1784-010 SOUTHAMPTON COUNTY CHANCERY PAPERS FORT vs. FORT'S EXECUTOR, 4/1784

other SURNames: Thorp

To the worshipfull court of Southampton county sitting in Chancery

Humbly complaining Sheweth unto your worships your orator John Tort an infant of tender years by Celia Tort his mother and next friend That your orators father Joshua Tort late of this county being in his lifetime seized and possessed of a considerable estate consisting of lands and slaves made his last will and testament in writing dated the fifteenth day of march 1781 whereby he gave to Joshua Tort and Joseph Tort and Edwin Tort your orator brothers each a tract of land in fee simple but to your orator instead or in lieu of land gave to him two slaves between ten and fifteen years of age without naming therein or directing who should set them apart for your orators benefit and of his said wife appointed your orators mother his brother Joshua and uncles Joshua and Lewis Thorp executors and soon afterwards departed this life Your orator further sheweth That the said will has been duly proved & recorded in this worshipfull court and to which he for greater certainty refers and that his uncle Lewis Thorp has taken upon himself the burthen of the execution thereof He also further sheweth That in pursuance to the bequest in his favour above mentioned he hath made application to the said Lewis Thorp and requested him in a friendly manner to allot and set apart out of the slaves whereof your orators father died seized two negroes agreeable to the discription in the devise aboved to But now so it is may it please your worships that the said executor refuses & pretends that he is not justifiable in so doing and also that your orator must wait until he comes of age before such allotment can be made which actings and doings of the said executor is contrary to equity and good conscience and tends to the manifest injury and oppression of your orator Forasmuch therefore consideration whereof and for that your orator is remediless in the premisses by the strict rules of the common law and only properly relievable in this worshipfull court where matters of this nature are properly cognizable To the end therefore That the said Executor Lewis Thorp may full true and perfect answer make to all and singular the allegation

of this bill as fully and particularly as if the same were herein
again repeated and interrogated and that your worships will
appoint some proper person or persons to admit and
set apart such negroes as by the last vide of your oration shall
it appear he is intitled to or that your worships will make
such further decree in the premises as shall be agreeable
to equity and good conscience

Mayor pleas

Fort
vs
Forbes } Chf.

Jan^{y} 1782

Interl. Decree

Sept^{r} 1782

Cond^{o} for Repl

July 1783 Cond^{o} for report

Apl^{t} Repl^{t} vl^{t} Decree

Calen. Fort & John Simmons

The answer of Lewis Thorp a
and Testament of Joshua Fort dece
ed against him by John Fort infa

All advantages of exception b
defendant to the many insufficiencies
said complainants said bile of c
thereto or to so much thereof as he s
to make answer unto he answers
That the Testator Joshua Fort made just
departed this life as in the bile is set f
to alest and set apart the two negroes
could he think he derived any such powe
thereby be valid and that he should
ing persons to chuse them for the comp
wich he made conclusion and binds

Sworn to before me
the 10th of Jan 17[illegible]
Henry Brown

of executor of the last wile
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complainant
fused and received by this
imperfections or contradictions in the
plaint contained. For answer
advised is material for him
and saith That it is very true
wile appointed the executor and
th that he should be very willing
entioned in the wile of his testato
from the wile or if the same could
as no objection to this courts appoi
inant but hopes their allotment
him without that that he

Lewis Thorp

Tort
vs
Tort

Chan T
Copy Decree

Resp. Rel. Scully
1784
for
(Capt. Simmons)

Southampton January Court 1782

Jno Fort an infant by Celia Fort his mother & next friend plt
vs
Lewis Thorp acting Ex. of Joshua Fort deceased — deft } Chancery

This cause was this day heard on the Bill and Answer whereupon it is decreed and Ordered that Celia Fort and John Simmons do allot and set Apart out of the Estate of the said Joshua Fort decd two negroes one a male the other a female between the ages of ten years & fifteen for the benefit of the Complainant Agreeable to the will of the said Joshua Fort decd & make upon thereof to the next Court in Order to a final decree

Sam Kello Clk

726·19·2
161·13·3
800·12·1

Agreable to a decree, of the Worshipful Court of Southampton baring date January 1702

We the Subscribers have allotted & Set apart out of the Estate of Joshua Short dec'd Two Negros, Namely Jim & Milley — — between the ages of Ten & fifteen Years for the Benefit of John Short orphant, of the aforesd Joshua Short dec'd, In Witness where of We have hire unto Set our hands this 5th day of March 1702

Sealed Short

John Simmons

Fort
vs
Fort
Report

In Obediance to a decree of The Worshipfull Court of Sampson County bairing date January 1782 we the Subscribers have allotd & set apart Dont of the Estate of Joshua Fort decd, Two Negros, One a boy name Jim, & the other a Girl name Milley, between the ages of Ten years & fifteen, for the benefit of John Fort orpt; agreeable to the Will of the aforesaid Joshua Fort decd, Given under our hands this 8th day of April 1783

Jelute Fort

John Simmons