1797-008 SOUTHAMPTON COUNTY CHANCERY PAPERS FORT et ux vs. KIRBY 6/1797

Fort Alx? Bill
— vs —
Kirby & Hanson

March 1790
Judgments
&c

Mar 1790
Int. Decree

June 1797 Report returned &
final decree.

To the worshipful justices of the court of Southampton county sitting in Chancery humbly complaining shew unto your worships your orator and oratrix Littleton Tait and Ann his wife, which said Ann is the widow and relict of Turner Kirby late of this county deceased and admx. of the said Turner Kirby

That the said Turner Kirby decd being seized and possessed of a considerable estate both real and personal, departed this life some time on or about the day of in the year of our Lord 17 intestate and without making any will, leaving two children William and Thomas — one of whom Thomas, is since dead also intestate, and the other, William, is at this time an infant under the age of twenty one years and who your orator and oratrix therefore pray may be made a defendant to this their bill of complaint, That he may have a guardian appointed him to defend this suit — That your oratrix is the widow and relict of the said Turner Kirby decd as aforesaid — That your oratrix, by virtue of her intermarriage with the said Turner Kirby decd is intitled to one third part of the lands whereof the said Turner Kirby decd was seized during the coverture, as well as a third part of the slaves whereof he died possessed during the term of her natural life as her dower, as also one third part of whatsoever personal estate he died possessed of after the payment of his debts, — and further to a legal proportion of the estate of her said decd son Thomas — That after the death of the said Turner Kirby your oratrix had administration of his estate committed to her, that hath nearly completed the same — but as yet hath had no separate division either of the lands, slaves,

or personal estate according to the terms and proportions aforesaid - altho' she has made application for the same. Your oratrix and oratrix who have intermarried together since the death of the said Turner Kirby, have no redress at common Law but are only relievable here in Equity, Therefore pray that in tender consideration thereof, that the aforesaid defendant may be compelled on ~~their respective~~ his corporal oath to make full answer to the premises, that commissioners may be appointed to examine and audit your oratrixes accounts of administration, to ascertain the balance, make an ~~equal~~ legal division thereof between your oratrix and the said defendant, - to allot and assign your oratrix her dower as aforesaid in the lands and slaves of the said Turner Kirby dec?. & that your oratrix may have such other and further relief herein as shall be consistent with equity - May it please your worships to grant to your comp^ts the Commonwealth's writ of subpoena directed to the s? William Kirby commanding him &c

Littleton Fo[illegible] Selfe and
Wife

J. Hill

J. Hill

J. Hill

J. Hill

Fort Hill
Hill
Hanf r
Conn 4
Thirby's

5. 10.
5. 10. 0
5. 10.

2. 11. 0

8/10
13.9

2..25
5

2. 30

The Answer of William [redacted] an Infant under the Age of twenty one years by Benjamin Blake his Guardian appointed to defend him &c to the Bill of complaint of Richard Hardy Exor & Ann his Wife

This Defdt saving to himself all exception &c to the said Bill, for answer thereto says that him, an infant who is wholly unacquainted with the several matters & things in the Bill contained, but has heard that his said father died intestate as aforesaid. Leaving Lands, Slaves & personal estate and that the said Ann is his Widow & Relict as aforesaid, and this Defdt further answering says that him, an Infant as aforesaid he hopes the Court will take care of his Interests - and prays to be dismissed with &c

Benjamin Blake

Estate.

Southampton County March Session 1790

Littleton Fort & Ann his wife Plaintiffs

against

William Kirby an Infant Under the age of Twenty One years by Benjamin Blake his guardian & next friend Defts.

Bill & Answer

This Cause was heard on the Bill and answer &c And Decreed and Ordered that William Edmunds, Capt. Thomas Turner, James Turner (son of Jacob) & Thomas Holliday, or any three of them Audit and Examine the accounts of the Complainant Ann, & her Administration on the Estate of Turner Kirby deased. & ascertain the balance, and make a Division thereof between the Complainant and Defendant + And also to assign & set apart the Complainant Anns Dower in the lands & slaves whereof the said Kirby died seized and possessed & make report thereof to the Court in order to a final Decree

A Copy Test

Dan. Kello. Cl.

Earl Fairfax
vs.
Kirkley & Blake
March Session 1790

Division of the
Estate of Turner Kirby
Dec'd

In obedience to an order of the worshipfull Court of Southampton to us directed, Bearing date march 1790 we have assign'd, and set apart the complainant Anns dower in the Land and Slaves whereof her said husband Turner Kirby died seized and possessed— In dividing the Land we begin at a corner tree in the forks of a branch, Dividing Wm Vaughans, Ethel'd Brantley & the said Turner Kirbys Land, and on their North west side of the said Kirbys Plantation, Running from thence as we suppose S.E. course through the Middle of the Apple Orchard to a small pine, Stile on the S.S.E. East course to the S.East side of the said Land, Including in the Widows dower the Dwelling houses &c There are Ten Slaves, of which the Widow has taken three for her Dower, Viz Dick, Jenny & Lucy. the orphans part is Olding Pompey Isaac, Charlotte Rolland and Cornelius— Given under our hands &c

Will Edmunds
Jno. Turner
James Turner
Thos. Halladay

The Estate of Turner Kirby dec'd. To Ann Kirby his Adm.x Dr.

The Estate of Turner Kirby dec.d. To Ann Kirby his Admx.

	£	s	d
To Cash paid William Andrews for Preaching Turner Kirbys Funeral Sermon 12/		12	
To Cash Paid Samuel Blake 15/		15	
To Cash paid Littleton Turner 9/		9	
To Cash paid John Powell 3/		3	
To Cash paid David Delk 120/ 4½	6	0	4½
To Cash Paid Jeremiah Drew 11/		11	
To Cash paid Silas Kirby 6/		6	
To Cash paid William Kirby 20/	1		
To Cash paid the Exor. of Jesse Drew 48/	2	8	
To Cash paid The Clerk Southampton for Tickets 62/1½	3	2	1½
To Commission on the Amo.t Sale	5	3	
	20	9	6

Contra Credit

	£	s	d
By Amo.t of the Sale	103	1	4
	20	9	6
Ballance due the Estate £	82	11	10

3/82..11..10
27..10..7¼
55..1..2¾