1862-015 SOUTHAMPTON COUNTY CHANCERY PAPERS CLAUDE'S EXECUTOR VS DREWRY - al

2/1862

other surnames: Holt, Claud

Claudo Error

v } Bill & Ans. &c

Wolle Error &c

1861 Nov. Decree as filed &c

1862 Jany. Report.

" Feby " Confd &c

Col R. for Pltf

To the worshipful County Court of the County
of Southampton – In Chancery sitting

Humbly complaining sheweth your Complainant – Jos.
H Prince Exr: of Jos. F Blunt dec'd: that on or about the
Jasper Holt, formerly of the County aforesaid died, having pre-
viously executed his last will and testament, which was
regularly admitted to probat in the said County Court, and
a copy of which is herewith filed as part of this bill –
That said testator in his will aforesaid, after making certain
specific legacies therein specified, gave to his wife Stoney
Holt, during her life or widowhood, the balance of his estate
both real and personal; and at the death or marriage of
his wife gave to the said Jos. F Blunt and Samuel Drury
all of his slaves, together with the remainder of his whole
estate bound to his wife, to be equally divided between them
and their heirs forever – Your Complainant further states that
on the day of in the year 1861, the said Stoney
Holt, the life tenant died, by which event, your Complain-
ant as Exr: of the said Jos. F Blunt and the said Samuel
Drury became entitled to possession into their possession, the
whole of the property bound to the said Stoney Holt during
her life including the slaves; and the said parties so entitled
are desirous of having the said slaves divided between them
In consideration of the facts before stated Your Complain-
ant prays that Samuel Drury in his own right and
as surviving Executor of Jasper Holt dec'd: be made defen-
dant to this bill – that he answer the same and that the
Court will decree an equal division of the slaves be-
fore mentioned, between the parties above named; and grant
such other and general relief as may be necessary & proper
and he will as in duty bound ever pray &c –

Windsor –

Jr Pltff

Answer of Samuel Brent in his own right and as Exr: of Jefn Holt decd: to the above bill filed by Jos. H. Prince Exr: of Jos. I Blanchs -

This respondent, saving and reserving &c- in answer to said bill says that the facts therein stated are true, and that he is equally desirous of having a division of said slaves- that the estate of Jefn Holt has been long since settled and all debts and expenses paid - And having answered prays to be dismissed the Court with his costs &c-

Saml. Brent and as Exr: of Jefn Holt

Blanchs Exr:
v
Brent &c

Decree

This day this cause was docketed by force of Court and Count of parties and came on to be heard by bill Count, answers and exhibit filed, and was argued by Counsels- On consideration whereof the Court doth adjudge order and decree that Thomas B Powell James H Hardee, James E Peters and Thomas M Newsome any three of whom may act, be and are hereby appointed Commissioners of Court for the purpose- that said Commissioners as soon as practicable, proceed to divide the slaves in the proceedings mentioned- that is to say- the slaves bequeathed by Jefn Holt in his will, to his wife Nancy Holt during her life or widowhood- into two equal parts having regard to value; and allot one part to Jos H. Prince Exr: of Jos. I Blanchs and the other to Samuel Brent- and that said Commissioners report their proceedings to Court together with any matter specially stated deemed pertinent by them or which may be required to be so stated by either of the parties -

Claudius Exor:

~ 3 3 3 Bick, Cannon & Bacon

Decrees &c

1861 Nov. Decree filed 1st

Claudo Lxx:
à 3/3 Lucas
Drury &c

1862 Jany 6. Rept.

Southampton County Court. November 18th. 1861.

