

1828-021 Chancery Causes ' Sarah Harvey, ad vs Albrighton Harvey, ad

Isle of Wight County

other surnames: Campbell,
Cutchin, Woodley

Harvey

7 3 Ric

Harvey Jr.

1825.
Sept. Ric filed order
of publication

December 5th 1825

Interdy decree. Order for the set.
Hemlock of Alorington, Harvey's et.
before one of the commissioners.

May 1st 1826 report of Com.
Liggett et. confirmed & account
on

Oct. 2^d 1826 report of Com.
Whithead et. & cont.

August 1828 report conf.
& final decree

Attorney

To the Justices of the County Court of Ala of
Next sitting in chancery - Herby complaining
shew unto you most of your complainants
said Harvey Campbell and Eliza his wife, both
Lane Harvey ^{and Mary} ~~and Mary~~ Sarah ^{Harvey} ~~Harvey~~ next friends,
that Albrighton Harvey late of the County of
Eliz. Wight, departed this life intestate on or about
the day of ~~at~~ Dominis 1823 leaving
a widow to wit your oratrix and ^{five} ~~five~~ children
to wit Eliza now the wife of W. Campbell Sarah
Lane Harvey, Mary ^{Harvey} ~~Harvey~~, Mary B. Harvey
and Sally Ann Cistekin late Harvey, Albrighton Harvey
that he left several valuable negro slaves, and
a considerable chattel estate the whole of which
is or ought to be in the possession and under
the controul of a certain Andrew Woodley
sheriff of the County of ~~Eliz.~~ ~~Eliz.~~ and to whose
hands hath been committed for administration
the estate of the said Albrighton Harvey decd.
- your complainants charge that they believe
the debts of the intestate can be paid by the
said administrator without the sale of any
of the slaves belonging to the estate and as they
believe it will much promote their interests for
the above estate of the widow of said Harvey to
be set apart to her and the balance of the slaves
divided equally between the children and himself
Law of said Albrighton Harvey according to
law they have requested the said admin^r to
give up to them and the other him the slaves
aforesaid, which reasonable request he has
refused to comply with, alleging that the debts of
his intestate require him to keep the slaves in his
possession which your complainants charge is both
unreasonable and unjust. In tender consideration
whereof, and in as much as your complainants
are remediless in the premises except by and through

the aid of your worship, they pray your intercession;
that the said ^{alderman} ~~alderman~~ ^{Kearney} ~~Woodley~~ ^{Woodley} ~~Shiff~~ ^{Shiff} of the County of Middlesex
County and a donor of the estate of said Alderington
Harvey, and Mary B. Harvey, Sally Ann Butcher
who are out of the State of Virginia, against whom
they pray leave to proceed in the lawful way against
^{the said} ~~the said~~ ^{defendants} ~~defendants~~ ^{debtors} and that they be
compelled full, true, perfect and direct answers to
make to the allegations aforesaid. Your complain-
ants lastly pray that the Court will appoint
fit and proper Commissioners, and direct them to
ascertain and set apart to the said Sally Harvey
widow as aforesaid of Alderington Harvey one full
and equal third part of the slaves of which
she by her deed seized and entitled to in full
simple, and that they also divide the balance
equally between the said Carpenter Wife, the
infant plaintiffs and the defendants who are
the heirs at Law of the said Alderington
Harvey according to Law and Equity, and
that your Honor will furthermore order
and decree that the said ~~and~~ ^{and} ~~and~~ ^{and}
Woodley adv. of the said Harvey to
have he directs to settle his Executors
upon one of the Commissioners of this Court
and that your worship will make any
other or further order in the premises
which may comport with Equity.
They pray the Court's writ of Sp. Long &c.

Attorneys on p. 2

Harvey
E. J.
Harvey

The answer of Anson prooably still of the
Mist Doctor of Albington Harry
to a bill of complaint exhibited against
him in the County Court enforced
by Sarah Harry & others —

This Sept. says that it is down that he is
the answer of Albington Harry —
cannot deny the complaint & allegations
except that he thinks it probable that
it will be necessary for him to make
sale of a slave to pay the debts —
He is willing that the slave should
be divided or sold, provided the party
entitled will give him a refunding —
Bond & Conditions as the law directs
Refund to be as might be
Attorney for the

