

1817-004

SOUTHAMPTON COUNTY
CHANCERY PAPERS

CARR and Wife et al VS. WILLIAMS, EXTR. of EVANS

4/1817

other surnames: Waddill

To the worshipped Court of Southampton County
sitting in Chancery humbly complaining sheweth
unto your worships your petitioners and petitioners John
Carr and Mary Ann his wife late Mary Ann Evans
widow of Mr. Evans Decd. and William J. Evans
orphan of William Evans Decd. by John Wadsworth his
next friend.

That William Evans deceased departed this life
in the year 1804 after making and publishing
his last Will and Testament, which was after-
wards proven and recorded in this Court.

That by the provisions of the said Will, which
it is prayed may taken and considered as a
part of this Bill; the said Mr. Evans directed
his Estate to be kept together in the possession
of his widow, Mary Ann Evans until his eldest
son Benj. W. Evans should arrive to the age
of sixteen years - and then the Slaves and
other personal property to be divided in manner
and form as follows; one third thereof to be
allotted to his said widow, which part is
lent to her for and during her life. - And to
his son Benjamin - is given a full portion of
the remainder of the personal Estate & Slaves
according to the number of his the said Mr. Evans
children; to be given up immediately to such
Guardian as he the said Benjamin W. Evans
might chuse. - But so it is may it please the

Execut, that the said Benj^a W. Evans has departed
this life intestate, and unmarried: so that the said
Mary Ann his mother, who has intermarried with
John Carr; and the said W^m J. Evans the only
other child of the said W^m Evans dec^d are equally
entitled to Distribution of the said Ben. W. Evans's
portion of his said father's personal Estate; -
which is according to the Will of W^m Evans dec^d.
and the number of his children one third part
of the whole personal Estate. ---

That the said Benj^a W. Evans if now living, would
have attained the age of sixteen years, when under
the will of his dec^d Father, he would be entitled
to receive his share of Slaves, and other personal
Estate, which by the said will, was intended for
him. - It was also desired, and so expressed in the
will of the said William Evans, that commissioners
be appointed by the County Court of S^c Hampton
to make a Division of the said personal Estate,
so as to give to the said Benjamin W. Evans his
part at the aforesaid period when he should arrive
to the age of 16 years. -

That the portion of W^m Evans Estate (personal)
which was to have ~~been~~ allotted to Benj^a W.
Evans, who is now dec^d. will according to the Act of
Assembly in such cases, go equally between his
mother Mary Ann Carr and W^m J. Evans her son
who ~~were~~ brother to the said Benja^a - consequently a sale
of the personal property, in order to effect a Division
has now become indispensable. - It is therefore
prayed, that the court will order and decree - first. -

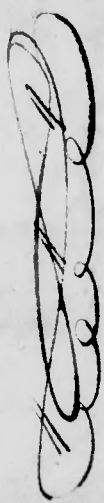
That one third of the Slaves be laid off & allotted to the
said Mary Ann Carr; - one other third part thereof
be equally divided between the said Mary Ann Carr
& her son W^m J. Evans agreeable to the interest acquired
by them, on the death of the said Benj^a W. Evans
intestate, as to his personal Estate. - and that
the other one third of the Slaves remain to, & for the
said W^m J. Evans, to continue with his mother Mary
Ann Carr, according to the will of W^m Evans dec^d. until
the said W^m J. Evans orphan of W^m Evans dec^d. shall
attain the age of 16 years. - - And finally
that the other personal Estate be sold on a
credit of twelve months and the proceeds thereof
divided, so as to effectuate the intentions of the
said W^m Evans dec^d. and in conformity with the
Law directing Distribution of personal Estates of
persons dying Intestate. - That Rich^d E. Williams
who is Executor of the last Will and testament of
W^m Evans dec^d. and now has charge of the s^d Estate
be made Defendant to this bill of compt. - ~~prayer~~
Answer &c. and that commissioners be appoin-
-ted to carry the prayer of this bill into effect;
and for general relief. - And as in duty bound

John Carr
Self & wife.

