1825-005 SOUTHAMPTON COUNTY CHANCERY PAPERS

JAMES etal VS. JAMES, WIDOW, AL

11/1825

other SURNAMES: Davis, Drake, Barrett, Coker, Vasser, Gurley, Briggs

Samuel S
vs
James Ex ors

Bill

Dec. 21st 1819 Suit Accd
Granted

To the worshipful Court of Southampton County in Chancery sitting — Humbly complaining shew unto your worships your worships your complainants Charlotte Eliza James, Lucy Gurley James and Susan Robert James infant children of Robert James dec'd by their guardian and next friend Henry Gurley. That John James your complainants paternal Grandfather died sometime in the year intestate possessed of a valuable personal estate consisting of slaves &c. That their said Grandfather left a widow Nancy James, and several children to wit. Martha Davis, Elizabeth Drake wife of James Drake, Phoebe S James, John James, and Elijah James. the last three of whom are at this time under the age of twenty one years. That the father of your complainants died several years before the said John James leaving your complainants and another Polly Amey James his only children. That the said Polly Amey James since the death of the her father and grandfather the said Robert James and John James hath also departed this life intestate, under the age of twenty one years and without issue, leaving your three complainants her only sisters and another who since the death of the said Robert James hath intermarried with a certain Bolling B. Barnett Your complainants further represent that they have been informed about twenty of the slaves of which the said John James died possessed are claimed by persons living further than in this Court, and

that the adm'r de bonis non will not commence
the partition of distribution until said suit is
determined. your complainants state that a
certain Edmund Dennis qualified as adm'r of the said
John James dec'd and shortly after died, whereupon
letters of administration de bonis non were granted to
a certain Henry Briggs who hath the personal
estate including the slaves in his possession
Your complainants further state that they
have been credibly informed that the said
John James in his lifetime made advancements
to the said Martha Dennis, and Amos
Drake and his wife, and probably to other
of your complainants, which ought to
be ascertained at this time if practicable the ascertained
They further state that the said Nancy
James the widow of the said John James
is entitled to one third of the slaves which the
said John James died possessed and was entitled
to. Upon these circumstances your complainants
have been advised that partition among the
several distributees of the said John James
and allottment of one third of the slaves to the
widow cannot be effected without the aid
of a Court of Equity which matters of this kind
are peculiarly cognizable. Intended consolation
whereof and in as much as your complainants are
without remedy in the premises save in a Court of
Equity. They pray that the said Nancy James widow
of said John James dec'd. the said Henry Briggs adm'r
bonis non of the said John James dec'd. Martha Dennis,
Amos Drake and Elizabeth his wife, and Phebe J
James, John James and Elijah James infants under the
age of 21 years, and the said Bolling B Barnett
and his wife late the widow of Robt James
dec'd and the mother of Polly Nancy James who is dead
to the end, may be made defendants hereto and be
compelled to answer to all and singular the allegations
herein contained fully and unreservedly. Your
complainants further pray, that Power may be allowed to
Nancy James. in lieu of the slaves as the adm'r may
deem it proper to surrender for distribution. That an
account be taken of the advancements made by the
said John James in his lifetime to each of his children
That the slaves which may remain after the allottment
of power to the said Nancy be divided into six
parts and be made equal by taking into
account any advancement which may have
been made by the said John James to any of his
children, and that one sixth part be allotted to
each of the present children of the said John
James, and the remaining sixth part be

subdivided into four equal parts, one fourth part to each
of the complainants, and the remaining fourth part
equally between your complainants and the said
Bolling B Barrett and his wife. and finally
your complainants pray that your worships would
make any other further order or decree in the premises
which may be calculated to extend relief to your
complainants. and as in duty bound they will ever
pray &c.

Henry Gourley Guardian to the Heirs
of Robt. Jamerson dec.

James's Ex Do

ads

Jameses.

Answers

To the worshipful Court of Southampton County in Chancery sitting. The bill of complaint of Henry Briggs adm'r de bonis non of John James and to the bill of complaint exhibited against Nancy James widow and John James, and heirs of and others by Charlotte Elzia James, Lucy Gurley James, and Susan Robert James by their guardian and next friend Henry Gurley.

This respondent saving and reserving to himself the benefit of exception to any errors or imperfections in said bill contained, for answer thereto or to so much thereof as he is advised is necessary for him to answer saith. That he believes the facts stated by the complainants are true. He is the adm'r de bonis non of said John James, dec'd. A suit is depending in this Court against this respondent brought by John Vaper and wife and Eliza Cowan and wife to recover a great number of slaves of them, and that he cannot safely surrender the slaves before the determination of that suit. That he is heartily willing to surrender all the other slaves when the parties executing depending bonds agreeably to Court and having answered he prays the benefit of this suit &c.

Henry Briggs adm'r de bonis non of John James dec'd

To the worshipful Court of Southampton in Chancery sitting. The joint and seperate answers of Nancy James widow of John James dcd and of Rhoda James, John James and Eliza James infant children of John James dcd by their next friend the said Nancy James to the bill of complaint exhibited against themselves and others by Charlotte Eliza James, Lucy Gurley James, and Susan Rebut James infant children of Rebut James dcd by their guardian and next friend Henry Gurley.

