

1834-120

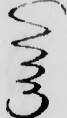
SOUTHAMPTON COUNTY
CHANCERY PAPERS

GARDNER et al VS. GARDNER et al

12/1834

other SURNAMES: Parker,
Beaman, Booth, Buxton,

Jason Gardner Val

of  Chy.

A. L. Gardner Val

Hodgson

1834. Oct: Decree as filed 28th

etc liberty. The order
of Court committing
the estate of Uriah
Gardner dec'd and
Susan Booth to the
hands of Sheriff, and
the estate Nancy Ma-
man to hands of Ab-
L. Gardner, & the estate
of Margaret Parker
to Harrison Parker

So. Amptown Co. Co

To the worshipful The Justices of The County Court of South Ampton in chancery sitting. Humbly Complaining, shew unto worship your orator Jacob Gardner and Lamer Gardner, that some time in the year

Lamer Gardner of the said County of Southampton departed this life intestate, seized and possessed of a considerable real and personal estate, which was subsequently divided between his heirs at law, allotting to his widow Anne Gardner one third part of his real estate, to which was annexed a stile, and also one third part of his slaves, to hold as the proportion to which she was entitled in virtue of her right of dower in the estate of her husband. That of the property thus allotted to the said Anne Gardner for life, there was a small tract or parcel of land, containing by estimation about eighty five acres, one negro slave by the name of Jacob, and the stile above mentioned. And your orator further shew that the said Anne Gardner entered upon and took possession of the said property, and retained possession until the time of her death, which happened some time during the month of _____ in the year 1834. In consequence of whose death, your orator are advised that the heirs of the said Lamer Gardner are entitled to have the said property, allotted as aforesaid to the said Anne Gardner for her dower, divided, and to receive the

proportions to which they are entitled as heirs and distributees of the said James Gardner. And your orators represent that the said intestate left at the time of his death ^{eight} ~~seven~~ children, that is to say, Henry, Abram L., Lydia, Nancy, Susan, and your orators ^{Heir} ~~James~~; that the said Henry has since died leaving two children, to wit, Henry, who died under age and without issue, and Margaret who intermarried with Harrison Parker, and has since died leaving one ^{infant} child now living named Edwin; that the said Harrison Parker has qualified upon the estate of his wife, the said Margaret, in the County Court of Southampton, as will more fully appear by reference to the an attested copy of the Certificate of administration herewith filed; that the said Lydia intermarried with Joseph Bunker of the said County, and has died since the death of the said intestate leaving two infant children now living, to wit, Parthena and Mildred; that the said Joseph Bunker has since qualified upon the estate of his said wife as will more fully appear by reference to an attested copy of the Certificate of administration herewith filed; that the said Nancy intermarried with one Nathl. Peabman of the said County, and has since departed this life leaving three ^{infant} children now living, to wit, Polly, Betsey and Wiley; that the said Abram L. Gardner has qualified as the administrator of the said Nancy Peabman, as will more fully appear

by reference to an ~~attested copy~~ of the Certificate of administration herewith filed; that the said Susan intermarried with one Alexander Booth of the said County and has since departed this life leaving six infant children, to wit, Arthur, Eliza, Hevenon, Caroline, Henry & Washington, and that her estate has been committed to the hands of the Sheriff of the said County by order of the County Court, as will more fully appear by reference to an attested copy of the said order herewith filed. ~~And your orators are advised that the above-mentioned parties are entitled in the distribution of the said property, to the following proportions, that is to say, to your orators each 1/3 part, to the said Susan & her heirs 1/3; that the said Uriah Gardner, shortly after his removal the death of the said intestate, removed from the State of Virginia & has since died leaving no child, and adon on his estate has been committed to the hands of the Sheriff of the said County by an order of the County Court, an attested copy of which is herewith filed. And your orators are advised that the above-mentioned parties are entitled, in the division and distribution of the said property, to the following proportions: that is to say, to your orators each 1/3 of the real estate and 1/8 of the personal estate; the said Abram L. Gardner the like proportions in virtue of his own right, and 1/8 of the personal ^{estate as the} ~~representative~~ of the said Nancy Pea-~~

