1819-110 SOUTHAMPTON COUNTY CHANCERY PAPERS PRINCE. et al VS. PRINCE et al

8/1819

other SURNames: Bendall, Weathers, Wather, Turner, Myrick

To the worshipful Court of Southampton in Chancery sitting — Humbly complaining shew unto your complainants John Prince, and Richard Prince, William Prince and Littleton Prince infant children of John Prince dec'd by their guardian and next friend Isaac Bendall, and Leroy A Weathers an infant child of Sterling Weathers by the said Sterling Weathers his father and next friend. That John Prince departed this life sometime in the year having first made and published his last will and testament which has been duly admitted to record in the County Court of Southampton, a copy of which is hereunto annexed and prays to be taken as a part of this bill That only one of the executors named in said will has undertaken the burthen of the execution of the same to wit. ~~the~~ certain Joseph Prince. That the said John Prince ~~intermarried~~ left a widow Elizabeth with whom he intermarried after the said last will and testament was made. That he died possessed of a part of land in this County in which dower has been assigned to the said Elizabeth. That he devised in said will the land ~~from~~ which he then had to his above named four sons. John, William, Richard and Littleton. That after the making the said Will the said John ~~Prince~~ Prince the testator purchased a certain tract of land lying in this County of a certain Howel Meyrick adjoining the tract whereon he lived containing 247 acres and thereof as to that tract of land died intestate. Whereby your complainant Leroy A Weathers comes in for an equal share of that with the aforesaid. John, Richard, William and Littleton Prince. That the said John Prince was also possessed of a considerable personal estate

-es slaves which he bequeaths equally between
his aforesaid children and Grand child Lucy A
Weathers. Limiting that portion which he bequeaths
to his grandson over to his children in case the said
grand child before he became twenty one years
of age - That the slaves which are now in the
possession of the said Jacob Preim executor aforesaid
are Tom, Edmund, Harry, Jenny, Bradford, Nelly,
Bunyard, Davy, Lucy, Rachel and her child,
Dorcas, Lucky, Nancy, Alice and her child Liddy
Edem, Bridget, Silvey and her child Old Tom,
and Abram, the last five of whom the said
John Preim had only a life estate in, he having
obtained them by his intermarriage with the said
Elizabeth to whom they allotted for her life as the
widow of a certain Benjamin Tanner deed. That
the said Elizabeth hath in Open Court renounced
all and every benefit whatsoever contained in said
will to which She might be entitled and refused
to be bound or affected in any way by the devises
and bequests contained in said will - That your
complainants have understood that the slaves
aforesaid, are not company for the payment of debts,
as there is an abundance estate for that purpose
besides. They further state they are advised that
the said Elizabeth is entitled to one third in
value of the said slaves for her natural
life. & untill the said lands remain still
undivided and the said Jacob Preim still
holds the said slaves, and your complainants
are advised, that the aforesaid slaves cannot
be divided neither can the slaves aforesaid be obtained
and divided without the aid of a Court of equity when
matters of this kind are properly cognizable. In tender
consideration whereof and inasmuch as your complain-
ants are without remedy save in a Court of Equity
May it please. that the said Elizabeth widow and relict
of said John Preim and the said Jacob
Preim executor of the said John Preim dec'd.
may be made defendants hereto and be compelled to
answer all and singular the allegations herein contained
fully and unreservedly. May further pray that the
said land of which the said John Preim died
was seized at the date of the said last will and
testament & division of such portion of it as may have
been allotted to the said Elizabeth as her dower
be equally divided among your complainants & John
Richard, William and Littleton Preim. That the said
negroes which were purchased of Hosea Myrick & the said
John Preim after the date of the said will be divided
equally between all your complainants exclusive
of such part of it as may have been allotted to the
said Elizabeth as her dower. May also pray that
the said John Preim may as aforesaid be compelled
to deliver up the slaves aforesaid. that one third
thereof be allotted to the defendant Elizabeth
for and during her natural life. and that the
ballance be equally divided among your complainants
agreeably to the said will. And finally they pray.
that this Court would make any other

or further deeds in the premises which may be right and just and as in duty bound they will ever pray &c -

O Davies
vs
Wm Bell -
O Davies

Rec'd 1878 Decr 9 Ord.

