

1833-022 SOUTHAMPTON COUNTY HARRISON and Wife VS. BLUNT et al
CHANCERY PAPERS 1/1833

Harrison wife

~ { Bell. ans. 80

Blunt 80

1832 November. Dine as filed

80

1833. Jan. Dine amended

sept. ret 80.

To the worshipful of the county Court of Southamp-
ton in chancery sitting

Humbly complaining sheweth to your worships
your complainants Benjamin I Harrison and Caroline
H. his wife, formerly Blunt, in the county of Sussex, that
a certain Richard Blunt, Father of one your complain-
ants to wit: Caroline H. being seized of and in the
right and lawful possession of certain real and
personal estate in the Counties of Southampton and
Surrey, died sometime about the year 1824 having
first duly made and published his last will and
testament which was admitted to record in this court
which said will is prayed to be examined as a part
of this bill. that in the said last will and testament
it will appear that the said testator desired that the whole
of his Estate of every kind should after the payment of
all his just debts be kept together by his wife for the
maintenance of herself and the support and edu-
cation of his children. Having described in his will
the result in the event of the death or marriage
of his wife: the real Estate in the county of South-
ampton was given to his two ~~daughters~~ sons as may
be seen by reference to his will, one of whom dying
in the lifetime of the testator, by a Codicil thereto
attached the whole of said Lands were given
to his surviving son Richard I Blunt to him
and to his heirs for ever. Your Complainants further
state that in sixth clause of the will the testator
bequeathed the whole of ^{the} negroes with their increase which
he then had in possession at the time or times before
mentioned (which obviously relates to the death or
marriage of his wife) to be equally divided be-
tween the whole of his children. Caroline H. Ann
Richard I Blunt
J., Mary Eliza and Benjamin W Blunt to them and
their heirs forever. Benjamin W Blunt having died
in the lifetime of the testator and Jane S.M. being
born by a codicil thereto attached the testator - he
gives an equal portionth his property to the said
Jane S.M. with the rest of his daughters. that

Richard L Blunt being since dead your complainants Benjamin I Harrison and Caroline H his wife formerly Blunt and one of the heirs at Law to Richard L Blunt are according to Law and the provisions of the will entitled after the death of Jane Blunt to one equal dividend with Ann I. Mary Eliza. and Jane S. M. the other heirs at Law in the Law to which Richard L Blunt was entitled at the death ^{or marriage} of said widow, and together with the other heirs at Law are entitled at the death ^{or marriage} of said widow to an equal share of the slaves to which in said events the said Richard L Blunt was entitled - Your complainants state that the heirs at Law who are entitled to distribution in said slaves are, together with your complainants who are entitled to one fifth, Jane Blunt the mother Ann I. Mary Eliza. and Jane S. M. who are also entitled each to one fifth portion of said slaves - that in the seventh clause of said will the Testator made an immediate bequest of all the slaves to which he was entitled after the death of his mother - to Caroline I one of your complainants and Ann I. Mary Eliza and Jane S. M. The mother of the testator having died in the lifetime of the said testator upon his death they became immediately entitled to the possession of said slaves - Your complainants state further that in the fourth clause of said will the testator desired that in the event of the ~~marriage~~ ^{marriage} of either of his children or in case either of them attained the age of twenty one before the death or marriage of his wife, that she might at her discretion allot to each such portions or portion of his estate to which each was entitled ^{and} not to exceed their due proportion - That one of your complainants Caroline H. one of the said children having since married Benjamin I Harrison the other of your complainants - By the consent and approbation of the said widow apply to this honorable court to appoint commissioners

with full power to allot to your complainants the full proportion of both real and personal estate to which by said and the said will they may be entitled. in consideration whereof and for as much as your complainants are remedied at said. To the end therefore that Jane Blunt the widow and Ann J. Mary Eliza and Jane S (D). the remaining children of the said Richard Blunt by their guardian appointed for that purpose be made defendants hereto and be required to answer the allegations therein contained relating their objections if any they can to the prayer your complainants asking an allotment to them consistently with said and specifications of the will. And that as your complainants are remedied in the premises except in a court of equity, that your worships will extend to them such other and further relief in the premises as may be consistent with equity and the rules of this court and your complainants will 3

The joint answer of Jane Blunt widow of Richard Blunt deceased and of Ann J. Mary Eliza and Jane S. M. infant children of said Richard Blunt by the said Jane by the court here appointed guardian ad litem to the bill of complaint exhibited against her as aforesaid in this court by Benjamin J. Harrison and Caroline H. his wife formerly Blunt to so much thereof as she deems it necessary or proper to answer. says that she, ^{admits the allegations to be true &} has no objections to the court entering up a decree commanding and empowering the commissioners to allot the said complainants one sixth of the slaves to which the widow is entitled for life - and one fourth the slaves left to the daughters of Richard Blunt after the death of his mother

It being a discretionary power given her in the said will of her ^{husband} ~~deed~~ to allot to them any part of said property so as not to exceed one equal share in the execution of said power she freely consents that the plaintiffs may have now to them by partition allotted the aforesaid portion of decedents property to which they are entitled in right of the said Caroline H. Having answered & begs herewith to be dismissed &c