man; the heirs of the said Nancy Beaman each $\frac{1}{21}$ of the real estate; The heirs of the said Lydia Bunker each $\frac{1}{14}$ of the real estate, and her personal representatives $\frac{1}{8}$ of the personal estate; The heirs of the said Susan Booth each $\frac{1}{42}$ of the real estate and her personal representatives $\frac{1}{8}$ of her personal estate; the heir of Margaret Parker $\frac{1}{7}$ of the real estate, and her personal estate $\frac{1}{8}$ of the personal estate; and the personal representatives of the said Isaac Gardner $\frac{1}{8}$ of the personal estate. And your orators averment that they have frequently made application to the said parties and urged them to concur in making sale of the said property, as the ^{land} (they own) is not equivalent in value to \$300. per share, and to divide the proceeds thereof respectively among them entitled; and it was well hoped that they would comply therewith as in justice and equity they ought to have done. But now so it is, the said defendants have ^{hitherto} wholly refused to comply with such your orators' reasonable requests. In Tender consideration whereof, and for as much as your orators are without remedy in the law in concept by the assistance of a Court of Equity when such matters are broken by Cognizable; to the end therefore that the said Abram L. Gardner in his own right, & as representative of the said Nancy Beaman, the said Harrison Parker as adm^r of her, the said Margaret Parker, Sheriff or otherwise, as adm^r &c. of

the said Susan Booth and Isaac Gardner severally, Joseph Bunker as adm^r of the said Lydia Bunker, and the said ^{infant} Parthena Bunker, Mildred Bunker, Polly Beaman, Minny Beaman, Betsey Beaman, Arthur Booth, Elija Booth, Nevenon Booth, Caroline Booth, Henry Booth, Markington Booth and Parker, by some person to be appointed their special guardian to defend them in this suit, who are prayed to be made defendants ^{heirs} in this suit, may, upon their several corporal oaths, true and correct answer make to all and singular the premises herein contained, and that as fully and particularly as if the same were here again repeated and interrogated; that your worships will decree a sale and division of the said tract or parcel of land, together with the slave and stile above mentioned; and that your orators may have such other and further relief in the premises as them can may seem to require, and to your worships may seem meet. May it please &c.

Wm D. Hodges, Agt

The joint and separate answer of Abram L. Gardner, Joseph Bunker, Harrison Parker, Edwards Butts, Partheny Bunker, Mildred Bunker, Polly Beaman, Minny Beaman, Betsey Beaman, Arthur Booth, Elija Booth, Nevenon Booth, Caroline Booth, Henry Booth, Markington Booth, and Parker - The said Partheny Bunker, Mildred Bunker, Polly Beaman, Minny Beaman, Betsey Beaman, Arthur Booth, Elija Booth, Nevenon

Booth, Caroline Booth, Henry Booth, Wash-
ington Booth, and Parker, being infants,
defending by Abram L. Gardner their spe-
cial Guardian, to a bill of Complaint
exhibited against them in this honorable
Court by Isaac Gardner and James Gardner
Complainants — These defendants having
and receiving V^c for answer to the said
bill, and so much thereof as they are ad-
vised it is material for them to answer
unto, they answer and say, that so far
as they are advised the allegations contained
in the said bill of Complaint are substan-
tially true and correct; and they are wil-
ling that such a decree may be rendered
as the Complainants require, or as to the
Court may seem right and proper under
the circumstances of the case. And these
defendants, having answered V^c pray to be
hence dismissed with their costs in this be-
half sustained.

Isaac Gardner Val } This cause came on
4th July. } this day to be heard,
Abram L. Gardner Val } by consent of parties,
on the bill, answer,
and exhibits filed, and was argued by Coun-
sel; on consideration whereof, the Court,
being of opinion that the said real and
personal property in the bill mentioned is
liable to division as set forth, doth ad-
judge, order and decree that Jesse Parker,
who is hereby appointed Commissioner for
that purpose, do, after giving at least

^{sin}
~~fifteen~~ days public notice of the time
and place of sale at the Court house of
the said County, and at two or more other
public places, sell at public auction
on the premises the tract of land together
with the slave (Jacob) and stile in the pro-
ceedings mentioned, for cash, and out of
the proceeds of sale pay first the ex-
penses of said sale and costs of this suit, and
divide the net balance among the follow-
ing persons, and in the following proportions,
to wit: To the complainant Isaac Gardner
 $\frac{1}{9}$ of the proceeds arising from the sale of the
real estate and $\frac{1}{8}$ of the personal; to the com-
plainant James Gardner $\frac{1}{7}$ of the proceeds
arising from the sale of the real estate &
 $\frac{1}{8}$ of the personal; to the defendant Abram
L. Gardner, in his own right, $\frac{1}{7}$ of the proceeds
arising from the sale of the real estate and
 $\frac{1}{8}$ of the personal, and $\frac{1}{8}$ of the proceeds
arising from the sale of the personal estate
as the adm^r of Nancy Beaman dec^d; to
Joseph Bunker, as adm^r of Lydia Bunker
dec^d, $\frac{1}{8}$ of the proceeds arising from the
sale of the personal estate; to Harrison
Parker, as adm^r of Margaret Parker dec^d,
 $\frac{1}{8}$ of the proceeds arising from the sale of
the personal estate; to the defendant
Edward Butts, Sheriff V^c, ~~as adm^r~~ $\frac{1}{8}$
of the proceeds arising from the sale of the
personal estate as adm^r of Uriah Gardner,
and also $\frac{1}{8}$ part of the same as adm^r V^c
of Susan Booth dec^d; to the guardians