Poines

ades } Auveres

Poines

To the worshipful Court of Southampton in Chancery sitting

The Answer of Elizabeth Friend widow and relict of John Friend and to the bill of Complaint exhibited against herself and Joseph Friend executor of John Friend dec'd by John Friend, and Richard Friend, William Friend, and Littleton Friend infant children of said John Friend dec'd by their guardian and next friend Isaac Bendall, and Leroy A Weathers and infant child of Sterling Weathers by his father and next friend the said Sterling Weathers-

This respondent now and at all times saving and reserving to herself all and every benefit of exception to all errors or imperfections in said bill contained for answer thereto or to so much thereof as she is advised is necessary for her to answer, answering saith: That she believes the facts stated in the Complainants bill true, and she is willing to abide by such decree as this Court may think it right and fit to pronounce, and having answered she prays to be hence dismissed &c -

To the worshipful Court of Southampton in Chancery sitting - The answer of Joseph Pierce executor of John Pierce dec'd to the bill of complaint against Elizabeth Pierce widow and relict of John Pierce dec'd and himself by John Pierce, and Richard Pierce, William Pierce and Littleton Pierce infant children of John Pierce dec'd by their guardian and next friend Isaac Benetale, and Leroy A Weathers an infant child of Sterling Weathers his father and next friend the said Sterling Weathers — This respondent now and at all times saving and reserving to himself all and every benefit of exception to all errors and imperfections in said bill contained, for answer thereto - to so much thereof as he is advised is necessary for him to answer, answering saith. That he is the executor of the said John Pierce dec'd. and he believes all the material facts stated in the bill are true. That he is willing to deliver over the slaves named in the bill, provided refunding bond and sureties given to him as is directed by the act of the General assembly in such cases made and provided. This respondent having answered prays, to be hence dismissed &c.

Poenes &c —— Plffs

vs

Poenes &c —— Defts.

In Chancery.

This cause was this day docketed by consent of parties and upon the Court and was heard on the bill, answers, exhibits, and arguments of Counsel, whereupon and after due consideration thereof had the Court doth adjudge order and decree, That Richard P. Clements, Alexander P. Coats Randall Newsum and Samuel Barham or any three of them do with the assistance of a Surveyor if it be necessary divide a tract or parcel of land, lying in this County containing 247 acres of which John Poinne died seized and which he purchased in his lifetime of a certain Howell Hopkins into five equal parts, and allot one equal fifth part to each of the complainants John, Richard, William and Littleton Poinne and Darcy A. Brantley. That they divide the balance of the land lying in this County of which said John Poinne died seized exclusive of that part of it which may have been allotted as dower to the widow of said John Poinne into four equal parts and allot one equal fourth part to each of the complainants John Richard, William, and Littleton Poinne exclusive of that part of it as may have been heretofore allotted to the widow

It is further decreed and ordered that they or any three of them do allot to the defendant Elizabeth one third of the Slaves in value which are now of the estate of the said John Priend deed for and during the term of the natural life of the said Elizabeth and that they divide the balance of said Slaves into five equal parts having regard to value, and allot one equal fifth part to each of the complainants John, Richard, William and Littleton Priend, and Levy A Heathes the part allotted to the said Levy A Heathes being subject nevertheless to the limitation annexed to the bequest to him in the will of said John Priend. It is further decreed and ordered that the said Jubb Priend executor of said John Priend and do deliver the Slaves of which John Priend died possessed with their subsequent increase for the purpose of having the above decree carried into effect, provided the parties who are of age and the guardian of such as are infants do in the first place execute refunding bonds to him with security according to the act of assembly in such cases made and provided. and finally it is ordered that the aforesaid Richard P Clements, Alexander P Pate, Randall Nunnerd and Samuel Barham or such of them as may act do make a report of their proceedings herein in order to a final decree —

Prince
vs
Prince

Interlocutory decree

a copy

Southampton December Court 1818

In Chancery.

