

1835-021

SOUTHAMPTON COUNTY
CHANCERY PAPERS

IVEY and Wife vs. WESTBROOK & al
6/1835

other surnames: Claud, Westbrook

Jury Mife

vs J. Bell & Co

Westbrook's

1834 Dec. Decree as filed &c.

1835 Jan. decree amended.

Same Report not. Official decree
by court &c.

Jury at vs

Grewy for addition

file
for
decree

Per Day

To the worshipful, the County Court of Southampton
sitting in Chancery—

Mr Ivey & wife
vs

Thomas H. Maitha N. James D. Caroline C. and
William B. Westbrook. Infants of Joel Westbrook
dec. by the Drury Guardian ad litem—

Humly complaining, sheweth unto your wor-
ships, your Orator & Oratrix, Jo Ivey and Lucy
his wife, late Lucy Westbrook, that Joel West-
brook departed this life about the year 1825 having
previous made and published his last will and
testament, in due form of law, that the same
same was not revoked, but after the death of sd
testator was duly admitted to record by this
worshipful Court, as will more fully appear
upon reference thereto, which will your Orator
and Oratrix pray may be considered as a part
of this bill. They further shew, that by sd will
the personal property of sd testator, was directed
to be kept together by his widow for the
support & education of his children, until
the year 1835, at which time the property
was to be divided, allotting one third part
of the personal estate in the first instance
to the widow and the other two thirds to
his children, whereupon, in tender considera-
tion of the premises & for as much as they are reme-
dial at law & only relievable in a Court of
Equity, where matters of this kind are alone cogni-
zable, your Orator & Oratrix, humbly pray that
Joseph T. Claud, Joseph Drury and Samuel
Drury or any two of them, do divide the negroes
of sd Joel Westbrook decd into three parts, and
allot one third to Mrs Ivey & wife in right of
his wife and the other two thirds to the heirs
children of sd decedent, and make report to this
Court how they have executed this order in

order to a final decree —

Gray & wife

vs

Wm Drury Son ad litem to the Eft^s of Joel Westbrook ad

This respondent saving and reserving to himself
now & for ever hereafter, the many errors, uncertainties
& insufficiencies in the bill contained, for answer
thereto or unto so much as he is advised it is in
any respect material for him to make answer to,
answering, Sayeth, that he has no objection to the
decree prayed for in sd bill, and having answered
he prays to be hence dismissed, with his costs by
him in this behalf most unreasonably expended.

J —

Gray & wife

vs

Drury Son ad litem.

This day this cause came on to be heard on
the bill, answers, & hits and argument of
Council, whereupon the Court doth order, adjudge
and decree that, Joseph T. Claud, Joseph Drury
and Samuel Drury, ^{William & Jones & James Drury} be appointed commissioners
any ~~three~~ of whom may act, & that they do divide
the negroes of Joel Westbrook decd into three equal
parts, regard being had to value, and allope
one third to Mrs Gray & wife in right of Mrs
wife, for the life of sd wife and the other
two thirds to the children of sd Westbrook decd.
and make report to this Court how they have
executed this order, in order to a final decree

Reddy —

Grey Wife

an {lovely Deers

Westbrooks

For Commissioners

Southampton December Court 1854-

John Ivey and Lucy his wife late Lucy Westbrook Pliffs
against

} In Chancery

Thomas H. Martha T. James D. Caroline E. and William B.
Westbrook infants of Joel Westbrook dec^d. by John Drewry their
guardian ad litem. Defs

This day this cause came on to be heard on the bill, answer, exhibits and
argument of Counsel. Whereupon the Court doth order, adjudge and decree that
Joseph T. Cland, Joseph Drewry, Samuel Drewry, William A. Jones & James
Drewry, be appointed Commissioners any three of whom may act, and that they
divide the negroes of Joel Westbrook dec^d. into three equal parts, regard being
had to value, and allot one third to John Ivey & wife in right of his wife, for the
life of said wife and the other two thirds to the children of said Westbrook dec^d.
and make report to this Court how they have executed this order, in order to a final
decree.

Attest

James Rochelle Clerk

Tracy & wife

in 2 copy Deere

Westbrooks

For Commissioners

Southampton January Court 1835.