of the several infant defendants Partheny
Buntow and Mildred Buntow, each $\frac{1}{4}$ of
the proceeds arising from the sale of The real
estate; to the guardians of the several
defendants Polly Beaman, Mirry Bea-
man and Betsy Beaman, each $\frac{1}{2}$ of the
proceeds arising from the sale of real estate;
to the guardians of the several infant de-
fendants Arthur Booth, Eliza Booth, New-
man Booth, Caroline Booth, Henry North
Swarrington Booth, each $\frac{1}{42}$ of the pro-
ceeds arising from the sale of The real es-
tate; and to the guardian of the infant
defendant Godwin Parker $\frac{1}{7}$ of the proceeds
arising from the sale of The real estate. And
that he make report &c.

Gardner & P

2 Copy Shew

Gardner & P

For Commisssion

Southampton October Court 1834 -

Jason Gardner and James Gardner.
against

Plffs. } In Chy

Abraham Gardner, Joseph Buxton, Harrison Parker, Edward Butts, Parthey
Buxton, Melred Buxton, Polly Beaman, Mary Beaman, Betsy Beaman,
Arthur Booth, Eliza Booth, Newton Booth, Caroline Booth, Henry Booth,
Washington Booth and Parker - the said Parthey Buxton, Melred
Buxton, Polly Beaman, Mary Beaman, Betsy Beaman, Arthur Booth, Eliza
Booth, Newton Booth, Caroline Booth, Henry Booth, Washington Booth and
Parker being infants defending by Abraham Gardner their Special
guardians - Dofy

This cause came on this day to be heard by consent of parties, on the bill,
answer and exhibits filed, and was argued by counsel: on consideration whereof
the Court, being of opinion that the said real and personal property in the bill
mentioned is liable to division as set forth, doth adjudge, order and decree that
Jesse Parker who is hereby appointed Commissioner for that purpose, after giving at
least six days public notice of the time and place at the Court House ~~and~~ of the
said County, and at two or more other public places, sell at public auction on
the premises the tract of Land together with the Slave Jacob, and still on the
proceedings mentioned, for cash, and out of the proceeds of sale pay first the
expenses of said sale and costs of this suit and divide the nett balance among
the following persons, and in the following proportion to-wit: To the Complain-
ant Jason Gardner $\frac{1}{7}$ of the proceeds arising from the proceeds of the real estate
and $\frac{1}{8}$ of the personal: To the Complainant James Gardner $\frac{1}{7}$ of the proceeds
arising from the sale of the real estate & $\frac{1}{8}$ of the personal: To the defendant
Abraham Gardner in his own right $\frac{1}{7}$ of the proceeds arising from the sale
of the real estate and $\frac{1}{8}$ of the personal, and $\frac{1}{8}$ of the proceeds arising from the
sale of the personal estate as the admor. of Mary Beaman ad. To Joseph
Buxton as admor. of Lydia Buxton ad. $\frac{1}{8}$ of the proceeds arising from the sale
of the personal estate: To Harrison Parker as admor. of Margaret Parker ad.
 $\frac{1}{8}$ of the proceeds arising from the sale of the personal estate: To the Defendant
Edward Butts Sheriff & $\frac{1}{8}$ of the proceeds arising from the sale of the personal
estate as admor. of Uriah Gardner, and also $\frac{1}{8}$ part of the same as admor. of
Susan Booth ad. To the Guardians of the several infant defendants
Parthey Buxton and Melred Buxton, each $\frac{1}{4}$ of the proceeds arising from
the sale of the real estate; To the guardians of the several defendants Polly
Beaman, Mary Beaman and Betsy Beaman, each $\frac{1}{21}$ of the proceeds
arising from the sale of the real Estate, To the guardians of the several
infant defendants Arthur Booth, Eliza Booth, Newton Booth, Caroline Booth

Henry Dault of Washington Dault each $\frac{1}{42}$ of the proceeds arising from
the sale of the real Estate: and to be guardian of the infant defendant,
Godwin Parker $\frac{1}{4}$ of the proceeds arising from the sale of the real Estate -
and that he make report &c.

