

1872-046 Chancery Causes: Oleinda Perovis, widow of William Perovis vs Savinia Darden & al by & c & d 25

Dish of Wight County

other surnames: Vaughan, Purvis

Peris

25

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{ Bee H.
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Dec. 6. 1847 Bee &
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March 7. 1848 up.
of con. filia

and that all the negroes which the said Cherry Lane inherited from her father
on other side, - whether held in common with her sister Lavinia Lane, in possession
or in remainder, after the termination of the donor or life interest of your oratrix
as the widow of 1st Leno Lane - are and should be equally divided between your
oratrix and Lavinia Lane ^{and James Lewis Pervis - a half brother of said Cherry Lane & Leno} and your oratrix prays that this honorable Court will
grant a decree - appointing commissioners to divide and set apart the interests
of the 1st Cherry Lane Lane, in & to all the negroes: to wit - Uniah, Tabah, English
Barbary, Tom, Adeline a child of Barbary -

being those which she held in common with her sister Lavinia and in possession,
and in which the 2^d widow had no share, as the widow of Leno Lane,
as well as the remainder interest in those which were assigned to your
oratrix as the widow of 1st Leno Lane, as her third ~~and~~ being as follows:

and assenting to the principles of law as herein before set forth: As to such division
of those in which your oratrix had no share or thirds as aforesaid, and the allotment
of the interest or ^{two fifths} of the interest of Cherry Lane Lane, in the same, come
to your oratrix, as her own individual property, no objection can be raised
by the adverse of the 1st deceased, in as much as there are no, or few debts remaining
against his estate, at least none requiring the retention of this property by him.
And so as much as your oratrix is remedied over in a court of equity when matters
of this sort are cognizable - she prays that Lavinia Lane ^{James Lewis Pervis an infant of James Pervis &} an infant of Leno Lane
and William H. Vaux Jr., as the adv. of Cherry Lane Lane de. & as the adv. of
Mr. Pervis or. may be made parties respondent to this bill: and be compelled
to answer the same: and they pray that the Court will grant a
decree for a division of the Mass, aforesaid: and all other
orders which it may be meet in the premises. &c. and cert^y Lavinia

Attest
J. H. Whipple

To the worshipful justices of the county court of Isle of Wight County
in ch. sitting in their usual session sheweth unto you
your orator Alcinda Pervis widow of one William Pervis who departed
this life sometime in the year 1847, in the month of February; and one William
H. Vaughan has qualified as administrator of the estate of said Pervis.

Your orator represents, that previous to her ^{and at the time of} intermarriage with the said Wm. Pervis
she was the widow of one Geo. Garden who departed this life sometime in the year
1842, or 1843 - intestate - &c. and
leaving two children, to wit - Cherry Lane Garden and Lavinia Garden infants of tender
years - as the only heir and distributee at law of the said Geo. Garden &c. that subsequently to the
marriage of your orator with her late husband the said Wm. Pervis &c. and a very short
time before the death of s^d Wm. Pervis, Cherry Lane Garden an infant of s^d Geo. Garden &c,
departed this life, under 21 years of age, unmarried, without issue, and intestate, being & possessed
of some considerable estate, &c. which (the personal) has been, as far as it can be taken possession of
by the s^d Wm. H. Vaughan who has qualified ^{as administrator} on the estate of the s^d Cherry Lane Garden &c. and
who as your orator believes is the guardian of the s^d Lavinia Garden. ^{her with her, or heirs of her said &c.} as will appear by the record in 1-23 p
and your orator further states and avers, that the only heirs and distributees of the s^d Cherry Lane
Garden are, your orator who is the ^{or her} mother of the s^d Cherry Lane, and the said Lavinia Gard-
en, ^{and James Dennis Pervis, infant of Wm. Pervis &c. by your orator,} and that though your orator was, at the time of the death of s^d daughter, Cherry Lane,
the wife of the s^d Wm. Pervis, yet as he the s^d Pervis, died very shortly after, and ^{not} having
reduced into possession, the undivided interest of the s^d your orator accruing from
her s^d daughter Cherry Lane - in & to the estate of her father which she held in common with
her sister Lavinia, there never having been a division of the same, negroes &c., between the said
children - Cherry Lane, & Lavinia, your orator claims that her rights and title to the same
to wit, negroes & other personal estate of the s^d Cherry Lane, did never vest in her husband
was never reduced into possession - but was undivided, undisturbed in the hands of
her s^d administrator (Wm. H. Vaughan) - in common as appertained with her sister Lavinia
- but the same survives to her, as the mother of the s^d Cherry Lane, and belongs not to
Wm. H. Vaughan the administrator of her husband Wm. Pervis.