The Answer of Rich^d. E. Williams Esq. of Mr. Evans decd. to a bill in
Chancery exhibited against him in the County Court of South
=ampton by John Carr and Mary Ann his wife, & Mr. J. Evans,
orphan of Mr. Evans decd. by his next friend John Wardell

For Answer thereto, saith; that true it is as set forth in
the said bill of the Compts. William Evans has departed
this life after making and publishing his last will and
testament, in manner and substance as stated by the Compts.
to which he this respondent has qualified as Executor;
and cannot deny the right of the complainers to have
such portion of the said Mr. Evans's personal Estate as they
claim. — That the said Benj^a. W. Evans has departed
this life, and was entitled to one third part of his decd.
father's personal Estate; as stated in the compts. bill;
which said one third is now claimed by the Mother,
Mary Ann Carr; and Mr. J. Evans, brother to the s^d. Benj^a. W. Evans
decd. who died intestate, since the death of Mr. Evans, his
father, and that there is no other child of the said Mr.
Evans decd. but the said Mr. J. Evans his son. — This
respondent having answered the bill of the Compts.
prays hence to be dismissed. —

Rich^d. E. Williams



John Carr

and Mrs. J. Evans

Rich^d. E. Williams

March 1814

Southampton

Court 1817-

John Carr & Mary Ann his wife late Mary Ann Evans
who was widow and executrix of Wm Evans decd. - And Wm J.
Evans an infant son of Wm Evans decd. by
John Waddie his next friend

against

Richard & William, Exrs of Wm Evans decd. Deft.

In Chancery.

This cause this day was docketed by consent of
the parties, and a part of the court: came on to be heard
upon the bill of the complainants - answer of the Deft.
exhibits and arguments of Counsel - whereupon &c. -

And upon due consideration thereof had, the court doth
adjudge, order and decree that Collin Kitchen Henry
Faulk Wm E. Daughtery Bery a. Dwaney & John Waddie
or any three of them lay off and allot to the said
Mary Ann Carr late Mary Ann Evans one equal third
part of the Slaves belonging to the Estate of Wm Evans decd.
agreeable to the will of the said Wm Evans decd. -

Also that they the said commissioners lay off one moiety
of the residue of the said Slaves being the portion under
the said Wm Evans Will intended for his Son Benjamin
W. Evans who is now decd. and make Division thereof
equally between her the said Mary Ann Carr & Wm J. Evans
son of the said Wm Evans decd. agreeable to the Act of
Assembly concerning Distributions of intestates Estates. -

And further that the said commissioners in order
to effect the purposes of the said Wm Evans Will; and a
division of the other personal property (exclusive of Slaves) of
the said Wm Evans Estate and making distribution of the
Bery a. W. Evans portion thereof Do sell on a credit of
months all the residue of the said personal Estate; and
make Division thereof in the following manner to wit.

Allotting to the said Mary Ann Carr one third part
thereof for life she being entitled to the use only as the will
of her decd. husband directs -

One half of the residue to be equally divided between her
the said Mary Ann Carr and Mrs. J. Evans her son -
being so much acquired by them on the death of Benjⁿ.
Evans intestate. And the others remaining third part,
as also the other ~~third part~~ one third part of the
whole residue to be retained by her the said Mary
Ann Carr until the said Mrs. J. Evans shall arrive to the
age of sixteen years: and then to be given up to
the said Mrs. J. Evans, or to his Guardian according
to the provision of the aforesaid Will - and make
report of their proceedings to this court in order
to a final decree. -

Southampton March Court 1817

John Carr & Mary Ann his wife late Mary
Ann Evans who was widow and relict of William
Evans dec^d and William J Evans an infant son of
William Evans dec^d by John Wasdell his next friend
Plaintiffs

for Plaintiff

ag^t
Richard E Williams. Executor of Wm Evans dec^d Def^t

This cause this day was docketed by consent of the parties
and a part of the court came on to be heard upon the bill of the Comptendants
answer of the defendant exhibits and arguments of Counsel Whereupon
and upon due consideration thereof had the court doth adjudge order
and decree that Jollier Fletcher Henry Gurley Wm Daughtry
Benja Dewany and Noel Wasdell or any three of them lay off and
allot to the said Mary Ann Carr late Mary Ann Evans one
equal third part of the slaves belonging to the Estate of
William Evans dec^d agreeable to the will of the said Wm Evans dec^d
also that the said Commissioners lay off one moiety of the
residue of the said slaves being the portion under the said
William Evans will intended for his son Benjamin W Evans
who is now dec^d and make division thereof equally between
her the said Mary Ann Carr & William J Evans son of the
said William Evans dec^d agreeable to the act of assembly
concerning distributions of intestates estates - and further that
the said Commissioners in order to effect the purposes of the said
William Evans Will and a division of the other personal property
(exclusive of slaves) of the said William Evans Estate and making
distribution of the said Benj W Evans portion thereof do sell on a
credit of twelve months all the residue of said personal Estate and
make division thereof in the following manner to wit, allotting
to the said Mary Ann Carr one third part thereof for life, she
being entitled to the use only as the will of her deceased husband
directs; one half of the residue to be equally divided between her
the said Mary Ann Carr and William J Evans her son being
so much acquired by them on the death of Benj W Evans intestate
and the other remaining third part, as also the other slaves being

