

1826-151 SOUTHAMPTON COUNTY WYNNE. VS. LEWIS' ORPHANS

CHANCERY PAPERS

4/1826

other SURNAMES: Wynn

Mr D. Myrre.

agist } Bile. de.

Feb. Lewis & others.

Mason.

Oct. 17th 1835 Int. J. Dore

To the worshipful the county Court of Southampton sitting
in Chancery:

Humbly complaining these unto your
wships, your Compt^s Dianah Myrre ~~widow~~ of John
Myrre dec^d, and late Dianah Lewis widow of Benj^a
Lewis dec^d - That her first Husband Benjamin Lewis
departed this life in the year 1815, having first duly
made and published his last will and Testament a
copy whereof is herewith exhibited as a part of this
Bills - That the Ex^rs having refused to qualify, ad
ministration with the will annexed, was granted to Robert
Rockelle, who took upon himself the burthen of crec-
-ting the Testator's will - That the adm^r retained the
control of the property for a number of years, before he
made a final close by the settlement of his acct^s and did
not deliver the "Estate real and personal of the decedent"
in pursuance of the first clause of the will, until the
Jan^y. 1819. The estate having proved much more embar-
-rased than was anticipated, and ~~several~~^{all} of the negroes
bequeathed your Compt^s for her ~~use~~, and in lieu of her
dower, ^{in the event of marriage,} were sold, for payment of debts, and for which
no equivalent has ever been made, nor has any ever
been demanded by her of her children - That the assets
of the negro slaves have been divided amongst the
5 children of the decedent, or y^r Compt^s intermarriage
with her late husband, and not one allotted to your
Compt^s. That in the interval, between the death of
the Testator, ^{& the delivery of the property} the adm^r with the will annexed, fur-
-nished your Compt^s and the family of the decedent,
with necessaries, amounting in the several years to
the sum of £ - that for these necessaries there
furnished and enjoyed in common by the family

your Compt is advised, ~~that the children~~ the Estate of
the decedent was properly chargeable, and not your
Compt individually. That the day before your Compt's last
marriage, the adm^r exhibited his acct to her, and request-
ed her to execute her bond for the amt, which she
did, as she had no desire but to benefit her children
and was assured by the said adm^r, that, as she expressly
disputed, it should not prejudice her in a final settle-
ment of the question of liability. Your Compt candidly
states to the Court, that if it were in her power to do so
without essential injury to herself, she would never call
on her children to contribute any thing to make the debt.
But circumstances as she is, she cannot justify herself
in bearing the whole burden, and will therefore proceed
to pray the Court to compel a partial contribution
on their part. Your Compt further states to your
Honors, that, sometime in the course of this present
year Sally Ann Eliza Lewis departed this life intestate
unmarried, and without issue - that she was possessed
of two negro slaves, to wit, Clara, an old woman and
Charles, a negro boy - that those entitled to the same,
are your Compt as her mother, Zebulon, Mary D.,
Benjamin, & James Lewis as brothers & sister of the
whole blood, and Susannah & Jackie Myrre, sister
of the half blood - that is each of the first named
to $\frac{1}{6}$ th and the two last to $\frac{1}{12}$ th each. That since her death,
your Compt has lost both her little daughters by
Mr. Myrre, who were of very tender years, so that
your Compt thereby became entitled to $\frac{2}{3}$ rd of their $\frac{1}{6}$ th
part, and the four children of the half blood to $\frac{2}{3}$ rd
thereof - That your Honors will perceive from the descrip-
tion of the property to be distributed, and the number

of the distributees, that it w^d be impossible to effect
a division in kind - Your Compt is advised, that a
sale will be necessary, and altho the interests of the
four children in the sales of the two slaves above $\frac{2}{3}$
will not amount to any thing like half of the debt
above mentioned, she is willing, if your Honors will
direct a sale, and an application of the entire proceeds
thereof, to the partial extinguishment of the said debt, that
she would be satisfied, and would pay the balance,
herself - she submits to the Court, that this certainly
more advantageous to the children, than to have to contribute
their full proportions - But so it is, no such sale and
application of the proceeds, without the interposition of this
Court sitting in Equity. In Tender consideration whereof
and inasmuch as your Compt is wholly remediless at
law, and only relievable in this Court, where such matters
are peculiarly cognizable - to the end wherefore, that the
said Zebulon, Benjamin W., Mary D., and James Lewis
who are infants of tender years, by some fit and discreet
person, as their Guardian ad litem, by the Court to be
here appointed, be made Defdts hereto, and compelled
to answer the allegations of this Bill, ~~she~~ prays the
Court this writ of H^c directed to commanding do, and
that your Honors will thereupon decree, that the negro
slaves, Clara, and Charles, whereof, Sally A. P. Lewis died
possessed, may be sold, and the proceeds of their sale, paid
over to Robert Rochelle, in part payment of your Compt's
bond executed to him as afore^d. and grant her such
other, and good relief as may be consistent with Equity
and the nature of the case, and as in duty bound she
will ever pray &c.

The joint answer of Zebulon Lewis, Mary D. Lewis, Benja.
N. Lewis, and James Lewis, orphans of Benja. Lewis dec'd. aged
infants of tender years, by Seth Mynne. by the Court
here appointed as their special Guardian, to protect their
interests in this behalf, ~~the~~ the foregoing Bill of complaint.

These respondents saving dr. for answer to the said Bill,
say, that the petition the allegations are true - and that
the ~~prayer~~ decree prayed for will be most beneficial
to them - and therefore, have no objection to its being
granted, and having answered, pray to be hence dismissed
dr.

Mynne.

Comptt.

In Chy.

Lewis, s. orphans. Defs.

