1866-008 Chancery Causes: Archibald W. Carroll & al, bys & c vs George W. Carroll's extrs & Mary

Isle of Wight County

Frances Carroll, widow of George W. Carroll

other surnames: Randolph, Young

Carroll
Lals-vs
Carrolls
Exdals-

In
Chancery

Nippes

Complainants Bill

Dec. 7th. 1863 Bill &c.
filed and interlocutory
decree.

[illegible]

April 1866. Transfered
to Cir. Court.

May 1866 - Docketed in
Cir. Ct. and dismissed
at May Term.

of this worshipful court commissioners
may be appointed to make partition of
said slaves between your complainants
& said widow in accordance with the
provisions of said will & your complain=
ants will ever pray &c -

Hayden pqr

Tucker Billy, Archer, Silvia, Tinsley, Mourning, Cyntha, Louisa, Nancy & 3 Children viz: Charles, Tom & Fanny - Dolly & 4 Children viz: Crawford, Alfred, Dolly & Jacky - Milly & 4 Chdn viz: Tom, Holland, Coly & Dawson - Julianna & 4 Chdn viz: Esther, Emanuel, Junius & Victoria - Margaret & 3 chdn: viz: Tom, Anna and Peter, - Hannah & son child viz Dick - Margaret jr. & child Richetta - Mary Jane, Sally, Martha & Jefe.

That your complainants are informed & do charge that it is unnecessary for the said executors to retain the said Slaves for the payment of debts & that there is no reason why they should not be surrendered for division among the parties according to the provisions of the testators will & the said 1/5 of said Slaves allotted to their mother the said Mary Frances & the remainder to your complainants - In tender consideration whereof & for as much as your complainants are without remedy at law & can only be relieved by the aid of this worshipful Court of Chancery where matters of this sort are cognizable, your complainants pray that the aforesaid A P Young Executor of Geo W Carroll decd & Mary Frances Carroll his widow, may be made parties defendant to this bill & be required to answer the same & that by the decree

To the Worshipful County Court of Isle of Wight County, in Chancery sitting, humbly complaining, sheweth to the court, your complainants Archibald W Carroll, A. H Carroll, Everallin Carroll, & Thomas Hardy Carroll, infant Children of Geo W Carroll decd, ~~suing by R. H Randolph~~ as their next friend, that on or about the day of October 1863, their father the said Geo W Carroll departed this life having previously made & published his last will & testament which at the October term 1863 of said court, was admitted thereto to probat & R P Young nominated in said will as executor, qualified as such, as will appear from an official copy of said will with certificate of said probat & of said executorial qualification annexed marked Exhibit A hereunto filed as a part of this bill - that by said will the said testator bequeathed to his wife 1/5th in value of his slaves, giving to his said wife Mary Frances Carroll the right of selecting from his slaves the said 1/5th - that the said testator by his said will bequeathed the remainder of his slaves to your complainants aforesaid - that the said testator left the following slaves, to wit; Jacob, John Hardy, Jim sr, Aurelius, Joe sr, Robert, Tom Hardy, Jim jr, Henry, Jerry, Monroe, Simon, Joe jr, Jas. Wood, Jack,

Exhibit A -

Canoll & als
v
Canoll's Exrs
& als —

In
Chancery

Exrs Answer

To the Worshipful County Court of Isle of Wight County, in Chancery sitting. The Answer of N P Young Exr of Geo W Carroll decd to the Bill of Complaint in said court exhibited by Archer W Carroll & als against him. This defendant saving & reserving all right of exception to the said bill of complaint for the many errors & insufficiencies therein contained for answer thereto, answering says that he is, as in said bill alleged, the Exr of Geo W Carroll decd, that the negroes mentioned in said bill are unnecessary for the payment of debts & he has no objection to surrender the same for division & has no objection to the prayer of said bill & being satisfied of the ample solvency of said estate, he waives his right to demand refunding bonds from the parties to said distribution & having answered prays hence to be dismissed with his costs in his behalf expended &c

Signed—

N. P. Young

Farwell
Dale – 20
Farwells
Dedale –

In
Chancery

Answer of
Mary Frances Farwell

To the Worshipful County Court of Pike of
Pike County, in Chancery sitting.
The Answer of Mary Frances Carroll
widow of George W Carroll deceased
to the Bill of Complaint in said Court
exhibited by Archibald W Carroll & others
against her — This defendant saving
& excepting the many errors & insufficiencies
in said bill contained, for answer
thereto, says she admits to be true the
general allegations of said bill, as to the
death of her late husband George W
Carroll, the probat of his will, the
qualification of A P Young as his
executor & the bequest by his will of 1/5
of his slaves to this defendant, with
her right of selection thereof & of the
balance of said slaves to the testators
children &c — your defendant has no
objection to the prayer of said bill
for a decree for the partition of the
slaves belonging to said testators estate
between herself & said complainants
in accordance with the provisions of
said will — & having answered the
prayer hence to be dismissed with her
costs in this behalf most unnecessarily
expended &c —