one third part of the whole number to be retained by her the said Mary Ann Fair untill the said William J. Evans shall arrive to the age of sixteen years, and then to be given up to the said William J. Evans or to his guardian according to the provisions of the aforesaid will and make report of their proceedings to the Court in order to a final decree.

Teste *W. H. Rachee* Co.

Barthwick &
17
Williams

Int. J. Deane

Report of the
Division and Sales
of the Estate of
William Evans dec^d

April 1817 Rept. rec^d by
final decree by court

Agreeable to an order of the Worshipful Court of Southampton County dated March Court 1817. Appointing Commissioners to divide and allot the Slaves and other personal estate of William Evans decd. - We Collin Kitchen William E Daughtry and Henry Gentry acting Commissioners have proceeded in the following manner (to wit)

We have allotted to Mary Ann Carr Late Mary Ann Evans one third part of the Slaves belonging to the estate of Wm Evans decd. which whole Amount is estimated at \$3450.00 To her the said Mary Ann Carr Negroes in Value of \$1150.00 Also one moiety of the one third part the portion of the said Slaves intended under the Will of William Evans decd. for his Son Benjamin W. Evans who is now decd. which amount of the one moiety is \$575.00 Making in amount to the said Mary Ann Carr \$1725.00 for Life Also we have allotted to William J. Evans Son of William Evans decd. one third part of the Slaves belonging to said estate in amount \$1150.00 also the other moiety of the one third part of Slaves intended for Ben^g W Evans now decd. which amounts to \$575.00 making in amount in Slaves to said William J Evans \$1725.00 -

Also we the said Commissioners have proceeded to sell on a credit of twelve months the other personal estate (exclusive of Slaves) which amount of Sales is \$362 - and have allotted and delivered to the said Mary Ann Carr - in amount \$120.66 - one third part of the proceeds of said Sale - also in amount one moiety of the one third part of such proceeds which is \$60.34 Making in amount to her - \$181. -

Also to said William J Evans one third part of proceeds from said Sales \$120.66 - also one moiety of the one third which is \$60.34 making in amount to him the said William J. Evans \$181. - which said Slaves

together with the above amount of proceeds from the Sales of said estate is delivered to Richard E Williams Guardian to the said William J. Evans and executor of the estate of William Evans decd - given under our hands this 21st day of April 1817 -

Collin Kitchen
Wm E Daughtry
Henry Gentry

Statement of the division of the Slaves belonging to the Estate of William Evans decd. The part of Slaves intended under the Will of Wm Evans decd. to be Allotted to Ben^g W. Evans who is now decd. which are divided between Mary Ann Carr & Wm J. Williams

Negroes
 are Girl Sylvia . . . \$350 00
 Boy Mingo . . . 300 00
 Woman Patty . . . 300 00
 Boy Orange . . . 250 00
 \$1200 00

To Mary A Carr -

Negroes
 Man Austin - 425 00
 Girl Venus - 150 00
 Girl Malvina - 200 00
 Woman Edy - 150 00
 Boy Moses - 175 00
 \$1700 00
 from Ben^g W Evans now decd.
 Girl Sylvia - 350 00
 Boy Mingo - 300 00
 \$1750 00
 from Sales of the Estate - 156 00
 \$1906 00

To William J. Evans

Negroes
 Man Archer - 425 00
 Girl Lizzy - 225 00
 D. Betty - 125 00
 D. Hannah - 100 00
 D. Angelina - 225 00
 \$1150 00
 from Ben^g W. Evans now decd.
 Woman Patty - 300 00
 Boy Orange - 250 00
 \$1700 00
 from Sales of the Estate - 206 00
 \$1906 00

This 25th day of March 1817.

