

1798-016

SOUTHAMPTON COUNTY
CHANCERY PAPERS

Nicolson v ux & al

vs. BUTTS

11/1798

To the Justices of Southampton County
sitting in Chancery- humbly complaining
shew unto your Worships your Petors and
Petrixes Robert Nicolson and Polly his wife
formerly Polly Lewis Butts and Lucy Butts,
Jenny Butts and Robert Butts by Zebulon Lewis
their next friends.

That Benjamin Butts of
the county aforesaid departed this world, after
having duly made his last will and testament
in writing, leaving Elizabeth Butts his widow
and Polly L. Nicolson formerly Polly - Lewis
Butts. Robert Lucy and Jenny Butts with
a certain Benjamin Butts his Children.
That in his life time and at the time of his
decease, he was legally seized and possessed
of a considerable estate both real and personal
That by his will aforesaid. he gave the use
of his plantation on which he lived. to his

wife Elizabeth Butts during her natural life and also lent to her all his negroes, household and kitchen furniture, together with his stock of every kind and plantation utensils until his children should generally attain the age of twenty one. He also bequeathed that his plantation should be divided between his sons Robert Butts and Benjamin Butts by certain meters and bounds, in his said will mentioned, after the decease of Elizabeth his wife: he then gave to all his children specific Legacies, and afterwards inserted a residuary clause in his said will, by which he desired that all the rest of his estate should be equally divided among his children Polly. Benjamin. Lucy. Robert and Jenny Butts after the death of his said wife. And your Orators and Oatrixes further state that Elizabeth the widow has lately died, and that a distribution of the said

estate can not be legally and effectually accomplished without the interference of this court, agreeable to the intention of the Testator on account of the infancy of the children —.

In tender consideration whereof and for as much as your complainants are without remedy at Law. They most ardently solicit the interposition of your Worships.

To the end therefore they pray that the said Benjamin Butts may be made defendant to this bill of complaint, and that he may true and perfect answer make to all and singular the allegations herein contained and that as fully as if the same were here again repeated and interrogated. And more especially that they discover whether Elizabeth Butts the widow of the Testator Benjn Butts is not dead? Whether the complainants are infants? and whether such a division of the said estate can be effected without the interference

of this Court, as is prayed for by the Complainants.
And they lastly pray that your worships will
decide that a distribution of the estate of the said
Testator be made among them and Benjamin
Butts according to the tenor of his last will,
and that persons fit and qualified may be
appointed to fulfil the same. And that
the Court will make such other order or
decree in the Premises as shall be consistent
with justice and equity

May it please &
Rich^d. W. Byrd
p 2

The Answer of Benjamin Butts
to the bill of complaint exhibited against him
in the Worshipful Court of Southampton County
by Robert Nicolson and Polly his wife formerly
Polly Lewis Butts, and Lucy, Jenny, and
Robert Butts through Zebulon Lewis their
next friend.

This Defendant saving to
himself all right of excepting to the errors
contained in the Complainants bill, for
Answer thereto, be to as much as he is
advised is material for him to answer &
says, that it is true that Benjamin Butts
his father died, leaving Elizabeth Butts his
widow, and Polly Nicolson formerly Polly
Butts, Jenny, Lucy and Robert Butts with
himself his children. He also admits

Butts
20 } Bill &
Butts } Answer
Nov. 1798
Polly Pearce

That the said Benjamin at the time of his
departure was Lawfully seized and possessed
of such an estate and made such a disposal
of it as is mentioned by the Complainants
And he further says, that he has no manner
of objection to the said estate's being divided
in a legal manner according to the will of his
testator. That he has been always anxious
for the said distribution since the decease of
Elizabeth Bulls the widow, but that he has
thought it prudent on account of the infancy
of the children to await an order of this
Court for the purpose -

This Respondent lastly says
that he wishes for nothing but justice and
prays to be hence dismissed with his reasonable
costs in this behalf expended -