

1802-006

Chancery Causes: James Holland's infants, by & c vs John Holland, James Holland's admr

Isle of Wight County

& al

other surnames: Daniel,
Tomlin

Holland } Bill by
vs } Answers
Holland }

Dec. 1801

Interl. 3 Dec.

Feb. 1802

up. ret. & Decided accord-
dingly

February Judgments
1802
up

thruste intituled specially to law, but to no purpose, the said John Mills, Hardy, and also the said Elias Daniel & Polly his wife, ~~and~~ John Tomlin in Right of Charlotte his wife, and said Matthew Tomlin the sons of said John Tomlin by said Charlotte his wife, continuing and combining with the said Alice the widow and adm^r to defende your complainants, refuse to come into any kind of a division and distribution of the said intestates estates real and personal, with your complainants, without the aid of a court of Chancery having jurisdiction. Wherefore, and because your complainants are remedied, only in a court of equity, and to the end that the said John, Mills & Hardy, Holland, the said Elias Daniel & Nancy his wife, and the said John Tomlin & Matthew his sons may be made dopts to this bill of complaints, and may fully, true, and perfectly answer make to all and singular the allegations contained therein. That your worship will appointe fife persons as commissioners, to sell and convey, in such manner, and on such credits, as to your worship may seeme moste for the benefit of the parties immediately concerned, the said land, and slaves, of which said intestate died seized and possessed, and, after paying all expenses attending or incurred by the said sales and so forth, they proceed to distribute equally to ~~you~~ the said Children ^{and child} defendants & your complainants indurducally, the money arising from said sales, or if sold on a Credit, that said commissioners, take bonds with good security, payable to each of the parties intituled specially to their severall proportions; having first, ~~with~~ but appoirts to said Widow Alice, one third of the Land & Slaves aforesaid, for and during her life. Your complainants further pray, that said commissioners may, State, audit and settle an account current of the administration of said personal estates, and make distributions thereof specially to law — And that the Court will make any other or further order, or decree in and respecting the premises as may accord with justice and the savinge laws of the Commonwealth, for your complainants Relieff. May it please &

Barber for
the Complainants

The joint answer of ^{Alice Holland widow & adm^r of James Holland dec^d} of John, Mills, & Hardy Holland, of Elias Daniel and ~~Polly~~ his wife, of John Tomlin in Right of his wife Charlotte, and of ~~guardian and next friend~~ Matthew Tomlin, an infant Child of said John & Charlotte his s^c wife, by said John his father, Guardian & next friend, to a bill of complaints, filed against them in the worshipfull court of Isle of Wight, by Lewis, Dunsy, Nancy and Alice Holland, infant Children of James Holland dec^d by Joshua Daniel Their next friend.

These respondents deny all intention to defend the complainants in all and every, or any manner whatsoever. They never had any objection to a fair and equitable division or sale and distribution of the slaves and land in the bill mentioned, but alwise understood that, because of the infancy of many of the parties no divisions, sale, distribution or settlement of estate could be had without the interposition of a court of equity. Your respondents are ~~now~~ perfectly willing to submit to any decree which this Worshipfull court may judge right and equitably to make in and respecting the premises in the bill mentioned. They admit the truth of the allegations of said bill, except, as to the charge of a designe to defraude the complainants, and pray the Court to administer such relief to all parties as the nature of the case requires —

