

1828-027 SOUTHAMPTON COUNTY HARPER and Wife vs THOMAS' ADMINISTRATOR
CHANCERY PAPERS

12/1828

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Harper duize d.

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Mr. Thomas as:

1828 Dec. decur as filed

Mason

To the worshipful the County Court of Southampton
sitting in equity:

Humbly complaining, shew unto your
worships, your Compts Tho^s. J. Harper and Mary his
wife, late Mary Thomas, Pitt Thomas and Mariah
Thomas, who are infants of tender years, by the s^r.
Thomas J. Harper their next friend, that their late
father Henry Thomas departed this life some years
since, having first duly made and published
his last will and testament, a copy of which is herewith
exhibited as a part of this Bill. That by it provision
is made for his widow, and the mother to his three
children, Mary, Pitt, and Mariah. That adm^r.
with the will annexed of the decedent, was
granted to John Thomas, who has now in his possession
several slaves subject to division amongst y^r.
Compts. That they are anxious for division
sh^d. be had, but as it is, may it please the
Court, none such can be compelled without
the interposition of this Court. In tender consideration
whereof and forasmuch as y^r. Compts are remed-
ies at Law, and only releivable in this Court,
where such matters are peculiarly cognizable
to the end therefore, that the said John Thomas
may be made Ref^r.ents and compelled to answer
the allegations hereof, they pray the Common
-wealth writ of Sp^e. directed &c. That your worships
will grant them such other any gen^l. relief as
may be consistent with equity &c.

The answer of John Thomas, to the foregoing bill of complaint. This Respondent admits, for answer, that he undertook the administration of his dec^d brother's estate, that he has settled & returned, & that least, an acc^t of his transactions, by which as herewith exhibited, it will be seen, the estate is indebted to him, in the sum of \$218.02. with intⁿ thereon from 1 June '22, that he admits, that he has now in his possession sundry slaves subject to division amongst the p^{ty} and to such division he has no objection, provided he is permitted to retain what is due to him - as afores^d and having answered, he prays to be hence dismissed &c.

Harper & wife & others
against.

Plffs.

In Chy.

John Thomas adm^r of Henry Thomas dec^d. Defat.

This cause was this day docketed by consent of parties, with the assent of the Court, and came on to be heard on the Bill, answer, and argument of counsel, On consideration whereof, the Court doth adjudge, order, and decree that the Defat John Thomas do make sale of ~~some~~ of the negro slaves in his hands, belonging to the estate of Henry Thomas, as will be sufficient to refund to him the balance due upon the s^d acc^t current, and that he surrender the residue ~~to~~ the commissioners for division, to wit, to Thomas

Sturum, Jacob Barner, and Alon. Myrick, who or any two of them, will divide the same into three parcels of equal value, and allot one to the p^{ty} Harper & wife, one to Pitt Thomas, and the remaining share to Mariah Thomas - upon their executing to him refunding bonds, conditioned as the Law directs, and how they shall act in the premises, make report to this Court, in order to a final decree -