To the Mississippi County Court of Shelby night circuit. in Clay tilling:

The answer of Nathaniel P. Young guardian ad litem Lavinia Soren

by Nathaniel P. Young & guardian ad litem appointed by
the court to defend interests in a suit by Abelinda Periss against and ab-

Respondent by said g^d ad litem N. P. Young for ~~answer~~ saving and recovery &c.
for answer &c: to said bill: answer and say, that are entitled in the manner
of form as set forth in said bill &c: but. neither admits or denies the same.

and being of tender years and under 21, beg leave to submit. and

interest, in the subject matter to the discretion & protection of this honorable court.

and having answered my honor to the discharge of -

A. J. Young

Ans.

To the worshipful Court of the County of York, sitting.

The answer of William H. Vaughan, as the administrator of Mrs. Pervis, and as the administrator of Cherry Lane Borden or to a Bill filed against him as administrator of Alcinda Pervis &c.

This respondent saving and reserving &c. for answer to so much of said Bill, as he is advised, it is material for him to answer; - says that it is true, as stated in the 1st Bill, that this respondent is the administrator of the 1st Pervis, and Cherry Lane Borden - who, ^(both) departed this life, in the order and under the circumstances set forth in the 1st Bill: - but as to the law arising on these facts; to wit, whether the interest of the mother of Cherry Lane, and the widow of Mrs. Pervis - or to the negroes & other property whereof the 1st Cherry Lane was entitled - and accruing during coverture, as is stated in the said Bill - does survive to the said Alcinda Pervis, or vests in this respondent as the administrator of 1st Pervis; he does by no means admit; but submits the question to the decision of this honorable court; as he is perfectly willing to conform to any decree which the court may make in the premises, provided proper & legal security be executed to him, as administrator of said Cherry Lane Borden - the 1st slaves which are sought to be divided by said Bill, as far as your respondent can inform himself, will not be wanting to satisfy any debts due from said Cherry Lane -; and therefore is willing, by the commencement of another, approaching, year, to surrender the same, ^{to those} who shall be, a decree of this court, appear to be entitled to the same, on the conditions aforesaid: and having answered your bill, says -

Wm. H. Vaughan (2)

In witness whereof, the Court of the County of York, sitting.

William H. Vaughan personally appeared before me a justice of the peace for the County of York and made oath that the facts as stated above in his answer are true to the best of his knowledge & belief. Given under my hand and seal at York, 1847 -

J. M. D. R.

(JP)

Mines

Dear friend

assured.

Cherry Lane Garden of Tuscorora - ~~was~~ ^{is} a good one in
east of Cherry garden among the pines - to sit a little living base-
and the mother of Lucinda Peiris, the wife Mr. Peiris -; Mr. H. Van ^{an} ~~the~~
of Mr. Peiris was born Jan. 24. 1847 - & died after the death of his child
Cherry -; and Mr. H. Van ^a is the son of Cherry Lane - lives for a
time - Vanphan is 5' to Lucinda's house - 1st a house, between
the children in the first place - & 2^d the division of the Feb. of the dead child
conf. In the H. Buch - Alfred H. Butler. Mr. M. Jones & Albert Vanph

In obedience to an interlocutory decree, 'Purvis vs Darsen &c. mast
and entered at a Court held for the county of Isle of Wight the
6th day of December 1847 your Commissioners proceeded on Friday
the 31st day of December to divide the slaves in the bill men-
tioned viz: Uriaah, Jacob, English, Tom, Barbara & Child Asaleme
into two equal parts as follows: English valued at \$550 and
Barbara & Child Asaleme at \$450 making . . . \$1000.00
and called lot N^o 1 drawn by Levina B. Darsen.

the remaining three slaves we placed in three lots: viz
. Tom valued at \$375 lot N^o 1 drawn by Alcinda Purvis, being
two fifths: Jacob valued at \$550 lot N^o 2 drawn by M^{rs} H.
Vaughan as guar^t for Levina B. Darsen, being two fifths.
and Uriaah valued at \$100 lot N^o 3 drawn by James J. Purvis
as and for one fifth.