Moody

ad: 3 answers

Barry

Barry

The Commonwealth of Virginia to the Sheriff of Isle of Wight
County greeting: You are hereby commanded to summon
Andrew Woodley Sheriff of Isle of Wight, & Administrator of
Albrigton Harvey decd. Albrigton Harvey, Mary B. Harvey,
and Sarah Ann Butcher formerly Sarah Ann Harvey to appear
before the Justices of our said county at the courthouse thereof on
the first Monday in September next to answer a bill in Chancery
exhibited against them by Sally Harvey Widow of Albrigton
Harvey, ^{William Baynboiler} Eliza Jane ^{his wife} Harvey, Margaret S. Harvey and Sarah J.
Harvey - the latter ^{two} ~~three~~ infants under the age of twenty one years
suing by Sarah Harvey their next friend: and this they shall in
no wise omit under the penalty of \$100 each: And have them show
this writ. Witness Nathaniel Young Clerk of our said court at the
court house the 10th Day of August 1825 in the 33th Year of the
Commonwealth.

Nathl. Young

~~Enclosed~~ Mr. Philabert as to the
Havvy's Mr. Whitehead's
for Aunt's Lady's

Mr. Wm. W.

Mr. Wm. W. W.

Mr. Wm. W.

Mr. Wm. W.

Dea. Howland's service
St. John's

Isle of Wight County, to wit, The Commonwealth of Virginia
to the Sheriff of Southampton County greeting. You are hereby
commanded to summon Albritton Harvey, Mary B. Harvey
and Sarah Ann Cuscutin formerly Sarah Ann Harvey to appear
before the Justices of our county court of Isle of Wight at the courthouse
of the said county on the first Monday of the month of September next to
answer a bill in Chancery exhibited against them by another by
William Campbell &
Sally Harvey Widow of Albritton Harvey dec'd: Eliza Jane Harvey
his wife
argant S. Harvey and Sarah J. Harvey. The ~~latter~~ ^{two} latter are
infants under the age of twenty one years being by Sarah Harvey
their next friends: and this they shall in no wise omit under the
penalty of \$100 each: And have them ~~take~~ this writ. Witness
Nathaniel Young Clerk of our said court at the courthouse the 9th
day of August 1825 in the 51th Year of the Commonwealth.

Nathl. Young

Executed on Abudgeton Harvey, Mary B Harvey &
 Sarah Ann Butcher are no inhabitants

Stephen Mordough Dy of
 Jeremiah Cobb Esq

Harvey Wd

W.

W. Mordough in City

Harvey Wd.

Atkinson Esq

Abudgeton

11	
10	
9	
8	30
7	30
6	30
5	30
4	30
3	30
2	30
1	30
0	120

In obedience to the annexed decree of the worshipful
court of Isle of Wight County pronounced at Decem-
ber court 1825. The commissioners appointed by
that decree proceeded to allot & set apart unto
Sarah Harvey widow of Abner Taylor Harvey
one third part of the Slaves belonging to the Estate
of S^r Harvey to wit Old Roger Cherry & her child
O'Melby; and the remainder of S^r Slaves he did on
the 2^d day of January 1826 after having adverti-
sed them as directed by the decree sell to the
highest bidder on a credit of nine months
at which sale Dr James B Southall became
the purchaser of the negro man named Roger
(the younger) for the sum of \$405 and Robert
Laurance became the purchaser of the woman
named Esther for the sum of \$245 which
two sums make the sum of \$650 from which
deduct the costs of said suit (all of which the
commissioners has paid to the persons entitled
to it) & c^{ts} making the sum of \$53.67 leaves
the sum of \$596.33 the ^{making the sum of \$99.38} ~~6~~ of which he allotted
to William Campbell in right of his wife Eliza
 $\frac{1}{6}$ was allotted to Abner Taylor Harvey $\frac{1}{6}$ to
Richard Wyatt in right of his wife Mary
B Harvey $\frac{1}{6}$ to Sally Ann Cutcher and the
remaining two sixths to Jos B White head guar-
dian to Margaret S^r Harvey & Sarah S^r Harvey
All of which is respectfully submitted
Signed Jos B White head Com.
Sept. 20. 1826

In Allegany County, December Term 1825

Sarah Harvey Widow of Albrigton Harvey decd. William
Campbell and Eliza his wife, Margaret S. Harvey and Sarah
J. Harvey, the two latter infants living by the said Sarah
Harvey their next friend

Comptts

against

Andrew Woodley Sheriff and Administrator of Albrigton
Harvey decd. Albrigton Harvey, Mary B. Harvey Sarah
Ann Butcherin