Jane Blunt

This cause this day came to be heard by Consent of parties, and upon the bill Answer exhibits &c. the case having been argued by Counsel on both sides; the Court upon due consideration thereon, doth order adjudge & decree that Jos. P. P. P., John M., Stephen M. and John C. Turner ^{three to act there} be appointed Commissioners to allot by partition to Benjamin J. Harrison & Caroline H. ^{having regard to the value thereof} one fourth of the slaves bequeathed to the daughters of Richard Blunt deceased in the seventh clause of his will; and that they allot one fifth of ~~one~~ fifth of the slaves devised in the sixth clause of said Richard Blunt to Benjamin J. Harrison, and Caroline H. his wife in right of the said Caroline H. and one fifth of one fifth of said slaves Mrs Jane Blunt and that also two thirds of one fifth of the remaining four fifths ^{be allotted to Ben J. Harrison & Caroline H. & his wife} and having complied with this order they are required to report to this court with a statement of said division, immediately, in order to a final decree from this court &c

upon motion of the defendants counsel this court doth order that the plaintiffs be held responsible for all costs in this division.

Benjamin Harrison.
and wife

vs

Jane Whit & others

Amended decree
by consent of court

January 1833

Southampton January court

Benjamin J Harrison and Caroline H his wife
formerly Blunt } Plaintiffs

vs

Jane Blunt widow of Richard
Blunt dec'd and Ann d, Mary E. and Jane S. M.
infant children of said Richard Blunt by the } Deft
do Jane their guardian and friend ad litem

This cause this day came on to be heard by consent of parties and upon the Bill Answer exhibits &c the cause having been argued by counsel on both sides, the court upon due consideration thereof, doth order adjudge and decree that Jacob Barnes, John C Barnes and John Barrot be appointed be appointed and they are hereby appointed commissioners to allot to Benjamin J Harrison and Caroline H his wife in right of said Caroline formerly Blunt by partition, Having regard to the value thereof, one fourth of the slaves bequeathed to the daughters of Richard Blunt dec'd in the seventh clause of said Richard Blunt's will and that they allot to Jane Blunt widow of said Richard one fifth of one fifth of ^{the} slaves divided in the sixth clause of said will and that they take off one third of the remaining part of said slaves and allot to doct Benjamin J Harrison and Caroline H his wife in right of said Caroline one fourth of the of the balance of those slaves, and that they report to this court the value of said slaves together with a statement of the allotments made in pursuance of this decree, and having in pursuance hereto acted, they are directed to make and immediate return in order to a final decree from this court &c

Commissioner's report
on R. B. Hunt's estate

1833 Jan'y.

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

We your commissioners appointed to divide the estate
of Richard Blunt dec'd. Humbly represent that ⁱⁿ pursuance
of a decretal order made by this Court sometime in Janu-
ary last, proceeded to and have allotted the several divisions
specified and directed to be made in manner and form
following that is to say. First

In pursuance of that
article which refers to the seventh clause of Richard
Blunt's will. Having first valued that estate ~~which~~
your commissioners found ^{to be} of the value of three
hundred and forty eight dollars they allotted to Ben-
jamin I Harrison and Caroline H. his wife in right of
said Caroline formerly Blunt two negroes of the value
of \$375 dollars being one fourth of said slaves in
value as near as your commissioners could conveniently divide the
Second ^{same} there being a difference of 63 in favour Harrison

In pursuance of that article which refers to the sixth
clause of said will your commissioners having first
valued the slaves allotted to Mrs Jane Blunt two
negroes of the value of four hundred and thirty five
dollars being one fifth of one fifth of said slaves
in value (wanting five dollars) the whole amount of the
negroes being eleven thousand and five dollars in value
and in the further pursuance of said article in
said decree referring to the said clause in the said
will. Having taken out one third of the remaining
slaves in value they allotted to Benjamin I Har-
rison and Caroline H. his wife formerly Blunt in
right of said Caroline, one fourth of the balance
of said slaves in value ~~and seven~~ seven negroes of the
value of seven hundred and ⁷⁵ seventy five dollars, making in
all nine negroes allotted to Harrison and wife in
right of said wife amounting to two thousand and
sixty dollars in value. Your Commissioners further
represent that feeling to be a part of their duty as
well for the convenience of this court as for the parties
interested. have hereto attached the names of the
negroes allotted the said Mrs Blunt and Benjamin
Harrison and wife in right of said wife with

the valuation of ^{said} slave distinctly. And Have accord-
ingly attached the following List and valuations

To Sctrs Ben Harrison and Caroline His wife
in right of said Caroline under that article refer-
ing to the seventh clause of Richard Blunt's will
one negro by name of Aggie of the value of
\$150 and one by the name of Tytus of the value of \$225-

To Mrs Blunt under that article referring to the sixth
clause in said will one negro by name Cloe of
the value of 300\$. and one by name Louisa of the
value of 135\$ making \$435. dollars, the proportion
before mentioned.

To Ben Harrison and wife as aforesaid the
the following slaves under the last mentioned article
viz Jane value 400\$ Middy \$30. Myra 30\$ Lelia 200\$
Kate 430\$ Nancy 275\$ Esther 40\$ making in all negroes
allotted Ben Harrison to the value of \$2050

Having thus acted agreeably to said and the said decree
and made due return ^{accordingly} to your Honourable Commissioners
by and through to be described by Henry submitting the
above report for the further consideration of this honourable
court

Geo L Turner Clerk
John Barrett