Teste James Rochelle Clk

letts Costs \$2.32

Law: $\frac{10.00}{\$12.32}$

Gardner 4th

or Report

Gardner 4th

1832 Dec. Met. & Conf. 4th

In obedience to an interlocutory decree, 'Gardner or 'Gardner & others pronounced by the County Court of Southampton at the October Court 1834. and hereto annexed, your Commissioner having given six days public notice of the time and place of sale, by three several advertisements, one of which was posted up at the Court-house door, proceeded on the 27th day of October 1834, on the premises, to sell the real and personal property in the bill mentioned, to the highest bidder for cash, as in the decree directed:

Your Commissioner set up the tract of land in the bill mentioned when Nelson Gardner became the last bidder and purchaser for the sum of \$250.05

He then set up the still, when James W. Gardner became the last bidder & purchaser for the sum of . . . \$38.50

And lastly the slave Jacob, when Abram S. Gardner became the last bidder & purchaser for the sum of . . . \$155.50
\$444.05

Your Commisr. then deducted for Comm. Cost of suit . . . 25.00
leaving a nett balance of \$419.05

Your Commissioner then deducted \$14.08 (the due proportion of the Commissions & Cost to be deducted from \$250.05) leaving a nett balance of the sale of the real estate of . . . \$235.97

Your Commissioner also deducted \$10.92 (the due proportion of the Commissions & Cost to be deducted from \$194) leaving a nett balance of the sale of the personal estate of . . . 183.08
Proof \$419.05

Your Commissioner then proceeded to divide the nett balances, as above stated, among the following persons, & in the following proportions to wit: To the Complainant

Jason Gardner $\frac{1}{7}$ of \$235.97 and $\frac{1}{8}$ of \$183.08 equal to \$56.59 $\frac{1}{2}$
 To James Gardner $\frac{1}{7}$ of \$235.97 and $\frac{1}{8}$ of \$183.08 equal to 56.59 $\frac{1}{2}$
 To Abham L. Gardner $\frac{1}{7}$ of \$235.97 and $\frac{1}{8}$ of \$183.08 equal to 56.59 $\frac{1}{2}$
 And To Abham L. Gardner as adm of Nancy Beaman $\frac{1}{8}$ of
 \$183.08 equal to 22.88 $\frac{1}{2}$
 To Joseph Buxton as adm of Lydia Buxton de^c $\frac{1}{8}$ of \$183.08
 which is equal to 22.88 $\frac{1}{2}$
 To Harrison Parker as adm of Margaret Parker de^c
 \$183.08 equal to 22.88 $\frac{1}{2}$
 To Edward Butts Sheriff de as adm of Urichs Gardner de^c
 $\frac{1}{8}$ of \$183.08 equal to 22.88 $\frac{1}{2}$
 To Edward Butts Sheriff de as adm of Susan Booth de^c
 $\frac{1}{8}$ of \$183.08 equal to 22.88 $\frac{1}{2}$
 To the Guardian of Paretory Buxton $\frac{1}{14}$ of \$235.97 equal to 16.85 $\frac{1}{2}$
 To the Guardian of Milora Buxton $\frac{1}{14}$ of \$235.97 equal to 16.85 $\frac{1}{2}$
 To the Guardian of Polly Beaman $\frac{1}{21}$ of \$235.97 equal to 11.23 $\frac{3}{4}$
 To the Guardian of Winny Beaman $\frac{1}{21}$ of \$235.97 equal to 11.23 $\frac{3}{4}$
 To the Guardian of Patsy Beaman $\frac{1}{21}$ of \$235.97 equal to 11.23 $\frac{3}{4}$
 To the Guardian of Arthur Booth $\frac{1}{42}$ of \$235.97 equal to 5.61 $\frac{3}{4}$
 To the Guardian of Eliza Booth $\frac{1}{42}$ of \$235.97 equal to 5.61 $\frac{3}{4}$
 To the Guardian of Abner Booth $\frac{1}{42}$ of \$235.97 equal to 5.61 $\frac{3}{4}$
 To the Guardian of Caroline Booth $\frac{1}{42}$ of \$235.97 equal to 5.61 $\frac{3}{4}$
 To the Guardian of Henry Booth $\frac{1}{42}$ of \$235.97 equal to 5.61 $\frac{3}{4}$
 To the Guardian of Washington Booth $\frac{1}{42}$ of \$235.97 equal to 5.61 $\frac{3}{4}$
 To the Guardian of Godwin Parker $\frac{1}{7}$ of \$235.97 equal to 33.71

the nett balance of the sale of the real & personal est. \$419.05

which will account for the purchase money aforesaid, of the
 real and personal estate, which your Commissioner having
 paid over to the persons respectively entitled to receive the
 same and taken receipts for the same.

All of which is submitted to the Court;

Given under my hand the 1st day of November 1834.

Sepe Parker