

1824-043

Chancery Papers : Lewis & al vs Rochelle, admrs of Lewis & al

6/1824

Southampton County

Lewis & al vs Rochelle, gdn of Lewis

other SURNAMES: Myrick

Lewis & 933

¹¹
Lewis & adw

Bill & answer

May 17th 1824 adw

June 1824 answer

Repant.

In the worshipful Court of Southampton in Chancery
sitting. Humbly complaining shew unto your wisdoms
your complainants Mary Lewis, William Abryish
and his wife Ann late Ann Lewis, Benjamin Lewis
and Rebecca Lewis and Nicholas Lewis infants by their
next friend the said Benjamin Lewis. That Zebulon
Lewis their father died sometime in the year
having first made and published his last will
and testament which has been duly proved and
admitted to Record an office copy of which
is hereto annexed as a part of this bill. That Benja
Lewis Lewis the father to the said Zebulon qualified
executor to the said will and in a short time
thereafter died. That after his death a certain
Robert Rockwell administered & took in with
the will annexed upon the estate of the said
Zebulon Lewis and also became admn of
and was also guardian to the complainants
the said Benja Lewis died & your complainants
over that their father left a considerable
estate which has been in the hands of the
said Robert Rockwell for many years and
under his exclusive control & management
and that he has not as yet come to any final
settlement of the same. That all of your compl
aintants except your two infant complainants
have at this time a right to the proportion
of whatever they are entitled to from their
father's estate, but have not been able to
ascertain the amount nor can they do so
without the aid of a Court of Equity. In tender
consideration whereof and as they are without

remedy elsewhere they pray that the said
Rebub Rochelle admr de bonis non with
the will annexed of said Zebulon Lewis
and as guardian to the ^{complaint} ~~complaint~~
and as admr of Benjamin Lewis and they
be made a defendant hitherto and be compelled
to answer the foregoing allegations. They further
pray that he be compelled to render to the Court
a full true and perfect account of his trans-
actions upon the estate of the said Zebulon
Lewis and also an account of the
transactions of the said Marya Lewis upon
the said estate whilst the same was in
his hands. That he show what debts he
has paid, what money he has received, what
were the profits and expenditures upon the
plantation and slaves whilst have been
kept up by him since the death of the
said Zebulon Lewis, and all other things
necessary to a complete and final settlement
of the said estate, and they finally pray
that any balance which may be in the
favor of said Rebub Rochelle may be
decided to be paid over to your complain-
ants according to their respective rights
and they pray for general relief &c.

Mary Lewis
William Myrick
Ben Lewis for
Self Rebecca & Nicholas
Lewis

In the honorable Court of Southampton in
Chancery sitting. The answer of Rebub Rochelle
admr de bonis non with the will annexed of
Zebulon Lewis and as admr of Benjamin Lewis
and who was executor of said Zebulon Lewis
and as guardian to the ^{complaint} ~~complaint~~
and to the bill of complaint exhibited against
him by Mary Lewis, William Myrick and
Ann his wife late Ann Lewis, Benjamin
Lewis, and Rebecca Lewis and Nicholas Lewis
infant children of Zebulon Lewis and by their
next friend Benjamin Lewis -

This respondent saving and reserving &c
for answer to the foregoing bill as to so much
thereof as ~~he~~ ^{he} ~~is~~ ^{is} ~~advised~~ ^{advised} ~~to~~ ^{to} ~~answer~~ ^{answer}
him to answer, doth. That he, the admr
de bonis non with the will annexed of
Zebulon Lewis and as admr of Benjamin Lewis
that he is prepared to submit his accounts
to this Court and to abide by such decree
as this Court may think it right to pronounce
in the premises and having answered
he prays to be hence dismissed &c.

R. Rochelle

Lewis dr.

to $\frac{1}{2}$ Bile am'd
Rockell late G'dn dr

Macons

To the worshipful the County Court of Southampton sitting
in Chancery.

Humbly complaining shew unto your worship
your Compts Benjamin Lewis, Mary Lewis, Wm Myrick
and Nancy his wife, late Nancy Lewis, and Rebecca
Lewis, who is an infant, by the said Benjamin Lewis
as her next friend, that their brother Nicholas Lewis de-
- parted this life recently of very tender years, enti-
- tled to a considerable sum of money, and some negro
slaves, which are in the hands of Robert Rochelle his
late Guardian - That the father and mother being
dead, and your Compts the only brother & sister left
by the dec^d they are entitled to the same - and are
anxious that the said estate should be distributed
amongst them - but from the number and description
of negro slaves, it is impossible, that they should
be distributed ^{in kind} since there are more distributees
than negro slaves. They are therefore anxious that
a sale of them should be effected - But so it
may it please the court, no such ^{sale &} distribution
can be had without the intervention of this worship-
ful court. In tender consideration whereof and
inasmuch as your Compts are remediless at law
to the end that the said Robert Rochelle may
be made Deft hents, and compelled to answer
the allegations of this Bill, they pray the Comts

mit of Sp. d. that your worship will decree a distribution of the estate of the decedent amongst your Compts, and grant them such other genl. relief as may be consistent with Equity & the nature of this case, and as widely as may be.

