harriet and . Louisa

To Thomas W. Davis we have allotted Sally & child William - Minerva & Billy

To Catharine M. Davis we have allotted Jim and . Nancy

To Sarah D. Davis we have allotted Mary Ann - Henry, Harriet & Robert

To Turner H. Southate we have allotted Henry and two children John & Solomon Robert, Eliza, & Sam, and to pay James B. Southate three hundred and thirty five dollars & seventy one cents - and to pay Wm. H. Godwin two hundred & thirty five dollars & seventy one cents

To William H. Godwin and wife we have allotted Randall, and to receive from Turner H. Southate ~~two~~ hundred & thirty five dollars & seventy one cents -

To James B. Southate we have allotted Girl Margaret - and to receive from Turner H. Southate three hundred and thirty five dollars & seventy one cents -

In this division negroes Robert, Eliza & Sam were allotted to Turner H. Southate with a view to their being sold for the purpose of Emancipation in compliance of the last Will and Testament of John Patton, that a title thereto might be more easily obtained which will account for the apparent inequality

in the division which has been made - Given under our hands
this 15th day of Feb. 1833 Barth. Lightfoot
Wm. Crumpler

and that the said Comrs divide the
balance equally between Turner
& Southall, James Southall, Wm &
Goswin and Georgiana his wife
in his right and your coadjutors
Mary Frances, Thomas, Sarah & Edina Davis
& Catharine Matilda Davis share
equally to each an equal share
and that they make up the bill, it
in order to a final decree.

Davis & others

by Devereux

Hunter & others

Mary Frances Davis, Thoma, Davis, Sarah Davis &
~~Barth~~ Davis
infants being by William Davis, their
father and next friend - couple,

Edward R Hunter & Catharine, ch^{rs}
his wife, Turner H Southall, James
Southall and William H Godwin
and Georgiana his wife - Dfts

By consent of parties, this cause
came on this day to be heard on the
bill, answers and exhibit filed &
was argued by Counsel; On considera-
tion taken of the Court being of opini-
on that the rights and interest of
the parties complainants, will be
advanced by securing a decision of
the slaves alleged to in the Bill
upon the principles agreed on & set
out by the defendants in their answer,
both by consent of parties adjudge,
order and decree that Bartholomew
Lightfoot & Attorney by Rodd, Edmund Crumple
or any ~~two~~ of them, do execute this
judgment in the following manner,
that is to say, that they set apart out of
in days if ~~practicable~~ ~~of the said~~
to the defendant Edward R Hunter
and Catharine his wife in full
right, fifty $\frac{1}{16}$ of ~~one~~ ^{one seventh} of the fee simple value
of the slaves named or alleged to in
the Bill, to be held by the said Hunter
and wife ~~and~~ in absolute fee simple
as an equivalent for the life estate of
said Catharine Hunter in the Navy
and then in case sent to her the said
Catharine by the will of Catharine
being to appear by the exhibit filed;

Davis & others
vs. 3 copy of
Dixon
Hunter & others.

Jesse Wright - County Court - February Term 1833 -

Mary Frances Davis, Thomas Davis, Sarah Davis
and Catharine Davis, infants being by William
Davis their father and next friend

Complts.

In
Chancery

against

Edward R. Hunter & Catharine his wife, Turner
& Southall, James B. Southall, and William
Rodwin & Georgianna his wife

Defts

By consent of parties, this cause came on this day to
be heard on the bill, answers and exhibit filed & was argued by
counsel: On consideration whereof the court being of opinion that
the right and interest of the parties complainants will be advanced
by decreeing a division of the slaves alluded to in the bill upon
the principles agreed on & set out by the defendants in their
answers. doth by consent of parties, adjudge order and decree that
Batholomew Dightfoot Mallory M. Todd and Merit Crumpler
or any two of them do execute this judgment in the following
manner, that is to say, that they set apart and allot in slaves
if practicable to the defendant Edward R. Hunter and Catharine
his wife, in her right $\frac{1}{4}$ and $\frac{1}{16}$ of one seventh of the fee simple
value of the slaves named or alluded to in the bill to be held by
the said Hunter and wife, in absolute fee simple, as an equi-
valent for the life estate of the said Catharine Hunter in the
slaves and their increase lent to her, the said Catharine by
the will of Catharine Davis &c. as appears by the exhibit filed.

