

1791-018

Southampton County

Chancery Papers'. Randall + ux VS Person

12/1791

other surnames: Randale,
Blunt, Rogers

Cocher
or
Kerby } apple
6.10

Know all men by these presents that We Thomas Cocke and
Daniel Fisher ^{of Pennsylvania} are held and firmly bound unto John Kirby of
Salem in the sum of Two thousand fifty pounds current
money of Virginia to be paid to the s^d John Kirby his heirs
executors & assigns to which payment well & truly to be made
we bind ourselves each of us our heirs & assigns
& assigns jointly & severally firmly by these presents
Sealed with our seals & dated this 9th of April 1789

The condition of this obligation is such that whereas the
afores^d Thomas Cocke who was a free of at a Court of
Quarter Session ^{court} held for the s^d County of Salem on 16th day
of March 1789 hath obtained a decree of the s^d court for Fifty
pounds with interest on Twenty pounds with interest from
the 1st year after y^e contract being Jan^y 1782 int on other £20
from Jan^y 1783 int on other £20 from Jan^y 1784 & the costs
from which decree the s^d Tho^s Cocke prays an appeal to the
next Court of Chy^{ce} Now if the s^d Tho^s Cocke shall well
& truly prosecute the s^d appeal with effect & pay & satisfy
to the s^d John Kirby all such damages cost & charges as may
be awarded agst ~~him~~ in case the s^d appeal shall be
dismissed then this obligation to be void

Daniel Fisher *Ed*

Randall Fuxry
vs
Person's heir }

Bill. —

— (11) —

Aug. 1791. int.

Deuce & Deels
report ret

To the worshipping court of Southampton county sitting in chancery
Shannias Randall & Temperance his wife shew unto your
worsships, that sometime or or about the 25th day of August
in the year of our Lord 1784 a certain Philip Person departed
this life having previously made & published his last will &
testament in writing, in which, after having given some
specific legacies, the testator bequeathed in the following
manner, to wit, "I lend to my beloved wife Temperance my
"manor plantation whereon I now live containing 470 acres
"during her natural life, then after the decease of my wife
"I give the said land to my daughter Patsy to her & her heirs
"for ever; my will & desire is that all the remainder of
"my estate be it of what nature or kind soever whether personal
or real remain in the hands of my executors or my

"Timothy Person arrives to the age of twenty one years or my
"wife shall marry or die, then all the profits that arise from
"my estate I desire may be equally divided between my wife
" & son Timothy Person & daughter Patsy Person until Timothy
"person comes of age or my wife marries or dies & at the period
"of either of these last mentioned then my desire is the said
"estate be divided as followeth. I give & bequeath to my
"son Timothy Person my quarter plantation near Taylors bridge
"containing 346 acres to him & his heirs for ever. My desire is
"that all the remainder of my estate be it of what kind
"it will or found where it will, whether personal or real be
"equally divided between my wife Temperance Person & all my
"children then living to them & their heirs for ever."

And of such will appointed your matron Temperance &

his friend William Andrews his executor. That the said will proved the said will agreeable to law, & that your mother Temperance, ~~did~~ on the day of in the year of our Lord 1788 intermarry with the said Ananias Randall one of the complainants in this bill (by virtue of his intermarriage); & thereby the period arrived in which the estate of the said Philip Person was to be divided between your mother Temperance, & the children of the testator to wit, Timothy Person, & Patsy Person, according to the laws which were in force at the time your mother Temperance intermarried. Your mother further shew that exclusive of the specific legacies given in the testator's will, there were sundry lands & a number of slaves to be divided as a have set forth. That there was a suit in chancery brought by Timothy Person & Patsy Person children of the testator Philip in this worshipful court for a division & final settlement of the said

estate, & according to the prayer of the said bill this court did appoint Benjamin Blunt, William Blunt, John Blunt, & John Rogers gentlemen, to settle & adjust the said estate.

But so it is may it please your worshipps that before the auditors for this purpose made their report to this worshipful court, Timothy Person, one of the devisees & child of the testator departed this life, by which your mother Temperance sheweth that she is entitled to one half of the lands, slaves, & other estate of which the said Timothy died seized & possessed according to the act of the general assembly passed in the year of our Lord 1785 intituled "an act directing the course of descents."

