

1830-020
Goochland Co. Chancery Cause: Thomas R. Bolling + wife vs Sarah P. Carter, etc.

004

Leak

To the county court of Goochland in chancery, sitting
Humbly complaining shew to the court y^e orator Keratic
Thomas R Bolling & Mary his wife late Mary Carter
that ~~the~~ certain James Carter late of the said county of
Goochland departed this life some time in the year

Leaving Sarah P Carter his widow, & y^e orator
Mary P^r Sally L & Mildred L & Nancy Elizabeth Carter
his children - previous to his death he duly made
& published his last will & testament, in which he de-
vised, after having given a small legacy to his wife,
that his property should be kept together, till his children
respectively arrived at age, & that the same should be
equally allotted to them as they arrived at age, or married.
He left a considerable real & personal estate, most
of the debts ~~that he~~ ^{was} ~~owed~~ ^{due} from the estate it
is believed - are paid, & the remaining personal
property is now in the hands of Josiah Leake one of
the executors of said Carter. ~~The~~ ^{These} plaintiffs need
very much the proportion of the estate to which they
are entitled under the will of said Carter. They are
not acquainted with any facts which would ^{sufficiently}
to forbid a division of the said estate. ^{They consi-}
~~der it unjust that they should be kept out of their rights~~
~~of the said estate, by the said executor, Josiah Leake, who~~
~~without sufficient cause, & are remediless except on chan-~~
~~cery.~~ ^{the} plaintiffs pray that: - the said Sarah
P Carter, the widow, Sally L Carter, Mildred L Carter, Nancy E Carter
and Josiah Leake executor &c
may be made defendants hereto & compelled to answer the
same. That the court would thereupon order & decree that
the said Josiah Leake executor as aforesaid do render an
account as executor of said Estate. That the real & personal
estate

of said James Carter be divided between his said
Legates according to their legal rights under the
will of said Carter. That the court would grant
such other & further relief as may be consistent with
equity & good conscience &c

The separate answer of Sarah P. Carter widow of James Carter dec'd to a
bill of complaint exhibited against her & others in Yorkland county court by
Thos. K. Bolling & Mary P. his wife.

This defendt. saving &c. answereth & saith that ^{she} claims her
dower in the estate of her deceased husband Doct. James Carter
having before renounced all claim under the will of said J. Carter.
She sees no cause why there should not be a division of the said
estate according to the legal rights of the parties, she submitt her
self to the discretion of the court & prays to be dismissed hence
with her costs. &c.

The separate answer of Sarah P. Carter to a bill of Complaint
exhibited in Yorkland County court against her & others by Thos.
K. Bolling & Mary P. his wife

This defendt. saving &c. answereth and saith that she admits
that her father Doct. J. Carter died, leaving the family of wife
& children mentioned in the said bill. he made to wife in sub-
stance as therein stated. She sees no cause why the ~~estate~~
of the said J. Carter both real & personal should not now
be divided ^{she submitt herself to the discretion of the court} according to the rights of the parties, & prays
to be hence dismissed with her costs.

The answer of Leman Leath ex'r of James Carter dec'd
to the bill of Thos. K. Bolling & Mary P. his wife in
chancery - This defendt. saving &c. answereth & saith
that as Sally P. Carter has arrived at the age of
twenty one years, he has no reasons to offer why
the personal estate of the said James Carter should not
be divided agreeably to the provisions of the will
subject however to that provision of the law which
authorizes the executor to demand of the legates bond
and security for payment of any claims that may
arise against the estate after the decension & delivery
in the hands of the executor as much as may cover
any claims in suit now depending or known of
but not as yet owned by judgment And as guardian ad litem
for Mildred L. & Anne Elizabeth Carter he sees no
cause why the said estate both real & personal
should not be divided as the will directs. And
this defendt. prays hence to be dismissed &c &c

for Leath ex'r
of J. Carter dec'd
&
next friend of M. L.
Carter & Mary E. Carter

Mr A. Beyer, you are authorized to assume the bill of the
 Dr. Polley & Mary P his wife in such a way as to save all
 our rights accruing to us either by the will or by law

Sarah P. Carter

Sally L. Carter

28
 128
 62
 500
 500
 12.68

Surveyor.
 all with \$

Beyer

Bolling Wife
 " 3 Bill
 Carter Vethers

1828 Mar. 19 Jos. Leake appd
 gdn ad lition of Mildred & Mary
 Eliza Carter infant children of
 Jos. Carter decd. Hells Sam. read &
 filed, by consent ordered & decreed
 that J. B. Ferguson, W. Bolling, Geo.
 W. Payne, Martin Key & M. James,
 or any 3 of them, should settle the
 acct of Jos. Leake ex-^r of J. Carter decd
 & that sd Court or any 3 of them with some
 surveyor lay off to Sarah P. Carter
 undivided 1/3 of J. Carter her dower on the
 real estate of J. Carter in the County
 of Prince Georges & divide Bal. of said ~~estate~~ ^{and to divide} between
 J. Carter ^{Carp} & that any 3 of them
 do also allot to Sarah P. Carter 1/3 of
 the personal est. of J. Carter & divide
 Bal. ^{and to divide} between J. ^{Carp} & ^{her} ^{heir}
 or in order to final decree reserving
 liberty to call Defts in

