1858-130 SOUTHAMPTON COUNTY CHANCERY PAPERS

HENDERSON and Wife VS. PRINCE et al

4/1858

other SURNAMES, GRIZZARD, Clements

418.

Henderson's Exrs
vs
Bell's Exrs
Pleas &c

1857 Dec. Demurrer filed
1858 Mar. Rept.
" Apl " Confd

To the worshipful Court of Court of Southampton

In Chancery

Humbly complaining sheweth unto your worships your complainants Bolivar Henderson and Rosa his wife formerly Rosa Prince that some years since Wm Prince the father of your female complainant died possessed of considerable personal estate after having made and published his last will and testament which was duly admitted to probate in the County Court of Southampton. That by the provisions of said will he bequeathed to his wife a certain portion of his estate and directed as to the residue that the property should be equally divided between his children excepting his son John, that the said widow renounced the provisions of the said will and thereupon her portion was assigned her as if her husband had died intestate, and that she died in the year 1856 - That by the provisions of the said will the said testator bequeathed the remainder of his personal estate to be in like manner equally divided between all his children except his son John to wit, Wm, Martha who has intermarried with Bro H Spiggard, Mary who intermarried with Geo T Clements, your female complainant, James D and Andrew J the two last still infants - That the said testator left a number of slaves, to which his children were entitled some at the death of the said widow and some immediately - That the children Wm Martha and Mary have had their shares of both the slaves included in the widows dower and those not so included allotted to them under decrees of this Court, and that all the slaves remaining from the estate of Wm Prince now belong to your female complainant and her brothers James D and Andrew J That the slaves, not included in the widows dower as Nancy Burr, Patsy, Silas, & John valued at $3300, and those which were included in the dower were Peter, Henry, Nackell & Ford Jane valued at $2225, all of which said slaves belong now jointly to your female complainant & her brothers James D & Andrew J

Your Complainants are advised it would be unjust to their advantage to have their third of the said slaves allotted to them at this time—

In tender consideration of all which and in as much as your Complainants are without remedy in the premises except in a Court of Equity To the end therefore that justice may be done they pray that James & Andrew J Prince may be made Defts to this bill, and that some fit and proper person may be appointed Guardian ad litem for them to answer the same, and that one third in value of the said slaves may be allotted to your Complainants and that this Court will grant such other and general relief in the premises as Equity may entitle them to as in duty bound they will ever pray &c May it please the Court

Chambliss & Mayemberg for Compts

The Answer of James & Andrew J Prince infants by their guardian ad litem L N Edwards to the above bill of complaint

These Defendants saving and reserving &c for answer to the said bill, say that they believe the allegations thereof are true, but being infants they submit their rights to the protection of this Court and pray leave to be dismissed with their costs

Chambliss & Mayemberg for Defts

Bolivar Henderson & Rosa J his wife
against
James & Andrew J Prince infants } Decree

This day came the Plffs and filed their bill and on their motion L N Edwards is appointed guardian ad litem for the infant Defts James & Andrew J Prince and thereupon the said guardian ad litem filed the answer of the said infants to the bill of the Plffs to which answer the Plffs replied generally, and this cause came on to be heard on the bill answer and general replication thereto and was argued by counsel on consideration whereof the Court doth order and decree that Saml Henry James E Peters and Robt Rowland who are hereby appointed Commissioners for that purpose do allot to Bolivar Henderson and Rosa J his wife one third in value of the remaining slaves whereof complainant died seized to wit; Rufus, Burr, Patsey, Silas Sethon, Peter Henry Rachell and old Tom, and make report to Court how they shall have acted in the premises in order to a final decree

Henderson Price

vs Casey Dunn

Trover

1858 Mar. Repl.

Southampton County Court, December 21st 1837

Robinson Henderson & Rosa L. his wife. Plffs
against
James D. & Theresa L. Prince Defts } In Chancery

This came the plaintiffs and files their bill and on their motion L. H. Edwards is appointed guardian ad litem for the infant Defts James D. & Theresa L. Prince and thereupon the said guardian ad litem files the answer of the said infants to the bill of the plaintiffs, to which answer the plaintiffs replies generally and the cause came on to be heard on the bill answer and general replication thereto and was argued by Counsel. On consideration whereof the Court doth adjudge and decree that Saml. Drewry, James E. Peter and Robt. Goodwin do be and they are hereby appointed Commissioners for that purpose do allot to Robinson Henderson and Rosa L. his wife one third in value of the remaining slaves whereof the said Prince died seized viz; Charles, Sam, Patsey, Silas, John, Peter, Henry, Rachel and old Jane and make report to Court how they shall have acted in the premises in order to a final decree.

A Copy

Henry D. Howard, D.C.

In obediance to the within decree we the Commissioners therein named proceed to value and divide the Slaves named in the decree as directed

Valuation as follows. Bun $525. Rufus $600. Silas 900 Sunny 900, John 700, Peter 625 Patsey 150. Rachel 425 to Rufs old Tom 50 to be deducted, whole amount $4775 1/3. or each share $1591.66 2/3

Allotted to Baliver Henderson and Rosa his wife

Bun at $525
Silas " 900
Patsey " 150

making 1575 which is $16.67 less than his portion of said Slaves, which amount ($16.67) is to be paid to him by the Guardian of James D and Andrew J Prince. Respectfully Submitted.

Dec 26th 1857

Jas. E. Peters
Robt. Rowland
Sam'l Terry

Recorded