

1817-014

SOUTHAMPTON COUNTY
CHANCERY PAPERS

PEETE dal VS. PEETE etal

3/1817

Plat

other SURNAMES: Peet
Dillard, Nicholson)

Petty 2 Bill
as 2
Petty 10 } Answers—

November 24th 1815 Decreed &
Ordered that the
prayer of the bill be carried
into effect —

To the worshipful Court of Southampton in Chancery sitting
Humbly complaining shew unto your worship your complainants
Alexander Paul Peto, Mark Thomas Peto and Theophano
C Peto infants by their guardian and next friend Seth
Nicholson. That the father of your complainants Thomas
Peto departed this life sometime in this present year intestate
seized and possessed of a valuable tract of land lying in this
County containing acres and about slaves
That Elizabeth Peto the widow of the said Thomas Peto also
departed this life intestate in about a week after the
death of the said Thomas. That besides your complain-
ants the said Thomas Peto left other children to wit,
Martha Peto, ^{Elizabeth} Emily Peto and George ^{Washington} Peto all of whom
are infants of tender years. That your complainants
and the aforesaid infant children are also the children
and heirs at law of Elizabeth Peto widow of the said
Thomas Peto and That a certain John Nicholson hath
qualified as the administrator of the said Thomas Peto
and hath in his possession the slaves and other
personal estate of which the said Thomas Peto was
possessed. That the personal estate exclusive of the
slaves is more than sufficient to pay all debts due
from the estate of the said Thomas Peto, and your
complainants and the aforesaid infant children of the
said Thomas Peto are entitled as his heirs to the
possession of the said slaves. That it would contribute
much to the benefit of the parties interested that they
should have their respective shares in the land
and slaves aforesaid allotted to them. In tender
consideration whereof and in as much as your

complainants and without remedy come in a Court of Equity where matters of this kind are properly cognizable. They pray that the aforesaid infants Martha, Emily, and George Peto may by some friend appointed to defend them in this behalf, (as well as the said John Nicholson administrator as aforesaid) be made defendants hereto and be compelled to answer all and singular the allegations herein contained fully and unreservedly and they further pray that the land and slaves aforesaid of which the said Thomas Peto died seized and possessed may be divided equally between your complainants and the aforesaid infant defendants. And they finally pray that your wisdom would grant any other or general relief in the premises which may be consistent with justice and Equity and as in duty bound they will ever pray &c —

John Nicholson Guar. to
Alexander P. Mark T. & Theophane C Peto
orphans of Thomas Peto dec.

To the worshipful Court of Southampton in Chancery sitting. The joint and separate answers of Martha Peto, Emily Peto and George Peto infant children of Thomas Peto and by John Nicholson appointed by the Court their next friend to defend them in this behalf to the bill of Complaint exhibited against them and John Nicholson administrator of the said Thomas Peto by Alexander Paul Peto, Mark Thomas Peto and Theophane C Peto by their guardians and next friend John Nicholson — This respondent now and at all times saving and reserving to themselves all benefit of exception to any errors or imperfections in the complainants

bill contained. In answer thereto or to so much thereof as they are advised is material and necessary for them to make an answer unto answering saying That they cannot gainsay the complainants allegations and they are willing to submit to such decree as this worshipful Court may in its wisdom think proper to pronounce. And these respondents having answered pray the Court be dismissed &c —

John Nicholson Special Guardian
next friend to Martha W. Peto
Elizabeth E. Peto & Geo. W. Peto orphans of Thos Peto

To the worshipful Court of Southampton in Chancery sitting. The separate answer of John Nicholson administrator of Thomas Peto dead to the bill of Complaint exhibited against Martha Peto Emily Peto and George Peto infant children of Thomas Peto dead and himself admr of said children of Thomas Peto dead and himself admr of said children of Thomas Peto, by Alexander Paul Peto, Mark Thomas Peto, and Theophane C Peto infants by their guardian and next friend John Nicholson — This respondent now and at all times saving and reserving to himself all and every benefit of exception to any errors or imperfections in the complainants bill contained for answer thereto, or to so much thereof as he is advised is necessary for him to answer answering saying — That he admits the complainants allegations to be true. That he believes there is a sufficiency of personal estate to pay the debts of his intestate exclusive of the slaves, and he is willing to surrender them to the heirs of his intestate at any time. This respondent having answered pray the Court be dismissed &c —

John Nicholson admr of
Thomas Peto dec.

