1821-013 SOUTHAMPTON COUNTY CHANCERY PAPERS THORP and Wife VS. HOWELL's children 3/1821

Other surnames: Howell, Thorpe

Thorp Sarah

vs

Howell

Bill & Answer

Dec. 1820 Inst. allowed

Depart

: In the worshipful Court of Southampton in Chancery sitting

Humbly complaining sheweth unto your worships your
orator and oratrix John Thorp Junr and Elizabeth his wife
late Elizabeth Howel widow and relict of Alfred Howel
dec'd. That Alfred Howel late of this County dec'd sometime
in the year being first seized and possessed
of a certain will and testament, or attested copy of which is
hereto annexed and prays the same may be taken as part
of this bill. That among other things in and by
the testator's said will he gave his wife, your
oratrix, should marry she should be entitled
to one third of his estate during her natural
life, which will more fully appear upon
being had to said will. Your complainants
state that your oratrix complied with said
will and that the testator's debts and
legacies his estate to his children (except the
provision by him mentioned made for your oratrix)
to Nathl G Howel, Thomas D Howel, William K
Howel, and Elizabeth R Howel all of whom at
this time in this county. Your orator and oratrix
state that the said Alfred Howel died possessed
seized and possessed of a plantation lying in this
County and several valuable slaves which slaves
may be divided equally to the said last
will and testament. In tender consideration
whereof and in as much as your orator
oratrix are remediless in the premises save
in a court of equity to whose matters of this kind
are properly cognizable they pray that the aforesaid
infant children of Alfred Howel dec'd & some friend
to be appointed to be appointed by the Court to defend
them in this behalf may be made defendants

hunto and becompelled to answer all and
singuler the allegations herein contained fully
and answarely. They further pray that the Court
and sleaves of which the said Alfred Howel died
seized and possessed may be divided equally to
his Lent wife and Enlement. And they further
pray for general relief &c John Thorp

To the worshipful Court of Southampton County in Chancery
sitting. The joint and seperate answers of Nathl
G. Howel, Thomas D Howel, William R Howel and
Elizabeth R Howel infant children of Alfred Howel
by Jas C H Foster their next friend appointed to defend them in this behalf
to the bill of complaint exhibited against them by John
Thorp and Elizabeth his wife late Elizabeth Howel widow
and relict of Alfred Howel and — These respondents
now and at all times saving and reserving to themselves
all and every benefit of exception to many errors or imper-
fections in said bill contained for answer thereto or to
so much thereof as they are advised is material
and necessary for them to answer, answering say
That they believe the facts stated in the complainants
bill are true and they are willing to submit to
such decree in the premises as this Court may think
it meet expedient and proper to pronounce, and
having answered them defendants pray to be hence
dismissed &c —

Jas C. H. Foster

Thorp & wife — Pltffs
3
Howels ——— Defts

This cause was this day docketed by consent of parties
and agent of the Court and was heard on the bill, answers,
exhibits filed and arguments of Counsel whereupon and
upon due consideration thereof the Court doth
adjudge order and decree that John T Blow, Henry
B Vaughan, Thomas Fitzhugh and Joseph Reese jr
or any three of them do with the assistance of the County
Surveyor if necessary lay off and set apart to the John
Thorp and Elizabeth his wife for the term of the natural
life of said Elizabeth one third in value of the Land
in this County which Alfred Howel died seized and
possessed and the remaining two thirds of the said infant
defendants and it is further ordered that any three
of the same persons do divide set apart in the same
manner as above is done of the land allotted in
value of the slaves of which the said Alfred Howel
died possessed to the said John Thorp and Elizabeth
his wife for her natural life, and the remaining
two thirds of the infant defendants and it is further
ordered that the before mentioned persons or any
of them as may act do make a report to this Court
of their proceedings herein in order to a final decree.

Thorpe & Wife
to
Howell

Int.
Decree

A Copy

Mar. 19th 1821 upon Petn. and final decree by Consent

Southampton County December Court 1820

John Thorpe and Elizabeth his wife late Elizabeth Howell, widow and relict of Alfred Howell dec'd ---------- Complainants

against

Nathaniel D Howell, Thomas D Howell, William R Howell and Elizabeth R Howell infant Children of Alfred Howell dec'd by James C. H Foster their next friend appointed to defend them in this behalf ---------- Defendants

In Chancery

This Cause was this day docketed by Consent of parties and upon of the Court, and was heard on the bill, answer, exhibits and arguments of Counsel, Whereupon and upon due Consideration thereof had the Court doth adjudge order and decree that John D. Blow, Henry B Vaughan, Thomas Pitchugh and Joseph Reese Jr. or any three of them, do with the assistance of the County Surveyor if necessary lay off and set apart to John Thorpe and Elizabeth his wife for the term of the natural life of the said Elizabeth, one third in value of the [illegible] County of which Alfred Howell died seized and possessed and the remaining two thirds to the infant defendants - And it is further decreed, that the same or any three of the same persons, do set apart in the same manner as above in case of the land, one third in value of the slaves of which the said Alfred Howell died seized and possessed, to the said John Thorpe and Elizabeth his wife for her natural life, and the remaining two thirds to the infant defendants, and it is further ordered that the before mentioned persons or such of them as may act do make a report to this Court of their proceedings herein in order to a final decree

Teste.

