1776-003 SOUTHAMPTON COUNTY CHANCERY PAPERS HARRIS, et al vs. HARRIS' EXTX 6/1776

other SURNAMES: Mackie, Pope

Harris &
v
McKee &

Bill
&c.

Aug 1775
Decree

To the worshipful justices of Southampton
county sitting in Chancery

Humbly complaining sheweth unto your worships your
orators ~~Rebecca Mackie & Rebecca~~ & Rebecca Mackie, William
Harris Joseph Harris & Mary Harris infants under
the age of twenty one years by Handy their next friend
That one Simon Harris their father late of this county
by his last will & testament bearing date the first day
of September 1771 amongst other things devised to
his wife all the ~~his~~ land & negros & all his personal
estate ~~be~~ of what nature or kind soever during her
natural life or widowhood & that after her decease
or marriage his personal estate & negro woman &
her increase to be equally divided between his two
sons & two daughters to wit your orators William
Joseph & Mary & Patience ~~Rebecca~~, they further
shew that the said ~~Rebecca~~ Patience hath since the
death of the said Simon departed this life & the
said Rebecca his widow hath intermarried with
one William Mackie whereby according to the afore
will your orators are intitled to an equal division
of the personal estate the negro woman & her increase
therein mentioned & also to their proportionable
parts or shares of their sister Patience her part of the
same they further shew that the said Rebecca
being by the testator appointed executrix in the said
will hath by virtue thereof the possession both of
the personal estate & negros of the said testator that
no equal division of the said slaves can be made so as
to be binding without the interposition of this
worshipful Court. To the end therefore that the said
William Mackie & Rebecca his wife widow & executrix
of the said Simon Harris dece may upon their
corporal oaths full true & perfect answer make to
all & singular the premises as fully as if the same
were again repeated & interrogated & that this

worshipful court with decree & order that ~~for~~ ~~the~~ ~~persons~~ the aforesaid Negro woman & her increase since the death of the said Simon Harris be sold at public Auction that the money arising by the sale be equally divided between your Orators agreeable to the ~~Coppies~~ Will of the said testator & that the proportion of the said Patience now dead be also divided agreeable to the laws of this Colony. & that your worships will also ~~decree~~ ~~Order~~ further ~~order~~ ~~Decree as may be agreeable by~~ ~~Decree as may~~ ~~Objections~~ ~~May it please &c~~

~~B Kelly for Compt.~~

decree that the said widow & Executrix pay unto your Orators their equal proportion of all such sums as may be due by their Account of her administration of the said testators estate & make such other decree as may be consistent with equity & good conscience may it please &c

The joint & several Answer of William Mackie & Rebecca his wife ~~late~~ widow & executrix of Simon Harris deced to the bill of complaint of William Harris Joseph Harris & Mary Harris infants by their next friend

These defendants saving & reserving to themselves all advantages of exception to the ~~said~~ bill of Complaints for answer thereto saith That it is true that the testator died, leaving such will & therein made such disposition of his estate as is mentioned in the bill that these defendants are ready & willing to submit to such decree in the premisses as this court shall think most equitable & just but this defendant Rebecca humbly conceives that notwithstanding her intermarriage with the deft Wm Mackie She is still intitled to her dower or thirds in the Lands of the testator & to her equal share with the Complainants of the part or proportion of the deced Patience & therefore humbly hopes that this worshipful will direct proper persons to allot & assign unto her apart her dower in the Lands whereof the said testator died seized & since unto her proportion of the said Patiences equal part of the Slaves & personal estate of the said testator. the balance in which personal estate amounts ~~to~~ ~~more than~~ ~~to~~ ~~more~~ ~~than~~ to no more than the sum of two pounds nine shillings & seven pence as will appear by an Account hereto annexed.

Dr The estate of Simon Harris deced with Rebecca his widow & Executrix

To amount of Debts as by Account returned	28. 9. 7	By am[t] of Sales for Negroes	21. 19. 4. 2
To amount of Corn & sundrys used during widowhood for the maintenance of herself & family	14. 4. 2	By Debts &c	1. 4 3 3/4
	42. 13 9	By Balance	2. 9 7
Balance	2. 9 7	By Sales since the deft. intermarriage	21. 19. 0.
	45. 3. 4		45 3. 4

00.

10.	2.	9.	7		
4/12	9	7			
	4.	2.	4	3/4	

4. 282. 9. 7

4/20.	12.	4	2		10/27
	5.	3	1.		
	77.	2.	3		

4 5 9

3 / 77. 6 6
25. 15 6

73. 6
4 17. 8 2
70 3. 8 2
1. 2

82. 9. 7.
4. 5. 9
78 3 7

4 / 70. 3. 70
4 / 19. 10. 11. ½
4. 17. 8. ½

17.
02

Transcribed by
Mackie

Southampton may Court 1775

William Harris Joseph Harris & Mary Harris infants under the age of twenty one years by Haroy Pope their next friend pltfs

vs.

William Mackie & Rebecca his wife widow & late executrix of Simon Harris decd

In Chancery

By consent of the parties This cause was this day heard on the bill of the plaintiffs and the answer of the defendants Whereupon it is decreed and ordered that the negro woman and her increase in the bill mentiond be sold at public auction at a credit of twelve months on bond and security being given to the complainants and that Richard Kello Charles Cosby and Haroy Pope or any two of them allot & set apart the dower of the widow in the lands whereof the testator died seised and possessed and that the aforesaid persons or any two of them attend the sale of the said negroes and make report thereof to the next Court in order to a final decree

Sam Kello c

993 12
961
90
59
1203 2
29. 2
1174.

9932
292
1023

459

3/77.6 6
25.15 6

73.6
4 17. 8 2
78 3. 8 2
1. 2

82. 9. 7.
4. 5. 9
78 3. 4

4/78. 3. 70
4/19. 10. 11. 1/2
4. 17. 8. 1/2

70
17.

Harris &c
v
M'Kie &c
Repas.

In obedience to a decretal Order of the county court of Southampton bearing date May Court 1775 and hereto annexed. We the Subscribers have sold the Negro woman Sher increase in the bill mentioned to Mr. Wm. Lawrence for the sum of eighty pounds ~~for~~ for which we have taken his bond with Richard Bradshaw of the county of Isle of Wight payable ~~in~~ in twelve months and we have allotted assigned & set apart the Dower of the Defendant Rebeca. in the Lands of Simon Harris deced her former husband — as follows Beginning at the mouth of Stoney branch which divides this land from the lands of Hardy Pope thence up gravelly run branch to a marked Gum thence by a line of marked trees through the plantation & orchard to a marked small black gum in a prong of Stoney Run down that to Stoney run branch & down that to the beginning Given under our hands this 8th day of August 1775.

R Kello

Hardy Pope

Recd June 13. 1776 of Richard Kello & Hardy Pope, Mills Lawrence & Richard Bradshaw Bond for £80 – & interest taken by us as trustees of the Orphans of Simon Haines dece'd for the negroes within mentioned

William Mackey
Guardian of the Orphans

Haines &c
v
M'Kee &c
Repleni.

Balance of personal estate due Simon Harris Orphan

	£2. 9. 7.
Sale of Negros by Court decree	80. 0. 0.
	82. 9. 7
Costs of Suit equally borne /deduted/	4. 5. 9.
	78. 3. 10.

Will, Patience Joseph & Mary. each £19.10 11.½.
Widows proportion of Patience est. 4.17.8½
24. 8. 8.

William	24. 8. 8 2
Joseph	24. 8. 8. 2
Mary	24. 8. 8 2
Widow	4. 17. 8. 2
	78. 3. 10