1830 Oclo 18. On hearing the
 Report of Commrs be confirmed
 & that the parties take success-
 ions to the Report of Divisors &
 pay costs in equal portions
 reserving liberty to call Defts in

Beyer

In Goochland County Court 19th March 1828

Thomas R. Bolling & Mary This wife, formerly
Mary Carter a daughter & legatee of James Carter dec^d Plts
against.

Sarah P. Carter widow of James Carter dec^d, Sally L.
Carter, Mildred L. Carter & Nancy E. Carter children
& legatees of James Carter dec^d & Josiah Leake exor of
said James Carter dec^d Defts

In Chancery

Josiah Leake is appointed guardian ad litem of
Mildred L. & Nancy Elizabeth Carter infant children of James Carter
dec^d to defend them in this suit, And thereupon the bill of the
Plaintiffs & answers of the Defendants being read & filed; Whereupon
by consent of the parties by their attorney, it is considered by the Court
ordered & decreed that James B. Ferguson, William Bolling, George W. Payne
Martin Key & Martin James or any three of them, do and it state
and settle the accounts of Josiah Leake exor of James Carter dec^d
and that the said Commissioners or any three of them do with some
surveyor lay off and allot to Sarah P. Carter widow of James Carter dec^d
her dower in the real estate of said James Carter dec^d in this County
and that the said Commissioners or any three of them with said surveyor
divide the balance of the lands ^{according to the will of s^d James Carter dec^d} ~~equally~~ between the legatees of said
James Carter dec^d, and that any three of said Commissioners do also
allot to said Sarah P. Carter one third part of the personal estate
of said James Carter dec^d and divide the balance of the personal
estate ^{according to the s^d J. Carter dec^d will} ~~equally~~ between the legatees of said James Carter dec^d and
report their proceedings herein to this Court in order to a final
decree; Liberty being reserved to the infant Defendants in this
suit to shew cause against this decree within six months after
they respectively arrive at lawful age

A Copy

Teste

Nat^l W. Miller *clerk*

Bolling wife

to 3 copy Decree

J. Carter Secy.

The Estate of Dr James Carter due to Josiah Leake ex Dr

1828

March 7	To Balance due on settlement of this date	27	36
	" Taxes & Lewis for 1827 -	14	40
13	" Six dollars pd. P. Gurneys fee in suit vs Gurneys	6	00
	" cash paid Shuff Ticket for cap. vs Gurneys	1	26
	" do paid Wm. Gurneys Shuff Ticket & commission?	4	86
	in suit of J. Gurneys -		
	" do paid Harnings 2 Tickets. 5-45-105-	6	50
	" do paid P. Dew 3 Tickets -		54
	" do paid Wm. Miller Clerk of Goochland Tickets	5	88
14	" do paid A. Beyer fees - vs. Carless estate	50	---
18	" do paid J. S. Fleming's fee - do	20	---
April 21	" do paid Dr J. Walther medical account	32	25
May 13	" do pd Jeremiah Woodward fee being out again		50
15	" do Dr A. Wharton medical account in part	20	
	" do paid J. Forbes fee being a gt. estate	25	---
19	" do paid Shuff Goochland for exp. in favour of Mary		
	" M. A. Laidly 33.64 & for Harriet exp 57-32 -	90	96
28	" Cash paid James Parr for Edward & Lane debts & costs -	128	38

To Commission allowed the Exor on ?
 \$349.54 - 2 7/10 Cent - }
 458 35

June 6

To Balance due the Exor this day \$ 108 81

Given under our Hands this 16th June 1828

MW

Goochland County Court

Wm. Bolling Martin Key & Martin

James this day made oath before me a justice of the peace for S. County that the above settlement is correctly made so far as they know or believe Given under my hand this 16th June 1828

M. C. Bird

1828

8

April 21	By 17 dols of Dr Walther for pad of Henry, Jan 1825	17	---
May 19	By 230 dols for Henry & Shuff	230	
	By account of exp vs Gurneys for the hire of Billy & remainder of the Shuff 13 th March 1828	64	79
	By hire of Henry from 1 st of January last till 19 th May when he was sold	17	00
22	By hire of Billy from do till 22 nd May	12	62
	By hire of Luthy do do	5	80
	By hire of Mary for 3 rd months	2	33

349 54
 108 81

By Ball due the Exor. for Contree \$458 35

By authority of an order of the County Court of Goochland in Chancery on the 19th March 1828. We the undersigned have settled the Accounts of Josiah Leake Exor of James Carter decd. since the last settlement of the same, & find a Balance due the Exor of One Hundred & eight Dollars eighty one cents as appears by the foregoing account, all the charges of the same having been supported by satisfactory vouchers -

Given under our hands this 16th day of June 1828

Wm. Bolling
 Martin Key
 Martin James

James Carter's report
acc^d.