John Inry and wife
against

Plffs In Chancery

Thomas H. Martha W. James D. Caroline E. and William B. Westbrooke infants of Joel Westbrooke dec'd by John Drury Esq. &c.

This day this cause came on to be heard on the amended bill & answer &c. whereupon the Court doth adjudge, order and decree that the commissioners heretofore appointed, do divide the negroes of said Joel Westbrooke into six parts and allot one to John Inry & wife, in right of said wife for her life, one part to Martha W. Westbrooke one to Thomas H. Westbrooke, one to James D. one to Caroline E. and another to William B. Westbrooke, - that they do further divide the money arising from the sale of a negro man directed by will to be sold amongst 8 parties and make report to this Court how they have executed this decree -

Attest Teste J. Rochelle Clk

Ivy & wife

vs

Drewy Bonalton

Amended return

1835 Jms. filed

The Amended decree in Case of

Ivey & wife

vs

Drewy Son ad litem

This day this Cause came on to be heard on the amended bill & answer & - whereupon the Court both ordered a judge and decree the the Commissioners heretofore appointed, so divide the negroes of sd Joel Westbrock into six parts and allot one, to Mrs Ivey and wife in Right of sd wife for her life one part to Martha Westbrock, one to Thomas H. one to James B. one to Caroline C. and another to William B Westbrock, that so further divide the money arising from the sale of a negro man directed by will to be sold amongst sd parties and make report to this Court how they have executed this decree -

Pridley -

Pursuant to the annex'd decree. from the county
 court of Southampton, to us directed, bearing date December court
 1834. and at the January court following amended. we have
 proceeded to divide the slaves. then in ref'd to. as below stated,

allotted John Inez and wife	3	Regro man Ben	\$475.00
as damr	1	" Boy Harry	375.00
"	1	" " Tom	350.00
"	1	" Girl Julia	325.00
"	1	" " Hannah	175.00
"	1	" old woman Peggy	50.00
			<u>\$1750.00</u>

allotted Thomas H. Westbrook	3	Regro boy Giles	\$275.00
"	1	" woman Betia	275.00
"	1	" Girl Charlotte	150.00
			<u>\$700.00</u>

allotted Martha V. Westbrook	2	Regro man Jim	\$500.00
"	1	" boy Nathan	200.00
			<u>\$700.00</u>

allotted James D. Westbrook	3	Regro man Peter	\$475.00
"	1	" Girl Chany	100.00
"	1	" woman Dolly	25.00
			<u>\$600.00</u>

allotted Caroline E. Westbrook	3	Regro woman Milley	\$350.00
"	1	and child. Mary	350.00
"	1	" Man Moses	450.00
			<u>\$800.00</u>

allotted William B. Westbrook	3	Regro man John	\$425.00
"	1	" woman Winney	275.00
			<u>\$700.00</u>

Agreeable to the afore going statements. it will be observed

The valuation of the whole of the slaves, is Five thousand
Two hundred and fifty dollars. which deducts one thousand
seven hundred and fifty dollars. being one ^{of whole amt.} third, and place to
John Dwyer and wife. as owner - leaves slaves to an amount
of Three thousand five hundred dollars. to be divided between
the five legatees, which, ^{slaves to} an amount of seven hundred dollars
is each legatee proportionable part. But owing to the valuation
being such, it rendered it, out of our power to make each lot
equal, as such we were constrained. to place in one lot slaves
to an amount of six hundred dollars. and in an other lot slaves
to the amount of Eight hundred dollars, which lot of six hun-
= dred dollars was drawn by James D. Westbrook. and the lot of
Eight hundred ^{dollars}, was drawn by Caroline E. Westbrook. and in
order to make an equal distribution. we do by this asset
John Dwyer as Guardian to Caroline E. Westbrook. to pay the
sum of one hundred dollars to as Guardian to
James D. Westbrook. for the s.d James benefit,

as to the distribution of the money alluded to in the
deed. for the sale of a negro man. the money not being presented
to us, by the parties, and being under the impression that it will
be a matter of no difficulty, and can be easily arranged and
settled between the Guardians and administrators, consequently
we have concluded to act no further than respects the division
of the slaves, all which is respectfully submitted to your word
- ings. Given from under our hands this 15 day of June 1835

For Leased
Joseph Dwyer
James Dwyer
"