

1816-009

SOUTHAMPTON COUNTY
CHANCERY PAPERS

PHIPPS et al vs. PHIPPS ' admx 3/1816

Plat

other SURNAMES: DREWRY

To the worshipful Court of Southampton County in Chancery sitting
Humbly complaining shew unto your worships your orators and
petitioners James Phipps, Benjamin Phipps, Mary Jones Phipps and
Martha Ann Phipps infant children and coheirs of John Phipps
decd by Humphrey Deering their next friend, that the said John Phipps
departed this life on the day of 1814, in the County of Southampton,

intestate, and that letters of administration upon his estate have been
in due form of law granted by the Court of the said County to his
widow Nancy Phipps, who is prayed to be made defendant to this bill
that the said John Phipps decd seized of a tract of land in the said County
containing Acreation 363 acres and Apper of the following

slaves, to wit, Edy, Peter, Jesse who is of no value, Pherry, Betty,
Rufus, Harry and Harriot. that no part of the said slaves need be
sold by the said adm^r for the payment of the debts of the said John
Phipps decd, and in fact that no circumstance exists which should
obstruct a division & distribution of the said land & slaves
according to law - To the End therefore that the said Nancy Phipps
adm^r of the said John Phipps decd and also in her own right may be
compelled to answer all singular the allegations of this bill and
that as fully as if they were herein again repeated and she thereunto

particulars integrated - that Dover may be allotted to the said Nancy
Phipps in the said land & slaves and the remainder thereof
equally divided between your orators brothers - that any other
& general relief may be granted in the premises consistent with
Equity & good conscience - may it please S^c and as in duty
bound your orators brothers will ever pray -

Atk for prompts

The answer of Nancy Phipps adm.^a of John Phipps dec^d and also in
her own right as widow & executrix of the said John Phipps dec^d
to the foregoing bill - The said defendant having answered
S^c in answer thereto saith - that the allegations therein contained
are true & that she has no objection to the decree asked for
by the complainants - & she prays to be hence dismissed &c

Atk for Def^t

James Phipps, Benjamin Phipps, Mary Jones Phipps,
and Martha Ann Phipps, infant children and coheirs of
John Phipps deceased, by Humphrey Drevory their next friend - Complain-
ants against
Nancy Phipps, widow, and executrix, and administratrix of the said John Phipps dec^d - Def^t

This cause was this day decided by consent of the parties and the
opinion of the Court & was heard on the bill, the answer of the Defendant
& the arguments of counsel, whereupon the Court with assent, order and
decree, that John Barham, David Westbrook, Allen Jones and
William Francis or any 3 of them, attended by the Surceor of South-
ampton County, do allot and set apart to the defendant Nancy
Phipps, for the term of her natural life, having regard as well

to quality as quantity, one third part of the tract or parcel of land
in South the said County of which her deceased husband John Phipps
did seized, as her Dowry therein, and that they divide the remaining
two third parts thereof equally between the complainants James
Phipps, Benjamin Phipps, Mary Jones Phipps and Martha Ann
Phipps - that the said Commissioners or any 3 of them, do also
allot set apart to the defendant Nancy Phipps, for the term of her
natural life, one third part of the following tract or parcels, to wit, ^{said}
Peter, Jesse who appears by the bill & answer to be of no value, Phoe-
Betty, Rufus, Harry and Harriet, of which her said husband
did possessed, as her Dowry therein and that they divide

the remaining two third parts of the said slaves, equally between the
said complainants - if such decision can be made in kind -
if not, that they sell the said remaining two third parts of the said slaves
at public auction, on a credit of 12 months, giving reasonable
notice of the time & place of sale and requiring bonds with approved
security from the purchasers, and divide the proceeds of the said
sale equally between the said complainants - taking care to
pay their respective proportions to their guardian or guardians
if any they have - if not, to hold the same in their hands, subject
to the further order of this court. It is further ordered that the said
complainants make a report of their actings and doings in this
affair to the court, in order to a final decree -

Attest
J. P. M. M. M.
Decr 1814
John M. M.
David M. M.
Allen M. M.
W. M. M. M. M. M.
January 1815
and
- J. P. M. M. M.

Phipps Jr. }
17 }
Phipps Jr. } Ant. J. Denee

Southampton December Court 1814

James Phipps, Benjamin Phipps, Mary Jones
Phipps, and Martha Ann Phipps, infant children
(and coheirs of John Phipps deceased by Humphrey
Druing their next friends. Complainants } In Chancery
Nancy Phipps ^{against} widow and relict and administratrix
of the said John Phipps dec'd. Defendant }

This cause was this day docketed by consent of the parties
(and the assent of the court) and was heard on the bill, the answer
of the defendant and the arguments of counsel, whereupon the
Court doth adjudge order and decree, that John Bauham,
David Westbrook, Allen Jones, and Willie Francis or any three
of them, attended by the Surveyor of Southampton County
do allot and set apart to the defendant Nancy Phipps, for
the term of her natural life having regards as well to quality
as quantity, one third part of the tract or parcels of lands in
the said county of which her deceased husband John Phipps
died seized as her dower therein, (and that they divide the remaining
two third parts thereof equally between the complainants
James Phipps, Benjamin Phipps, Mary Jones Phipps and
Martha Ann Phipps - That the said commissioners or any three
of them do also and set apart to the defendant Nancy Phipps
for the said term of her natural life one third part of the
following slaves (to wit) Eddy, Peter, Jefe who appears by the bill
and answer to be of no value, Pherry, Betty, Rufus, Harry and
Harriet of which her said husband died possessed, as
her dower therein and that they divide the remaining two
third parts of the said slaves, equally between the said
complainants: if such division can be made in kind if not,
that they sell the remaining two third parts of the said slaves
at public auction, on a credit of twelve months, giving reasonable
notice of the time and place of sale and requiring bonds with
approved security from the purchasers, and divide the proceeds
of the said sales equally between the said complainants - taking

case to pay their respective proportions to their guardians or guardians
if any they have - if not to hold the same in their hands subject
to the further order of this court. It is further ordered that the said
commissioners make a report of their acting and doings in this
behalf to the court in order to a final decree -

Teste J.
E. Rochelle Clk.