The answer of Robert Rochelle late Guardian & Nicholas Lewis, orphan of Tebulon Lewis to the foregoing Bill of complaint. This Respondent saying L. for answer to the said Bill says, that it is true he acted as Guardian to the s^d. Nicholas and by his acct. heretofore returned to this Court by M. C. Cobb. there was due the said Nicholas the sum of \$ on the day of and since that time the lines of his negroes are to be credited while his board & expenses are to be charged against him. This Respondent believes that it will promote the interests of those concerned to have a sale of the negro slaves. and that he has no objection to any decree, which the Court may think proper to pronounce in the premises - and having answered, he prays to be hence dismissed &c.

Lewis et al.

Rochelle.

Defat.

In Chy.

This cause was this day docketed by consent of parties and the assent of the court. Upon consideration of the Bill, answer & argument of counsel the Court doth adjudge, order, and decree. That the Defat Rochelle do settle his unsettled acct. as Guardian ^{before a Comr. of this Court, who really report the same,} to Nicholas Lewis dec^d, and pay all sums of money in his hands of the estate of the said Decedent, he pay one fourth to the Compt. Benjamin Lewis, one fourth to Mary Lewis, one fourth to Mrs Myrick and wife, and one fourth to Rebecca Lewis - and it is further decreed that Messrs B. Goodwynne, Spratley Williams, and Hardy Harsell, or any two of them do divide the negro slaves left by the s^d. decedent amongst the said Benjamin, Mary, Myrick & wife, and Rebecca equally, if practicable - if not practicable, that they sell the same at public auction, on a credit of twelve months, taking bonds with security of the purchasers, and assign to each of the four distributers a fourth or equal fourth part of the proceeds of such sale - and how they shall have acted in the premises, make report to this court in order to a final decree.

Copy of Zebulon
Luns Will—

I Zebulon Lewis of the county of Southampton and parish
of St Lukes being in my perfect Senses do make this
my last will and testament- Vizt

Item I give and bequeath to my son Benjamin Lewis
all my lands vizt the plantation whereon I now live, the
plantation I purchased of Adam Tray, the plantation
I purchased of Claiborne Adams provided after he
gets possession of his estate, that he maintains my
daughters with herd, board & cloathing untill they marry
If he complies with the above clause I then give the
said lands to him and his heirs forever

I also give to my son Benjamin Lewis my gun
and my Silver table & pew spoons to him & his
heirs —

Item I give and bequeath to my son Benjamin Lewis my negroe
man Isaham to him and his heirs forever —

Item I give and bequeath to my four children Benj
Lewis, Mary Lewis, Nancy Lewis and Rebecca Lewis all
my negroes also all the property I own at my death
or all my estate of every kind and whatsoever found to be
equally divided amongst all my four children to them
and their heirs forever —

provided my wife does not marry or in any ^{manner} ~~manner~~
conduct herself so as to keep the estate to the injury of
of my children I desire, (Vizt) that my land & plantation
be worked and kept up with all my negroes for
the support and benefit of my wife and children
and after after maintaining ~~the~~ paying the
incapary

necessary charges then for my wife to have one third
of the ~~next~~ profits and my four children the other
two thirds this is my desire to prevent my children
from paying board —

If my wife Rebecca Lewis does not stand to or
comply with my will, and claims her thirds my desire
is for the land to be laid off in such a manner as for
her to have equal of good and equal of indifferent land according to
valuation also for her to have one third part of the orchards the
balance of my land to be worked for the benefit of my
children by their negroes for their support —

My desire is that my children have part of the Orchard
and part of the houses to save their crops in —

If my children can be supported without the land being
worked my desire is for it not to be done nor rented out
thus negroes may be hired out —

Item I give my two distills to my son Benjamin Lewis
to him and his heirs —

If any of my children die without lawful issue my
surviving children I desire to have the deceased property
equally divided among them

Lastly I appoint Ben^y Lewis Levi Rochelle & James Harris
my Executors to this my last will & testament making null
and void all other wills heretofore made by me

July 6. 1809

Signed Sealed & acknowledged
in presence of {

Benj Lewis

Edwin Ferris

Dinah Lewis

Zebulon Lewis Seal

19 December 1811

My desire is that my son Nicholas Lewis born
after the date of my Will should have an equal part
with my other children in my estate save that of the
land which I have devised to my son Benjamin

Teste

Zebulon Lewis —

John Barham

I hereby certify that the foregoing is —
— a true copy of the testament and last will
of Zebulon Lewis dec^d as also of a Codicil thereto
annexed given under my hand this 13th Dec^r
1812

Sam^l Kello

Chancery Causes
Decided

1824.