These respondents now and at all times hereafter saving and reserving to themselves every benefit of exception to any errors or imperfections in said bill contained for answer to so much thereof as they are advised is necessary for them to answer answering say. That they cannot deny the complainants allegations in any other upon them as they relate to advancements your respondents believe advancements were made to the father of the complainants and to Martha Davis and Amos Drake and Elizabeth but your infant respondents are still minors and never were advanced by their father in his lifetime. your respondents are willing that this Court should make such a decree as is meet for or any other about as may

compact with principles of Justice and Equity. and having answered they pray to be hence dismissed &c.

Nancy James

To the worshipful Court of Southampton in Chancery sitting - The answer of Bolling B Barrett and Lucy his wife late widow and relict of Rebut James dcd to the bill of complaint exhibited in this Court against themselves and others by Charlotte Eliza James, Lucy Gurley James, and Susan Rebut James infant children of Rebut James dcd by their guardian and next friend Henry Gurley.

These respondents saving and reserving to themselves any benefit of exception to any errors or imperfections about may be in the complainants bill. for answer thereto say. that they believe that they have truly set forth the title of these respondents in the bill. and they are willing to abide by such decree in the premises about this Court may think it but to pronounce and having answered

they pay to the Lessee dismissed &c.

Bolling B. Barnett [illegible]

Drake Rifle Co

adv

Jamesa

Ausaer-

To the worshipful Court of Southampton in Chancery
sitting. The joint and Seperate answers of
Martha Davis and Amos Drake and Elizabeth
his wife to the bill of Complaint exhibited against
themselves and others by Charlotte Eliza James, Lucy
Genly James, and Susan Robert James infant children
of Robert James dec'd by their guardian and next
friend Henry Cooley. These respondents now
and at all times saving and reserving to themselves
all benefit of exception to any errors or imperfections
in said bill contained for answer to so much
thereof as they are advised is necessary and material
for them to answer, say: That in relation to advance-
ments may have been made to them they are
willing to account for. That they believe all
the material facts stated in the bill are true
and they are willing to abide by such decree
as this Court may pronounce in the premises, and
having answered they pray to be hence dismissed &c.

Martha Davis
Amos Drake
Eliz.a Drake

James
b 3
James is K
Pour Louis.

a visit of 12 months taking bonds with
approved security for purchase money and
divide the same among the children of the
said Robert James and their mother the
wife of Bolling B Barrett according
to the foregoing principles and finally it is
ordered that they attend & them as may act
do make report to this court of their proceedings
herein in order to a final account.

James's Ex. — Pltffs

3 In chancery -

by

James's widow. Ex. &c. Defts

This cause was this day docketed by consent of parties and
upon the bill answers and
arguments of Counsel, whereupon and after due consider-
ation thereof the Court doth adjudge order and decree
that Nicholas L. Williams John Williams Daniel Pratt &. Robt Nicholson
or any two of them do set apart one third of the slaves in
value (exclusive of dwellings as are now in dispute between
Eli Cohen surviving & John Vose surviving and Henry Briggs
adm de bonis non of John James) which John James
died possessed to the defendant Nancy James for
and during the term of her natural life. provided
he first execute to the said Henry Briggs adm as
aforesaid a refunding bond with security in case
he should require the same. It is further ordered
that the before named persons or any two of them
do ascertain if the said John James in his
lifetime made any advancements of personal
chattels to any of his children and to what of them.
In case any advancements should have been
so made, the value thereof is to be ascertained
at the time they were made by estimating the
property as it then was by the agreement between the
parties. It is further decreed and ordered
that the aforesaid persons or any two of them

do divide the balance of the slaves which may remain after the allotment made to the widow, into six equal parts and allot to each of the children of said John James one sixth part reducing the parts, to be allotted to each of the said children who have been advanced, the amount of their respective advancements, and adding the same to the other portions- It is further decreed and ordered that the remaining sixth part be subdivided in kind provided it be practicable into four equal parts and that one equal fourth part be allotted to each of the infant complainants and the remaining fourth part be divided again into four equal parts one of which to be allotted to each of the complainants and the remainder to the defts Bolling B. Barrett and his wife: And in case it should not be practicable to put a division in kind of the sixth part aforesaid among the children of the said Robert James or of the one fourth of the said sixth part among them and their mother, then the said persons or any two of them after giving reasonable public notice of the time and place of sale shall expose the same to public sale on

James Dl
Pet.r
James Dl
Decree

and Com.rs report

Nov.r 21st 1825 Def.t Pet.n and final decree by consent

Southampton County Decr. 1879

Charlotte Eliza James, Lucy Ruley James
and Susan Robert James, infant Children
of Robert James dec'd by their guardian and
next friend Henry Burley — Complainants

against —

Henry Briggs admr. Debonis now of John
James dec'd, Martha Davis and Amos
Drake and Elizabeth his wife — Defendants

