1799-025 Chancery Causes: Smith vs Smith vol, 1799 + Smith's estate 5/1799

Southampton County

other surnames, Holladay, Holliday

Smith
&
Smiths &c } Bill &c

Nov. 1798

Entry Decree

To the Worshipful Justices of Southampton Sitting in Chancery humbly Complaining Sheweth to the Court your orators Rebecca Smith Widow & Relict of Aaron Smith deceased.

That your orators husband the said Aaron Smith in his life time & at the time of his decease was seized and possessed of a Considerable estate, consisting of Lands Slaves & other personal property departed this life on or about the day of 179 after having made his last will & testament, wherein he nominated & appointed Thomas Holladay his executor who qualified according to law & took upon him the Execution of the said will in which said will the said testator left to your orators the greater part of his estate until his infant children to wit, Wilmuth, Thomas & Polly Smith should arrive to lawful age. And your orators Conceiving that the provision so made in the will might prove insufficient for their support & in the time prescribed by law. Renounced all benefit & advantage under the same & claimed that part of the estate that the by law in such Case was entitled to. Nevertheless, because of the infancy of the said decedents Children. your Complt is advised that the Court have the dower & other estate assigned to her regularly without the decree of this Court. To the end therefore that the said Wilmuth, Thomas & Polly Smith infants & defendants & Thomas Holladay may Answer, and your orators prays may be made defendants to this bill of Complaint & may upon the Coppeal

with pertinence. & perfect answer make to all & singular the
allegations in his bill Contained. and that as Copiously as
if the same were again herein Repeated & interrogated

And that your Orr will appoint persons to lay off
& assign to your orator her dower in the lands of which
the testator died seized. & to lay off to her one third of the
slaves & personal property after payment of all just debts, &
grant unto her any other or further order or decree in the
premises as your Complainants Case may be agreeable
to equity & good conscience

May it please &c

Tyler & Campbell for Compl.

The answer of William, Thomas, & Polly Smith infants &c
Adam Smith decd. by Thomas Holladay their Guardian appointed
for this purpose, & Thomas Holladay the Executor of the said
Smith decd. to the bill of Complaint of Rebecca Smith
the widow of the said Smith Compl. exhibited against
them in the Hustings Court of Southampton

These defts. saving & reserving to themselves all man-
ner of exception to the uncertainties & imperfections in the
Complainants said bill of Complaint Contained, or to such
things or those defts. are advised is material for them
to make answer unto. they answering say.

That it is true that Adam Smith was seized of Lands &
possessed of Slaves & other property, & that he departed this
life after having made his Will as the Compl. doth set forth,
That this deft. Thomas is the Exor & that he kept the Chil-
dren that they have stated, it is also true that the
Compl. renounced in this Court all benefit & advantage
under the Will & claimed that part of the estate which
by law she was entitled. These defts. have no objection
to the Court's appointing persons to assign to the Compl. her
dower in the Lands & her part of the Slaves. & as one of this
deft. Can settle the estate of his testator, he will render
his account to this Court & will pay over to what remains
in his hands, that part to which she is entitled, They pray
to be hence dismissed &c

Thomas Holladay

Smiths Widow

& } decree
} Irr. Ch.ff

Smiths Orphans

Southampton November quarterly sepion 1798

Rebecca Smith widow & Juliet of Aaron Smith dec'd Compl'ts

agst

William, Thomas & Polly Smith infants &c of the S'd Aaron Smith dec'd by Tho's Holliday their guardian appointed for this purpose & Thomas Holliday Ex'r &c of the S'd Aaron Smith dec'd ~~&c~~ Defts

Chancery

This cause was this day heard on the bill & answer (being first docketed by consent of the parties) On consideration whereof it is decreed & ordered that Edmund Jarnu Henry Blunt Benjamin Blunt jr & Benjamin Turner or any three of them allot assign & set apart to Rebecca Smith the complainant her dower in the lands whereof Aaron Smith her husband died seized and also one third of the slaves — and after payment of the debts that the defendant Thomas Holliday pay to the complainant one third of the money or bonds remaining in his hands belonging to the estate & make report in order to a final decree.

Sam'l Hollo 8

Smith widow
&
Smiths heirs

Rept. in
Ch. J.

May 1799
Rept. rec.d & cont.d

The Clerk
of Pendleton

In Obedience to an order of the worshipful Court of
S.ampton County bearing date November Session 1798
we the Subscribers have Set apart the widows dower
in the land & Slaves Belonging to the estate of her Dec.d
Husband aron Smith. Viz we consider that all the land
Lying on the North Side of Dunns Swamp to be one
third part of the S.d Smith Land which we set apart
for the widows dower, & one negroe man Tom. which is
£5.. 13.. 4 over her proportion of the third of the Negs.—
Given under our hands this 20.th of May 1799

Edmund Turner
Henry Blunt
Ben. Turner