Signed — Mary Frances Carroll

In pursuance of the will of my late husband George W. Carroll dec'd. and the decree of the County Court of Isle of Wight County pronounced on the 7th. day of December 1863, I have ~~made~~ selected, and accepted from the commissioners appointed under said decree (which was pronounced in the suit of Archd. W. Carroll &als. vs. N. B. Young Exr. of Geo. W. Carroll dec'd. Chy.) and the said Executor, the following negroes, as my portion of the negroes mentioned in the decree aforesaid. to wit: Negro man Tom valued at $700.00

" woman Cynthia " " 600.00

" girl Juliana " " 1800.00

" man Jack " " 2000.00

" boy Billy " " 3250.00

" Woman Hannah & child Dick 2500.00

" " Juliana & 3 children

viz. Emanuel, Junius & Victoria 3500.00

making in the aggregate $15,850.00

which sum together with $440.00 which I am to receive from the children Archd. W. Carroll

Agnes Hardy Carroll, Caroline Carroll and Thomas H. Carroll, will make the sum of $16,290.00 being one fifth of the total valuation by said commission of the negros belonging to my said husbands estate.

Given under my hand this 8th. day of January 1864 of which said negroes assigned to me, I have in possession Tom Hardy, Cynthia & Louisiana, and the balance, viz. Jack, Billy, Hannah & child Dick, and Julian & children Emanuel, Junius & Victoria have been hired out for me in Warren County North Carolina under the care of my uncle Agent there W. Thomas Carroll.

Given under my hand this 9th. day of January 1864.

Mary H. Carroll

Carroll's per bond

To: 3 Dr Chy.
3 Cond. Supt.
3

Carroll's Exor. & ols.

Feby. 1st 1864, return
& filed.

A.

A list and valuation of the negros belonging to the estate of George W. Carroll dec'd. (and mentioned in the decree of the County Court of Isle of Wight County, made on the 7th: day of December 1864, in the suit of Arch'd W. Carroll & others Pet'rs. Against N. P. Young Exr: of Geo. W. Carroll dec'd: and Mary F. Carroll defendants) made by Wm. A. Stott, Wm. W. Crocker and Rich'd A. Randolph Commissioners appointed by said decree. To Wit.

Tom Hardy	man	$ 700 00	Juliann & 3 ch'dr. viz:		
John Hardy	"	2 000 00	Emanuel, Junius &		
Ansalem	"	1800 00	Victoria . . .	$ 5000 00	
Robert	"	2000 00	Esther of Juliann (girl)	1800 00	
Joe Senr.	"	3000 00	Jeff	boy	2250 00
Simon	"	3000 00	Margant & 3 ch'dr.		
Jim Senr.	"	500 00	viz: Tom, Mary Ann &		
Henry	Son	2500 00	Peter . . .	4000 00	
Jim jr.	"	1250 00	Margant jr. and		
Jacob old	man	50 00	child Richilla	3000 00	
Minerva	woman	300 00	Archer	boy	3250 00
Tempy	"	600 00	Crawford	"	2500 00
Cynthia	"	600 00	Alfred	"	2500 00
Louisana	Girl	1800 00	Mary Jane	girl	3000 00
Celia	old woman	50 00	Sally	"	2300 00
John Wrenn	man	2000 00	Martha	"	3250 00
Joe jr.	"	3500 00	Hannah & child		
Jerry	"	1000 00	Dick . .	2500 00	
Monroe	"	2500 00		34500 00	
Nancy & 3 ch'dr: viz:				46900 00	
Charles, Samuel & Fannie		4500 00		$ 81,450 00	
Dolly & 2 ch'dr: viz:					
Dolly & Jackson		2500 00			
Tucker	man	1000 00			
Jack	"	2000 00			
Billy	"	3250 00			
Milly & 4 ch'dr: viz:					
Tom, Holland,					
City & Dawson		4500 00			
		$ 46,900 00			

In the County Court of Isle of Wight County

December 7th 1863.

