

1797-020

SOUTHAMPTON COUNTY
CHANCERY PAPERS

LOWE et al vs. LOWE et al

11/1797

Lowe Sal.

v. } Bill

Lowe Sal.

— I answer.

Sept. 1797

Indy. Decree

Govt report returned
and all are final

To the Justices of Southampton County,
In Chancery sitting,

Cajah Lowe, Willis Lowe,
and ^{Willis} ~~Sightbourn~~ Lowe, infants by Britain Boykin their next friend, com-
plaining, shew — That their father Sightbourn Lowe, being seized in
fee-simple a parcel of land, within this County, containing about
acres, died in the year 1790, leaving a
last will & Testament, which has been since duly proved in the
Court of this County, & of which an office is hereto annexed —
That by this will he devised this land for the term of ten years
to his sons Jeremiah & Samuel, & his daughter Milley, & after
in fee-simple to his five sons Cajah, Willis, Sightbourn, Samuel,
& Jeremiah to be equally divided between them — That the
Devises of this Term of ten years have since released & given
up the same so as to remove all obstacles to an immediate
partition ^{of} this land among the Devises thereof in fee-simple,
as by the deeds of Jeremiah, Samuel, & Milley Lowe hereto
annexed fully appears — And finally, that under these circum-
stances the Complainants have often called on their brothers Jer-
emiah & Samuel in order to bring about a partition of the land
agreeably to their father's will — But so it is, that they
intending to delay the Complainants in this relation, have hitherto
refused, & do still refuse, under pretext of the Complt's being in-
fants, to come to any terms whatsoever upon this subject —
Wherefore, & for as much as the Complainants are properly
relievable in a Court of Chancery, the Shares of these Devises
being of less value than 100 dollars each, — & in order
that Jeremiah, Samuel, & Milley Lowe may be compelled
to answer this bill — That the land, devised as aforesaid, may
be sold by commissioners, & the proceeds equally divided among
the Complainants & Jeremiah & Samuel their brothers agree-
ably to the will of their father — And that they may have
such other relief as may be proper — The Complt's call for
a writ of Subpoena &c.

The answer of Milley Lowe to the bill of complaint exhibited against her & others, Defts, by Cajah Lowe & others, infants, by Britain Boykin their next friend, Compts

This Defendant, saving &c answers as follows — She admits that she has released & given up her right in the term of ten years devised to her by her father, as the Complainants alledge, — & as to the residue of their bill, she believes it to be true. And finally she prays leave to be dismissed with her costs &c

The answer of Jeremiah & Samuel Lowe to the bill of complaint exhibited against them & Milley Lowe, Defts, by Cajah Lowe & others, infants, by Britain Boykin their next friend, Compts.

These Defendants, saving &c answers as follows — They admit the allegations of the bill of the Complainants to be true, & having without declining coming into any terms with them as to a division of the land merely because of their infancy, are now willing that such a division, as the Complainants have prayed for, should be had of the land, under the sanction of a decree of this Court — And finally pray leave to be dismissed &c

Lowe & Rep.
27
Lowe & Rep.
in
Chy.

Nov: 1797

Pursuant to a Decree of Southampton Court dated September
Session 1797 We the Subscribers have made Sale of the Lands
of Lighborn Lower Decid. Sold to Brittain Boykin for the
sum of £63¹¹ 1⁰ 6. And have taken Bonds agreeable to the
Decree of the Court Witness our hands this 19th Day Nov^r 1797 -

John Campbell
Jacob Turner
John Holmes
Commissioners

In the name of God amen I Lighthorne
Lowe of the county of Southampton and parish of Nottoway
being sick and weak in body but of perfect sound mind
I memory do make and ordain this to be my last will & tes-
tament in the manner and form as followeth. Viz¹¹

Item I give unto my ^{five} sons namely Jeremiah Lemuel Cajah
Willis & Wiley Lowe all my land & plantation whereon
I now live to be equally divided between my five sons above
named but it is my will and desire that my two eldest
sons Jeremiah Lowe Lemuel Lowe & my daughter Mille
Lowe should have the use of the whole of my land & plan-
tation for the term of ten years and after that term of
time to be equally divided as above mentioned

Item I give unto my daughter Mille Lowe six pounds
cash extraordinary to be raised out of my estate or one
leather bed and furniture which she may make choice
of to her and her heirs forever

Item I give unto my daughter Patsy Lowe six pounds cash
or one bed and furniture which she may make choice of to
her and her heirs forever

Item It is my will and desire that there should be as much
cash raised out of the said estate as will school my daughter
Patsy & my ^{son} Wiley Lowe two years each at such time as
they may be capable to receive it

Also it is my will and desire that all the remains
of my estate not above mentioned should be equally divided
between my five sons and my two daughters above named
if my two sons Jeremiah and Lemuel Lowe may think
proper at the expiration of ten years and if not when
my son Wiley Lowe arrives to the age of twenty years
then the said estate to be divided

And it is my will and desire that my friends Britain Baykin and John Crumpler should be my whole and sole Executors of this my last will and testament, disannulling and making void all other wills by me heretofore made.

In witness whereof I have hereunto set my hand and seal this 16th day of November 1796

Signed & acknowledged
in the presence of

Micajah Lowe
Jno Crumpler Junr
Beasant Britt

his
Neighbour Lowe
mark

At a court held for the county of Southampton on the 21st day of August 1797 This will was presented in court by Britain Baykin the Executor therein named and proved by the oaths of Micajah Lowe & John Crumpler two of the witnesses thereto and ordered to be recorded and on the motion of the sd executor who made oath according to law certificate is granted him for attaining a probat thereof giving security whereupon

Jam Wells Esq

A true copy Teste

Jam Wells Esq

There are no slaves. Person. ad suff. for the leg.

W.M.
Scribbled down
(copy)

We are desirous that the land devised by Leghborn
Lowe to us & our brothers Cojah, Willis & Wiley Lowe,
should be immediately sold & the proceeds divided
between us & them, supposing that our shares will be
of less value than one hundred dollars each. And
for this purpose, & for other considerations, we
hereby give up & release to our said brothers the
term, in the said land, of 10 years, given to us in
the same will. In evidence whereof we here to
sign our names & affix our seals this 16th day
of Sept. in the year 1797

Signed sealed & delivered: Jeremiah Lowe (Seal)
in the presence of ?
John Crompter Senr. — Samuel Lowe (Seal)
Mark
Mecajah Lowe

Olias Lowe

For divers considerations I hereby give up & re-
lease to ~~my brother~~ the interest given me, for the
term of ten years, by the will of my Father Lightborn
Lowe, in the land whereon he resided at his death,
to my brother Elijah, Willis, & Willey Lowe, - upon
condition however, that the said land be sold
as early as possible by a decree of the Court of
Southampton County, & the proceeds thereof be divided
among the devisees thereof immediately after such
decree or as early as convenient. In evidence
whereof I hereto sign my name & affix my seal
this 16 day of September 1794.

Signed, sealed, & delivered
in the presence of

Willie Lowe

(Seal)

Elijah Lowe

Jno. Crompter Secy.

Elias Lowe

J. Crompter, Jas. Turner, James Johnson,
& Sol. Holmes,