1771-005 SOUTHAMPTON COUNTY CHANCERY PAPERS VASSER vs. SPIVY, et ux., 2/1771

other SURNAMES: Spivey, Rello

To the worshipful justices of Hampton
county sitting in chancery

Humbly complaining Sheweth unto your worships your
orator Anna Vaper an infant under the age of twenty
one years by Rich[d] Kello her guardian That your orator's father
one Benj[a] Vaper late of this county died was in
his lifetime & at the time of his death seized & possessed
of a considerable estate in Lands Slaves & personal
Chattels & being so seized & possessed ~~departed this life~~
~~having first~~ made his last will & testament in
writing bearing date the 1st day of January 1752.
in which amongst other things is the following devise
& gives unto my beloved wife Dolly Vaper the use
of the plantation whereon I now live & also the
& labour of my two negroes Phill & Jean
natural life or widowhood as also one half of all
my personal estate. but in either of the above cases
as she is now with child my will is that it be male
or female that at my wifes death all my Lands
may descend to my child & one moiety of my other
estate both real & personal & the other moiety to my
wife absolute — & of the s[d] will appointed his wife
Dolly his executrix soon after the making the s[d] will
the s[d] Benj Vaper departed this life — after whose
death the s[d] Dolly proved the s[d] will & took upon
herself the burthen of the execution thereof & enjoyed
the legacy therein devised bequeathed to her — & as

Vaper
v
Mary Hunt
Bond
Petition
&c
27th Oct[r] 1770
Entered for
Answer &c
Rejoin &c
Rec[d] Rep[d]
Mo[n] May
Set for hearing
Dec[r]
Oct[r] 1770
Answer
Copy
Rejoin &c
Copies
Rec[d] Rep[d]
Mo[n] May
Set for hearing
Dec[r]

safely delivered of your Orator the only child of the said Benj Vaper. Your Orator further sheweth that after having posted herself of the whole estate of the said Benj as well real as personal she hath since intermarried with one Will Spivy who by virtue of such intermarriage hath in right of the said Dolly the one half of the Lands Slaves & personal estate of the said Benj your father. & contrary to the same & make to themselves the sole profits arising from the whole estate. whereas your Orator is advised that by such marriage the said Dolly forfeited all right to any part of the said estate: the same being intended by the testator only by the said Dolly during the term of her natural life for the benefit of your Orator the other moiety & the profits arising therefrom from & immediately after the death of the said Benj to come to the benefit of your Orator & the whole in case of the death or marriage of the said Dolly. Your Orator further shews that she hath frequently made application to the said Will Spivy & Dolly his wife & requested them to render to your Orator that justice which is due to her by the will of her father & deliver up to her such part of the said estate as she is thereby intitled to. But now so it is may it please your worships that the said Will Spivy & Dolly his wife absolutely refuse to comply with this request pretending at sometimes that the marriage aforesaid worked no forfeiture of the said estate at other times that they cannot be justified in doing any thing with your Orator without a decree of a Court in Chancery to bind them. Tender Cons. whereof & for that your Orator being an infant is remediless in the premises without the aid of this Court. To the end therefore that the said Will Spivy & Dolly his wife may upon their corporal oath full true & perfect answer make to all & singular the allegations of this bill as fully & particularly as if the same were here again repeated & interrogated And that your worships will decree And that the said Will Spivy & Dolly may render & make up before proper persons an account of the profits of the other estate of the said Benj Vaper of the said Benjamin and that your worships will also decree such part of the said estate as she by the said will may be intitled to be laid out & put at use for the use of your Orator - & that the said Will Spivy & Dolly his wife be decreed to pay unto your Orator such part also of the personal estate as is due together with the profits arising from the said estate with interest thereon. And that your worships will make such other decree as the exigencies of your Orators case may require or may be agreeable to equity & good Conscience

The Answer of William Spivey and Dolly his Wife to the Bill of Compldaint of Anna Vasser Complt