John Prince and Richard Prince, William Prince and Littleton Prince infant Children of John Prince decd by their guardian and next Isaac Benbaw and Leroy A Weathers an infant child of Sterling Weathers by the said Sterling Weathers their next friend ... Complainants

against

Elizabeth Prince widow and relict of John Prince decd by John Prince and Richard Prince William Prince and Littleton Prince infants Children of said John Prince decd by their guardian and next friend, Isaac Benbaw and Leroy A Weathers and infant Children by Sterling Weathers his father and next friend the said Sterling Weathers— and Joseph Prince Exor of John Prince deceased — Defendants

This day this Cause was docketed by Consent of parties and upon the Court, and was heard on the bill, answer, exhibits and arguments of Counsel, whereupon and after due Consideration thereof had the Court doth adjudge order and decree that Richard P. Clements, Alexander P. Pete, Randall Newsom and Samuel Basham, or any three of them do with the assistance of a Surveyor if it be required, divide a tract of land exclusive of such part of it, as may have been heretofore attached to the widow lying in this County containing Two hundred and forty Seven acres of which John Prince died Seized and which he purchased in his life time of a certain Nowell Myrick into five equal parts, and allot one equal fifth part to each of the complainants John Richard, William and Littleton Prince and Leroy A Weathers That they divide the ballance of the land lying in this County of which said John Prince died Seized exclusive of that part of it which may have been attached as dower to the widow of said John Prince into four equal parts and allot one equal fourth part to each of the complainants, John, Richard, William and Littleton Prince It is further decreed and ordered that they or any three of them, do attott to the defendant Elizabeth one third of the Slaves in value which are now of the Estate of

the said John Prince dec'd for and during the term of the natural life of the said Elizabeth, and that they divide the balance of the said Slaves into five equal parts, having regard to value and allott one equal fifth part to each of the Complainants. John Richard, William and Lutteon Prince and Leroy a Weathers, the part allotted to the said Leroy a Weathers being Subject nevertheless to the limitation annexed to the bequest to him in the will of said John Prince. It is further decreed and ordered that the said Joseph Prince Executor of said John Prince dec'd do deliver up the Slaves of which John Prince and possessed with their Subsequent increase for the purpose of having the above decree carried into effect provided the parties who are of age and the guardian of Such as are infants, do in the first place execute refunding bonds to him with Security according to the act of Assembly in Such Cases made and provided and finally it is ordered that the aforesaid Richard P. Clements, Alexander P. Peter, Randall Crewson and Saml. Basham, or Such of them as may act, do make a report of their proceedings herein in order to a final decree

A copy Teste

A. Middleton D.C.

A list of the names of Negroes belonging to the Estate of Jno. Prince Dec.d Oct.r 1818

Tom
Edmon
Harry
Jerry
Bradford
Willie
Bungari
Davy
Lucy
Rachel & child
Marcus
Suckey
Nancy
Alce & Liddy
Edwin
Old Tom
Abram
Old Bridget
Silvey & child

widow & minors Property

Prince
vs
Prince
bby.

August 16th 1879 Rept. ret.d & R to
tue 2 months for exceptions

Amount of the Valuation of Negroes belonging to the Estate of John Prince Dec.d as appears by the Inventory returned in this Case

The Saluation to amount of	$ 7325
Alloted to the widow ⅓ in Value	2441.66⅔
Leaves Ballance of	4883.33⅓
Each Legatee entitled to ⅕ Equal Parts	976.66⅔

Alloted to the Widow as her Dower Negro after taking $58.34 cents from the amount to the Legatees

Tom appraised to	$ 750.00
Bungard Do. to	650.00
Suckey Do. to	600.00
Davy Do. to	500.00
	2500.00
	2441.66⅔
	$ 58.33⅓

We Allot to John Prince

willie appraised	$ 600.00
Darcus, Alce & Edmon	
Wm. Prince pays John Prince	224.00
Littleton Prince pays Do.	99.00
Elezabeth Prince pays Do.	53.66¾
	$ 976.66¾

Allot to Richardson Prince

Jenny appraised to	700.00
Lucy Do. to	300
Elezabeth Prince pays	66¾
	$ 1000.66¾
Richardson pays Lenoy a Negro	24
	$ 976.66¾