Joseph H Prince Exor: of Jos. T. Claud dec'd Pff.
against
Samuel Drewry in his own right & as Exor: of Jesse Holt dec'd Dft. } In Chancery

This day this cause was docketed by leave of Court and Consent of parties and came on to be heard by like consent on the bill, answer and exhibit filed and was argued by Counsel - On consideration whereof the Court doth adjudge, order and decree that Thomas B. Powell, James H. Harder, James E Peters and Thomas M. Newsom - any three of whom may act - be and are hereby appointed Commissioners of Court for the purpose - that said Commissioners as soon as practicable, proceed to divide the slaves in the proceedings mentioned - that is to say - the slaves bequeathed by Jesse Holt in his will, to his wife Nancy Holt during her life or widowhood - into two equal parts, having regard to value - and allot one part to Jos. H Prince Exor: of Jos. T. Claud and the other to Samuel Drewry - and that Commissioners report their proceedings to Court together with any matters specially stated deemed pertinent by themselves or which may be required to be so stated by either of the parties -

A Copy

Teste L R Edwards cc

We the undersigned Comrs. proceed to carry out the above decree the statement below will show our proceedings - given from under our hands this 26th day Dec. 1861 all of which is Respectfully submitted to your worships —

Thos B Powell
Jas H. Harder
Thos. M. Newsom
Comrs.

negro man Harry $550.00
Dick — 400.00
Henry — 525.00
1475.00
Nancy minus 150.00
to be divided into two parts — 1325.00
662.50

Lot No 1 drawn by Saml. Drewry
Dick — $400.00
Henry — 525.00
925
deduct for Nancy 150
775
to pay to lot No 2. 112.50
$662.50

Lot No 2 drawn by Joseph H Prince Executor of Joseph T. Claud Dec'd —
negro man Harry — $550.00
To Receive from lot No 1 — 112.50
$ 662.50

Josse Hatt
Will -
a true Copy

In the name of God Amen. I Jesse Holt of the
County of Southampton and State of Virginia do make
and Publish this my last will and Testament in manner
and form following (that is to say -
Item 1st I give unto my wife nancy Holt the following
property. to wit, Negro woman Mary, Chem, George, John, Bob
Jack, Cannie, Ruth and will and their future increase,
also three hundred dollars in gold, to her and her heirs forever
provided my wife abides by this my last will and Testament
-ts. otherwise the said negroes and money, must continue
in my Estate and be subject to my will as it respects my
personal Estate
Item 2nd I give unto my nephew Etheldred Holt of Johnson
County State of north Carolina, Five thousand dollars to
him and his heirs for ever -
Item 3rd I give unto my nephew William Holts Children
to wit Sophia, Elbert, Ransom, Calvin, and Daniel Holt
Twenty five hundred dollars, to them and their heirs for ever
but in case either of them should die before they arrive to
lawfull age or marry, It is my will and desire that the
survivors shall heir their deceased respective part -
Item 4th I give unto my nephew Henry Edwards of north Carolina
State of north Carolina Five hundred dollars to him and
his heirs for ever
Item 5th I give unto Virginia D Claud son of Edwin Claud
at the death of my wife one thousand dollars to him
and his heirs for ever
Item 6th I give unto my friend Willie Frances in case he
survives me one hundred dollars to him and his heirs for ever
Item 7th I lend unto my wife nancy Holt ~~not~~ the balance of
my Estate not before named both real and personal during
her natural life or widow hood
Item 8th at the death or marriage of my wife I give unto Joseph
T Claud the whole of my lands lying in the County of South-
-mpton containing twelve hundred and eighty two acres
be the same more or less, to him and his heirs for ever -
Item 9th at the death or marriage of my wife I give unto
Joseph T. Claud and Samuel Delaney all my slaves together

with all the rest, residue and remainder of my whole
Estate of whatsoever kind or description & may be not herein
before ~~named~~ particularly disposed of consisting of the whole
of ~~the said~~ my personal Estate loned to my wife. To be
equally divided between them, to them and their heirs forever
Item 10th It is my will and desire that whoever receives and enjoys
my personal Estate shall allow to Charlotte Long a decent
and comfortable support and maintenance during her natural
life
Item 11th I do hereby constitute and appoint Joseph T Cleaveland
and Samuel Denny Executors to this my last will and
Testament, hereby revoking all other wills & Testaments, by me,
made, In witness whereof I have hereunto set my hand
and affixed my seal this 31st day of November one thousand
eight hundred and Twenty Eight —

Signed sealed and acknowledged
in the presence of us —

Wm B. Gorman
Henry Harris
John Denny —

his
Jesse + Holt Seal
mark