An Acc^t of Sales of the Personal Estate of William Evans dec^d;

Partly	To Whom Sold	
✓ 2 plow hoes	John Moore	80
✓ 3 Ditto	Joshua Fort	75
✓ 1 Colter	Ditto	25
✓ 2 Ditto	John Moore	80
✓ 1 Iron	Henry Welsh	62 1/2
paid 1 Iron Wedge (paid)	Lewis P Hart	1 01
✓ parcel iron with adz	Richard Ricks	1 00
paid 1 ax	Collin Kitchen	1 32
✓ parcel plow gear &c	Benj ^a Evans	50
note 3 Weeding hoe	Daniel Williams	56 1/2
✓ 1 Ditto	Rich ^d Ricks	90
✓ 2 grubbing hoes	Henry Welsh	1 01
✓ 1 Spades	Benj ^a Evans	76
paid 1 Ditto	paid Eliza Lewis	3 1/2
✓ 2 Raw hides	John Moore	1 00
✓ 2 quart Decanters	Henry Gurley	98
✓ 1 Ditto	Henry Gurley	50
✓ 2 pint Decanters	R. Ricks	91
✓ 1 pint	John Moore	35
✓ 4 Small tumblers	Rich ^d Ricks	45
✓ 1 pint tumbler	John Moore	13
✓ 2 tumblers	Wm J Evans	25
✓ 1 flask & mustard bottles	Ditto	07
✓ 1 milk pot & butter boat	John Moore	32
✓ 2 salt cellars	John Rockelle	1
✓ 2 Mustard pots & Casters	paid William Williams	97
paid 3 Bowls	David Vallance	1 75
✓ 2 Pewter Basins & Ladle	Henry Gurley	50
✓ 1/2 doz P. Plates	Henry C. Berry	30
note Parcel of Plates	Ditto	75
note 3 Dishes	Wm Joiner	1 25
✓ Tea Spoons, Knives & Forks &c	John Moore	75
✓ 1 Curcer & Mugg	Henry Gurley	1 76
China	Benjamin Griffin	1 28
paid 1/2 Candle Sticks	James D. Mapenbury	57
✓ 1/2 " " "		
		\$ 26.82 1/4

Bro^t Over

26.82 1/4

Partly	To Whom Sold	
✓ shears, bottles &c	James D. Mapenbury	65
✓ 1 shik stand	William E. Daugherty	1 56
✓ 1 copper tea kettle	John Moore	78
✓ 3 Pictures in frames	William J. Evans	1 00
✓ 1 Looking glass	Capt. J. Fort	1 00
paid 1 Pitcher &c	James M. Minkin	52
paid 1 Writing Desk	Edwin Lewis paid	1 50
✓ 1 Bucket	Benjamin Hince	18
note 1 Bl ^d Walnut Table	Daniel Williams	7 12 1/2
✓ 1 China press	William Edwards	25 25
✓ 1 Bed & furniture	James D. Mapenbury	32 25
✓ 1 Table & glass	Benj ^a Evans	2 61
✓ 1 Trunk	J. Fort	1 30
✓ 1 Candle stand, Brush &c	Collin Kitchen	50
✓ 1/2 Candle stands	Rich ^d Ricks	3 30
✓ 1/2 doz. Spoons	Wm J. Evans	2 00
✓ 1 Desk	John Moore	26 27
✓ 1/2 doz Windsor chairs	James D. Mapenbury	6 25
✓ 1/2 " " " (paid)	John Davis	4 00
✓ 1 gun & shot bag	William Evans	6 00
✓ 1 Bed & furniture	Dr. H. Chapman	20
note 1 Bl ^d Walnut Table	Dan ^l Williams	6 01
✓ 1 Painted Table	James D. Mapenbury	70
✓ 1 Kettle Bowb &c	J. Fort	1 50
✓ 1/2 doz. small & waiters	Benj ^a Evans	56 1/2
✓ 1 Small Trunk	J. Fort	7
✓ 3 Trunks	J. Fort	1 12 1/2
✓ 1/2 doz. small &c	James D. Mapenbury	2 07
note 1 Matter, Box	Will. Edwards	35
✓ 2 flag Bott. chairs	J. Fort	70
✓ 2 Jugs &c	James D. Mapenbury	25
✓ 3 Butter Pots	James Minkin	1 25
		\$ 184.81 1/4