

1817-016

SOUTHAMPTON COUNTY
CHANCERY PAPERS

THORPE

VS THORPE'S CHILDREN

11/1817

Other SURNAMES: Thorpe

Thorp 554
Bill, answer,
Thorp. - + Decret.

Prodnay.

Aug. 18. 1817 decreed
DOR

To the worshipful the County Court of Southampton in
Chancery sitting. Humbly complaining sheweth unto
your worships, your orator, William Thorp, that John
Thorpe the father of your orator, departed this life about
the day of having first July recited his last
will & testament (an authenticated copy of which is here-
-annexed & prayed to be taken as a part of this Bill)
in which among other things he devised to his wife Polly
Thorpe, during her natural life or widowhood the use
of the land & plantations whereon he then lived, & after her
marriage or death that the said land so devised to her should
be rented out until the said testator's youngest son should
attain the age of twenty one years & then should be
sold & the money equally divided among all his the said
testator's sons. — Your orator further shews that the testator's
widow Polly Thorpe has long since departed this life &
that Randolph Thorpe the youngest son of the testator has
attained the age of 21 years at the occurrence of which
event the land is directed to be sold. — That the said testa-
tor left the following sons, to wit Carson Thorpe since dead
whose children are Patience, Therisa, Anney, Patry &
Lewis — John Thorpe — Randolph Thorpe & your orator
in tender consideration whereof & as much as your orator
is reminded at law in the premises To the end therefore that
~~your worships~~ ^{your} ~~worships~~ ^{worshipful} will compel the above enumerated children
of Carson Thorpe who are infants by some guardian to
be appointed for them by the court of the said John Thorpe &
Randolph Thorpe in their proper person full & perfect answer
to make to the premises & that your worships be pleased
to decree a sale of the tract before mentioned in such manner
as may seem most expedient & a division of the purchase

money among your estate & the said defendants according to
law & to grant your estate such other relief as may be
consistent with equity & the rules of the Court & your estate
will ever pray &c.

Moses Thorp.

To the worshipful Court of Southampton County in Chancery
sitting. The joint answer of the infant children of Aaron
Thorp dec'd by James Harris their guardian specially ap-
pointed by the Court to defend them in this behalf & of John
Thorp & Randolph Thorp to the Bill of Complaint exhibited
against them in this Court. - Their respondents, saying
to themselves &c. say that they admit the facts mentioned
in the Complaint's Bill to be stated correctly & that they
have no objections to a sale of the tract therein mentioned
as prayed for or to any decree which the Court the
premises being considered may deem just & equitable.
And their respondents having answered pray to be
hence dismissed

1000
390
3000

60
780
200

Thorp }
Thorp et al. } Decree

This cause coming on to be heard on the
Bill, answer & exhibit filed ^{the Court} on the consideration thereof
doth decree & order that the tract of land in the Bill
mentioned be sold to the highest bidder at public auction
by the commissioners hereinafter named (public notice having been
previously given of the day & place of sale in some paper printed
in the town of Petersburg for at least four weeks before) on
the following terms viz. one third of the purchase money to be paid
on the first day of January 1818 at which time possession to be deliv-
ed - another third the 1st of January 1819 & the residue within time

on the 1st of Jan'y 1820 the purchaser giving bond to the Com-
missioners with such security as they shall approve
for the payment of the purchase money which bond shall
be taken in this manner - Each of the instalments of ac-
tion to be divided in to four equal parts & a bond taken
for each part separately, one of which bond due at each
of the three periods before prescribed for payment, shall
be by the said Commissioners to be transferred to the
guardian of the above mentioned children of Aaron
Thorp dec'd & another of the said bond due at each of the
said periods be in like manner transferred to the Children
Moses Thorp & each of the said children, John Thorp &
Randolph Thorp. And Allen Jones, Wm
Rees, George Briggs and John Barbours.

are hereby appointed commissioners for the
purpose of carrying this decree into effect, who are any
time of whom having done so are directed to report
their proceedings in the premises to this Court in order
to a final decree.

Thorpe
&
Thorpe's } Interlocutory
 } Decree

Southampton County August Court 1817

Moses Thorpe, ... Complainant
against

John Thorpe and Randolph Thorpe and children
of Aaron Thorpe and by James Harris, their guardian
specially appointed by the Court to defend them in this
behalf

Defendants

In
Chancery

This Cause coming on to be heard on the Bill, Answer and
exhibits filed. The Court on due Consideration thereof doth decree and
order that the tract of land in the bill mentioned be sold to the highest
bidder at public auction by the Commissioners hereafter named, public
notice having been given previously, of the day and place of sale in some
paper printed in the Town of Petersburg for at least four weeks
before on the following Terms Viz. One third of the Purchase money
to be paid on the first day of January 1818 at which time possession
to be delivered, another third the first day of January 1819 and the
remaining third on the first day of January 1820 the purchasers
giving bond to the Commissioners with such security as they shall approve
for the payment of the Purchase money, which bond shall be taken
in this manner, each of the instalments of one third to be divided in to
four equal parts and a bond taken for each part separately, one of
which bonds due at each of the ^{three} periods before prescribed for payment
shall by the said Commissioners be transferred to the guardian of the above
mentioned children of Aaron Thorpe and another of said bonds due at
each of the said periods be in like manner transferred to the Complainant
Moses Thorpe and each of the three defendants, John Thorpe and Randolph
Thorpe. & Allen Jones, Ned Reese, George Jvey and John Barham are
hereby appointed Commissioners for the purpose of carrying this decree
into effect, who or any three of whom having done so are directed to
report their proceedings in the Premises to this Court in order to a final decree

a Copy Teste

Aubin Middleton Clk

27th November 1817 —

Agreeable to the above Order we
Allen Jones, George Loe, and John Barham
have procured to sell the Land of John
Thorp senr. and have transferred one fourth
of the bond to James Harris Guardian to the Orphan
of Aaron Thorp one fourth to John Thorp one
fourth to Moses Thorp, and one fourth Randolph
Thorp,

Allen Jones

George Loe jun^r

John Barham

Commissioners acting