

1797-032

SOUTHAMPTON COUNTY
CHANCERY PAPERS

EVERETT vs EVERETT

6/1797

other surnames: Maggot,
maggott

The Worthy & fair Court of Southampton sitting in Chancery. humbly
complaining shew unto your worship your orators Mary
Everett & Mary Everett infant children of John Everett
deceased by John Maggot their next friend.

That the said John Everett in his lifetime & at the
last of his decease was seized & possessed of a very considerable
estate consisting of lands, tenements & personal chattels.
That this life intestate on or about the day of
1701 leaving a widow & child Mary Everett &
children to wit Miles Everett the eldest son & their
sister, your orators Mary & Mary Everett... and
John & Talley Everett, who died under age & soon
after the death of the said Mary the widow also departed
life after her said husband to wit on or about the
day of 1701. That a certain John Lawrence

did the said Everett administered upon all the goods, chattels
rights of the said intestate, and possessed himself
of the said estate. That they have since departed this
leaving the business of this intestate in the hands
of the said John Lawrence & Maggot the administrators — of the said Estate.

Upon the decease of the said administration the said
Everett the heir at law has possessed himself of all
part of his said intestate & refuses to pay to your
orators their proportion of the appraised value of the
lands, or to come to a partition & division of them

which in justice he ought to do: and gives out in
that he is at this at law entitled to his mother's do-
mains (he was one third of which the said intestate
possessed) without being chargeable to your estate
any part or portion thereof. which admits & de-
clares of the said Mills' up or nature. Conceding to be
contrary to every principle of equity.

In Tender consideration whereof. & for as
much as your estate is without remedy only in
of equity,

To the end therefore that the said
Everett (in the above estate may may be made
clear to his bill of Complaint) may upon his
oath. full true & perfect answer make to all
the allegations herein contained, and that as copies
of the same were again respected and entered

And that your wisdom with approval

may be made to make partition & division of
estate of the said Slaves in equal portions
your Complainants & the defendant; or if
consideration of the Court, it should be thought
beneficial for the interest of your infant
-nants, to have their proportion of the said Slaves

Mills having consented thereto, to direct the said
commissioners to divide the said Slaves, between your
-ants & the defendant, allowing a third part
each to each. and make any other order or
decree in the premises for your estate's relief
which may be consistent with equity. May
please be

Your humble servant,
Compt.

The answer of Mills Everett defendant to the bill
of Complaint of Nancy & Molly Everett infants of
their next friend
will be by
complaints exhibited against him in the Writ
of Subpoena.

This defendant having & reserving to himself
all manner of exception to the many uncertainties &
imperfections in the said Complainant's bill contained

it is advised is material for him to make
under the answer to the said, that he does not deny
anything in the said Complainant's bill
only that of his refusing to come to
said intestate, Slaves, to be
that property

although he is by law entitled ^{to} his mother's share
(being one third) without paying anything. The
to the Comptons. and he is willing that an
distribution of all the said slaves may be made
but if the Comptons should be disappointed the
and this Court should refuse having such dis-
posal, that in that case this defendant will
agree to pay of the apprehension of the said
only the Comptons proportion of two thirds;
retaining to himself the other third as her
which his said mother was entitled to as her
and which that in consequence of her death
to him his son and charge & maintenance
of. This defendant claims all justice
principles. I pray he be hence dismissed with
-sonable costs in this behalf. So wrongfully

NOT DEACIDIFIED 7/14/97

John Maggatt

June 1797 report return
decreed accordingly

(54)

canon

Everitt

vs

Everitt

to August 1795

Interlocutory
decrees

Southampton August Session 1795.

Nancy Everitt & Molly Everitt infant children of
John Everitt decd. by John Maggott their next friend
against
Mills Everitt

Plffs. } In Chancery.
Defrs. }

This cause being docketed by consent of the parties was heard
on the bill of the complainants and answer of the defendant on consideration where
of it is decreed and ordered that Elizabeth Warren, Isaac Williams, George Garley
junr. and Lazarus Cook or any three of them attoll assign and set apart the slaves
whereof John Everitt died possessed to the possession of the defendant, attolling
to each of the complainants one the said part, and to the defendant the other
third part and make report thereof to this court in order to a final decree

A copy teste J^{no} D. Knappmann D.C. L
Rus

June 1797.

Everitt
13
Adams

To the Clerk of Southampton
Court

In Obedience to the Ann'd Order of the Worshippfull
Court of Southampton to us directed, we the Com^{rs}
in Order Appointed and Agreeable therunto have
Set apart and divided the Said Slaves of the
Dec^d. Amongst his Orphans as therein directed
Viz^t, To Mills Everett, Jacob, Limus, Sam. Hagar
Coffee, Dred, Jinney & Caesar, Sum^s of the Value of
Three hundred & fifty four pounds thirteen Shillings
and 4. — To Nancy Everett, Duke, Dick, Esther,
Pompey, Nathan, Silvia, Jack, Lewis, & Dennis,
of the Value of Three hundred and forty nine
pounds. To Mally Everett, Moses, Lundy, Charice
Davy, Venus, Cleas, Sum^s & Amey of the Value
of Three Hundred & fifty Pounds. Given
under our hands this 8. day of September 1796

Isaac Williams

Ethel Warren

Lazarus Cook