Settling and closing herein in order to as far as
possible —

Petes ---
14
Petes & Decree
3

Petes ----- Plaintiffs }
 as
 Petes & ----- Defts } In Chancery -

This cause being this day docketed by consent of parties and absent of the Court came on to be heard on the bill answer and arguments of Counsel, whereupon and upon due consideration thereof had, the Court doth adjudge order and decreed that Robert Nicholson, Benjamin Neum, Thomas Applewhite, Humphrey Drury, John Barkham, David Westbrook, Edward Reese, Hewitt Harris and Arthur Williamson or any three of them taking with them the County Surveyor do divide the tract of land lying in this County whereof Thomas Petes did die seized into six equal parts by proper metes and bounds having regard to quality as well as quantity, and that they allot and set apart one equal sixth part to each of the complainants and infant defendants to wit, Alexander Paul Petes, Mark Thomas Petes, Theophana C Petes, Martha ^{Elizabeth} Petes, Emily Petes, and George ^W Petes and that they also divide the slaves of which the said Thomas Petes did possessed into six equal parts having regard to their value, and allot and set apart one equal sixth part to each of the complainants and infants defendants. Alexander Paul Petes, Mark Thomas Petes, Theophana C Petes, Martha ^{Elizabeth} Petes, Emily Petes and George ^W Petes, and that they make a report to this Court of their

Parte's
7th
Parte's } Interlocutory
Decree

Peto W. Peto

{
In.
Decree

March 1877 Rept. act. & final
Decree by consent.

At a Court held for Southampton County November 21st 1815

Alexander Paul Peet, Mark Thomas Peet
and Theophana C. Peet infants by their Guardians
and next friend John Nicholson Complainants
against

Martha Peet, Emily Peet and George Peet infant
children of Thomas Peet deceased by John Nicholson
appointed by the Court their next friend to
defend them in this behalf and John
Nicholson administrator of Thomas Peet dec'd. Defendants

In Chancery

This Cause being this day docketed by Consent of parties and
assent of the Court came on to be heard on the bill answer and
arguments of Counsel whereupon and upon due consideration thereof
had, the Court doth adjudge order and decree, that Robert Nicholson
Benjamin Wrenn, Thomas Applewhite, Humphrey Drury, John
Barham, David Westbrook, Edward Reese, Newell Harris and
Arthur Williams or any three of them, taking with them
the County Surveyor, do divide the tract of Land lying in this
County wherein Thomas Peet dec'd Lized into 10 equal parts by
proper notes and bounds having regard to quality as well as
quantity, and that they allow and set apart one equal
10th part to each of the complainants and infant defendants
to wit Alexander Paul Peet, Mark Thomas Peet, Theophana C. Peet,
Martha W. Peet, Elizabeth Emily Peet and George W. Peet and
that they also divide the Slaves of which the said Thomas Peet
dec'd possessed into 10 equal parts having regard to their value
and allot and set apart one equal 10th part to each of the
complainants and infant defendants Alexander Paul Peet
Mark Thomas Peet, Theophana C. Peet, Martha W. Peet, Elizabeth
Emily Peet, and George W. Peet, and that they make a
report to this Court of their actings and doings herein in order
to a final Decree

Teste
James P. Rochelle

Calculation of the
Totals and Valuation
of the same; shewing
Each Legatee how much
he pays and how much
he receives; and also the
Proportionable Anns.



