

1799-012

Chancery Causes Sally Wills Everett + Milly Everett, by v c, vs Simeon Jordan val by v c

Isle of Wight County

→ Sarah Everett's admr

other SURNAMES: Wills

To the Justices of Isle of Wight County

Sitting in Chancery

Sally Willis Sarah Everett, & Willy Everett, infants under the age of 21 years by Miles Willis their next friend, respectfully complaining, shew unto your Honors — That their grandmother, Sarah Everett, late of this County, died sometime in December, in the year 1797, leaving a last will & testament, which has been since duly proved in the Court of this County, & the executor therein appointed having refused to take upon himself the execution thereof, administration with the will annexed was granted by the same Court to William Jordan, the younger, of this County — That two of the clauses of this will, the one containing a devise of land, & the other a bequest of some slaves, to Chloe Jordan, the wife of Matthew Jordan, & a daughter of the Decedent Sarah Everett, have become ~~void~~ of no effect in consequence of the said Chloe Jordan's dying before the said ~~testament~~ ^{testament}, & of course that, as to the land & the slaves, she, the said Sarah, has died intestate — That the land aforesaid contains about 111 acres, & lies within this County — That the said slaves are reduced by death to only three under the names of Willis, Amy, & Harriet ^{who are in the possession of the administrator William Jordan} — That the Decedent Sarah Everett left at her death, as her next of kin, only grandchildren, to wit, the Complainants ^{Sally} Sarah & Willy, children of Thomas Everett dec'd. who was a son of the said Sarah Everett dec'd. & Simeon, Elizabeth, Samuel, Anna, Sally, & Mary Jordan, children of Chloe Jordan, aforesaid — That under those circumstances the Complainants are advised, that they, & the said 6 children of Chloe Jordan dec'd. are entitled to the s^d. land & the s^d. three slaves in equal shares — That the shares in the land were of 1/6

value than 100 dollars each, & that it will be to the
interest of all the parties concerned therein, that the
land should be sold & the proceeds thereof divided
— And finally that the Compts have often applied
to the sd. Simon, Elizabeth, Samuel, Anna, Sally, &
Mary Jordan, in order to obtain their rights in the
said land & slaves — But now so it is, may
please your Worship, that the said Simon, Elizabeth,
Samuel, Anna, Sally, & Mary Jordan, ~~and also~~
~~in consequence~~ of your Complainants' being infants, have
hitherto refused, & do still refuse to come to any
terms with the Complainants for effecting an equitable
& fair partition & division of the said land & slaves,
— In tender consideration whereof, & as
much as the Complainants are properly relieved in
this Court — ~~I to the end~~ that the said Simon,
Elizabeth, Samuel, Anna, Sally, & Mary Jordan, may
true & perfect answers make to this bill, & each of
its allegations — That the said land may be sold
by Commissioners appointed by this Court, & the pro-
ceeds thereof divided as aforesaid — That an
equitable division may be also made of
the said three slaves among the parties entitled —
& that the Compts may have such further re-
lief as may be proper — MAY it please
your Worship to grant unto in writ of Subpoena

The answer of Simon, Elizabeth, Samuel, Anna, Sally,
& Mary Jordan, infants under the age of 21 years, by Wil-
liam Jordan, the elder, their guardian, assigned for this
purpose by this Court, to the bill of Complaint exhibited
against them by Sarah & Milly Everett, infants, by
Miles Wills their next friend, Compts —

These Defendants admit, that the bill of
the Complainants is correct as to matters of fact,
& it may be so as to matters of law, — but they
cannot admit the latter, & therefore in that relation
trust that this Court will attend to their rights
& seems to them the same — And finally they
pray leave to be dismissed &c.

The answer of William Jordan, the younger, administra-
tor with the will annexed of Sarah Everett, the elder,
dec'd. to the bill of Complaint exhibited against him
& Simon Jordan, doth, by Sarah & Milly Everett, infants,
by Miles Wills, their next friend, Compts —

This Defendant admits the bill of the Compts
to be correct as to matters of fact, & believes it is
equally so as to matters of law, — & as he believes,
as at present informed, that the said three slaves
will not be wanting for paying the debt of the sd.
Sarah Everett, the elder, dec'd. or for defraying the
expenses of his administration, he is willing to give
them up to the parties, under a decree of this Court
for the purpose mentioned by the Compts — &
finally prays leave to be dismissed &c.

Everett Lab.

Bill

Jordan Lab.

— Answer

Mr. James Gandy is desired
to file a copy of Sarah
Everett's will in this case.
M. M. R.

Everett Lab.

vs.

Bill K. L. no?

Jordan Lab.

March 17/98. Int. 4.

George

Voorn 1/98

Land 1/98

August 1/99.

Proph. 1/98. L. L. no.

Report within
to be recorded

for
William Jordan Esq.

27:
Joseph Moore
Esq. Secy. Genl.