Barber for dfts

John Holland
Mills Holland
Hardy Holland
Alice Holland

To the worshipfull Justices of Isle of Wight County, sitting in Chancery,
~~humbly~~ complaining unto you worships your Orators and Oratrices,
Leewie, Demsey, Nancy, and Alice Holland, infant children of James
Holland dec'd ^{by asking that their next friends} that your complainants father departed this life about
the day of ; at the time of his death he was seized
and possessed of about 300 acres of lands, and seven negro slaves,
to wit, Jacob, Esau, Big Nat, Little Nat, Rose Phuahy, & Phillis. ~~and~~
He died intestate and left a widow Alice, and ^{nine} ~~eight~~ children, viz.
John, Mills, Hardy, Polly the wife of Elias Daniel, Charlotte the wife
of John Tomlin, and your complainants. That administration was
granted agreeably to law, in the said intestates estate, to the said widow
Alice, who in virtue thereof has possessed herself of all and singular
the estate before mentioned. & also of a very considerable Chattel
estate and many credits. Your complainants are assured that the
said Credits and Chattels ^{parts of the} estate, are more than sufficient to pay, all
disbursements and just demands against, and all debts due by
the estate. Your complainants beg leave further to shew
unto your worships, ^{that} Charlotte the wife of John Tomlin shortly
after their said fathers death, departed this life, leaving issue one
son, Matthew, now alive. Your Orators and Oratrices are informed
that the said widow Alice, is intitled to One third part of all the
lands and slaves of which said intestate died seized & possessed,
for and during her natural life. And One third part of the
residue of the other parts of the estate (after the payment of the
debts and disbursements) as her own absolute property; as for
her dower, and that all the children of the intestate, alive at
the time of his death, are equally intitled, to division and distribution
of said estate, real and personal; subject to said dower. —
Your complainants are also informed that because of the smallness
of the landed parts of the estate, and the insufficiency, of the
number, & inequality of the values of the slaves. a division in
kind will be impracticable. Under these circumstances your
complainants have applied to the said Administration, as well as
to the said John, Mills & Hardy, to Elias Daniel and Polly his wife,
and to John Tomlin in right of his wife and Guardians of his son
Matthew, to consent, to a sale, and division of the proceeds, of the sale
of said lands and slaves, and also to consent to a fair settlement;
of the other estate, in the hand of the said administration, and
a distribution of the residue equally among the said parties

Rec^d. This 1st day of Feby. 1802 our fees as Saviour &
Clerks within full.

Nathl. Young &

John Barber

~~Re^d my fees for the~~

Agreeable to the Decree herunto Annex'd with due regard thereto we
 the under writers hath proceed to the Sale of the Lands & Slaves
 above mentioned as will more fully appear hereafter; (to wit)

Land sold for - - - - - £ 101. - - -

Negroes, to wit, Jacob, Isaac, big Matt, little Matt, Rose,
 Phoraby, & Phillis setting apart big Matt & Phoraby
 as the Widow's Dower & Reserving her dower on Land } 319..8..0
 } 420..8..0

Lawyer's, & Clerk's fees - - - - - 4..13..11

Expence of Sale, & Stamp Paper - - - - - 415..14..7
 .. 8..3 1/2

9/415..8..3 1/2

One Ninth agreeable to number of heirs is - - - £ 46..3..1 1/2

We the Subscribers pursuant to the Decree above hath proceed
 ed in setting first apart the Widow's Dower of both Land & Slaves
 & then sold the residue of each which Amt. is as above stated & have
 also taken bonds with Security, payable to the different Heirs in
 their equal proportions, Given under our hands this 7th day of
 January 1802.

Mills Eley
 Robt. Eley
 James Holland

We Acknowledge to have received our full proportions agreeable to the
 above statement both in our own Characters & as Guardians &c. &c.

As Witness our Hands this 7th day of January 1802.

Witnessed

Robert Marshall

Mills Larden

4. 13. 11

3. 0. 0

1. 13. 11

Harley Holland

Mills Holland

Elias ^{his} Daniel
 mark

John Holland

Alex^{his} Holland as Guard.
 mark

John Tynell

Holland & others
at. } Copy Decree in
} Chancery
Holland & Adminr.

Ish of Wight County

December Court, 1801

Lewis, Dempsey ^{Nancy} and Alice Holland
infants Children of James Holland Compts
decd: by Joshua Daniel their next friend
against

In Chancery

Alice Holland Administratrix of James
Holland decd: John, Mills and Hardy
Holland Elias Daniel & Polly his wife
John Tomlin in right of his wife Char-
lotte, and Matthew Tomlin an infant
Child of In: of Charlotte Tomlin by the
said In: Tomlin his Father Guardian
& next friend

By consent of the parties, this day the Bill and
Answer was filed and heard thereon, whereupon It is decreed
and ordered that Mills Ely, James Mills, Robert Ely, and
James Holland or any three of them set apart to the
Widow her Dower in the Land and Slaves of which James
Holland died seized and possessed to wit, about three Hun-
dred Acres of Land, and about seven Negroes to wit, Jacob,
Esau, big Matt, little Matt, Robt, Pheraby, and Phillis, and
make Sale of the residue, on a credit of twelve Months
taking bonds with good Securities, payable to the several
parties in their several ^{equal} proportions according to Law, (except
so much as will defray the costs of this suit, and the other
proceedings relative to the Sale thereof, and that the said
Commissioners audit, state, and settle an Account Current
of the said Widow's Administration on the said Estate, and
make report thereof to the Court in order to a final Decree.

Attest Teste Nathl. Young C. I.W.C.