Now in order to effect an equal division in value the sum
of Levina B. Darsen must pay to Alcinda Purvis thirty
dollars, and to the guar^t of James J. Purvis one hundred
and two dollars, & fifty Cents.

respectfully submitted

Given under our hands the 31st day of Decem^r. 1847.

Wm M Jones
J. R. Butler

Perris
the
Perris as usual
and also —

See ever in chambers —
" " " " " "

On motion Nathaniel P. Young is appointed guardian ad litem
to defend the infant Lavinia Borden, and James S. Perris —

and this cause, by consent of parties was thus docketed, and came on, by like consent, to be heard
on the bill and answer: and was argued by counsel: and on consideration ~~the~~ court is of
opinion, that the interest or portion which accrued to Alcinda Perris, in & to the interest
in the slaves whereof the said Cherry Jane Borden died entitled, in possession or
remainder — survived and of right belongs to the said Alcinda in her own right
and ^{not} to the representatives of her late husband, the s^r William Perris dec^d: and
doth therefore, order, adjudge & decree, that Jacob H. Lusk, Alfred R. Rutter
William M. Jones, and ^{David Smith} ~~Robert H. H. H.~~ be and the same are hereby appointed
comprisers, any three of whom may act — proceed, after having give 10 days notice
of time and place of division — to divide the negroes whereof the said Cherry Jane Borden
was possessed: on the following terms to wit: first divide the slaves — w^{ch}
Jacob, English, Tom, Barlaggs child & deliver — being the slaves mentioned
in said bill, which descended to Cherry Jane Borden, and Lavinia Borden infant
children of her. Borden, dec^d. into two equal parts: one of which part, being
they will allot and assign to Lavinia Borden: and then, the other half
being the portion of Cherry Jane Borden dec^d. — will divide into five parts —
of which two fifths, will allot & assign to Alcinda Perris in her own right:
two fifths to Lavinia Borden, and the other fifth to James Lurries Perris
the half brother of s^r Cherry Jane Borden — and if it be necessary to sell
any one or more of said slaves, to effect an equality in said divisions
the said Comprisers are empowered to do the same, and report & an
account to this court of their proceedings — in order to a final decree
and what is bound to infant; to their cause if any they can against
the decree, when they shall return their copies of 21. —

Alcinda Paris

or 3 copy of same

Garden &c

At a Court held for the County of Isle of Wight Dec: 6th 1847

Alcinda Davis &

against

J. In Chancery

Lavinia Darden &g.

on motion Nathaniel D. Young is appointed guardian ad litem & defend the infant Lavinia Darden and James J. Davis, and their cause, by consent of parties was this day docketed, and came on, by like consent, to be heard on the Bill and answers: and was argued by counsel: on consideration the court is of opinion, that the interest or portion which accrues to Alcinda Davis, in & to the interest in the slaves whereof the said Cherry James Darden dies entitled, in possession or remainder survives and of right belongs to the said Alcinda in her own right and not to the representatives of her late husband the said William Davis decd: and doth therefore order, adjudge & decree, that Jacob H. Duck, Alfred R. Butler, William M. Jones and Irvin Duck be and the same are hereby appointed commissioners, any three of whom may act, pursuant, after having given 10 days notice of time and place of division to divide the negroes whereof the said Cherry James Darden was possessed: on the following terms to wit: first divide the slaves - Utiak, Jacob, English, Sam, Barbary and Chica Adeline - being the slaves mentioned in said Bill, which descended to Cherry James Darden, and Lavinia Darden infant children of the said Darden decd: into two equal parts: one of which parts, they will allot and assign to Lavinia Darden and thus, the other half being the portion of Cherry James Darden decd: will divide into five parts of which two fifths, will allot & assign to Alcinda Davis in her own right, two fifths, to Lavinia Darden, and the other fifth to James Junius Davis the half brother of the said Cherry James Darden - or to their several guardians upon executing refunding bond to W. H. Vaughan Auditor: and if it be necessary to sell any one or more of said slaves to effect an equality in said division the s.^d Court are empowered to do the same - and report an account to this Court of their proceedings in order to a final decree and liberty is reserved to the infants & their cause if any, they can against this decree, when they shall attain the age of 21 -

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J. P. Wills D.C.