

1836-024 SOUTHAMPTON COUNTY
CHANCERY PAPERS

GARDNER

VS. GARDNER

1/1836

Gardner pp

n } Kieu Lu

Gardner

Nov. Co. d. 1835

1835

Nov: let. done as filed & 2

1836 Jan'y Rept not of conf.

~~Arthur~~

ATW

To the Justices of the County Court of Southampton
in ch. sitting. humbly complaining, she with
to the Court now oratrix Barbara E. Garrison
an infant suing by her next friend.
That one Michael W. Garrison late of the County
of Southampton, departed this life about the
day of Decr. 1832 having first made
and published his last will and testa-
ment which has been recorded in the
County Court of Southampton, whereby
(among other things) he bequeathed to his
wife during her single life slaves, old
Harry, old Bury, Young Lucy, and Jim, &
he appointed Lemuel Baynes Esqr. & Bayly
his executors and testamentary administrators
for his children. The executors delivered
over the slaves aforesaid to the said mi-
-sow who about the day of March
last part, intermarried with one
Laurence, whereby she has forfeited her
right and title to the said slaves, because
she took second the said and did not
renew the same - and now complain-
ant avers that her father had at his death
two children who are entitled now to the
slaves aforesaid in equal shares, to
wit now oratrix and one Elizabeth W.
Garrison both under the age of 21 years.
And now complainant in avers that it is
her intent to have a division of the said
slaves as soon as practicable but by reason
of the infancy of the parties, ruled, she is

advised that such a division can't be had
except by the aid of your worship - In this
an consideration whereof, and for as much
as she is without remedy save in this Court
of Equity, she prays that the said Elizabeth
Francis Gardner an infant be made a
sister to the said Ann that she be appointed
to answer the same after a guardian and
litem shall have been appointed and
that you will give a division of the slaves
aforesaid between your orator and
the defendant and make any order or
order in the premises which may
comfort with equity and as in duty bound
she will pray &c. - (signed)

Attest on p. 5

Samuel Doughty

To the County Court of Southampton -

The separate answer of Elizabeth Francis
Gardner an infant under the age of 21
years by ~~her~~ ^{her} ~~guardian~~ ^{who by the Court}
has been appointed to defend her in this suit
to the bill of complaint exhibited against
her in said Court by Barbara & Gardner
an infant seized by ~~her~~ ^{her} ~~guardian~~ ^{her} ~~guardian~~
friends - This respondent prays to be
advised say she is of tender years, holding
her case to the Court - she can't gain say
the truth of the charges in the bill ~~alleged~~
and prays leave to be dismissed &c.
(signed) Samuel Vaughan

Barbara & Gardner an infant seized by
Saml. Doughty her next friend - p. 6:

Elizabeth Francis Gardner an infant seized.

On motion of the p. 6: the Court doth
appoint Saml. Vaughan
guardian ad litem to the infant seized.
and this cause came on this day to be
heard by consent of parties on the bill
and answer filed, and was agreed
by Counsel; On consideration whereof
the Ct. doth adj. ord. and decree that
Jeph Parker, Edmund Hollands and
Saml. R. Gardner or any 2 of them
do divide the slaves in the bill named
to wit, old Harry, Rodney, Young Lucy
and Sam into two equal shares, half
years to quality and quantity, &
allot one moiety to the p. 6: and
the other moiety to the defendant &
make report to his Ct. in order to a final
order - Liberty is reserved to the infant
sister to show cause if any she can at
this order in 6 months after she shall
have arrived to the age of 21 years -

Gardner

in { Copy Deed

Gardner

For Commissioners

Southampton November Court 1835-

Barbara Elgardner an infant suing by Samuel Braughley her next friend Plff.
against
Elizabeth Frances Gardner an infant by Samuel Braughley her Guardian
ad litem. Def. } In Chancery

On motion of the plaintiff the Court doth appoint Samuel Braughley Guardian
ad litem to the infant defendant: and this cause came on this day to be heard by consent of
parties on the bill, and answer filed, and was argued by counsel: On consideration whereof
the Court doth adjudge, order and decree that Jesse Parker, Meredith Holland, and Samuel
R Gardner or any two of them do divide the slaves in the bill named to wit, Old Harry,
old Lucy, young Lucy, and Timinta two equal shares, having regard to quality and
quantity, and allot one moiety to the plaintiff and the other moiety to the defendant, and
make report to this Court in order to a final decree. Liberty is reserved to the infant
defendant to shew cause if any she can against this order in six months after she
shall have arrived to the age of twenty one years.

Attest Teste.

L. R. Edwards Cllk

In obedience to an interlocutory decree Gardner against Gardner
he pronounced the 16th day of November 1835 and hereto
annexed, your Commissioners having decided the slaves in the
bill mentioned between the heirs of Ureah T. Gardner, beg
leave to report; as follows.

Harry	is valued at	\$ 50
Old Lucy	at	\$ 150
Young Lucy	at	\$ 400
Jim	at	\$ 600
Total valuation		\$ 1200

We then put Harry and Jim in lot N ^o 1.	\$ 650.00
and we put Old Lucy & Young Lucy in lot N ^o 2.	\$ 550.00
	2 \$ 1200.00
	\$ 600

whereupon Elizabeth F. Gardner drew lot no 1 namely,
Harry & Jim valued as afores^d. at \$650 and consequently
by pay to N^o 2 the sum of \$50.
and Baybara B Gardner drew lot no. 2 namely, Old
Lucy and young Lucy valued at \$550 and receives
from N^o 1 the sum of \$50.

All of which is submitted.

Given under our hands the 16th day of January 1836.

Lesse Parker
Samuel Gardner
Merith Holland