These Defendants now and at all times hereafter saving and reserving to themselves all manner of advantage and benefitt of exception to the manifold untruths incertainty and imperfections in the said Complainants said bill of complaint contained for answer thereto or to so much thereof as these defendants are advised concerns them to answer unto they answer and say That it is true Benjamin Vasser departed this life about the time and made such last Will and Testament as is sett forth in the Bill and admit that the said Dolly proved the said Will and possessed herself of the said estate as is sett forth in the Bill and intermarried with the said William Spivey and are now possessed of the said Estate These Defendants further answering say that they are advised that she hath not forfited her right to the Estate given her in the said Will but that she still hath a Right to one moiety thereof and also her Dower in the lands These Defendants further answering say that they confess the said Plaintiff hath a right to the other Moiety thereof which these Defendants are ready and willing to allow her on the nett proceeds of the Estate after deducting debts Legacies and funeral expenses and also a reasonable allowance to these Defendants for Board Clothing & Education of the ~~Testator~~ Complainant which they have constantly found and provided her at their own expence ever since the Death of her Father which

these Defendants pray this worshipfull Court will appoint proper persons to settle & They further answering say that have returned an account of their administration of the said Estate which hath been properly passed by the Court & recorded. by which accounts the transactions of their administration, will appear. without this they

Apr 12. 1770
Sworn to before me.
Peter Butts

William Spivey
his
Dolly + Spivey
mark

Spivey &c
vs
Vason

Vapour Jay
&
Stirling Esqr

Jany 68
time to and
March 68
cont for bale
Jan
cont
Sept 68
cont for bale

George & Simon William Spivey & Dolly his wife exors
& of Benjamin Vaper decd ... to appear at January Court
to answer a Bill in chancery exhibited against them by
Anna Vaper an infant by Richard Hello her guardian
Witness the 1 Day of January 1760. &c

Hello &
Exd

Vapeur
&
Vapeurs

The Subscriber on the
Am Curr. £202. 7. 0 ½.

B. Vapeur died March
1762. Am Curr in as
sett. August 1766.

At a court held for the county of Southampton the 12th day of October 1770.

Anna Vaser an infant by P Kello her next friend Pltf
ag.
William Spivey & Polly his wife extrix &c of Benj Vaser decd } Def } In Chancy.

This cause was this day heard on the bill of the Pltf the answer of the Defend.ts & the arguments of the counsel on both sides On consideration whereof It is Decreed and Ordered that the Defendants do account for the profits arising from one moiety or half part of the testators real & personal estate before Joseph Gray Thomas Williamson Charles Corby Edwin Gray Peter Butt & Benj Ruffin gent or any three of them, that they report to this court the state of the said profits with the defendants charges for the maintenance & education of the plaintiff together with the sum due on the Defend.ts account of her administration of the Test.rs decedents estate. That they also allot & assign unto the said Polly in the lands whereof the said Benj.a died seized & make report thereof in order to a final Decree

P Kello D.

Copy Benj.ⁿ Vaughan
will for
Dr. Cooper

In the name of God amen I Benj.a Vaser of the parish of Nor-
way and county of Southampton being weak in body but of sound & perfect
sense & memory do make & ordain this writing as & for my last will & testament
in manner & form as followeth That is to say—

Item I give unto my beloved wife Dolly Vaser the use of the plantation & land
whereon I now live as also the use & labour of my two negroes viz. Phil. &
Sam during her natural life or widowhood as also one half of all my
personal estate. But in either the above cases as she is now with child
my will & desire is that it be male or female. that at my wife's death all my
lands may descend to my child Com[mo]nality of my other estate both real and
personal & the other moiety to my wife aforesaid. But in case my wife
should have safe deliverance either of male or female & that child should
die without issue I further desire & give unto my nephew William Vaser
son of Joseph Vaser the plantation wherein I now live containing
one hund.d and seventy acres of land . . . . . .

Item I give as aforesaid one hundred & thirty acres of land to my nephew Jos.h Vaser
son of Jacob Vaser adjoining their land by the Flat branch from
Arthur Arrington's to Benj.a Exum's lines to them & their heirs for ever.

