

1838-019

SOUTHAMPTON COUNTY
CHANCERY PAPERS

HOLT & al vs. HOLT'S ADMR

2/1838

1187.
 Holl
 vs
 Holl } Bill
 Answer
 +
 Decree

1836 Nov. Decree as filed.

Decr. Annulment Bill ~~as is~~ decrees
 filed &

1838 Feb. Rept of & final Decree

This day this cause was docketed by leave of Court-
and consent of parties, and came on to be heard on
the bill & answer & was argued by Council, on
consideration whereby the Court doth order, adjudge
and decree that Jacob Barnes, Ellie Myrick &
John E. Turner be appointed commissioners, that they
sell to the highest bidder on a credit of twelve
months the remainder of the land whereof Jesse Holt
died seized in fee simple after allotting the widows
thirds which they are first to do. also sell the reversion-
ary interest in the widows dower, together with the
remainder, also sell the negroes of Jesse Holt - at
the same time & place. that out of the monies aris-
ing from the sale of the land, they allot ~~the~~ ^{Holt} ~~share~~ ^{one}
third, to Henry Holcomb & the other ^{half} ~~third~~ to James Holt.
unless the Children of Jesse Holt. or any one of them chose
to bring into the partition the advancements received
in their fathers life time, then in that event, they are
to come in for an equal share. that out of the
monies arising from the sale of the negroes that
pay to the widow Jane Holt. one ~~5th~~ ^{5th} part - in lieu
of her thirds, & divide the remainder in the
same way that the monies arising from the sale of
the lands are directed to be divided. and
report to this Court how they have executed this
in order to a final decree —

To the Worshipful County Court of Southampton
Sitting in Chancery - Humbly complaining, shew
unto your worships, your Orators & Oratrix. Henry
Holt & James Holt. & Jane Holt. That Lefee Holt
the father of your Orators & husband of your Oratrix
died early in the year 1836. intestate, leaving some
real & personal estate, which your Complainants
are advised, descends to them, subject to the widows
dower, in as much as the other children of Lefee Holt
received advancements in their fathers lifetime,
unless any one or more of them who received an advance-
ment shows to bring the advancement in hotch-
potch, in which case they will be entitled to enter
into the partition. Therefore for a division, they
pray the Court, as they are remedial at law and
only relievable in Equity when matters of this
kind are alone cognizable, to appoint Commission-
ers to ~~partition~~ to the widow her third in the land
and afterwards sell the whole landed estate
subject to the widows dower, and divide the
money as directed in the decree, also sell
the negroes and dispose of the money as directed
in the decree, & they further pray the Court, with
of Sp. directed to Commanding & &

The Answer of Augustus Pope Adm'r
of Lefee Holt died - This Respondent
saying all benefit of Sub-judice &
for answer. Says that he has no objection
to the decree prayed for, and having
answered prays to be hence dismissed.

Hall ^{up} amended
or { Bill
Pope { Law
 v
 Dere

Holt

vs

Pope & -

Decree

This day this cause came on again to be heard in its amended form & was argued by Council on consideration whereof the Court doth order adjudge and decree. That Jacob Barnes, Ellic Myrick & John B. Turner be appointed commissioners that they sell to the highest bidder on a credit of twelve months the lands whereof Leffe Holt died seized also the slaves whereof he died possessed that out of the monies arising from the sale of said land and negroes, they allow to the widow one sixth part in fee in lieu of dower. and divide the remainder equally between Henry Holt & James Holt ^{Henk Holt} unless the children of Leffe Holt or any one of them, chose to bring into the partition the advancements received in their fathers lifetime, then in that case they are to be entitled to an equal share That sd Commissioners make report to this Court in order to a final decree -

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For Communion

Southampton Decemr Court 1836 -

Henry Holt, James Holt and Jane Holt
against

Augustus Pope Adm^r of Jesse Holt.

Pleff
vs
Def^t In Chancery.

This day this cause came on again to be heard on its amended form and was argued by counsel. On consideration whereof the Court doth order & adjudge order and decree that Jacob Barnes, Alexander Myrick and John C Turner be appointed Commissioners, that they sell to the highest bidder on a credit of twelve months the lands whereof Jesse Holt died seized also the slaves whereof he died possessed that out of the monies arising from the sale of said land and negroes they allot to the widow one sixth part in fee in lieu of dower and divide the remainder equally between Henry Holt & James Holt and Stuart Holt unless the children of Jesse Holt or any one of them chose to bring into the partition the advancements received in their fathers lifetime, then in that event they are to be entitled to an equal share. That said Commissioners make report to the Court in order to a final decree.