In Chancery

Defts

It appearing to the satisfaction of the Court that the Defendants
Sarah Ann Butcherin and Mary Ann Harvey are not Inhabitants of this Commonwealth;
and that the Plaintiffs have proceeded against them in the mode prescribed by law against
absent Defendants, and they still failing to appear - On the motion of the Plaintiffs by their
counsel, the Court doth take their bill for confessed as to the said Defendants who are out of
the State, and the cause coming on to be heard as to the Defendant Andrew Woodley Sheriff
and Administrator of Albrigton Harvey, upon the bill, his answer, and the exhibits &
the executed order against Albrigton Harvey, was argued by counsel: On consideration
whereof the Court doth order, order and decree that James A. Whitehead do proceed
to set apart and allot to the complainant Sarah Harvey Widow of Albrigton Harvey
one full and equal third part of the negro slaves of which her late husband Albrigton
Harvey died seized; that thereafter having previously advertised the time & place of sale
for at least ten days, he do proceed to sell to the highest bidder upon a credit of nine
months (except for so much as will be required to pay the costs of this suit and of the sale
to which will be for cash) the remaining part of the slaves of the said Estate; that of the
net proceeds of the sale of the said slaves he do pay one sixth to each of the complainants
William Campbell and Eliza his wife in her right - Margaret S. Harvey Sarah J. Harvey,
and one sixth part to each of the Defendants, to wit, Albrigton Harvey, Mary B. Harvey and
Sarah Ann Butcherin - that he do take from the purchasers good and sufficient bonds with
security in such way as to enable him to comply with the provisions of this decree, and if
the absent Defendants shall not be present to receive the bonds to which they are
entitled, the said Commissioner is directed to bring the bonds into Court to be filed,
subject to their order: but nothing in this decree is to restrain the Defendant Woodley
Administrator as aforesaid from disposing of any of the slaves of the said estate to
pay the debts of his Intestate - And the Court doth order that upon the said Defendants

Administrator as aforesaid being required to deliver over the said property, the distributees of full age, and the Guardian or next friend of the Infants do execute to the said Administrator bonds with approved security, conditioned to refund due proportions of any debts or demands against the estate of the said Harvey together with the costs attending the same: and the Court doth furthermore adjudge, order & decree that the said Andrew Woodley Sheriff and Administrator as aforesaid do render before one of the Commissioners of this Court an account of his doings and doings in relation to the Estate of the said Harvey - and the said Commissioner is directed to examine state and settle the same, and report the doings and doings of each in relation to this matter to this Court in order to a final decree.

Bill of costs

Atto: fee	\$10.00
Suff "	1.20
Printer " for publication	6
Books for	5.00
	<u>\$17.20</u>
	3.97
	<u>21.17</u>

Alcopy Title

Nash: Forged

Harvey & others

vs. Deane

Harvey Admors &c

Sarah Harvey widow of Albrighton Harvey
sue James Butcher Mr. Campbell and Eliza
his wife, Mary Ann Harvey and Sarah Harvey
the two last infants suing by the said Sarah Harvey
their next friend Andrew Woodly ad. M. Harvey, Albrighton
Harvey, Mary B Harvey and Sarah Ann Harvey Cutchin
It appearing to the satisfaction of the Court
that the defendants Sarah Ann Butcher Mary B Harvey
are not inhabitants of this Commonwealth
and that the plaintiffs have proceeded
against them in the mode prescribed by
Law against absent defendants, and they
still failing to appear: On the motion of the
plaintiffs by their Counsel, the Court doth
take their bill for confessed, as to the said
defendants who are out of this state; ~~and~~
~~the motion of the plffs by counsel~~ and
the cause coming onto the head, as to the
def. Andrew Woodly v. p. ad. of Albrighton
Harvey upon the bill, his answer and
the exhibits, ^{and the several oaths against Albrighton Harvey} as argued by Counsel. On
consideration whereof, the Court doth adjudge
order and decree that Joseph B. Whitham
do proceed to set apart and allot to the
compt. Sarah Harvey widow of Albrighton
Harvey one full and equal third part of
the negro slaves of which her late husband
Albrighton Harvey died seized. That Messrs
Loring previously advertised the time and
place of sale for at least ten days, he do
proceed to sell to the highest bidder upon
a credit of nine months except for so
much as will be required to pay the costs
of this suit of the sale which will be for
Cash the remaining part of the said slaves
of the said estate. That of the net proceeds

of the sale of the said slaves, he do pay over
one sixth

to each of the complainants ~~several~~
~~Court~~ M. Campbell & his wife in full right
Mary and Sarah & Mary
and do part thereof to each of the said
~~absent~~ defendants to wit, Abington Mary,
Mary B. Mary and Sally Ann Culcher.