In obedience to the within decree we the undersigned
commissioners, have made sale at public, of the
within named land (which was bought by Wm
Jordan Esq) & have taken Eight bonds, with Wm
Jordan Esq & Matthew Jordan, securities I have
delivered to the legatus, their due proportion
thereof - as will appear more fully, on referen
ce to an acc^t out of the whole estate, setts
by us -

Em. J. Watts

Thos. Smalley

John Barber

Isle of Wight County

March Session 1798.

Sally Wells Everett, and Milly Everett, infants
under the age of twenty one years by Miles
Wells their next friends.

Complts.

against

Simson, Elizabeth, Samuel, Anna, Sally,
and Mary Jordan, infants under the
age of twenty one years, by William Jordan,
the elder, their guardians, assigned for this
purpose by this Court, and William

Defts.

Jordan, the younger, Administrator with
the will annexed of Sarah Everett, the
elder, Decd.

In Chancery

Upon the motion of the Complainants, William Jordan, the elder, is assigned
as Guardian to the infant Defendants Simson and others, in this suit,
By consent of the parties by their Counsel, the bill and answer in this
cause were this day filed, and heard thereon, and the last Will of Sarah
Everett Decd. read as an exhibit. Whereupon it is Decreed and ordered,
that John Barber, Thomas Smelly, Robert Driver, and Emanuel Wells Gentl.
or any three of them sell at Auction after reasonable notice, upon a
Credit of twelve months, the land in the bill mentioned, containing one
hundred and eleven acres, taking bond and Security for the proceeds in
equal shares to the Complainants and the Defendants, Simson, Elizabeth, Sam-
uel, Anna, Sally, and Mary Jordan, and that they also ~~divide~~ equally divide
the slaves in the bill mentioned, to wit, Willis, Amy, and Harrison, among the
same persons by such means as to them shall seem most proper, and make
report thereof to the Court in order to a final decree.

Certs are D. fees — 3-73.
Att. fee — 10-0.
13-73

Attesty Teste

In Young D.C.

I Sarah Everitt of Islesworth County and State of Virginia
In perfect mind and memory do make and appoint this
my last Will and Testament in manner & form as follows.

1st. I Give and bequeath to my Daughter Chloe Jordan
the Land and plantation whereon I now live to her
and her heirs for ever

2nd I Give and bequeath to my Grand Daughters Sarah Everitt
and Milly Everitt Ten pounds Cash when they arrive
to Lawfull Age or Married which sh^d happen first
and if Either of my P^d Granddaughters or both should
Die before they come of Age or married I then
give the afore s^d Ten pounds to my Daughter
Chloe Jordan to her and her heirs for Ever

3rd I Give and bequeath unto my Daughter Chloe Jordan
my Negroes to wit, Jane, Sally, Willis, Amy, Indah
Harrison, and Hardy, to her and her heirs Law-
fully begotten of her body for Ever

4th I also Give and bequeath unto my Daughter C. Jordan
all the Residue of my Estate of what kind or nature
soever to her and her heirs Lawfully begotten of her
body for ever,

And my will Further is that my Estate be
neither Inventoried nor Appraised

5th I do now Constitute and appoint Matthew Jordan
my sole and Sole Ex^{or} of this my last will &
Testament here by revoking all other wills
by me made, In witness whereof I have
hereunto set my hand & fixt my seal this
Twenty fourth day of September in the 4th of
our Lord one thousand seven hundred &
twenty five,

Signed Sealed & delivered
in presence of

J - D.
J - E.
W - D.

Sarah Everitt
witness

Cloe Jordan died before the Test.ⁿ Sarah Everett —

The Testatrix died in Dec. '99, leaving the will, of which the within is a copy, & without making any alteration or provision in consequence of the death of her daughter Cloe Jordan.

Her next of kin at her death were only grand-children, to wit, Lincoln, Eliq. Sam.^r Anna, Sally & Mary Jordan, children of Cloe Jordan, — & ^{Sally Wells Everett} Sarah & Mully Everett, daughters of Tho. Everett, a son of the Test.ⁿ These 8 children are under age. William Jordan (Carpenter), next friend to the former, & Miles Wells to the latter.

The slaves given to Cloe Jordan are now, Willis, Amy, & Harrison. It is wished that these slaves be divided & assigned to the parties entitled agreeably to law, & equity. & We request that Meist M. Robinson will affect it by a friendly suit in Chancery, & act for all the parties. It also wished that a partition ~~assigned~~ of the land devised to Cloe Jordan be obtained in the say way.

Miles Wells

Matt Jordan

William Jordan Adm.

It wished, as the shares in the land will be of less value than 100 dollars, each, that the land should be sold & the proceeds divided.

Comm.ⁿ

It believed that the slaves above-ment^d will not be wanting for pay^r & debts —

John Barber
Tho. Smalley

Rob.^r Server

Wm. Jordan Adm. or any three
of them

Wm. Jordan Adm. with the
Will Execut

Sarah Everett

Will