1818-012 SOUTHAMPTON COUNTY CHANCERY PAPERS HALCOME etal VS. HALCOME val 6/1818

other surnames: Scott, Haulcome, Hallcomb

Halcomb & Co 588

M

Halcombs

June 1898 Interboundary
dispute

To the worshipful Court of Southampton in Chancery sitting - Humbly complaining shew unto your worships your complainants Edmund Halcomb and Elisabeth Scott and Milcah his wife late Milcah Halcomb that Richard Halcomb the father of your complainants Edmund and Milcah died sometime during the last year seized of a tract of land lying in this County containing one hundred and fifty acres of land and possessed of five slaves to wit a negro woman named Marcy and her four children, Dred, Arena, Davy & Mary. That the said Richard left a widow Polly who has taken out letters of administration upon his estate, and four children besides the above mentioned complainants, to wit, Richard, Nancy, Elija and Susan Halcomb all of whom are under the age of twenty one years. That the said Polly the widow is as aforesaid is entitled to dower in the aforesaid tract of land, and also to one third of the said slaves during her natural life: and that your complainants Edmund and Elisabeth Scott and Milcah his wife in right of his said wife, with the above mentioned infant children of said Richard Halcomb died are equally entitled to the said tract of land and slaves subject nevertheless to the intent of the said Polly Halcomb as the widow and admrx of the said Richard to the same. your complainants wish that dower in the said land should be assigned to the said Polly

and the balance which may then remain shall be Divided among the parties intitled either by an allottment of seperate parcels of the land to them or in case it should not be worth one hundred dollars a share, by a sale and a division of the money according to the act of the General Assembly in such cases made and provided. And having understood that the said Polly is willing to take such a portion of the value of said slaves in lieu of her intent in the same as the widow of said Richd Halcomb, and it being impossible that a division in kind among the distributees can be effected without a sale thereof being necessary for the purpose of a division under the act of the assembly in such case made and provided, they also wish that the said negroes should be sold for the purpose of effecting a division, none of which your complainants are advised can be effected without the aid of this Court. In tender consideration whereof and in as much as your complainants are without remedy save in a Court of Equity, they pray that the said Polly widow and admx of Richd Halcomb dec'd, and the said Rubard, Nancy, Eliza. and Susan Halcomb infant children of said Richard Halcomb and by some friend the appointed by the Court to defend them in this behalf may be made defendants hereto and be compelled to answer all and singular the allegations herein contained fully and answerably. They further pray that the dower of the said Polly be allotted her in the said land and that the balance of the land in case it be worth more than one hundred dollars be divided equally according to the rights of the parties as herein before stated by proper metes and bounds, and in case it be worth not more than one hundred dollars as aforesaid that then it be sold for the purpose of effecting a division among the parties. They also pray in case the said Polly the widow and admx of Richd Halcomb consents that the said slaves be sold that such portion of the amount of sales as this Court may think right be allotted to the said Polly in lieu of her intent in the same as the widow of said Richard. and the balance of the money divided among the parties according to their respective rights as herein before stated. They further pray that this Court would make any other order or decree in the premises which may be right and just and as in duty bound they will ever pray &c.

Edmond Hall
Com

Solr. for Pltf
P. O. Address

Edmund Halcome &c Pltfs

vs In Chancery

Halcomes ——— Defts

This cause was this day docketed by consent of parties, and upon the bill and answers and arguments of Counsel, whereupon and after due consideration thereof had, the Court doth adjudge order and decree that Jno. Williams Nicholas L. Williams & Benj. Cobbs or any two of them do allot to the defendant Polly one third of the tract of land whereof Richard Halcome died seized containing 150 acres lying in this County for and during the term of her natural life as and for her dower in the same. That they divide the balance of the said land by proper metes and bounds among your complainants Edmund and Mildred and the defendants Richard, Nancy, Eliza and Susan Halcome in case the same should be worth one hundred dollars a share, and in case the balance of said land should not be worth one hundred dollars a share that they or any two of them do sell the same at public auction on a credit of 12 — months after giving three weeks public notice of the time & place of sale. That they divide the proceeds of the sale into six equal parts taking bond with

approved security for the payment of each seperate
part, and assign one bond to the complainant
Edmund. one to the complainants Claiborne
Scott and Mildred his wife in right of his said wife
and one to the guardian or guardians of each of the
the infant defendants Richard, Nancy, Eliza
and Susan Halcomb. That they or any two of them
after giving like public notice of the time and place
of sale do also sell at public auction the slaves
Mason and her children Fred, Arena, Daniel Mary
mentioned in the bill on a credit of 12- months
That they take bond with approved security
for one seventh part of the proceeds and assign the
same to the said Polly as and for her interest in
the Same as the widow of the said Richd Halcomb, and
that they divide the balance of the amount of sales
into six equal parts taking bond with approv-
=ved security for the payment of each seperate part
and assign one bond to each of the complainants
and the guardian or guardians of the infant defendants
as before directed in the case of the Land- That in
case the Land be sold that they make a
conveyance in fee simple to the purchaser or pur-
: chasers. and finally that they render to this
Court a report of their proceedings herein in
order to a final decree -

