

1839-019 SOUTHAMPTON COUNTY SMITH, WIDOW VS. SMITH'S ADM'R. & ALRS
CHANCERY PAPERS 2/1839

1199
Smith's midon

2 3 Bill and L.
Smith's adm. & heirs

Marion

1836 Decr. Decree as filed &c.

1838 Jan. Decree amended by substituting Edwin
Blount in the room of R. T. Mygrave
- a lease.

1839. Feby. Rep. not confirmed &c.

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

Humbly complaining shew unto
your worships, your Compt^s Nancy B. Smiths widow &
relict of Thomas P. Smith dec^d. that her said husband
departed this life in the year 1835 intestate, bequeathed
a number of valuable slaves, and leaving your Oratrix
his widow, and five infant children to wit, Martha
M. Rebecca, Mary, Mary, Thomas B, and Richard
who are still of tender years, that admin^r on his Estate
has granted to William A. Jones, who your Oratrix
has reason to believe has progressed so far in the
discharge of his duties, as to render it unnecessary
for him longer to retain the said negro slaves in
his hands: that your Oratrix is anxious to have
her dower allotted her, but so it is, this cannot
be effected without the aid of this Court sitting
in equity - In tender consideration whereof and
forasmuch as your Oratrix is immediately at Law,
to the end that the said Wm. A. Jones ad^{or}. of
the said Thomas P. Smith dec^d. and the infant children
aforesaid by some fit person as Guardian ad
litem, may be made Defendants hereto, and compelled
to answer the allegations hereof, she prays the Com^{ts}
with of Sp^{ts} directed & commanding & that your
worships will decree an allotment of her dower in
the said slaves, and grant her gen^l. and special
relief and she will pray &c.

Prayer for Compt^s

The joint and separate answer of William A. Jones adm^r
of Thomas P. Smith dec^d and of Martha W. Rebecca
May, Thomas B. and Richard Smith, children and
heirs of the said decedent by the said Wm A. Jones their
guardian ad litem, by the court here appointed to protect
their interest in their behalf, to the foregoing Bill of
Complaint: These Respondents saving & for answer to
the said bill say, that they admit its allegations, and
have no objection to the decree asked for, and having
assented, they pray &

Motion for default.

to a final decree —

Smith's widow

2

Smith's adm^r & heirs

Plffs

Defds

2 Chy.

This cause was this day docketed by consent of parties with
the assent of the Court, and came on to be heard on
the Bill, answer, and argument of counsel. On consid-
- ration whereof, the Court doth adjudge, order and decree
that John A. Person, Robert J. Murgans and Peter
Edwards, do allot to the plaintiff Nancy B. Smith
a widow of Thomas P. Smith dec^d one third in value
of the negro slaves of the decedent's Estate for her use
during her life as her dower thereof, and that they
allot to the five defendants without division, the
other two thirds thereof, and that they report
their proceedings in the premises to the Court in order

Southampton January Court 1838.

By consent of parties this decree is amended so as to substitute
Edwin B. Glend a Commissioner in the room of Robert T. Mesgrave
dec^d. and ordered that the said Commissioners report -

L.R. Edwards cl^k

Smith

2 Copy Decree

Sanctus actus 9^o

For Commissioners

Approved by affirming Edward B. Glend
Commissioner in place of Dr. Mesgrave
Dec^d -

Southampton December Court 1836

Nancy B Smith widow and executrix of Thomas P Smith dec^d Plff.
against

In Chancery

William A Jones adm^r of Thomas P Smith dec^d and Martha W.
Rebecca, Mary, Thomas B and Richard Smith children & heirs of
the said decedent by the said William A Jones their guardian ad litem Dfs.

This cause was this day docketed by consent of parties with the absent of the
Court, and came on to be heard on the bill, answer and argument of Counsel.
On consideration whereof the Court doth adjudge, order and decree that John
A Person, Robert T Maggrave and Peter Edwards do allot to the plaintiff
Nancy B Smith as widow of Thomas P Smith dec^d one third in value of the
negro slaves of the decedent's estate for her use during her life as her dower
thereof, and that they allot to the five defendants without division the other
two thirds thereof - and that they report their proceedings in the premises to
the Court in order to a final decree.

Attest

L. R. Edwards Clk

Pursuant to the annexed Order, the
the Commissioners have proceeded to allot
to Nancy Smith in dower, the one third
part of the slaves, belonging to the Estate
of Joseph Smith dec'd. to-wit King, Isbel,
Charlott & two Infant-Children valued
at twelve hundred and seventy five
Dollars, all of which is respectfully
submitted to the County Court of
Southampton, given under our
hands this 23rd July. 1835. —

J. B. Glanville
Peter Edwards
John A. Benson