

1803-007

SOUTHAMPTON COUNTY
CHANCERY PAPERS

TURNER and Wife et al. vs CARRSTARPHEN'S EXECUTORS

2/1803

Other surnames: Carstarphen,
Bowin, Griffin, Bowing

Handwritten text, possibly a signature or name, appearing as "Turner" or "Turner" with a flourish.

1804
Sept. 1st, Replacet and receive
trial

County in
Court of Equity, where
my friend
Margaret
John C. Carstensen, David Carstensen
Infant, children & devisees of John Carstensen did
by Myler Griffin their next friend - That sometimes
in the year of the 1st John Carstensen departed
this life having first duly made & executed his
last will & testament - in which he left as executor
to the same, a certain Arthur Brown, Myler Griffin
who duly qualify? took on themselves the execution
thereof. In whom y^e Orators & Petitioners
may be made defend? by their bill
"that the 1st John the decedent at the time of his
death was possessor of & now possess one certain tract
or parcel of Land, situate, lying & being in the County of
Hampshire by & between on
also the following negro slaves to wit: Saisan, Selvie,
Cato, Dick, Peter, Jim, Patience, Hannah,
New, Will, Moses - that by the will of the decedent
as after? the 1st tract of Land & Negroes are
directed equally to be divided between the said
Margaret, who was the widow & executrix of the testator
& his said children - be under consideration
therefore. They advise that the intervention
of a Court of equity to effectuate the intentions
of 1st testator as after? is essential, the 1st

Assembly may, that
decree, a decree
to make
disposition in the will of 1st John Carstensen?
Resigning one 1/2 of 1st land, & one 1/4 of 1st
Haves, to 1st of John Carstensen Jacob Turner, Margaret his
wife one 1/4, to John Carstensen,
one 1/4 to David, & one to Peggy.
That y^e worship will make such further
order & decree as may be consistent with
equity & justice. By y^e J^{ts} In L^{ts} Hines &c.

The above answers of Arthur Brown, Myler Griffin to the
foregoing bill of complaint against them exhibit &
by Jacob Turner & Arthur Margaret his wife. John David,
& Peggy Carstensen by Myler Griffin their next friend -
their defend? admit themselves to be the Executors of
John Carstensen decedent - they also admit the
property left, & disposition thereof by the will of 1st John
as, the 1st Court, in their bill hath stated. They
have no objection to a decree & assignment of that
property, agreeable to the tenor of their testators will,
or to such other order & decree as y^e worship may
consider just & proper - Hines &c.

of the parties, & report of the court, in the title
of the Compt. & answer of the defence, being read &
heard, & exhibit made. The court on making ditto
thereon. Does order that, the said 100th ^{of the}
belong to the estate of A. John Castaldi ⁱⁿ
shall be equally divided in to ^{the} ^{part} ^{of} ^{the}
one fourth of which shall be assign to, Jacob Turner,
& Mary his wife. - in fee
one fourth to John, in fee simple one fourth to David in fee
one to Peggy - in fee simple.

That John Taylor, Junr. Edward Tyler & Daniel
Emmons, be appointed commissioners to effectuate
the foregoing decree who shall themselves or any
two of them proceed in execution thereof. Make
report thereof of the same to the next quarterly
Court of Southampton.

1807
J. Taylor
E. Tyler
D. Emmons
Commissioners

NOT
DEFIDED 3/4/96

Canstaphens heir
vi & Rept in dhy
Canstaphens ex^m

Feb 9 1803 rept^d
Vdence final

In obedience to an order of the worshipping Court
Low Hampton bearing date November 1808, to us
directed, we the subscribers have divided the Lands
and Negroes whereof John Carstaphen died Lord
of the said in manner following, to wit, To Jacob
Turner (in his wife's right), we have assigned that
part of the Land called the great field, containing
by our Survey two hundred and three Acres, & valued
by us to three dollars per Acre, and bounded as follows
viz. Beginning at a lightwood post a corner in Margaret
Carstaphens line thence the said Margaret line to a
pine a corner tree in David Carstaphens line, thence
the said Davids line to a Gum in the long Branch
thence up the said Branch to a pine a corner tree
in Williams Beals line, thence a straight line of
marked Trees to the beginning. We have also assigned
to him as his part of Negroes, Catty, Jim, & Nere, and valued
them to Six hundred dollars.

