1838-015 SOUTHAMPTON COUNTY CHANCERY PAPERS

WESTBROOK et al VS. WESTBROOK'S ADMINISTRATOR et al

6/1838

Plat

other SURNAMES: DREW, HARRIS

To the worshipful the County Court of Southampton

sitting in Chancery:

Humbly complaining showeth to your worships, your Compltt. Turner Westbrook, Stewet Drew and Lucy his wife, and William, Caroline, and James D. Harris infant children of Mary Harris dec.d by Joel Harris their next friend - that David Westbrook the younger departed this life in the year 1836, unmarried intestate and without issue, seized and possessed of a tract of land situate in the County aforesaid, and several negroe slaves: that adm.r on his estate was granted by this Court to Person Westbrook who undertook the same, and your Compltt believe and charge has paid the debts of the estate with the perishable property so that there is no necessity of withholding or retaining the negro slaves.

That the said David Westbrook at the time of his death had no father or mother living, but his next of kin and heirs at law, were his two brothers Turner, and Person aforesaid his sister Lucy Drew, and your infant Compltt the only children of his dec.d sister Mary Harris - Your Compltt state that they wish a division ~~their respective shares~~ of his lands ~~are not worth three Hundred Dollars~~

each, and from the number and discriptions of the said negro slaves a division in Kind will not be practicable. In tender consideration whereof and forasmuch as your Complts are remediless at law and only relievable in Equity, To the end that the said Person Berthook in his own right and as adm. of David Berthook dec. may be made Defendant hereto. and compelled to answer the allegations hereof they pray the Compts writ of Spa. directed &c commanding &c. that your honrs will decree a sale of the land and slaves aforesaid, and a division of the proceeds of the lands agreably to the rights of the parties and they will pray &c grant them gen. and special relief &c &c.

Mason p. q.

The separate answer of Person Berthook in his own right and as adm. of David Berthook dec. to the foregoing Bill of complaint. This Respondent saving &c. for answer to the said Bill says that he admits its allegations and has no objection to the decree prayed for, and having answered he prays to be dismissed &c

Mason p. d.

1154

Westbrook &c

vs Bill &c.

Westbrook's adm'x

Mass

1835.

Nov. Decree as filed &c

1838 June. Rep't rec'd & Conf'd

Westbrook and others . Pltffs.

vs

Westbrook Admr. &c . Defdts. 333 In Chy.

This cause this day came 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 Joseph T. Claud, Wm. L. Jones and John Ivey do divide the land whereof David Westbrook, the younger, died possessed into four parcels of equal value, and allott one of them to Turner Westbrook, one to Person Westbrook, one to Newet Drew and wife in right of his wife, and one to the infant Compall Wm. Barden, and James D. Barnes to be held jointly by them — That the Defendant Person Westbrook, as a Comr. do after advertizing the time and place of sale for 10 days, sell the negro slaves belonging to the estate of the said David Westbrook dec.d on a credit of 12 months, taking bond with security of the purchasers and of the proceeds after deducting the expences of this decree, assign one fourth to Turner Westbrook, one fourth to Newet Drew and wife, one fourth to the infants aforesaid by their Guardian, and retain the remaining fourth part himself. and that the said Commissioner report their proceedings in the premises to Court in order to a final decree —

Westbrook &c

to 3 Copies Decree

Westbrook admr &c

For Commissioners

1838 June Repl

Southampton County November Court 1835.

Turner Westbrook, Newel Drew, and Lucy his wife & William, Caroline & James D Hamit. infant Children of Mary Hamit dec'd by Joel Hamit their next friend — Pltffs

against

Person Westbrook adm'r. of David Westbrook dec'd. Deft

In Chancery

This Cause was this day docketed by Consent of parties with the agent 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 Joseph T Eland. Wm A Jones & John Ivey, do devide the lands, whereof David Westbrook the younger died possessed, into four parcels of equal value, and allot one of them to Turner Westbrook, one to Person Westbrook, one to Newel Drew and wife, in right of his wife, and one to the infant Complainants, William, Caroline, and James D Hamit. to be held jointly by them — That the Defendant Person Westbrook as a Commissioner do after advertising the Time and place of Sale for Ten days, sell the Negro Slaves belonging to the Estate of the said David Westbrook dec'd on a credit of twelve months, taking bonds with security of the purchasers, and of the proceeds, after discharging the expences of this Decree, apply one fourth to Turner Westbrook, one fourth to Newel Drew and wife. One fourth to the infants aforesaid by their Guardian, and retain the remaining fourth part himself, and that the said Commissioner report their proceedings in the premises to Court, in Order to a final decree —

A Copy

Test L P Edwards Clk

In Pursuant to an Order of Southampton County Court
November 1835 for the undersigned Commissioners
divided the Lands belonging to the Estate of Davis
Westbrook Jun. Dec.d according to the within plat
of the Survey we have given under our hands this
14th day of Feby 1838—

Jos. Heard

Wm. A. Jones

John Ivy

Below is a Plat of the land of which David Westbrooke died possessed surveyed for a division by a decree of Southampton County court and our directions of commissioners. The boundaries running as follows commencing at a W.O. Gum in the Gum Swamp and running S47°E 14.12 poles to a W.O. Gum thence S45°E 5.08 a Spanish Oak, Thence N84°E 37.12 Red Oak. N83°E 9.16 N85°E 16.64 N79°E 8.28, N89°E 49.20 a corner of Newit Drew and Jno T. Clands thence N1°W 108.68 a corner of Newit Drew S79°W 59.08 a R. Oak, S75°W a pine stump corner of Joel Harris N15°W 18.80, N23°W 12.64, N28°W 7.20, N21°W 6.60, N2°W 29.64, N18°W 16p, & S5°W 9 S74°W 15.16, S77°W 16.76 S78°W 22.24, S74°W 5.12p, S76°W 15.64, S68°W 12, S59½°W 9.64, S58°W 10.12 S62.W 5.04, S70°W 11.92 S76°W 9.04 S76°W 4.40, S73½°W 7.24 S66°W 11.40, S61½°W 6.64, N15°W 13.80, N36°W 5.84 to Mercers branch Thence along said branch 32.96 poles to a bay a corner of Person Westbrooks thence along a new made line S8E 210 poles to the Gum Swamp thence along said Swamp 210 poles to the beginning ——— Dividing line running N45 running S1°W the line dividing 142 from 344 running S 79°W from a pine stump corner of Joel Harris's land The whole tract containing 314 Acres & Divided as follows No 1 Containing 75 Acres. No 2. 44 Acres; No 3. ——— & No. 4. 108 Acres. Surveyd Dec.r 7. 1835

Magnetic Variation N. 2½°E

Scale 40 poles to the Inch