

1805-009

SOUTHAMPTON COUNTY  
CHANCERY PAPERS

TATUM et ux

VS THORP et al

3/1805

other SURNAMES: Harris  
HARRISS

Tatum Inc:

vs  
Thorp & { bill

To the worshipping Court of Southam County  
in Chancery sitting humbly complaining shew  
unto your worships your orator Botte Tatum  
of your oratrix  
Sarah Briggs his wife

That certain Moses Thorp decd  
the father of your oratrix died in the year  
leaving a will dated 1<sup>st</sup> December 1786 hereto a  
copy whereof is hereto annexed as part hereof  
in which will he devised to his wife for life  
one third part of the tract of Land whereon  
he died containing . acres & died intestate  
as to the remainder of the said third part of the  
said tract of Land devised as aforesaid to his wife,  
after the determination of her life estate -  
that the said Moses Thorp left three heirs at  
Law to wit John, Elizabeth Harris & your ora-  
-trix his children - That the said John & Elizabeth  
Harris are now dead & have left the following  
children & heirs at Law to wit - Aaron, Peter, Susan,  
Moses, John, Hannah, who except Aaron are infants - and children of  
John - & James & John Harris - sons of Moses Harris the first  
husband of Eliza - Elizabeth Harris - daughter of said John Harris the first  
all which your orator & oratrix pray may  
be made Defendants hereto - That the wife  
of the testator died in December 1802  
whereby the right of the said third part of the  
aforesaid tract of Land vested equally in -  
defeasibly in your oratrix & the heirs of  
the said John & the heirs of the said Elizabeth  
Harris in three equal shares, but so it is  
may it please the Court that the Defendant  
Aaron Thorp hath since the death of the wife  
of Moses Thorp decd occupied the said one  
third of the Land aforesaid denying and in the  
right of your oratrix & refusing that for  
the same to be sold & the money arising divided  
according to Law, in which conduct the other  
Dfts have ever acquiesced - all which is  
contrary to Equity in consideration  
whereof

whereof & because your orator & oratrix  
are necessitated in the premises at com-  
-mon Law they pray that the Dfts may  
true full & unvarious answers make to  
all & singular the allegations in this bill  
contained that your worships may decree the  
sale of the said land belonging equally as aforesaid  
to your oratrix, the heirs of the said John & the heirs of  
the said Elizabeth Hamphs & that the money arising  
therefrom be divided accordingly - & may it  
please the court to grant to your orator and  
oratrix such further & other relief in the pre-  
-mises as may be just & applicable & they  
ever will &c -

J. Holson for com. Dfts

Fatum & Wife  
L. S. Aug. 2

Fatum & Wife

Answer  
Aug. 2

Ch } Bill &  
Thope } Answer

[illegible]

\* Indication of John Thayer by  
Not wearing hair vest-head

Decr. The land to be sold to highest bidder -  
 I divided into 3 parts - one to ~~Mr~~ Abram -  
 one to ~~Mr~~ Sagan, ~~Mr~~ Moke, John Randolph - one to  
 John Tatow Hope - one to ~~Mr~~ Sagan, John, Ray,  
 Patry, Lily & Hovey - absolutely  
 Commr. - ~~Mr~~ Sagan - ~~Mr~~ Sagan - ~~Mr~~ Sagan -  
 = in credit of 6.42. Mo

The answer of James, John Harris  
Hally, Harris by Daniel Harris.  
Bill of complaint against the  
County of Southampton by

This doth admit, the allegation in the complaint,  
that contact <sup>between</sup> Harris  
accordingly, or as may be

(See Harris - ~~Clarified~~)

and Eliza Harris they  
their next friend, who  
doth, which is on the  
with Tator Harris in 1811  
in the complaint,  
objection to a decree  
properly by their party.

Tatum & Wife  
or } Apt.  
Thorp } in  
Chancery

August Court 1864

Bath Tatum and Sarah his wife. Complainth

Against

Aras Thorp.

Deft.

J. Cheney

This cause was this day heard on the bill of the  
Complainth and answer of the Deft. on consideration whereof  
it is decreed and ordered that Byrde Sunday, Wm. Wright,  
James Harris and Robt. Madry or any three of them make  
sale of the tract of land in the bill mentioned on a Credit  
of Six and twelve Months taking bonds and security of  
the purchaser and divide the proceeds into three equal  
parts and assign one to Aras Thorp, Bering, Susan, Moses,  
John & Randolph Thorp and to Bath Tatum & Wife  
and one to James Harris, John, Eliza Pappay, Sally  
and Anne Harris, and make report thereof to the  
Court in order to a final decree

Sam. Kelly

2  
Tatum & Co  
17 N. 1st St  
Thorp & Co  
Augt 1864

By virtue of a decree an order of the Honorable  
Court of Louthampton, which decretal order was  
rendered at August Court 1804 wherein Batt  
Tatum and Sarah his Wife, are Complainants  
and Aaron Thorpe Defendant, - We the Subscri-  
bers, who were appointed Commissioners to  
carry said decree into effect; (Viz) to sell the Land  
as directed by said decree, which is the Land  
now in the possession of said Aaron Thorpe, it being  
that part of Moses Thorpe's Land lent his Widow  
during life, held by estimation for one hundred  
and twenty six Acres, which was sold to the best  
bidder on Saturday 13<sup>th</sup> day of October 1804, on  
Six and twelve Months Credit, and purchased  
by Zebulon Lewis for the Sum of Nine hundred  
and forty five Dollars, - Since which Viz. on  
the 6<sup>th</sup> day of the present Month March, the said  
Lewis sold the said Land to Robert Mabry  
as per certificate under said Lewis's hand  
directed, your Commissioners, which certificate  
is herunto Annexed, which we beg may be con-  
sidered as a part of our report, given under our  
hands this 12<sup>th</sup> day of March 1805. —

James Harris  
Robt Mabry

Messrs. William Wright, James Harris and  
Robert Mabry, —

Gentlemen

You being the Commis-  
sioners appointed by the Honorable Court  
of South Hampton, to sell that part of the  
Land belonging to the estate of Moses Thorp  
decd which he lent his Widow during life;  
at the Sale of which Land I became the  
purchaser, I will thank you Gentlemen, to  
after your report, so as to report the Land  
as purchased by Robert Mabry at ~~the~~  
sold him the said Mabry the Land  
aforesaid; I am still to be Annovorable  
to you for the purchase Money agreeable  
to my Bonds to you, given under my  
hand this 6 day March 1805. —

Witness

Pick Mabry

Robt. Magee

Zib Lucie

24  
Fatum <sup>86</sup>  
vs  
Thorpe <sup>86</sup>  
Spa  
in  
Chy.

To November 1803 —

Executed on Susanna Thorpe  
Moses Thorpe & John Thorpe  
as to the rest no inhibitors  
J<sup>r</sup> Bishop & for  
J<sup>r</sup> Brown W<sup>m</sup>

The Commonwealth of Virginia to the Sheriff of Southampton County  
Greeting you are hereby Commanded to Summon Susanna Thorpe Moses  
Thorpe John Thorpe James Harris John Harris Betsey Harris Patsey  
Harris and Nancy Harris to appear before the justices of the said  
Court at the Court house of the S.<sup>c</sup> County on the third monday in  
November next to answer a bill in Chancery exhibited against them  
by Bath Tatum and Sarah Briggs his wife. And this they shall  
in no wise omit under the penalty of £100. And have then there  
this writ Witness Samuel Kello clerk of our said Court at the  
Court House the 18<sup>th</sup> Day of October 1803 and in the 28<sup>th</sup>  
Year of the Commonwealth

Sam Kello Clk  
P D