

1788-003

Southampton County

Chancery Papers: Holliman & ux vs Moody's guardian

8/1788

see also Holliman vs Andrew's etx 1799

other surnames: Holliman,
Hollaman, Andrews

Hallman Clarke

via

Andrew's guard
of Moody.

Bill & Ans.

Aug 1788

Cap. W. D. D. D.

To the worshipful justices of Southampton County sitting in
Chancery.

Humbly complaining sheweth unto your worships your Orator & Co-Orator
Wilson Halliman & Elizabeth his wife That one Josiah John Halliman late
of this County. was in his life seized & possessed of a considerable estate in Slaves
& personal chattels and being so possessed made his last will & Testament bearing
date the third day of ^{October} 1763 duly proved & recorded. That amongst other
things the testator devised to his wife the use of the following negro ~~books~~
~~scribes~~ and also what estate he was possessed of for the term of her natural
life to wit Rose Phillis Charles & Will. and after her death to be equally
divided between his four daughters to wit Mary Lucy Sarah & Martha
and in case one or more of his daughters should die before his said wife
that then the ~~parts~~ parts of such daughters should be equally divided
between their surviving children. that one Philip Moody intermarried
with Sarah one of the said daughters by whom he had the following
children to wit, Samuel, West & Elizabeth your Orator ~~these were the~~
~~de~~ which said Sarah departed this life in the life time of the said ~~second~~
widow & before any division of the Slaves aforesaid took place. That
the aforesaid widow & devisee hath since also departed this life after
whose death a division was had between the surviving daughters &
the children of such of them as were living. and the said Philip Moody
as father & next friend of the said Samuel West & your Orator Eliza-
beth who were infants of tender years received into his possession the part or
proportion of Slaves allotted for the children & representatives of the said
Sarah their mother & continued in possession thereof until the time of his
death at which time the said Slaves ~~therein~~ ~~increased~~ were as follows
to wit Aaron Chloa Rhode Sam Jacob Abram. That soon after the death
of the said Philip Moody one John Andrews was by this Court appointed
guardian to the said Samuel West & your Orator Elizabeth. & by virtue
thereof hath taken the said Slaves into his custody & possession & hath
received the hire & profits of the same. to whom your Orator in right of
his intermarriage with the said Elizabeth hath applied as well for an
equal division of the said Slaves. ~~as~~ between the children aforesaid as
representing their mother Sarah one of the daughters of the Testator Josiah
John Halliman dec'd and also an amount of the hire & profits of the
said Slaves. But so it is may it please your worships that the said
John Andrews guardian aforesaid pretends that such division cannot
take place nor can he consent thereto. without the interposition of this
worshipful Court his wards being infants & unable to perform the same
To the end therefore that this said John Andrews may upon his Corporal
oath full true & quiet answer make to the allegations of this bill
as fully as if the same were again repeated. And that the Court will
by their Order appoint some fit & able persons to make partition &
division of the Slaves aforesaid to wit Aaron Chloa Rhode Sam Jacob
& Abram & their increase equally between your Orator Elizabeth & the said
Samuel & West Moody. that they make report thereof. so that such division
be made firm stable & binding between the said parties and also that the
said John Andrews be compelled to answer with & pray unto your Orator.

his wife Elizabeth, due share & proportion of all profits arising from the hire
or labor of the said Slaves. since the same have been under his Care &
management. As that this Court will make such further or other Order
in the premises as may be agreeable to equity & good conscience May
it please the
Kells for pet.

The Answer of John Andrews, Guardian of Samuel West Moody infants
orphans of Philip Moody dec'd to the bill of Complaint of Wilson Holliman
& Elizabeth his wife Complainants.