Arch'd W. Agnew &c. Franklin & Thos. H. Carroll infants by R. H. Randolph their next friend

Pltffs.

Against

N. P. Young Exr. of Geo. W. Carroll decd. and Mary F. Carroll &c.

Defts.

This cause in which the Pltffs. filed their Bill and the defendts. Mary Frances Carroll & N. P. Young Exr. of Geo. W. Carroll filed their answers, this day came on to be heard on the said Bill answers & exhibits, filed and was argued by Counsel; on consideration whereof the court doth adjudge, order & decree that Chl. F. Wooms, Wm. A. Stith, Wm. M. Crocker and Rich'd H. Randolph, any three of whom may act, who are hereby appointed Special Commissioners for that purpose, proceed to value the negroes belonging to the estate of Geo. W. Carroll dec'd. consisting of the following viz: Jacob, John Hood, Jim Hardy, Amelia, Jos F., Robert, Tom Hardy, Jim jr, Henry Jerry, Monroe, Simon Jr, John Woods, Jack Tucker, Billy Archer, Celia Temple, Minerva, Cynthia, Louisa, Nancy & 3 ch. (1 child, Tom & Fanny, Polly & 4 ch. (1): Crawford, Alfred, Sally & Jackson, Milly & 4 ch. (1): Tom, Hallcard, Lily & Dawson; Julia and 4 ch. (1). Esther, Emanuel, Junius & Victoria; Margaret & 3 ch. (1): Tom Anna & Peter; Hannah & ch. Dick; Morgan & ch. Richard, Mary Jane, Sally, Martha & Jesse, and allot and set apart to Mary Frances Carroll widow of Geo. W. Carroll dec'd: one equal fifth part of said Negroes in value, having regard to quantity & quality, and allowing said widow in accordance with the provisions of her husbands will, to select such negroes as she may prefer for her portion not exceeding one fifth in value of

of said negroes, and assign the balance of said negroes to the plaintiffs. And make report of their proceedings under this decree.

A copy. Test

N. S. Young Co.

In pursuance of the foregoing decree, the undersigned, three of the Commissioners thereby appointed, have valued the negroes therein mentioned (as appears by the annexed list of valuation marked, A.) at the aggregate sum of eighty one thousand, four hundred & fifty dollars $81,450.00
One fifth of which sum is 16,290.00

Mrs. Mary F. Carroll, the defendant, having selected as her one fifth portion thereof, negroes Tom Sandy at $700.00 - Cynthia at $600.00 - Louisa at $1800.00 - Jack at $2400.00 - Billy at $3250.00 - Hannah & child Dick at $2500.00 - and Julia & 3 children viz: Emanuel, Jarvis & Victoria at $3500.00 making in the aggregate $15,850.00

We have allotted & assigned to her the said last mentioned negroes, and to make her portion equal to one fifth as aforesaid, she will receive from the plaintiffs the sum of $440.00 which will make one fifth or $16,290.00

We then assigned to the plaintiffs the balance of said negroes mentioned in the decree & the list aforesaid marked, A. Mrs. Carroll has received the negroes assigned to her, or will be seen by her written selection & acknowledgment hereunto filed marked, B.

Given under our hands this 9th day of January 1864.

Wm. Overton Carr Com.
Wm. A. Scott "
R. H. Randolph "

Pursuant to the direction of the within decree the undersigned reports, that immediately after the rendition of this decree, he tendered to Mrs. Mary F. Carroll the sum of $1440:00 as directed by the decree, who refused to receive the same, assigning as a reason therefor, that she had concluded to renounce her husband's will. Which renunciation was afterwards made & is herewith filed. Given under my hand this 7th. day of April 1864.

E. P. Young Exor,
of Geo. W Carroll dec'd.

Carroll Exr &c.

Dr
Dr: To Copy decree

Carroll & als.

In the County Court of Isle of Wight County.

March 7th. 1864.

Archibald W. Carroll & others per friend . . . Complts:

against

In Chancery.

A. P. Young ejecutor of Geo. W. Carroll dec'd: and

Mary F. Carroll widow of dec'd: . . . Defts:

This cause came on this day to be again heard, on the papers formerly read, and on the report of Wm. W. Crocker, Rich'd. H. Randolph and Wm. A. Stith three of the commissioners for the partition of slaves under a former decree herein, & was argued by Counsel; on consideration whereof, the court doth adjudge, order and decree that A. P. Young ejecutor of George W. Carroll dec'd: (who in presence of the court admitted he had in his hands funds belonging to the said infants) pay to the defendant Mary Frances Carroll the sum of $1440:00, shown by the aforesaid report of said commissioners to be due her from said plaintiffs for equality of partition of the slaves mentioned in the said report, and that on the payment of the said sum of money, and the filing of the receipt, of said Mary F. Carroll, in this cause (which the said Ejecutor is hereby directed to take & file herein) the report of said Commissioners be confirmed, and that the parties to this suit, be perpetually bound & thereby and that they respectively hold the negroes assigned them by said commissioners according to said report. And that the said Ejecutor pay the costs of this suit.