Your mother further shew that they have often applied to John Kello the guardian & the next friend of Patsy Person to

come to a settlement & have the estate finally settled. But so it may it please your worshipps, that the said John Kello combining & confederating with

others other persons to injure your mother has hitherto refused this your mother reasonable request, pretending & giving out in speeches that he was not, nor could he be justified in so doing without the aid ^{& interposition} of a court of equity. In

tender consideration whereof, & for as much as your mother are properly relievable in a court of equity, where matters of the present nature are properly cognizable. To the end therefore that the said Patsy Person may by her guardian & next friend of so true & perfect power make to all & singular

The allegations of this bill, as fully as if they were again set forth & discovered, but more particularly, whether the said Philip Person did not depart this life on or about the time in this bill set forth? & whether he did not leave such will as is herein mentioned? Was not your mother Temperance wife of the testator? Did not he leave at the time of his death Timothy Person, & Patsy Person his legal children & representatives? Had he any other ^{children} children capable to take as heirs? Did not Timothy depart this life on, or about the time in this bill set forth? & last particularly did he not die previous to the commencement of the act of assembly

passed in the year of our Lord 1780.^o And that your worships
may order & decree, some fit & able persons to a lot & set
a part the interest your orators had in the estate previous
to the death of the said Timothy Person, & the right
they have in consequence of the decease of the sd.
Timothy, or that your worships may make such further
or other decree in the premises as may be consistent
with equity & for the relief of your orators is the
prayer of your orators, & your orators shall ever pray &c

B Drew for the ampts
C 110

Radall & wife
or
Person's heirs

Answer

— 11 —

The answer of Patsy Person by Sam^l & Hester
her guardian & next friend to the bill of complaint of Ananias
Randall & Temperance his wife exhibited against her

This defendant now at all times saving & preserving to herself all
all manner of benefit & advantage to the manifold & utter truths
imperfections, & indigencies in the complainants said
bill of complaint contained, for answer thereto
as to so much as she is advised to make answer unto answers
& says, That true it is the said Philip Person did depart this
life as is in the complainants bill set forth, & that he left such
a will as is therein mentioned. That the complainant Temperance
is the widow & relict of the s^d Philip, & that she hath inter-
married with the s^d Ananias Randall. That the testator
left at the time of death Timothy Person & Jane
respondent Patsy his only children & representations,
& that the s^d Timothy hath departed this life, &
she believes since the commencement of the act
of assembly for the year 1785. And if there is any
other matter or thing in the complainants bill not herein &
herely sufficiently answered, or denied, this defendant
is ignorant of, & prays to be hence dismissed with
her reasonable costs &c

$$\begin{array}{r} 21 \\ 13 \\ \hline 63 \\ 21 \\ \hline 152731 \\ 15 \end{array}$$

$$\begin{array}{r} 15273/18 \\ 15 \\ \hline 123 \\ 120 \\ \hline \end{array}$$

$$\begin{array}{r} 13 \\ 11 \\ 15 \\ \hline 39 \end{array}$$

Randall

vs

Person

Deane

Aug. 1791

J. C.

Decbr. 1791 report
returned.

All a court of quarter session continued and held for the
county of Southampton the 13th day of August 1791

Ananias Randall & Temperance his wife. Com^{rs}

vs
Palsey Person by Sam: Kello per guardian
and next friend

Def^t

In Chancery

Samuel Kello being appointed guardian to
the said defendant, this cause was this day heard on the bill
of the plaintiffs and answer of the defendant whereupon it is decreed
and ordered that Benjamin Blunt, William Blunt, John Blunt
and John Rogers or any three of them allot and set apart the
dower of Temperance Randall who was widow and relict of
Philip Person decd. in the lands, slaves and personal estate of the
said Philip Person decd. and also make partition and division of
the remaining part of the land, slaves and personal estate between
the said Temperance Randall and the said Palsey Person as the
law directs and make report thereof to this court in order to a
final decree.

A Copy Teste J^r: D. Laupmann D^c

In Obedience to an Order of Southampton Herewinto Annexed
we have proceeded to the division as follows

To Palsey Person Diver Lucy Moper Ben Jimmy & the River and
Creek Lands and to Receive Fifty Four Seven Pounds
Ten Shillings -

To Doct^r A. Randall Red Cherry Hampton Estur, and the
Church Lands and to Pay to Palsey Person Forty Seven
Pounds Ten Shillings Given Under Our Hands this 2nd
Day of December 1791

John Blunt
John Rogers
William Blunt

Donald Rux?

to: J. A. in
Person R. C. Chang

Decem^r 17 86.

May Inty
Luncheon

Quoted on R. M.

William Adams of M. H.

The Common^{ty} of Virginia to the Sheriff of Southampton County
County greeting You are hereby commanded to summon Timothy
Lerron & Lacey Person to appear before our justices of our S^d. Court
at the Courthouse on the 2^d. Thursday in March next to answer a
bill in Chancery exhibited agst them by Ananias Randle & Temperance
his wife & that they shall in no wise omit under the penalty of 100
Doll^s to have them there this writ bearing Sam^l Killo Clerk of our S^d.
Court at the House the 16th of Dec^r. 1786 in the 11th year of the
Comm^{ty}.

Sam^l Killo C
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