By authority of a Decree of the County Court of
Gooseland sitting in Chancery on the 19th March 1828, ~~and of a~~
~~Decree amending the same on the same day of~~ ~~following~~ in a suit
between Thomas R Bolling & Mary his wife formerly Mary Carter
a daughter ^{& legatee} of James Carter dec'd and Sarah P Carter widow of
James Carter dec'd, Sally **R** Carter, Mildred L. Carter, & Nancy E.
Carter children & legatees of James Carter dec'd & Josiah Leake Exor
of James Carter dec'd. - The undersigned Commissioners have
performed the duties prescribed to them in said Decree and
submit their proceedings in the following Report

- 1st The accounts of Josiah Leake Exor of James Carter were settled
and a separate report made thereon to which they refer as
part of this report
- 2^d The Lands of James Carter dec'd were surveyed under the direc-
tion of your Commissioners by James L. Mc. soon, the Widow's
Dower containing Three Hundred and five Acres laid off and
assigned to her, the balance divided into four Lots marked A^o
1, 2, 3, & 4, and distributed amongst the legatees of said James
Carter as will hereinafter appear by a Plat of the whole hereto an-
nexed, & referred to as part of this report
- 3^d They ascertained that Thomas R Bolling & Mary his wife having
received as Legatees of said Carter, personal Estate amounting to
Eleven hundred & ~~twenty~~ seven Dollars 42 Cents, had a claim on
the real Estate only, amounting to five Hundred & eleven Dollars 76
Cents, to make their portion of the whole estate equal to that of the other
Legatees as directed by the Will of S^d James Carter, to satisfy which
the Lott A^o 4. containing One Hundred & twenty eight Acres was
assigned to them.
- 4th The Lotts A^o 1, 2, & 3. were drawn for by the remaining legatees
viz Lott A^o 1 containing One Hundred & twenty five acres was

drawn by ~~Mildred~~ Carter; Lott N^o 2, containing One Hundred & forty Acres was drawn by Nancy E. Carter & Lott N^o 3 containing Two Hundred & Seventeen Acres was drawn by Sally L. Carter -

Your Commissioners would here remark, that the Land was divided into Lots of equal values in preference to a division equal in quantity, for this reason, that there being no money in the hands of the Executor for distribution, whoever should have drawn the Lott of highest value, could have paid the difference in no other way, than the sale, & probable sacrifice of her Land, or of her Negroes.

5th The personal Estate was distributed in the following manner - Three Negroes, Mary, Lukey & Silburn, one Bed of furniture & one Chest of Drawers, were left in the hands of the Executor, to pay Debts due by the Estate, or for future division - Four Negroes, Anthony, Venus, Julia & John Gray were assigned to Sarah P. Carter widow of James Carter as her dower - The remaining Negroes, the Stock, Household Kitchen Furniture &c, were divided into three Lots, & drawn for by Sally L., Mildred L., & Nancy E. Carter, viz Lott N^o 1 containing two Negroes Daniel & Polly, and other property amounting to Five hundred & ninety four Dollars 67 Cents, was drawn by Mildred L. - Lott N^o 2 containing three Negroes Dick, Frederick & Billy, and other property amounting to Five Hundred & ninety three Dollars 67 Cents was drawn by Sally L. & Lott N^o 3, containing two Negroes, John & Sarah, & other property amounting to five Hundred & ninety five Dollars 67 Cents, was drawn by Nancy E. leaving One Dollar to be paid by Nancy E. to Sally L. to equalize the three Lots.

Given under our Hands this 16th day of June 1828

Will. Bolling
Martin Key
Martin James

Goochland County Court

Wm Bolling, Martin Key, & Martin James Commissioners appointed to divide the Estate of James Carter deceased? This day appeared before me a justice of the Peace for S^d County & made oath that the foregoing report is correct so far as they know or believe
Given under my hand this 16th June 1828

Wm. P. Ford

Belling & wife
vs } Rep
Carters Leg

2

filed 16 June 1828.

I have recd.
out of these
papers, the plot.
June 10, '82

AK Little