And that the said court do divide the balance equally be-
-tween Turner & Southall, James B. Southall, M^{rs} Rodwin
and Georgianna his wife in her right - and your complain-
-ants Mary Frances, Thomas, Sarah, Diana, and Catharine
Matilda Davis, giving to each an equal share; and that
they make report to this court in order to a final decree &c.

Attest
Nath^l Young C^l

David L.

n 3

Southwest

Finac

order

April 1834

This case came on again to be this day heard
on the papers formerly read & the report of the com-
missioner pursuant to the order of 4th of February 1833 —
to which no exception has been filed & was
argued by counsel; On consid: whereof the
ct. both confirm the said report and adjudge
order and decree that the same stand
firm between the parties — and that the costs
be mutually borne by the parties —

A copy of —
Catharine Davis?

Will —

Lu f--524

I shall not be bound to make them or cesser them to be made
longer than the lifetime of the said ~~negro~~ Jacob —
To my grandson Turner Lenthall I do devise, negro Harrison
who is one of the slaves devised to me by my sister Nancy
Cooper to him and to his heirs forever — To my grand child-
=ren living at my death, whether now living or hereafter born
I devise all the rest and residue of the slaves, devised to me
by the last will of my deceased sister Ann Cooper. (Har-
=rison excepted) to be equally divided between them at my
death, provided however, that my son William Davis is
to have ~~the use~~ for his lifetime free from hire of such
slaves as under this clause may be allotted to his chil-
=dren, but that part at his death is to go to his children as
before mentioned — I declare it to be my will
that if my grand daughter Georgianna Rodwin shall
die before the slaves aforesaid shall actually come
to ~~the~~ possession of her or her husband, then & in that
event the part given to her, is to go in fee simple to her
children which she may leave — In Testimony
whereof I have hereto set my hand and seal this 20th day
of May 1820 —

Teste
A. Atkinson }
Geo: Wilson }

Catharine^{her} Davis 
mark

At a court held for Islop Night-County the 6th day of March
1820. The foregoing will was presented in Court by Catharine Sin-
clair, the executrix therein named who made oath thereto
according to Law, and the same being proved by the oaths
of A. Atkinson and George Wilson the subscribing witnesses
thereto was ordered to be recorded —

Teste Nathl. Young Ck: J.W.C.
ae

A Copy Teste

Nathl. Young Ck: —
ae

I Catharine Davis of the county of Ilcof Wright and State of Virginia
being in my perfect mind and understanding do make my last
will and Testament as follows, that is to say
I first appoint my Daughter Catharine Sinclair my whole &
sole executrix to this my will and request: that she shall not be
required to give security for the faithful discharge of the
trust - - To my daughter Catharine Sinclair I give all
my hogs. corn, fodder oats and bacon and other things laid in
for the consumption of the family which shall be remaining
at my death, together with the crop of every kind which may
then happen to be on hand or growing on my farm on which
I may be living living at my death to her & her heirs forever:
To my daughter Catharine Sinclair I lend for and during
her natural life the use of my house hold and kitchen furniture
plantation utensils of every description my carriage & my
stock of cows, horses, sheep, Mules, and all my slaves both male
and female, young and old, and their increase except
those herein after mentioned, which after mentioned slaves
are those devised to me by Nancy Leopold. - I bequeath unto
my son William Davis, my slave Patience at the death of
my daughter Catharine Sinclair, and do request that in
the event of her coming to his possession, he will treat her kindly
and comfortably - I give and bequeath unto my grandson
Turner Southall my negro man Sam to him & his heirs forever
which negro he is to take possession of at my death -
At the decease of my daughter Catharine Sinclair I be-
=queath the whole estate herein before loaned to her, for life
to my grand children living at my death, and to the descen-
=dants of such of them as may be dead to them and their
heirs forever - But it is to be expressly understood that my daugh-
=ter Catharine Sinclair is not to be answerable or pay for
any slaves, or any other thing loaned to her, and which may
be deficient by death, natural decay, or unavoidable accidents.
I bequeath unto my son William Davis, ~~for ever my~~ for ever my ~~man~~ man ~~La-~~
=cob, upon the express condition however, that he the said Davis
shall cause the said man Jacob or some other person to make
all the shoes which may be required for the family of my dau-
=ghter Catharine during her life provided however that he