Attest Teste L R Edwards Clk

The court now sitting after Examining the report of the commissioners
in the Sales of the Lands & Slaves of which Jeph HOLT died Seized and
propesed approve their proposed distribution ~~in~~ & therefore
order that ~~that~~ they Said commissioners distribute the same
agreeable to their propositions set forth in their Said report

Holt & Co

Report

Holt's acc

1838 Feby. Ret. & Co

[Faint handwritten notes and ledger entries, including numbers and names, are visible in the left margin and across the page.]

In pursuance of a decree of the Court for the County of Southampton Dec^r. Term 1836 We the undersigned commissioners named therein have on the 22ⁿ day of Dec^r. 1836 Sold at auction the lands and Slaves of which Jesse Holt died Seized and possessed having ten or more days previous thereto advertised the same whereupon we commissioners sold said lands and Slaves say about 184 acres of Land to William Holt

for which he gave — \$1600, 00
 one negro woman named Edith for — — — — — 576, 00
 one negro Boy Slave named Stephen for — — — — — 500, 00
 Total and Sales — \$2676, 00

out of which amt. of Sales we required thirty Six dollars to defray the necessary expences incurred hereby To Wit, refunded to Augustin Pope Ten dollars that sum having been previously paid by him to the attorney for obtaining this decree the ballance of said \$36, 00 John B. Tanner one of us holds subject to further Just and lawfull Claims incurred herein — 36, 00

leaves for distribution \$2640, 00

one Sixth part thereof To the dec^d Widow as directed by said decree \$440, 00
 Leaves this sum \$2200, 00

all the heirs of this decedent came into partition and undred an act of the Several advancements to them made by this decedent in his Lifetime which are as follows To Wit Samuel Holt in the sum of \$ 550, 00

Levi Fargason in consideration of his wife Peggy \$ 500, 50

Allison Boyal " " " " Martha \$ 87, 50

William Holt \$ 493, 00

Selah Ellsworth guardian for Harriot Holt the infant child of Richard Holt Dec^d.

Rec^d by said Richard as appeared \$ 190, 00

Newitt Holt — 312, 00

including advancements Total amt — \$4052, 00

and as it appears Samuel Holt Rec^d by way of advancement forty nine dollars and 75 cts over a proportional share of the above amt \$49. 75

also in like manner has Levi Fargason Rec^d about his proportional share 25 — 50, 00

and of which State of differences we have given Augustin Pope adm^t Notice \$4002, 00

\$4002 dollars divided into eight Equal parts is \$500, 25 cts to Each heir Except the Widow

amt. advanced to Allison Boyal as above stated — — — — — \$87, 50

To amt. we have \$^o to said David in right of his wife Martha of Sales — 412 75

David's Share \$500, 25

amt. advanced to William Holt as above stated — — — — — \$493, 00

amt. we hold ready to pay to said Wm Holt, out of our Sales — 7, 25

Wm. Holt's Share \$500, 25

amt. advanced to Richard Holt as above stated — — — — — 190 00

amt. we hold ready to pay to Selah Ellsworth guardian to Harriot Holt

the infant daughter of said Richard Holt Dec^d, out of our Sales 310 25

\$500, 25

continued over

amt. advanced to Newit Holt as before stated --- \$ 31.00
amt. we hold ready to pay to said Newit Holt out of our Sales 469.25
N. Holt share \$500.25

amt. we hold ready to pay to Wm Holt guardian of Henry Holt out of our Sales \$500.25

amt. we hold ready to pay to any person legally authorized to
receive the same as representative of James Holt the infant
son of his decedent out of our Sales \$500.25

Thus far we the undersigned Commissioners have proceeded and
hereby notice the Court of the present condition of this case and
ask the said Court to make further order in the premises
given under our hands January 15/1838 respectfully Submitted

Jacob Barnes Comr
John C Turner Comr.
A Myrick comr

For Example
amt. of Sales of Land & Slaves Sept 22/1836 \$2676.00
this amt retained for Comrs within \$ 36.00
" " we hold for widow 440.00
" " for to Allison Dawsell in right of his wife 412.75
" " we hold individually for Wm Holt 7.25
" " we hold for said Wm Holt guardian to Henry Holt 500.25
" " we hold for Selah Ellsworth's guardianship to Henry do 310.25
" " we hold for Newit Holt 469.25
" " " " for the legal representative of James Holt 500.25 \$2676.00
amt of Sales disposed of and ready
for disposal as above stated Ballanced