To John Carstaphen we have assigned that part of
the Land known by the name of the Doyle tract
containing by our Survey two hundred and three
Acres, and valued by us to one Dollar per Acre,
and bounded as follows. viz. Beginning at a white
Oak a corner tree in Benjamin Griffins line thence
the said Griffins line to the Cobbin swamp
thence up the said swamp to Micajahs Griffins
line, thence the said Micajahs line to Benjamins
Grashaws line, thence the said Grashaws
line to a pine a corner tree in Thaddeus Powells
thence the said Powells line to a Oak in William
Bennets line, thence the said Bennets line to a
small Oak in Williams Beals line, thence said
line to a pine a corner tree in Jacob Turners
line thence the said Turners line to the beginning.

We have also assigned to him as his part of Negroes
Silvey, Peter, & Will, & valued them to Six hundred & twenty

Six dollars and Sixty Six Cents.

To David Carstaphen we have assigned that part
of Land known by the name of the Pine woods
Tract, containing by our survey two hundred and three
Acres, & valued by us to three dollars per Acre,
and bounded as follows viz. Beginning at a Gum a
corner tree in the long Branch thence down the
said Branch to a Gum a corner in John Counells
line, thence said Counells line, to a pine a corner tree
in Nicholas Bristers line at the Road thence up the
said Road to a white Oak a corner tree in said
Bristers line thence said Bristers line to a white
Oak a corner tree in Margaret Carstaphens
line, thence the said Margarets line to a pine a
corner tree in Jacob Turners line, thence the said
Turners line to the beginning. We have also assigned
to him as his part of Negroes, Casar, Hannah & Sam,
and valued them to Six hundred & thirty three dollars
and thirty three cents.

To Margaret Carstaphen we have assigned the
House and Lands adjoining, containing by our Sur-
vey two hundred and three Acres, and valued by
us to Five dollars per Acre, and bounded as follows
viz. Beginning at a lightwood post a corner in
Jacob Turners line, thence a line of marked trees
to a small Branch, thence down said Branch to
the Cobbin swamp thence down said swamp to
Black Creek, thence down the said Creek to
white Oak a corner in Nicholas Bristers line
thence the said Bristers line to a white Oak a
corner tree in David Carstaphens line, thence
the said Davids line, to a pine a corner tree
in Jacob Turners line, ~~thence~~ thence the said
Turners line to the beginning. We have also af-
signed her as her part of Negroes, Dick, Patience &
Mopsy, and valued them to Six hundred Dollars.

We also direct that Margaret Carstaphen pay John Carstaphen the sum of Four hundred and Six dollars, to make each proportion of land of equal value — We also further direct that John Carstaphen pay Jacob Turner the sum of Eleven dollars & fifty six cents — That David Carstaphen pay said Turner Three dollars & thirty three cents — and that said David pay Margaret the sum of fifteen Dollars — to make each lot of negroes of equal value — Witness our hands this 19th day of Feb. 1803.

Edw. W. Tyler
Daniel Simmons

Southampton county, November session 1801.
Jacob Turner & Margaret his wife formerly
Margaret Carstaphen John = Compts.
- C. Carstaphen David Carstaphen & Peggy Carstaphen } In Ch.
agts.
Arthur Bowing & Micajah Griffin Exors of
John Carstaphen decd
This cause came on to be heard on the Bill of the
Complainant and the answer of the defendants, being
first docketed by consent of the parties, whereupon it is
decree and order that John Clayton & Edw. W. Tyler
Daniel Simmons & Samuel Jones or any three of them divide
the lands whereof John Carstaphen decd seized & possessed
also the following negroes Caesar Sylvia Cato Dick Peter
Sam. Patience Sam. Hannah Nero Will & Moses
into four equal parts (both land & negroes) and assign
to Jacob Turner (in his wife's right) one fourth part of the
land in fee simple & one fourth part of the negroes. &
the other three fourths divide in equal portions (both
land & negroes) to the children to wit John C. Carstaphen
David Carstaphen and Peggy Carstaphen as directed
by the will & make report to the court in order to a
final decree

Sam. Killo. &
(11)