1864-003 SOUTHAMPTON COUNTY CHANCERY PAPERS

THOMAS et al vs. THOMAS + al

2/1864

other surnames; Briggs

Thomas to ab
as 3
Thomas case

bill amount to
date
1863 Dec. Decree as filed &
1864 Jany. Report.
" Feby. Confm?

To the worshipful County Court of
Southampton County in chancery sitting

Humbly complaining your orators Riley
F. Thomas ~~David H. Thomas~~, Dolly A.
Briggs and Elizabeth F. Thomas ~~an~~
infant who sues by ~~D. H. Thomas~~ Riley F. Thomas her
next friend children of N. N. Thomas
and Bettie, Nottie A. and Nevit Evans
three infant children of Mary J. Evans
and grand children of the said Thomas
who sue by ~~D. H.~~ Riley F. Thomas
their next friend and Elizabeth Thomas
his widow shew unto your worships
that Nathan N. Thomas departed this
life having first duly made his last
will and testament a copy of which
is herewith filed marked A and that
David H. Thomas one of the executors
therein named qualified as his executor
The said N. N. Thomas left considerable
estate both real and personal
Your orators state that the said
executor David H. Thomas ever
has in his hands some 25 slaves
belonging to his testators estate ever
ready for distribution among your
orators as they are advised there are
no debts about what can be paid out
of the chattel estate Of Tender

consideration whereof and inasmuch as
as your orator can obtain relief sought
in a court of equity May Thompson prays
that David H Thomas both in his
own right and as executor of Nathan
H Thomas may be made a party
defendant to this bill and compelled him
as full and perfect answer make to
the allegations therein contained as if
he had been thereto severally
and specially interrogated and that the
court would direct a division of the
slaves according to the rights of the
parties and that as in duty bound &c
orator ever will pray &c

Thomas Jr q

The answer of David H. Thomas
executor of Nathan H Thomas Dec'd to
the above bill

This defendant for answer to the
said bill or so much thereof as he is
advised it is material for him to
answer answering says he is willing to
deliver up the slaves of Nathan H.
Thomas for division among the legatees
and having fully answered prays hence
to be dismissed with his costs &c

Thomas Judkins

Thomas vals
vs 3 Decm
Thomas' exrs

By consent of parties this
day this cause came on to be heard on the
bill answer and general replication
thereto and was argued by counsel on
the hearing whereupon the court doth adjudge
order and decree that Benja E Page
John Whitehead and Mark A Dames who
are hereby appointed special commissioners
for that purpose and any two of whom
May act shall after reasonable notice to
the parties proceed to allot one third in
value of the slaves in the bill mentioned
to the widow Elizabeth Thomas for life
and divide the other two thirds into
five equal shares in value and allot
one share to Wiley F. Thomas one share
to David H Thomas one share to
Dolly A Briggs one share to the lawful
guardian of Elizabeth F. Thomas and
one share to the lawful guardian of
the three infants Bettie, Woodie and
Newit Harris. and if the said commissioners
cannot divide the said slaves equally in
value they may direct one of the parties
to pay to the others such sums as may
equalize the shares in value and report to
court in order to a further decree

Thomas Wf

v Geo. Deed

Thomas Exx.

Southampton December Court 1863

Wiley F. Thomas Dolly A Briggs & Elizabeth F. Thomas an infant who sues by Wiley F. Thomas her next friend &c Pffs.

against

David H Thomas Exor of Nathan W Thomas dec'd Deft } In Chy

By consent of parties this day this cause came on to be heard on the bill answer and general replication and was argued by Counsel, On consideration whereof the Court doth adjudge order and decree that Wm. E Pope John Whitehead and Mark A James who are hereby appointed Special Commissioners for that purpose any two of whom may act shall after reasonable notice to the parties proceed to allot one third in value of the slaves in the bill mentioned to the widow Elizabeth Thomas for life and divide the other two thirds into five equal Shares or value and allot one Share to Wiley F. Thomas one Share to David H Thomas, one Share to Dolly A Briggs, one Share to the lawful guardian of Elizabeth F Thomas and one Share to the lawful guardian of the three infants Bettie, Mollie and Newel Harris. And if said Commissioners cannot divide the said Slaves equally in value they may direct one of the parties to pay to the others such sums as may equalize the Shares in value And report to Court in order to a further decree

A Copy

Teste

L R. Edwards clk

Thomas

v } Report

Thomas Exec

1864 January

We John Whitehead Mark A. James & B.B. Pope did on the 24th Dec 1863, proceed agreeable to the annexed order to divide the slaves belonging to the est of N.H. Thomas dec'd in the following manner.

	Valuation		Valuation	
Man Jacob	$1200.00	Sarah & child Ben	$3000.00	
Man Simon	3000.00	Boy Billy	1500.00	
Man Titus	3000.00	Girl Patty Jenny	1100.00	
Man Esau	4150.00	" Antoneke	1000.00	
Man Andrew	3350.00	Boy George	900.00	
Boy Alfred	3500.00	Girl Alice	3150.00	
Man George	1200.00	" Margaret	2000.00	
Woman Edith	1000.00	" Louisa	2750.00	
Mariah & child Lucy	3500.00	Drusilla & children Joe & Hanah	2000.00	
Charity & child William	3500.00	Old Woman Sylva	150.00	
	$27400.00		$17350.00	
	17350.00			
1/3	44950.00			
	$14983.33 to the Widow Elizabeth Thomas			

We assign the widow the following slaves Jacob $1200.00 Titus $3000.00, Alfred $3500.00, Edith $1000.00, Sarah & child Ben $3000.00, Girl Alice $3150.00. and old woman Sylva $150.00. Total Amount $15000.00 making $16.67 over her third, which amt she has paid over to D.H. Thomas, balance $29966.67 to be divided into five shares, Viz - one fifth to W.F. Thomas, one fifth to D.H. Thomas one fifth to D.A. Briggs, one fifth to Lawful Guardian of E.F. Thomas, and one fifth to the Lawful Guardian of the three infants E.J. and M.J. & Neal Harris in the following manner D.W.F. Thomas Girl Margaret $2000.00. Man Simon $3000.00, Girl Antoneke $1000.00 Total $6000.00 being over his share $6.66 2/3 which amt he has paid to D.H. Thomas. To D.A. Briggs. Louisa $2750.00, woman Mariah & child Lucy $3500.00 Total $6250.00 being $236.66 2/3 over her share, which amt she has paid to D.H. Thomas. To the three infants E.J., M.J. & Neal Harris woman Drusilla and children Joe & Hanah $2000.00, Man Esau $4150.00 total $6150.00 being over their

share $156.66⅔ for which amt their Lawful Guardian
was paid to E. J Thomas $43.33, the balance, say $113.33⅓
he was paid to D. H. Thomas. To D H Thomas man George
$1200.00, woman Charity & Child William $350.00 and
Boy George $900.00 with cash as above stated from
the other Legatees say $393.33. Total $3993.33. To
E J Thomas Girl Patty Jenny $1160.00, man Andrew $380.00,
boy Billy $1500.00 with cash from the Lawful Guardian
of the infants E. J. M. J. & Newt Harris as above stated
say $43.33. Total amt $3993.33.

Very Respectfully Submitted

John Whitehead

Mark A James

Ben. E. Pope