A. Middleton D.C.

Report of the
Division of the
lands and negroes
of Alfred Foucl
dcd

Jany 31st 1821

Agreeable to an Order of the County Court of Jessamine to us directed bearing date the December Court 1820 — We the Commissioners appointed to divide the Lands of ~~Hood~~ Alfred Howel decd; have gone on the Lands of the S.d decd. attended with the County Surveyor as by the Order we were required. and have run out the Same upon the out Boundary lines and upon a fair Survey we find them to be Three Hundred and Twelve ~~dollars~~ Acres in the Whole; Land: We the Commissioners then Proceed to lay off assign and allot to the Widow Elizabeth Thorp formerly Elizabeth Howel in right of her dower for life in the S.d Land — in manner and form following (to Wit) Beginning at a Small Apple Tree near the House a new C. made in the lower line Standing on the Side of the Lane. thence S. 70. E. 85 Pole to a Small black Gum a new C. made in a Small Branch in the lower line and in the line of Henry Vaughan — thence S. 42.° West 214 Pole to a Lapacas a C.r of Henry Vaughan — thence N. 59 West 30 pole Variation on the line. thence N. 47. West 60 Pole to a Lightwood Post a new C. made in the lower line & in Mrs Rebekah Vaughans Out boundary line, thence along a new dividing line between the Widow and the Legatees 2/3 of S.d Land N. 46. E. 186 Pole to the Beginning — being the Inclusive Bounds of the dower right of the Widow of Alfred Howel decd: and ~~the~~ We have left agreeable to the decree aforesaid the remaining 2/3 of the Land to the Legatees to be vested in Common as it appears from this decree that we are not authorized to divide the S.d 2/3 among the Legatees; — Which Bounds of the 2/3 of S.d Land will fully appear by having reference to the Plat annexed to this Report and also in further obedience to the S.d decree We have Proceeded to divide the Slaves belonging to the S.d Estate

in manner and form following (to wit) — first we
allotted and assigned to Elizabeth Flood formerly Elizabeth
Flood the following Slaves Mango Valued at 75 dollars
Will 500 dollars, Rhoda & child George 400 dollars
Harry 450 dollars; and Mason 350 dollars making in all
1775 dollars in Valuation of S.d negroes being her
Proportionable part as dower for life: after receiving
from the Children in money the Sum of 41.66 ₰ ₵
Which Sum added to 1775 dollars will make 1816.66 ₰ ₵
her full Proportionable part of S.d dower ——
rights in the negroes of the S.d dec.d ——
but that John Flood is to pay 1/3 of the Expence of the blind negro Patsey)
We then have left to the Children in common
the following Slaves and their Valuation —— Sary
Fanny Valued at 100 dollars Bob 75 — Jack 500
Penny & child John 400 — Jeff 450 Aggy 350 Hull
75 Godfrey 500 Nancy and child Minny 400 Britain
450 — Ginney 250 & Richard 125 dollars making in
all the Valuation to the Children of the S.d decease.d
3633 — 34 — Which is the remaining 2/3 of the Valuation
of all the Slaves of the S.d dec.d —— Given Under
Our hands this 15th day of February 1821 ——

Henry B. Vaughan
Thomas Fitzhugh
Jos Reese Lunt

Alpha Howell's

Wife

Copy

At a Court held for the County of Sampson the 16th
day of October 1815 This will was proved by the
oaths of Jno Crocker Joseph Mills Jamieth Grid
Richard B Day witnesses hereto and ordered to
be recorded Also on the motion of the
executrix who made oath according to law
Certificate is granted her for obtaining a
probate thereof in due form giving
Security whereupon &c

James Rochelle Cl

A Copy Teste James Rochelle C.

In the name of God Amen. I Alfred Howell of the County of Sampson being in a low state of health but of sound mind and memory doth make this writing as my last will and testament in manner and form as followeth to wit I lend unto my beloved wife Elizabeth Howell after paying my just debts all my estate until my Son Wm Howell arrives to the age of twenty one years in order to raise and School my children but should my wife Marry before my Son William arrives of age, then my will is that my estate shall be divided and my wife to take one third part during her life and the remainder two thirds to be equally divided between my children and at my wifes death my will is that my land and all that I have lent my wife shall be sold and be equally divided between all my children named Nathaniel Goodrich Howell, Thomas Day Howell William Kirby Howell, and Elizabeth Rebekah Howell, When negro man wager falls into my estate my wish is for him to be sold and the money arising from the Sale be equally divided between the whole of my Children above named I do appoint my loving wife Elizabeth Howell my whole and Sole executrix to this my last will and testament In witness whereof I have hereunto Set my hand and Seal this twenty Sixth day of July one thousand eight hundred & fifteen

Signed Sealed and delivered
in presence of

Alfred Howell [seal]

John Crocker
Joseph Mills Faircloth
Richard B. Day