

1817-132

SOUTHAMPTON COUNTY
CHANCERY PAPERS

STEPHENSON ^{vs} al vs. STEPHENSON

s/1817

Stephenson

vs

Stephenson

Kindly Bill

and Answer.

Samuel 1816 Int. Decree

To the worshipful Court of Southampton
County sitting in Chancery, humbly complaining
sheweth unto your worships, your Orators & Advocates
Betsy Stephenson, Charles Henry Stephenson, Abner
Stephenson, and John Stephenson infant
Children of Charles Stephenson (Dec. by their
next friend Amos Stephenson for

That some time in the year 1814 Charles
Stephenson father to your complainants departed
this life, after making and publishing his
last Will and testament in writing, wherein
it is provided that his Estate real and
personal shall be kept by his Wife Nancy
during her life, or Widowhood: in the following
words, to wit: "I leave to my beloved wife

"Nancy my Land and plantation, and all my
"personal Estate of all kinds, whatever for
"her use and the benefit of my Children so
"long as she remain my Widow. — At the
"the death of my wife, or marriage, I will
"that my Land & plantation, utensils — stock of
"all kinds whatsoever be sold and equally
"divided between my three Children &c"

That so it is may it please the Court,
that Nancy Stephenson the said Widow,
has now renounced wholly the provision
made for ^{her} by the said Will: and claims
her right of Dower, in the Estate of the
said Charles Stephenson, her late husband,
by reason whereof, it has become expedient
that a division of the said Estate should
be made; in order that her Dower in land
should be laid off, and allotted to her; and
that she take according to Law, her one third

part of the personal Estate of the said
Charles Stephenson her ^{decd.} husband, according
to the Act of Assembly in such cases made
and provided. Your complt. therefore
pray that the Court will order & Decree such
Division of the said Estate consisting of
169 Acres of Land, and other property of
a personal nature. — I have however at
this time to be excepted, in making a division.
In tender consideration whereof, and in as
much, as that none but this Court can take
cognizance of such matters. — To the end
therefore it is prayed that the said Widow
be allowed to take her third part of the ^{land}
Land, of which her late husband did say
and possess, in right of Dower; and also
one third part of the said personal Estate
now to be divided. — And that the other
two thirds of the said Estate, real & personal,
I have excepted, may be allotted to your
complainants, Oetsy, — Charles H. Abner, &
John Stephenson; the latter complainant
tho' born since the death of the said
Charles his father, being equally entitled
in law to his proportion of his father's
Estate. — And it is further prayed that
the said Nancy Stephenson be made Deft.
to this bill of complaint — may answer thereto &
that commissioners be appointed to carry
the Decree of the Court into effect; and as in
Duty bound your Orators & Counselors shall
ever pray &c

The Answer of Nancy Stephenson Widow of
Charles Stephenson ^{decd.} to a bill in Chancery
exhibited in the County Court of Sampson
against her, by Amos Stephenson Jr, next
friend to Oetsy, Charles H. Abner, & John
Stephenson: Infant Children of Charles
Stephenson ^{decd.} — For Answer thereto
saith, that it is true as set forth in
the bill of the complainants, that her
husband did make such a Will as is
stated in the bill of the Complts; — and that
she has wholly renounced all benefit
under the said Will, and to the
provisions therein made for her; and
only claims according to law, one third
part of the said Estate of her ^{decd.}
husband, agreeable to the Act of
Assembly in such cases, and offers
no objection to the prayer of the bill
of the complainants. — This
respondent having answered the
bill prays hence to be Dismissed.

Southampton January Court 1816

Petey Stephenson, Charles Stephenson, Abner
Stephenson, and John Stephenson infant children
of Charles Stephenson dec'd by their next friend
Abner Stephenson jr. Complainers In Chancery
against
Nancy Stephenson widow and relict of Charles
Stephenson dec'd. Defendant

This cause was this day docketed by consent of parties
(and agent of the court and came on to be heard upon the bill of
the complainants answer of the defendant and arguments of counsel
whereupon and upon due consideration thereof had the court doth
adjudge order and decree that John T. Blow, John Thomas, James
Barrett and John Carr or any three of them do allot & set apart
by proper meets and bounds to the defendant Nancy Stephenson
one third part of the land whereof her late husband Charles
Stephenson died seized and possessed in this county as and for her
dower in the same, having regard to quality as well as quantity
and it is further decreed and ordered that the aforesaid commissioners
or any three of them do allot to the defendant Nancy Stephenson
one third part of the property of a personal nature of which the
said Charles Stephenson died seized (Slave, excepted) 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. P. Schellie Clk.

Southampton County to wit

In pursuance of the within decree of the court of the county
apportioned to us directed, we have laid off the proper miles and bounds
one third of the land whereof Charles Stephenson and Seized and apportioned
the same to the messrs. to wit Beginning at Underwoods Line
on a branch, thence down the branch to a gum, thence
across the branch to Robert Williams Line, thence up
Williams Line to Underwoods Line thence along the same
to the beginning ^{6th} Also one third part of \$1983.12 being the amount
of the personal Estate Slaves excepted given under our
hands this 17 day of February 1817

W. J. Blane

James Barrett

John Law

Stephenson

or

Stephenson

Int J. Dunes

May 19th 1817 Rep. Ret.
J. O. R.