In Chancery

This Cause was this day docketed by Consent of parties
and upon the Court, and was heard on the Bill answer
and exhibits of Complts. Whereupon and after due Consider-
ation thereof had, the Court doth adjudge order and decree
that Nicholas L Williams, John Williams, Daniels Butts
and Robert Nicholson or any two of them, do set apart
one third of the Slaves in value (exclusive of such as are
now in dispute) between Elic Cohen & wife & John Vaper
and wife and Henry Briggs admr. Debonis now of John
James) which John James died possessed of to the defendant
Nancy James for and during the term of her natural life
provided he first executes to the said Henry Briggs admr as
aforesaid a refunding bond with Security in Case he
should refuse the same. It is further ordered that the
before named persons or any two of them do ascertain of
the said Jno James in his life time made any advancements
of personal Chattels to any of his Children and to which
of them. In Case any advancements should have been
so made, the value thereof is to be ascertained by estima-
ting the property as it then was by the present price of
such articles. It is further decreed and ordered that
the aforesaid persons or any two of them do divide the
ballance of the Slaves which may remain after the allotment
made to the widow, into five equal parts and allot to
each of the Children of said John James, one fifth
part reducing the part to be allotted to each of the said
Children who have been advanced, the amount of their
respective advancements, and adding the same to the
others parts. It is further decreed that the remaining

Sixth part be subdivided in kind, provided it be practicable into four equal parts, and that one equal fourth part be allotted to each of the infant Complainants and the remaining fourth part be divided again into four equal parts, one of which to be allotted to each of the Complainants and the remainder to the defendants Bolling B Barnett and his wife, and in case it should not be practicable to effect a division in kind of the Sixth part aforesaid among the Children of the said Robert James, one of the two fourths of the said Sixth part among them and their mother, then the said Commissioner or any three of them after giving reasonable public notice of the time and place of Sale, shall expose the Same to public sale on a Credit of twelve months, taking bonds with approved Security for the purchase money, and divide the Same among the Children of the said Robert James and their mother the wife of Bolling B Barnett according to the foregoing principles, and finally it is ordered that the said Commissioners or Such of them as may act, do make a report to this Court of their proceedings herein, in order to a final decree

A Copy test A. McCollum DC

Agreeably to a Decree of the worshipfull court of Southampton heretofore annexed we the undersigned Commissioners have proceeded to divide the Slaves belonging to the estate of Jn.o James dec.d in the following manner. Viz.t

Total value of the Slaves whereof John James dec.d was possessed exclusive of such as are in dispute between Eli Coker & Wife and John Vaser and Wife and Jn.o Briggs admr. &c. = $6787.50

advancement made to Robt. James dec.d

Negro - Bein valued at	$350.00	
ditto Harry valued at	350.00	
ditto Nanny valued at	300.00	
ditto — Jenny valued at	150.00	= 1150.00

advancement made to Amos Drake & Wife

Negro Denny valued at	$175.00	
ditto - Rhoda - valued at	200.00	= 375.00

advancement made to Patsey Davis -

Negro Phila valued at	$300.00	
ditto — Rainey valued at	75.00	= 375.00

total valuation including advancements — $8687.50

allotted to Nancy James as dower right in the said Slaves. the following Slaves

Peter valued at	$700.00
Jacob valued at	325.00
Ferby valued at	45.00
Amy valued at	250.00
Solomon valued at	75.00
Lewis valued at	55.00
Ephraim valued at	400.00
Jym valued at	400.00
Joshua valued at	250.00
Arrah valued at	250.00
Martha valued at	125.00

To be paid by the estate of Robt. James dec.d to make up her proportion of said Slaves — 3 20.83 = $2895.83

allotted to Sam.l James, John James, & Eliz.a James

Moses valued at	$400.00
Jere valued at	350.00
Hartwell valued at	300.00
Burk & Child valued at	350.00
Lucy valued at	300.00
Mary valued at	150.00
Isaac valued at	637.50
Hall valued at	150.00
Frank valued at	75.00
Tom valued at	100.00

To be paid by the est. of Robt. James dec.d to make up their proportion of said slaves — 3 83.33 = $2895.83

Allotted to Amos Drake and Wife Eliz.a

Davy valued at	$ 550.00	
advancement made to them	375.00	
to be paid by the estate of Robt. James dec.d to make up their proportion of said slaves	40.28	= $965.28

allotted to Martha Davis

Isaac valued at	$ 325.00	
Sam valued at	50.00	
Nelly & Child valued at	175.00	
advancement made to her	375.00	
to be paid by the estate of Robt. James dec.d to make up her proportion	40.28	= $965.28

Advancement made in slaves to Robt. James dec.d		$1150.00
to be paid by his est. to Nancy James	$ 20.83	
do do by do to Sam.l, Jno. & Eliz.a	83.33	
do do to Amos Drake & wife	40.28	
do do to Martha Davis	40.28	= 184.72
leaves his proportion amo.t to		$2965.28

At the request of Nancy James Guardian to Sam.l James John James, & Eliz.a James we have allotted to Sam.l James John Janis & Eliz.a James their proportion all in one lott and have not alloted to each his seperate proportion which is respectfully submitted to the Court

Given under our hands this 21.st day of November 1825

John Williams

I do hereby certify that Nicholas L. Williams did act with me in the above division

John Williams