Item In either case aforesaid that is if the child should die without issue I
give unto Susanna Arrington daughter of John Arrington jun.r dec.d
twenty pounds current money of Virginia . . . . .

Item I Give unto Eliz.a Arrington daughter of the aforesaid twenty pounds
Current money Virginia . . . . .

And all the rest & residue of my estate & being of what nature or kind
soever I give unto my wife Dolly aforesaid leaving her my whole &
sole executrix of this my last will & testament & do hereby renounce and
revoke & make void all other wills before by me ever made In testimony
whereof I have set my hand & affixed my seal this 5th day of Jan.y

1762
Signed sealed and declared
in presence of
Sam.l Blow
John Mitchell
Rich.d Blow

Benj.a Vaser (seal)

At a court held for the county of
Southampton the 5th day of April 1762

This will was presented in court
by Dolly Vaser the executrix therein named proved by the oaths of
Samuel Blow & John Mitchell two of the witnesses thereto ordered to
be recorded and on the motion of the said executrix who made oath
& certificate was granted her for obtaining a probat thereof giving security

&c

Wells 80

Dr. William Spivy & Dolly his wife exrs of Benjamin Vasser decd. Cr.

1762 Jany.	To one half of £182. 7. 0½. being the balance due on the account Rendered exclusive of Phill Hom	91. 3. 6½	1764.	By the maintenance education & boarding Anne Vasser 6½ Years @	35. 7. 3.
	To Int on d: from July. 1764. the Jany 1771 the time of her marriage	29. 12. 7.		Bad Debt due the Orphan	139. 3. 6½
	To hire of Phill 6½. years @ £6.	39. 0. 0.			174. 10. 9½
	To interest arising on Said hire	5. 14. 0.			
	To ½ profits of the Lands £6.10 Richards	6. 10.			
	To ½ profit of the Still	2. 10.			
		174 10. 9½			

In obedience to a Decretal Order of the County Court of Southampton in Chancery bearing Date the 12 day of October 1770. We the persons therein appointed have stated the profits arising from the moiety or half part of the testators Real & personal estate together with proper charges for maintaining & educating the defendant. & Report that there the above Sum of £139. 3. 6½ is due the said Defendant from the said plaintiff, We have also allotted one hundred Acres of land adjoining the poccoson including the Plantation thereon or so much thereof as may contain the said quantity as for the Dower of the said Dolly in the lands whereof the testator died seized. Given under our hands this 28. day of January 1771.

Peter Butts
Charles Corbin
Benjn Ruffin

1762. Mar. Dr

Will Spivey & Polly his wife exrs. of Benj Vaper decd. to Anna Vaper

	L	s	d
To one half of £102. 7. 0½ being the bal due on the accounts Curr:	91.	3.	6½
To int on D° from March 1763 to Janv. 1771.	3	6	2. 8.
To hire of Phill or Tom. 9 years D°.			
To ½ profits of Lands Orchards Still &c from the time of Mrs Spivey's marriage.			

Cr

By maintenance education Board. from the time of the marriage ——

	L	s	d
	4.	11.	2½
	27.	7.	7
	29.	12.	7

1764 £4. 0 0
2 yrs 8 0

1765.	6.	3	6. 1. 2
1766.	6.	2.	1. 2
1767.	6.	1.	6. 2
1768.	6.	6.	9. 2
1769.	7.	2.	7. 1. 2
1770.	7.	9.	5. 2
	7.	16.	11. 2
	2.	9.	2
	0.	4.	0½

1764 £3. 1. 6.
1765 6.
9. 1. 6.
1766. 6 9. 1 3/4
15. 10. 6 3/4
1767. 6 15. 6. 3/4
22. 6 1 1/2
1768. 16 2. 3 1/2
6
29. 8 5.
1769. 16 9. 5
6
36. 17 10 1/2
1770. 16 16 9 3/4
6
44 14 8.
39.
5. 14. 0

29. 12. 7
5. 14 8
35. 7 3

174. 11. 9 1/2
35. 7 3
139 3. 6. 2

40.
12.
13.
6.