James Phipps, Benjamin Phipps, Mary Jones
Phipps and Martha Ann Phipps, infant children
and co-heirs of John Phipps deceased, by Humphrey
Drewry, their next friend ————— Complainants.

against

Nancy Phipps, widow and relict, and administratrix,
of the said John Phipps deceased ————— Defendant.

Chancery

This cause was this day again heard, by consent of the parties and the
assent of the Court, on the bill, the answer of the defendant, and the
decree rendered by the County Court of Southampton at the last term,
and was argued by counsel; and it being represented to the Court
that it would be inexpedient, at this time, to have any division
land and
of the slaves, of which the said John Phipps died ^{seised and} possessed, among
the complainants, Therefore, ~~therefore~~ by consent of the parties,
it is considered by the Court, that the said decree, rendered at the last
term, by the County Court of Southampton, be rescinded and annulled,
and that so much of the bill of the complainants, as prays for
such division, be dismissed, but without prejudice to any
proceedings, which may hereafter be instituted for that
purpose. And the Court, entertaining so much of the said
bill, as prays for the allotment of Dower to the defendant
Nancy Phipps, widow and relict of the said John Phipps deceased,
doth now adjudge, order and decree, that John Barham,
David Westbrook, Allen Jones and William Francis or any three of them,
attended by the Surveyor of Southampton County, do allot and

set apart to the said Nancy Phipps, for the term of her natural life, having regard as well to quality as quantity, one third part of the tract or parcel of land, situate, lying and being in the County of Southampton, containing by estimation 363 acres, of which her deceased husband John Phipps died seised, as her power therein - that the said Commissioners or any 3 of them do also allot and set apart to the said Nancy Phipps, for the said term of her natural life, one third part of the following slaves, to wit, Eddy, Peter, Jesse who appears by the bill & answer to be of no value, Pherry, Betty, Rufus, Harry and Harriet, of which her said husband died seised, as her power therein - and ~~that~~ that they make a report of their actings and doings in this behalf to the Court, in order to a final decree -

Phipps vs }
Phipps } DECREE
Decree -

January 1815

Phipps }
vs } Int. & Secrecy
Phipps } Report

March 18th 1816 Report
Int. and Secrecy final

(End)

Southampton January Court 1813

James Phipps, Benjamin Phipps, Mary Jane Phipps, and Martha Ann Phipps, infant children and co-heirs of John Phipps dec'd by Humphrey Drexler, their next friend, Compt'rs against

In Chancery

Nancy Phipps, widow and relict, and administratrix of the Said John Phipps dec'd. - - - - -

This cause was this day again heard by consent of the parties (and the assent of the court, on the bill, the answer of the defendant, and decree rendered by the County Court of Southampton at the last term, and was argued by counsel; and it being represented to the court that it would be inexpedient, at this time to have any division of the land and Slaves, of which the Said John Phipps, dec'd died and possessed among the complainants -

Therefore by consent of the parties, it is considered by the court

that the Said decree rendered at the last term, and County Court of Southampton, be rescinded, and annulled, and that Somuch of the bill of the complainants as prays for such division, be dismissed, but without prejudice to any proceeding which may hereafter be instituted for that purpose - And the court entertaining Somuch of the Said bill as prays for the allotment of Power to the defendant Nancy Phipps, widow and relict of the Said John Phipps dec'd doth now adjudge, order and decree, that John Barham, David Westbrook, John Vowles, and Willie Francis, or any three of them, attended by ^{a competent} the Surveyor of Southampton County, do allot and set apart to the Said Nancy Phipps, for the term of her natural life, having regard as well to quality as quantity, one third part of the tract or parcel of land, situate, lying and being in the County of Southampton, containing by estimation three hundred and fifty three acres, of which her deceased husband John Phipps dec'd Seised as her & was therein - That the Said Commissioners or

any three of them do also allot and set apart to the said Nancy Phipps, for the said term of her natural life one third part of the following slaves, to wit, Eddy, Peter, Jeph, who appears by the bill and answers to be of no value, Fanny, Betty, Rufus, Harry and Harriet of which her said husband did possessed as her sower them, and that they make a report of their actings and doings in this behalf to the court in order to a final decree.

Teste
J. Rochelle
Att

Prong of Swamp

Beginning

Area 122 1/2 Acres Widows dowers

Other prong of Swamp

22. March 1815

Agreeable to the annexed

Order of Court wth the Commissioners
have assigned to Nancy Phipps Widow
and Petitioner of John Phipps Decd.

122 1/2 acres of Land as her dower ^{in the Land} also ^{also} ^{also} ^{also}
~~and~~ Peter as her dower ^{in the Land} —

John Barham
Allen Jones
David Westbrook

Not decified
1992