

1795-004

Southampton County

Chancery Papers; Brown v Wx vs Person

3/1795

other surnames: Randall

To the Justices of Southampton County
Court in Chancery sitting

Humbly complaining shew unto the Court, your
orator and oratrix John Brown and Martha his wife;
that a certain Philip Person late of the County of Southampton
aforesaid father of your oratrix, being seized and possessed
of a considerable estate both real and personal, departed
this life on or about the twenty eighth day of August Anno
Domini one thousand seven hundred and eighty one
having first made and published his last Will and
Testament in writing duly attested and attended with
all legal requisites both of probate and record as reference
to the records of the County Court aforesaid will fully
appear, which Will & Testament your orator request may
be made a part of this their Bill of Complaint—Your
orators also shew that in the Will aforesaid the said
Philip Person after making sundry bequests devised that
“all the remainder of his estate (after a certain contingency
should happen that is to say either the arrival of his
son Timothy to the age of twenty one years; or the marriage,
or the death of his wife) should be equally divided between
them, to them and their heirs forever” — Your orators
further shew that Temperance the widow of the said
Philip, on the twentieth day of April — one thousand seven
hundred and eighty four having intermarried with a

certain Annanias Randall a division of the Estate took place in pursuance of the will aforesaid — and the said Timothy Person having departed this life on or about the fourteenth day of December one thousand seven hundred & eighty eight — under the age of twenty one years, Intestate and without lawful Issue your orator, became thereby entitled to an equal share of his Estate with your orator's mother Temperance Randall, the said Estate consisting of Lands, Slaves and money debts due by bond &c and in order that the profits thereof should accrue to your orator's benefit the same was by the Court of this County put in the hands of a certain Anthony Person who was also appointed guardian to your orator, and has so far as your orator is at present informed, faithfully managed the said Estate, to wit the hire of sundry negro slaves, namely, Molly, Jenny, Sanny, Dinah, Ben, Moses, & Dennis — Your orator & orator moreover shew that on the _____ day of _____ one thousand seven hundred & _____ they intermarried together, in consequence whereof (as they are advised) they are entitled to demand, have, & receive their Estate aforesaid, (in right of your orator) of & from the said Anthony Person, guardian as aforesaid together with the rents, Issues, & profits thereof from the time that the said Martha was his ward — And your orators having made friendly application to the said Anthony Person of and concerning the premises and of coming to a settlement respecting the profits thereof, he hath evaded the same choosing rather, the sanction

of a Court of Equity therefor, and that they would appoint proper persons to audit, state, and examine his accounts in order to a final close of his wardship as aforesaid —

That the said Anthony Person may be made defendant hereunto & answer the charges and allegations of this Bill of Complaint, as fully as if they were again repeated, and be thereto particularly interrogated — That this Court will order & decree that he shall deliver up all the Estate of the said Martha now in his hands, to your orators and also that he account with them before Commissioners to be appointed by this Court to audit, state, & examine the transactions of his guardianship as aforesaid; and pay to your orators the profits of the said Estate during the time of your orator's wardship as aforesaid; Or that the Court will make such further, & other order & decree herein, and grant such relief as is consonant to the principles of Equity — May it please the Court &c &c

Martha Brown
Martha Brown

For Kille
for the Compl^{ts}

The answer of Anthony Person Defendant to the Bill of Complaint
of John Brown & Martha his wife Complainants

This defendant now & at all times Hereafter, saving,
and reserving to himself all manner of benefit & advantage
of exception that may be had or taken to the bill of compl.
aforesaid or any part thereof for answer thereto or to so
much thereof as he is advised is material or necessary to
be answered; he answereth & saith, That he admits
the representations & allegations of the Complainants Bill
to be true ⁱⁿ manner, & form, as the same are therein & thereby set
forth; and hath no objection, & is willing that this Court
should order and decree that he deliver up the estate
alluded to and described in the said Bill of Complaint
and also is desirous that Commissioners may be appointed
to audit, state, & examine the accounts of his guardianship
for the Complainant Martha, and settle the same ~~and settle~~
~~the same~~ between this Defendant & the Complainants; Or that
the Court will make any other order & decree respecting
the premises as to them shall appear agreeable to Equity &c
He prays to be here dismissed, with his costs &c
in this behalf sustained &c &c &c

Anthony, Person —

Witness my hand &c
at New York
Aug. 12th 1798

March 1798

Person
{
Ans.
Bill &c
1798

Brown & Wife

vs.