This cause was this day docketed by consent of parties,
and the ~~affairs~~ of the Court, and came on to be heard on
the Bill, answer, exhibits, and argument of Counsel: upon
consideration whereof, the Court doth adjudge, order, and
decree, that Seth Nicholson, Benjamin Applewhite, and
Henry S. P. Merbrook, or any two of them, do sell the
negro slaves, Clara and Charles in the bill mentioned,
on a credit of 12 months; and, upon the Comptt executing
a release to the Defats. for all their liability on account
of board, schooling, & cloathing, from the death of their
dec'd father in 1815. to Jan'y. 1819, when she rec'd the estate
of her dec'd husband, which release is to be by them returned
with their report to this Court, that they do transfer the bonds
then taken to Robert Rochelle by apignment, to be credited
on the bond executed by the Comptt to him - as stated in
the Bill - and how they shall have acted in the premises
make report to this Court in order to a final decree -

Wynne
2^d
Lavin B. } Mr. Deere

Southampton County Oct. Court 1825

Dinah Wynne widow of John Wynne decd.
and also Dinah Lewis widow of Benjamin Lewis decd. Complainant
against

Zebulon Lewis, Mary D Lewis, Benjamin M Lewis and
James Lewis orphans of Benjamin Lewis deceased and
infants of tender years by Seth Wynne their special
guardian appointed by the Court to protect their interest
in this behalf

Defendants

In Chancery

This Cause was this day docketed by Consent of parties
and the agent of the Court, Came on to be heard on the bill. answers
exhibits and arguments of Counsel upon Consideration whereof, the Court
doth approve, order and decree, that Seth Nicholson, Benjamin
Applegate and Henry John Persons Westbrock, or any two of them
do sell the negro slaves, Clara and Charles in the bill mentioned on
a Credit of twelve months, and upon the Complainant executing a
release to the defendants for all their liability on account of board
schooling and clothing, from the death of their deceased father in 1815
to January 1819 when she received the estate of her deceased husband, which
release is to be returned by them in their report to this Court, that they
do transfer the bonds thus taken to Robert Rochelle by assignment to be
Credited on the bond executed by the Complainant to him as stated
in this bill, and how they shall have acted in the premises make report
to this Court in order to a final decree Teste A. Middleton D.C.

Wynne 3 Int
to 3
Lewis 3 Dance

Alapay

Annals
~~Hand 1876~~ Rept - Ret? &
Final Dance by comm.

Southampton County, October Court 1825

Deborah Wymore widow of John Wymore decd
and late Deborah Lewis widow of Benjamin
Lewis decd Complainant

against

Elizabeth Lewis Mary D Lewis Benjamin Lewis
and James Lewis Orphans of Benjamin Lewis
decd and infants of tender years by John Wymore
their Special Guardian appointed by the Court to
protect their interest in this behalf (Defendants)

This Cause was this day docketed by Consent of parties and the
assent of the Court, came on to be heard on the bill answer exhibits & arguments
of Counsel upon Consideration whereof the Court doth adjudge, order, and
decree, that John Nicholson, Benjamin Applewhite, and Henry John
Peters. Westbrook, or any two of them, do sell the negro slaves Clara, and
Charles, in the bill mentioned, on a credit of twelve months, and report
the Complainant executing a release to the defendants for all their
liability on account of Board schooling and cloathing from the
death of their deceased father in 1815, to January 1819, when she
received the estate of her deceased husband, which release is to be
returned by them in their report to this Court; that they do Transfer
the bonds thus taken to Robert Rochelle by assignment, to be
credited on the bond executed by the Complainant, to him as
stated in the bill; and how they shall have acts in the premises
make report to this Court in order to a final decree

Attest
Jest.

James Rochelle. lrb

Mr. J. J. J. J. J.

Agreeable to a Decree of Southampton October Court 1825
directing the sale of the negroes belonging to the estate of
Sally Lewis decd. for a certain purpose therein mentioned,
and the said Decree making it necessary for me to relinquish
all claims I may have against my four children namely
Zebulon Lewis, Mary Lewis, Benja^d Lewis, and James C. Lewis for
their board clothing and tuition from the death of my husband
Benja^d Lewis in 1815 till January 1819.

In compliance with said Decree I do by these presents
relinquish all claim whatever I may have against them
as above stated from the death of my husband Benja^d Lewis
till January 1819.

Given under my hand this 19th day of Decr 1825

FST

Edwin Simmons

Mary C. Lewis

Diana Wynne

1825 Decr 21st

Received of Benjamin Applewhite
and Henry C. Westbrook Commissioners appointed
by the Court of Southampton County to sell the negroes
belonging to the Estate of Sally Lewis decd. Robt
L. Lockhead bond for three hundred & thirty five
dollars and fifty cents. also Diana Wynne bond
for one hundred and one dollars which amount
is to go to the credit of the bond due and by Diana
Wynne, then Diana Lewis. The above bond was on
demand the 19th Decr 1826.

Witness

Robt L. Lockhead

Robt Applewhite

Agreeable to the ^{annexed} Decree of the Worspiced Court of Southampton
County made at October Court last appointing us Commis-
sioners to sell the Negroes belonging to the estate of Sally
Lewis need for a certain purpose therein mentioned.

After having first procured the relinquishment of Diana
Weyman as directed in said Decree, we proceeded to sell
the Negroes, first having given due notice for the following
prices: - Clara to Diana Weyman for one hundred and ten dollars
and Charles to Robt Lockhead for three hundred and thirty
five dollars and fifty cents making in all four hundred
and thirty six dollars fifty cents, which amount we paid
to Robt Lockhead as directed in said Decree, whose receipt
we herewith return ^{and prayer to be taken as a part of hereof} ^{which} respectfully submit to the
Court. - Given under our hands this 16th day of

January 1826

J. C. W. Broth
Benj. Applewhite