To the worshipful Court of Southampton in Chancery sitting

The Seperate Answer of Polly Halcomb widow and
admx of Richd Halcomb decd to the bill of Complaint
exhibited against herself and others by Edmund Halcomb
and Claiborne Scott and Mildred his wife late Mildred
Halcomb. This respondent now and at all times saving
and reserving to herself every benefit of exception
to any errors or imperfections in the complainants
bill contained; for answer to so much thereof as
she is advised is necessary for her to answer. saith:
That she willing to admit the facts as stated in
the complainants bill, that she has no occasion
to retain the slaves in her hands as assets for the
payment of debts due from Richd Halcomb. That
she is willing in lieu of her interest in said slaves
to assist of such portion of the amount of the
sales of them as may be by this Court be deemed
just and finally that she has no objection
that the Court should make such a decree in the
premises as it may think proper and hearing
answered she prays to be hence dismissed &c.

Polly her + Halcomb
mark

To the worshipful Court of Southampton in Chancery
sitting. The joint and separate answers of Richard
Nanny. Elijah and Susan Halsome infant children
of Richd Halsome dec'd by their next friend
appointed by the Court to defend them
in this behalf to the bill of Complaint exhibited agst
Polly Halsome widow and admx of Richard
Halsome dec'd and themselves by Edmund Halsome
and Clarkson Scott and Mildred his wife late
Mildred Halsome. These respondents now and
at all times saving and reserving to themselves
all benefit of exception to any errors or imper-
fections in the complainants bill. for answer to
so much thereof as they are advised is material
for them to answer &c. That they cannot join in
the complainants allegations, and they are
willing to abide by such decree in the premises
as this Court may pronounce, and having answered
they pray to be hence dismissed &c.

her
Polly + Halsome
mark

Southampton County June Court 1818

Edmund Halcome and Claibourne Holt and
Martha his wife late Martha Halcome ... Complainants
against
Polly Halcome widow and administratrix of
Richard Halcome decd, and Richard, Nancy
Eliza and Susan Halcome infant Children of
Richard Halcome decd by their next friend
Elizabeth Halcome ... Defendants

In Chancery

This Cause was this day docketed by Consent of Parties and upon the Court, and was heard on the bill and answer and arguments of Counsel thereupon and after due Consideration thereof had, the Court doth adjudge order and decree that John Williams Nicholas L Williams and Benjamin or any two of them, do allot to the defendant Polly, one third of the tract of land whereof Richard Halcome died Seized, containing one hundred and fifty acres lying in this County for and during the term of her natural life as and for her dower in the same, that they divide the balance of the said land by proper meates and bounds among your Complainants Edmund and Martha and the defendants, Richard, Nancy, Eliza and Susan Halcome in case the Same Should be worth one hundred dollars a Share and in case the balance of said land Should not be worth one hundred dollars a Share, that they or any two of them, do Sell the Same at Public auction on a credit of twelve months after giving three weeks public notice of the time and Place of Sale, that they divide the proceeds of the Sale into Six equal Parts taking bond with approved Security for the payment of each Seperate part and assign one bond to the Complainant Edmund, one to the Complainant Claiborne Holt and Martha his wife in right of his Said wife, and one to the guardian or guardians of each of the infant defendants Richard, Nancy, Eliza and Susan Halcome that they or any two of them after giving like publick notice of the time and place of Sale, do also sell at Public auction the Slaves, Mason and her Children Dred, Arena, Davy and Amy mentioned in the bill on a credit of 12 months, that they take a bond with approved Security, for one Seventh part of the proceeds and assign

the Same to the said Polly as and for her interest in the Same as the widow of the said Richard Halcome and that they divide the balance of the amount of Sales into Six equal parts taking bond with approve Security for the payment of each Seperate part, and assign one bond to each of the Complainants and the guardian or guardians of the infant defendants as before directed in the case of the Land. That in case the land be Sold, that they make a Conveyance in fee Simple to the purchaser or purchasers, and finally that they render to this Court a report of their proceedings herein in order to a final decree

a Copy Teste
A. Middleton D.C.

Halcome
vs
Halcome

A Copy Interl Decree

Edmund Hallcombe
&
Milly Hallcombe
wife of C. Scott.

Richard, Nancy, Elzie, Lucas
Mason, Reed, Arrina, Mary, Avery,

Memo of
Halcomes Depos
Hlaves —

Edmund Halcomb and Milly wife of Claiborne Scott of full age - Richard, Nancy, Elijah, and Susan infant Children of Richard Halcomb dec'd - . Polly the widow and admr. Prays a bill for widows dower in Land. And also a sale of the negroes and division of the proceeds thereof and also of the amongst the distributees - 150 acres -