A Copy.

Teste A. P. Young cc.

Carroll & als — vs Carroll & al's

In Chancery

Rockbridge Dec Term 1863
To be entered —

Wm H. Cabell

Carroll & als
vs Carrolls Exr & als-

This cause in which the Plaintiffs filed their Bill & the Defendants Mary Frances Carroll & N P Young Exr of Geo W Carroll filed their Answers this day came on to be heard on said Bill & Answers & exhibits filed & was argued by counsel, on consideration whereof the court doth adjudge order & decree that C F Mercer, Wm A Stott - Wm M Crocker - & Richard H Randolph -

any three of whom may act, who are hereby appointed Special commissioners for that purpose proceed to value the negroes belonging to the estate of Geo W Carroll, deceased, consisting of the following, to wit; Jim, Peter, Hal, Jim Harry, Annie, Joe Sr, Robt, Tom Henry, Jr, Henry, Jerry, Monroe, Simon, Joe Jr, Jno Lewis, Jack, Tarlton, Billy Carlton, Silas Jr, Ivy, Matilda, Cynthia Jemima, Nancy & her Child, Tom Henry, Polly Mitchell, Crawford, Wm, Lilly & her Boy Billy Mitchell, Tom, Holland, Lily & Daniel, Jane & 4 Children, Esther Emanuel, Simon, Melvina, Margaret & Child, Tom, Anna & Peter, Hannah & Child Dick, Margaret & Child Richter, Mary Jane, Lilly, Martha & Jesse

& allot & set apart to Mary Frances Carroll widow of Geo W Carroll decd one equal fifth part of said Negroes in value, having regard to quantity & quality & allowing said widow in accordance with the provisions of her husbands will, to select such negroes as she may prefer for her portion, not exceeding & assigning the balancing $5 in value of said negroes, & make one of said negroes to the Plaintiffs. report to Court of their proceedings under this decree -

Canal
to
Canal & Ry
Lots —

Fulton

Rough Sketch
March Term 1864
To be entered —

Wm H. Casey

Canall
vs
Canalls Exrs &c als -

This cause this day came on to be again heard on the papers formerly read & on the report of Wm M Brooke, Richard H Randolph & Wm A Stott three of the commissioners for partition of slaves & on a former decree herein was argued by counsel, on consideration whereof the court doth adjudge ordered & decreed that R P Young Esq of Ex of Ed N Canall (who in the presence of the court has admitted that he has in his hands funds belonging to said infants) pay to the [redacted] & Mary Frances Canall the sum of $440.00 - shewn by the aforesaid report of said commissioners to be due by him to said Plaintiffs for equality of partition of the slaves mentioned in said report & that on the payment of said sum of money the report of said commissioners be confirmed & that the parties to this suit be perpetually bound thereby & that they respectively hold the negroes assigned thereby said commissioners according to said report & that the said Ex pay the costs of this suit -

I Mary F Carroll widow of George W. Carroll dec'd late of the County of Isle of Wight in View of the deranged & embrassed Condition of the County, and the earnest desire I have to Retain a permanent home for my self and Children in the event of a Sale of my husband's Real estate, do hereby Renounce the provisions Made for me in the last Will and testament of my late husband. George W Carroll dec'd. and elect to take, in lieu of said provisions such portion of said estate as the law will give me. Given under my hand and Seal the 29th day of April 1864.

Mary F Carroll (Seal)

State of Virginia

County of Isle of Wight to wit.

I. William A. Stoll a Justice of the peace in and for the County and State aforesaid, do Certify that Mary F. Carroll who has Signed the foregoing and annexed Renunciation bearing date the 29th day of April 1864. has Acknowledged the Same before me in my County aforesaid. Given under my hand the 29th day of April 1864.

Wm A. Stoll J. P.

In the County Court of Isle of Wight County May 2nd 1864. the foregoing Renunciation was admitted to record upon the annexed Certificate of Acknowledgement before William A Stoll J. P.

Teste N. S. Young clk

A copy. Teste

N. S. Young clk.