Valuation and division of the Slaves belonging to the Estate of Capt. Thomas Peters. made the 8th day of December 1815

Lot N^o 1 James \$200. Sally \$35^{cs} - Oth Anthony \$300
 Charlotte and Child \$450 - Ransom \$165.00.
 And Manah \$200. Amounting to \$1400.00.
 drawn by Mark Thomas Peters Who is to pay
 to Alexander Peters the sum of \$24. 16²/₃ and to
 George W. Peters the sum of 1.66²/₃ making in all
 that Mark Thomas Peters pays 25 83¹/₃
 his Proportionable part 1374 16²/₃

Lot N^o 2. Peter \$300 Harry \$300. Jonny \$350. Peggy
 \$250 and Henry \$250. Amounting to \$1450.00
 Which lot was drawn by Therphance C. Peters
 Who pays to Emily E. Peters the sum of 35. 16²/₃
 and to George W. Peters the sum of 40. 66²/₃
 making in all that She pays the sum of \$75. 83¹/₃ 75 83¹/₃
 her Proportionable part \$ 1374 16²/₃

Lot N^o 3. Jagg. \$400. Esther. and Child \$400.
 Isaac \$100. Sarah \$300 & Ben \$150. Amounting
 to \$350. drawn by Alexander P. Peters
 being his part after receiving from Mark Thomas
 Peters the sum of \$24. 16²/₃ 24 16²/₃
 making in all; this sum when added
 his Proportionable part \$ 1374 16²/₃

Agreeable to an Order of the County Court of Hampton
to the saids Surveyors date Nov^r Court 1815 we the
Undersigned have gone on the Lands of Thomas
Peete dec^d. attended with the County Surveyor
as by the Order we were required and run out and
divided the same in manner and form following
(to wit) Beginning in lot n^o 1 which lot contains 64
acres and bounded by the lines of lots n^o 2 - 4 & 6
which lot was drawn by Mark Thomas Peete being
his Proportionable Part of the lands of his dec^d Father.
also lot n^o 2 containing 30 acres bounded by the lines of
lots n^o 1 - 3 & 6 which lot was drawn by Major James
Dillard in right of his wife Martha N. Dillard formerly
Martha N. Peete being his Proportionable Part of
S^r lands in right of his wife aforesaid. Also lot
n^o 3 containing 90 acres bounded by the lines of
lots n^o 2 & 4 which lot was drawn by Emily
Peete her Proportionable part of the S^r lands.
also lot n^o 4 containing 100 acres bounded by lots
n^o 1 - 2 & 3. which lot was drawn by Theophanes
Peete being her full Proportionable Part of the
S^r lands. also lot n^o 5 containing 396 acres &
bounded by Gipsys Branch Thomas Applewhites
ent Boundary lines and the line dividing line of
lots n^o 5 & 6. which lot was drawn by Alexander
Peete being his full Proportionable part of all the
lands of his dec^d Father. also lot n^o 6 containing

396. Acres and bounded by the dividing line of lots n^o 5 and 6 and the lot boundaries of John Melison & Alexander Pate and also the dividing line of lots n^o 182 which lot was drawn by George Pate being his Proportionable part of the lands of his dec^d (all of which lots will more fully appear by having reference to the place annexed to this report) ~~feather~~ And also in obedience further to the

Order aforesaid, we did Proceed to divide all the negroes of the S^r dec^d in manner and form following (cont)

lot n^o 1 James Valued at \$200. Sally at \$85-00 Anthony \$300. Charlotte and Child \$450. Randum \$165. and Menah \$200. Amounting to 1400 which

lot was drawn by M^r Thomas Pate being his Proportionable part of the Slaves of the S^r Thomas Pate dec^d after paying to Alexander Pate \$24. 16 $\frac{2}{3}$ and to George M. Pate the sum of \$1. 66 $\frac{2}{3}$ which makes 25. 83 $\frac{1}{3}$