Allotted to William Prince

Edmon appraised to	500.00
Rachel & child Gilbert	700.00
	66¾
Elezabeth Prince pays	1200.66¾
William Prince pays John Prince	224
	$ 976.66¾

[redacted] pays [redacted]

Elezabeth Prince pays to

Allot to Littleton Prince

Harry appraised to	$ 800.00
Liddey Do. to	275
Elezabeth Prince pays	66¾
	1075.66¾
Littleton pays John Prince	99
	976.66¾

Allot to Lenoy A. Weathers

Bradford appraised to	650.00
Nancy Do. to	300.00
Richardson Prince pays	24.00
Elezabeth Prince pays	2.66¾
	976.66¾

Given under our hands this [redacted] day and date as Within Written

Randolph Newsum
Sam Basham
Appraisers of Estate

Thence along the dividing line of lott no 384 N 3. W. to the Milpond again: thence up the S. Pond to the first Station being his part of the lands aforesaid Exclusive of the Widows dower. — also lott no 4 containing 63 acres drawn by John Prince and Bounded as follow (viz) Beginning at the Milpond at a new C. of lott no 384 thence along the dividing line of lotts no 384 N. 3. E. to a new C. in the Widows Dower thence along the dower line to Hazel Seabornes line: thence along Seabornes line to the Spring Branch: thence along the Spring Branch to the Milpond aforesaid: thence up the Milpond to the first Station being his full Proportionable part of the S. lands Exclusive of the Widow Dower: also lott no 1 over on the South side of Seabornes Milpond Call. the Myrick tract of land containing 70 acres drawn by John Prince and bounded as follow (viz) Beginning at a new B. made in the Poplar Swamp of lott no 182. thence down the S. Swamp to a Black Gum a B. in S. Swamp where we turn out of it: thence S. 12. W. 172 pole to dead B. oak B. of Ellick P. Peets: thence N. 9. W. 60 Pole to a new C. made of lotts no 182. thence along the dividing line of lotts no 182 N. 33. E. to the first Station being his full Proportionable part of the Myrick Tract of land: also lott no 2 containing 70 acres drawn by Richardson Prince and bounded as follows (viz) Beginning at the new C. of lotts no 182 thence N. 9 W. 20 pole Variation thence N. 20 W. 35 pole to a Post Oak new C. made in lotts no 283. thence along the dividing line of lotts no 283 N. 21. E. to a Sweet Gum new C. made in lotts no 283. thence N. 84. E. 20 Pole to the Poplar Swamp, thence down S. Swamp to a new C. of lotts no 182. thence along the dividing line of lotts no 182. N. 33. W. to the first Station: being his full Proportionable part of the Myrick Tract of land: — also lott no 3. containing 15 acres being the house lott drawn by Littleton Prince and Bounded as follow (viz) Beginning at a Pine opposite the House a new C. made in lotts no 384 thence N. 21 East to a Pine a new C. made on the side of the Milpond in lotts no 384 thence along the Course N. 84. E. 20 Pole to a Sweet Gum a new C. made in lotts no 283. thence along the dividing line of lotts no 283 to a Post Oak a new C. made in Ellick Peets Out line and of lotts no 283. thence along Peets line to the first Station being his full Proportionable part of the S. Myrick tract of land: also lott no 4 containing 68 acres drawn by Leroy A Weathers Son of Sterling Weathers and Bounded as follow (viz) Beginning at a Pine opposite the House a new C. of lotts no 384. thence N. 85. W. 88 Pole to a Black Jack a new C. of lotts no 485. thence along the dividing line of lotts no 485 N 8. E. to a new C. made on the side of the Milpond: thence down the S. Pond. to a Pine a new C. in lotts no 384 thence along the lines of lotts no 384 N. 24 W. to the first Station being his full Proportionable part of S. Myrick land in right of his mother — also lott no 5. containing 68 Acres drawn by William Prince: and bounded as follow (viz) Beginning at a Black Jack a new C. made in lotts no 485 in A. Peets out line: thence N. 85. W. 81 pole to a Pine a C. of Nancy Reece thence N. 14. W. 60 pole thence N. 27. W. 22 pole thence N. 33. E. 32 pole thence N. 68. E. 24 Pole to the Milpond aforesaid. thence along the Edge of the Milpond to a new C. made in lotts no 485. thence along the dividing line of lotts no 485. S. 8. W. to the first Station being his Proportionable part of the S. Myrick lands

