

1817-033

SOUTHAMPTON COUNTY
CHANCERY PAPERS

THOMAS ^{al} VS. SMITH & WIFE ^{al}
SMITH'S GDN 12/1817

other surnames: Smith,
Womack

572.
Thomas Pittman
Smith wife

Brodway.

Dec 16th 1817 decus
ford.

To the worshipful the County Court of Southampton
sitting in chancery

Humbly complaining shew unto
your worship your orators Nathan N. Thomas,
David H. Thomas & John H. Thomas infant children
of David Thomas dec'd by John Warrack their next friend
specially appointed by the Court, that Mary Anne H.
Thomas also a child of the said David Thomas dec'd &
a sister of your orators departed this life a short
time since under age leaving two negro female
slaves named Mary & Elizabeth. That your orators
are advised that the legal distributors of their said
dec'd father are entitled to the negroes aforesaid and
your orators & the mother of the said dec'd son
Samuel the wife of Wm. T. Smith formerly Jane Thomas
widow & child of the said David Thomas dec'd that the
said Wm. T. Smith was the guardian of the said Mary
Anne H. Thomas dec'd & at present has the property
aforesaid in his possession. To the end therefore
that the said Wm. T. Smith as guardian of the said
Mary Anne H. Thomas dec'd & also the said Wm. T. Smith
and Jane his wife in right of the said Jane as depen-
dents to this Bill may ~~recover~~ the premises & that
your worship be pleased to decree and order proper
commissions to be appointed by the Court to sell
the slaves herein before mentioned on such terms
as to the Court may seem most proper & to
divide the proceeds of the said sale equally among
your orators & the said Wm. T. Smith & Jane his wife
in right of his said wife & to grant them such other

& further relief as equity dictates. May it please
the court to grant your orators the comitted
writ of Sp. ps. & they will as in duty bound ever pray.

Brooklyn N.Y.

The answer of ^{Wm. Smith} as former guardian of
Mary Anne M. Smith decd. & of the said Wm. Smith
& some his wife in sight of the said Anne to the
Bill submitted against them in this worshipsful court
by the affdca defendant of David Thomas decd.

These respondents saving to themselves the
answer say that they admit the facts stated in
the Bill to be true; that they have no objection to
disposing the property therein mentioned to any
persons or uses to be appointed by the court for the
purpose of a sale & division as prayed for in the said
Bill or to such other decree as to the court may
seem just & equitable & having answered they pray
to be hence dismissed. Brooklyn N.Y.

Thomas &c

Smith & wife

Friday this cause was docketed &
by consent of parties & the court on considera-
tion thereof with adjudge order & decree that
Messrs. Thomas, David Thomas, Wm. Smith & others
or any three of them sell at pub'ic auction the
slaves which belonged to Mary Anne M. Smith decd.
appellant child of David Thomas decd on a credit

twelve months having given public notice of the time
& place to sell at least ten days previous thereto
& that they take bond with good security of the purchaser
a purchaser for the payment of the money in such manner
that there may be separate bonds for every part
of the said purchase money that they pay all or
of such bond to Nathan St. Thomas another recd-
bond to David St. Thomas; another such bond to
Wm. St. Thomas & the remainder to Wm. Smith
and some his wife in sight of the said Anne & that
having done so they report their proceedings in the
premises to this court in order to a final decree.