That he do take of the penholders good and
sufficient Bonds with approved security
in such way as to enable him to comply
with the provisions of this decree and
if the absent defts. shall not be present
to receive the Bonds to which they may
be entitled the said Court is directed to
bring the Bonds to which they may be
entitled into Court, to be filed subject to
their order, but not higher. This order is
to restrain the defendant and do not
adv. as aforesaid from disposing of any
slaves of the said estate to pay the debts
of his intestate - and the Court doth also
order that before the said advor. he need
to deliver over the said property, the distri-
butes of full age and the guardians or
next friends of the infants, do execute to the
said advor. Bonds with approved
security conditioned to refund and
reimbursement of any debt or demand
which may hereafter arise against
the estate of the said Mary, together
with the costs attending the same &
~~and that the Court doth also~~

Harvey

on 3 Decem

Harvey, exord.

Atkinson

X and the Court doth further
adjudge, decree and order that
the said Andrew Woodley sh^{ll}
and adv. aforesaid, do render
before one of the Court of this County
an account of his acts and
doings in relation to the said estate
of Albrogha Hawley, and the sd.
Court is directed to examine, satisfy
with the same and the said
Court ~~as directed by the said Court~~
~~Whatsoever~~ ^{one} directed to make report
of the acts and doings of each
in relation to this matter to the
Court with any matters deemed
pertinent or required by the parties to be
so stated in order to a final decree

This day came the M^{rs}. ^{then} ~~her~~ attorney, and filed
her bill against the defendants, and it appearing to the
satisfaction of the Court that the defendants, ~~John~~
~~the defendants~~ ~~John Walker and~~ ^{himself} Mary B Harvey and Sally Ann Cutchin —
are not inhabitants of this State, and they not
having entered their appearance and given
security &c. according to Law and the rules of this
Court, it is therefore on the motion of the complainant
decreed and ordered by the Court that the said
defendants ~~John Walker and~~ ^{himself}, Sally
Ann Cutchin and Mary B Harvey —
do appear here on ^{or before} the first day of the Court to be
holden in & for the County of ~~Worcester~~ in the
month of ~~July~~ ^{December} next, and answer the bill
aforesaid, and that a copy of this order be
forthwith inserted in some Newspaper published
in the ~~City of~~ Borough of ~~Worcester~~ for two months
successively, and that another copy be posted
^{up} at the door of the Court House of this County,
~~and there~~ for the same time.

Harvey
~~Public Committee~~
on
Harvey
~~for~~ 3
~~Long~~

Publication
~~of~~

At Rules held in the Clerk's Office of the Court of the County of Isle of Wight the fifth day of September, eighteen hundred and twenty-five,

Sally Harvey, widow and relict of Al-
brington Harvey, dec'd William Camp-
bell and Eliza Jane his wife, former-
ly Eliza Jane Harvey, Margaret S. Har-
vey and Sarah J. Harvey—The two
latter are infants, under the age of
twenty-one years, suing by Sarah Har-
vey, their next friend, *Compls.*

AGAINST

Andrew Woodley, Sheriff of Isle of Wight
County, into whose hands the Estate
of Albrington Harvey, dec'd hath been
committed for administration, Albridge-
ton Harvey, Mary B. Harvey, and Sa-
rah Ann Cutchin, formerly Sarah Ann
Harvey, *Defds.*

IN CHANCERY.

THIS day came the Plaintiffs by their At-
torney, and filed their bill against the
Defendants: and it appearing to the satisfac-
tion of the Court that the Defendants, Mary
B. Harvey and Sarah Ann Cutchin, are not
inhabitants of this State, and have not enter-
ed their appearance and given security ac-
cording to law and the rules of this Court—
It is therefore on the motion of the complain-
ants, decreed and ordered, by the Court,
that the said defendants, Mary B. Harvey and
Sally Ann Cutchin, do appear here on or be-
fore the first day of the Court to be holden
in and for the said county, in the month of
December next, and answer the bill afore-
said, and that a copy of this order be forth-
with inserted in some newspaper published
in the Borough of Norfolk for two months
successively; and that another copy be post-
ed up at the front door of the Courthouse of
this county for the same length of time.

A copy.

Tenre,

NATH'L YOUNG, C. C.

This suit is instituted for the division of
the slaves, belonging to Albrington Harvey's
Estate.

Sep 12

NORFOLK BOROUGH, to wit:

ON this 12th day of December 1825 before
me Wm B. Lamb — an Alderman of
the Borough aforesaid, personally appeared Thomas G.
Broughton, proprietor and publisher of the Newspaper
called the Norfolk and Portsmouth Herald, and made
oath that the above order was published in the said
Newspaper for and during the period of two months in
succession, commencing the 12th September 1825

William B. Lamb

cert of publication
\$6.00