Mark T. Pate pays which respective sums deducted from \$1400 leaves \$1374. 16 $\frac{2}{3}$ his full Proportion of all

the Slaves of S^r dec^d Also lot n^o 2. negro Peter Valued at \$300. Henry \$300. Junny \$350. Peggy \$250 and Henry \$250. Amounting to \$1450. 00 which lot was drawn by Theophana C. Pate being

her Proportionable part of the Slaves of the S^r dec^d after Paying to Emily C. Pate the sum of \$35. 16 $\frac{2}{3}$ and to George M. Pate the sum of \$40. 66 $\frac{2}{3}$ which

sums added makes 75. 83 $\frac{1}{3}$ Theophana C. Pate pays which sum of 75. 83 $\frac{1}{3}$ deducted from \$1450 leaves

1374. 16 $\frac{2}{3}$ his full Proportionable part of all the negroes of her dec^d Father

Also lot n^o 3 negro Jerry Valued at 400-00 Elithy Child \$400 Isaac \$100. Sarah \$300. Ben \$150

Amounting to 1350 which lot was drawn by Alexander P. Pate being his Proportion of the Slaves

of Thomas Pate dec^d after receiving from Mark T^r Pate the sum of 24. 16 $\frac{2}{3}$ which sum added to 1350

makes 1374. 16 $\frac{2}{3}$ his full Proportionable part of the Slaves of the S^r dec^d Also lot n^o 4. Roger \$400. Willy \$33. 00 Amy \$320. 00 Claiborne \$366. 00

Mason \$220. Amounting to \$1339. 00 which lot was drawn by Emily Elizabeth Pate being her Proportionable

part of the Slave of her dec^d Father after receiving from Theophano C. Pate the sum of 35. 16 $\frac{2}{3}$ which sum

added to \$1339. 00 makes 1374. 16 $\frac{2}{3}$ her full Proportion of all the Slaves of Thomas Pate dec^d

Also lot n^o 5— Mover \$333. 00 Buck 350. Lewis 333 Billy \$120. and Hannah \$250. 00 amounting

to \$1386. 00 which lot was drawn by Major James Dillard in right of his Wife Martha N. Dillard formerly

Martha N. Pate being his full Proportion of all the Slaves of the S^r dec^d after paying to George M. Pate

the sum of \$11. 83 $\frac{1}{3}$ which sum deducted from 1386 leaves \$1374. 16 $\frac{2}{3}$ his full proportionable part of S^r Slaves

in right of his Wife Martha N. Dillard Also lot n^o 6. Selah \$300. Austin \$300 Fanny \$120. Abram \$100

Judah \$250 Bob \$250. Amounting to \$1320. 00 which lot was drawn by George M. Pate being

his full Proportion of the Slaves of Thomas Pate dec^d

After receiving from Theophanes C. Pate the sum
of $46. 86\frac{2}{3}$ from Mark Thomas Pate the sum $1. 86\frac{2}{3}$
and from James Dilland in right of his wife Martha
the sum of $11. 83\frac{1}{3}$ which respective sums added
makes $54. 16\frac{2}{3}$ that George W. Pate receives which
sum added to 1320 makes $1374. 16\frac{2}{3}$ his full
Proportionable part of all the Slaves of his deceased
Father —