Acct. of

A Person & Report

1792	To Good, furnish'd this year £11. 8. 5 1/2	16.	9.	5 1/2
	To paid Mr. Person for your B. 2. 1			
	To Int. from 1. January 1793 to 20. Apr. 1795	1.	17.	11 1/4
1793	To Good furnish'd this year	8.	9.	—
	To Int. from 1. January 1794 to 20. Apr. 1795	—	11.	—
1794	To paid for your Board, Goods	13.	9.	1
	and Schooling ^{Schooling for 4} the Board and			
	Schooling before this year			
	To Int. from 1. Jan. 1795 to 20. Apr. 1795	—	4.	1
		£ 41. 0. 6 3/4		
	To Ballance due the Orphan	61.	16.	3 1/4
	this 20. April 1795	£ 102. 16. 10		

1792	By hire of Ben & Jane	£25. —	35	—
	By Rent of Land	10. —		
	By Int. from 1. Jan. 1793 to 20. Apr. 1795	4. 0. 6		
1793	By Rent of Land & hire of Ben	27. 10. —		
	By Int. from 1. Jan. 1794 to 20. Apr. 1795	1. 15. 11		
1794	By Rent of Land	£12. —	34	—
	By hire of 2 Negroes	22. —		
	By Int. from 1. Jan. 1795 to 20. Apr. 1795	10. 5		
		£ 102. 16. 10		
	By ballance due the orphan	61. 16. 3 1/4		
	this 20. April 1795			

In testimony is a decree and order of the High Court of Southamptton, bearing date March Session 1795. which is herewith Annexed;— John Brown and Martha his Wife (late Martha Person) Complainants, against Anthony Person Defendant, In Chancery; We the Subscribers, have Stated & Examined the Accompt and transactions of the Defendant's Guardianship; and do find he Owees, unto the Complainants John & Martha, the Sum of Sixty One Pounds, Sixteen Shillings and three Pence farthing; As will appear from the ^{above} Accompt, with Interest thereon from the 20. day of April 1795, untill paid;— Given under our Hands this 7. day of July — 1795, —

Robt Mabry

Tho. Turner
Ordery Clifton

Recd. the above sum of Sixty one pounds sixteen Shillings & three pence 1/4 of Mr. Anthony Person it being Satisfaction for the above

Test
Robt Mabry

J. D. Proctor

Browne & wife

is

Person

Ind. deore

March 1795.

Southampton March Session 1795.

John Brown and Martha his wife

Complains

against
Anthony Person

Def^t

In Chancery

This cause being docketed by consent of the parties was heard on the bill of the complainants, answer of the defendant and exhibits & arguments of the council; on consideration whereof it is decreed and ordered that the defendant as guardian to the complainant Martha deliver up all the estates of the said Martha now in his hands to the complainants: that Robert Mabry, Thomas Turner, Benjamin Blunt, Cordey Clifton and Henry Smith or any three of them audit, state and ~~settle~~ examine the transactions of the defendant's guardianship, and that the said defendant pay unto the complainants the profits of the said estate during the term of the said Martha's wardship, and that the commissioners aforesaid or any three of them make report of their proceedings to this court in order to a final decree.

At test

Jno: D. Haussmann Dbb

Philip Persons
Wid

In the name of God Amen I Philip Person of Southampton
County & Parish of Luke being in a low state of health & weak in body
but in perfect memory & a disposing mind I do hereby make this
my last will & testament viz First commit my body to the dust &
Recommend my Spirit to the Almighty God who first gave it
Hoping to meet with a blessed Resurrection through the redemption
unto Eternal Life I do hereby dispose of my estate as followeth viz

Item first } My will and desire is that all my Just debts be paid first and do
leave it to the breast of my Executors to dispose of any part of my estate
as they shall think can best be spared to Satisfy the same ~

Item second } I give and bequeath to my brother Turner Person one negro Girl
named Nanney to him & his heirs forever

Item fourth } My will & desire is that all the remainder of my estate be it
what it may & soever it will whether personal or real to remain in
the hands of my Executors untill my son Timothy Person arrive
to the age of Twenty one years or my wife Temperance Person
should marry or depart this life by death - All the profits
that arises from my estate I desire may be equally divided
betwixt my wife Temperance Person my son Tim^r Person my
daughter Patsy Person untill Tim^r Person comes to age or my wife
marries or dies and at the Period of either of these last Ment^d
then my desire is the said Estate be divided as followeth

Item third } I lend to my beloved wife Temperance Person my manner Plantation
where I now live containing four hundred & seventy acres during
her Natural life - Then after her decease & of my wife Temp^r
Person I give the above mentioned land to my daughter Patsy
Person to her & her heirs forever

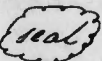
Item fifth } I give & bequeath to my son Timothy Person my Quarter Land
Plantation

Plantation near Taylors bridge containing Three hundred & fifty six
acres to him & his heirs forever

Item 6th My desire is that all the remainder of Estate be it what kind
it will or found where it will whether personal or real to be equally
divided between my wife Temperance Person & all my children
then living to them & their heirs forever.

Item 7th And I do hereby appoint my loving wife Temperance Person Executrix
and my friend William Andrews Esqr of this my last will & Testament
In Witness whereof I have hereunto set my hand & affixed my seal
this 25 day of August 1781.

Lign'd Seal'd and
acknowledg'd in presence

Philip Person 

Thomas Turner

Richard Clifton

} At a Court held in the County of Southampton the
9th day of May 1782. This will was presented in court
by Temperance Person & William Andrews the Exors therein named
and proved by the oaths of Tho^s Turner & Jn^s Thorpe the witnesses
thereto And Ordered to be recorded And on the motion of the said
Exors who made oath according to Law certificate is granted them
for obtaining a probat thereof in due form giving security whereupon
It.

Sam. Tuller &

A true Copy Teste

Jn^s D. Haufsmann D. C. C.