and further in Obedience to the decree aforesaid We have Proceeded to make a division and distributed the negroes belonging the S. decd Estate among the legatees in manner and form following as you will See by the Statement annexed to this Report: all Inclusive — (viz) — We have allotted to the Widow of John Prince decd as by Statement annexed will Shew and to the legatees as by Statement

but the negroes that came by the Widow Prince formerly the Widow Bey. Farmer dec'd. as her dower right from the S.t Farmer Estate became very Expensive to the Estate of John Prince dec'd. Excepting one man named Abraham: and the legatees of Bey. Farmer Estate was willing to take them with Consent of the legatees of John Princes Estate together with the Consent of the Widow: So they thinking it much better for the legatees of Princes Estate as they were only a life right Estate to the Widow of John Prince dec'd. and ultimately would return to the legatees of Farmer Estate we have given them up to Samuel Farmer who is a legatee and acting Agent or Guardian for the Orphans of Bey. Farmer dec'd. Except Abraham &c—— and his Value could not be divided without a Sail during the life of Mr.s Prince Widow and relict of the S.t John Prince: therefore in that case we pray Honourable Court of Southampton County ——— to so amend the Present decree as to create the Sale during life as before Stated Or Pass a Second decree for the Purpose of Exposing S.d negro Abram to Sale in order that an Equal distribution may take Place: for it is impossible that it can be without a Sail of the S.d negro Above mentioned and that in the Amendment of the decree or in a Seperate decree. Which ever you in your Wisdom think most Expedient; that the Widow draw 1/3 of the money arising from such Sale during her natural life: and that the other 2/3 be divided Equally among the other Legatees of the S.t John Prince dec'd. ——

the Statement Valuation and Allotment of the negroes of S.d dec'd are here annext and fully Stated the Names & Valuation Who fell and how much; Who receives and how much—

Agreeable to an Order of the County Court of Southampton to us directed bearing date December Court 1818. We the Undersigned have gone on the lands of John Prince dec'd lying and being in the County of Southampton aforesaid attended with the County Surveyor as by the Order we were required and have run out and Survey'd all the lands of S.d dec'd lying in the County aforesaid and find there to be 560 Acres in the Widows dower. 309 acres Exclusive of the Widows dower of high land on the North Side of Seabourn Millpond: and 25 acres of the Millpond Covered in Water: also 291 acres on the South Side of Seabourn Millpond in the East call.d Myricks tract making in all in Southampton 1185 acres and we have divided the same among the legatees in manner and form following (to wit) Lott no. 1 on the North Side of Seabourn Millpond between that and the Widow dower drawn by Richardson Prince containing 120 acres and bounded as follows (viz.t) Beginning at the Millpond Where we cross.d it running thence N. 27. W. 230 Pole to a small Pine made in the Super.r County line thence along the County line N. 60. E. to the Intersection of that and the dower line: thence along the dower line to a new C.r in the lane of the dower and lotts no. 182. thence along the line of lotts no. 182 S. 8.r W. to the first Station being his Proportionable part of the land lying as aforesaid Exclusive of the Widows dower

also Lott no. 2 containing 63 acres drawn by Littleton Prince and bounded as follows (viz.t) Beginning at the Place where we cross.d Seabourn Millpond: thence N. 8. E. to a new C.r made in the lane a.d in the dower line; thence along the dower line to a new C.r made in lotts no. 283. thence along the dividing line of lotts no. 283. to the Millpond again thence up the Millpond to the first Station being his full Proportion of lands aforesaid Exclusive of the Widows dower: also Lott no. 3. Containing 63 acres drawn by William Prince and bounded as follows (viz.t) Beginning at the Millpond thence along the line of Lotts no. 283 N. 8. E. to a new C.r in the Widows Dower. thence along the Widows dower. 50 Pole to a new C.r in Lotts no. 382