Given Under our hands
this 15.th day of December 1816

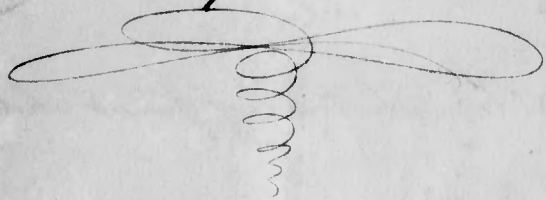
John Benham
Thos. Applewhite

Robert Nicholson

Report of the decision
of the Court and referees
of Thomas Pate
deceased

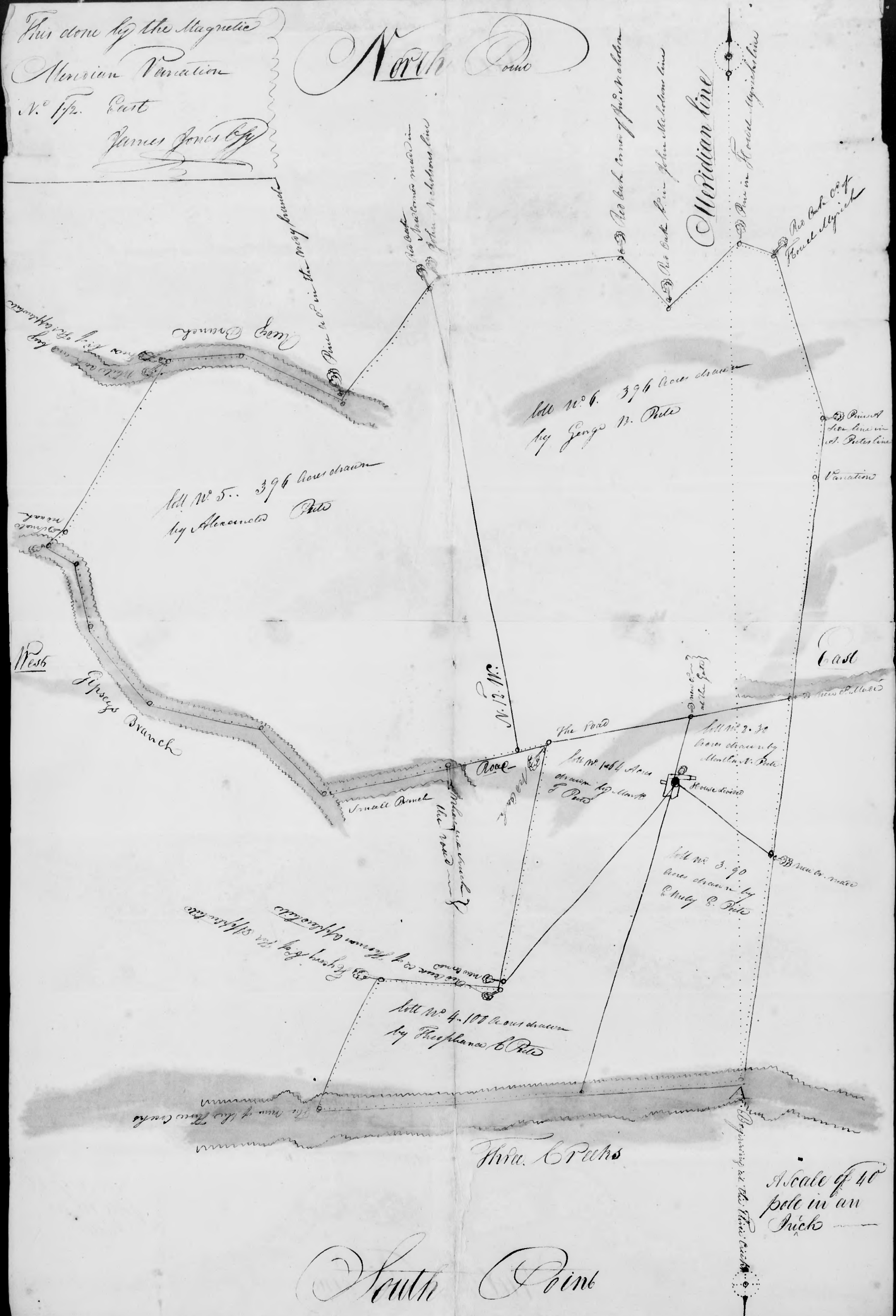
Plan and division
of the lands of Capt.
Thomas Peete dec'd

10th 8 acres



This done by the Magnetic
 Meridian Variation
 N. 1/2 E. East
 James Jones Off

North Point



South Point

Scale of 40
 pole in an
 Inch