This defendant now that all times hereafter saving & reserving to himself all
manner of advantages, of exception to the errors & imperfections of the Compt's
bill for answer shews this defendant in behalf of the said infants saith.
That the several allegations contained in the said bill relative to the devise
by Jonath John Holliman he believes may be true - becaus that true it is
he hath possessed himself of the slaves mentioned in the bill with some
others but that the same have come to his possession as executor of the
last will & testament of Philip Moody dec'd father of the Complainants
& Elizabeth. that the said Philip Moody by such will hath devised the
Slaves severally to his Children Samuel West & Elizabeth. And he
submits himself to this worshipping Court. whether such division be made
agreeable to the last will and testament of the testator Jonath John Holliman
dec'd or whether the said Slaves are to pass to the devisees agreeable to the
will of the said Philip Moody his testator. that as Guardian of the said
Orphans he always was & still is willing to make up his Account of
his guardianship in any manner the Court shall direct. And he humbly
hopes that all advantages may be saved to the said infants by reason
of their non age & that he may be discharged with his Life without that
that he.

Southampton Jct.

November Session 1786

Willson Holliman & Elizth his wife

^{vs}
John Andrews guardian of Sam^l.

& West Moody captⁿ of Philip Moody dect.

} Chy

This cause was this this day heard on the bill of the plaintiffs and the answer of the defendants on consideration whereof it is decreed & orderd that William Urquhart Micajah Holliman Samuel Locke and Timothy Atkinson or any three of them make partition and division of the slaves Aaron Chloa Rhode Sam Jacob & Abram (the slaves in the bill mentioned) between Samuel & West Moody & Elizabeth Holliman the representatives of Sarah one of the daughters of Josiah John Holliman dect. & it is further orderd that the said Jⁿ. Andrews the defendant make up an account of all the profits arising from the said slaves since the time they came to his possession & that such account be returned together with the report of the division of the slaves to the next session in order for a final decree &c.

Teste Sam Kello, c

December 28th 1786. According to the within Order to us directed
 have divided the Slaves mentioned between the parties in the follow-
 ing manner Viz^d to Elizabeth Holliman Cloe and Sam valued
 to Ninety pounds. to Samuel Moody Rhoda and Abraham
 valued to Eighty One pounds and to West Moody Aaron and
 Jacob valued to Eighty two pounds. Witness our hands the day
 and Year above written.

W^m Magrath
 M^{rs} Holliman
 Eastwell Cooke.

Holliman }
 in }
 Andrews }
 Decccc

Nov. 1786

$$\begin{array}{r} 81 \\ 3 \overline{) 243} \\ \underline{27} \\ 68 \\ \underline{66} \\ 20 \\ \underline{18} \\ 20 \\ \underline{18} \\ 20 \\ \underline{18} \\ 20 \end{array}$$

$$\begin{array}{r} 368 \\ 268 \\ \hline 5134 \end{array}$$

$$\begin{array}{r} 90 \\ 81 \\ \hline 3 \overline{) 253} \\ \underline{82} \\ 184 \\ \underline{184} \\ 0 \\ \hline 51134 \end{array}$$

In the name of God Amen I Josiah John Hallam
man of the County of Southampton do make and
Ordain this my last will & Testament in manner
and form following that is to say
Item I Give unto my loving wife Ann Hallam
one negro man named ^{samy} To her and her heirs for
ever I give my said wife the plantation where
I now live and all the lands I am possessed of and after
my wifes death my will is that my Ex^r sell the
plantation & land for the most that can be got for
it & the money arising on the sale to be equally
divided between my four Daughters, Mary, Lucy,
Sarah, & Martha & in case any of my Daughters
die before such division, her or their equal part
to be equally divided between her or their children
I give ^{my} daughter Lucy andrews one negro boy named
Tom to her & her heirs for ever, I give ^{my} Daughter Mary
Clayton one negro boy named Jacob ~~to her & her heirs~~
forever, I give ^{my} Daughter Sarah Moody one negro Girl
named beek to her & her heirs forever, I give my Daug
ter Martha Hough one negro girl named Agate
to her & her heirs forever, I give my said wife the use
of the following negroes that is to say Joseph Philips,
I will, & also what personal estate I am

hoped of during her natural life & after her death
my will is that if my daughters cannot agree
between themselves upon a division then my
Ex^{rs} to sell my estates to the highest bidder and
the money be equally divided between my said
daughters & in case one or more of my said Daughters
die before my wife then her or their parts to be equal-
ly divided between their surviving children
I do appoint my Friend Thomas Williams and
my son in law John Clayton Executors &c &c

Copy of Soniak's In.
Lllemans Mill