1802-008 SOUTHAMPTON COUNTY CHANCERY PAPERS STEWART-al vs. STEWART'S HEIRS 6/1802

other surnames: Faircloth, Hobbs, Washington, Hose, Hosee, Goodwyn

Stewart
vs
Stewart's
heirs
} bill & answer

to nov. '99
Sol. Dane

To the justices of Southampton
in chancery sitting

Lydia & Charles Stewart infants by their next friend
Robert Goodwyn complaining shew to the court
that ~~same~~ on the day of in 1794
their grandfather Benja: Stewart died ~~having~~
directing by his last will & testament his
estate, except his lands, to be equally divided
between his children & grandchildren living
at the death of his wife & his lands, containing about 100 acres, he left
to his son Henry Stewart - who departed
this life during infancy - on the day of
in 179 Under these circum-
=stances, your complainants, in right of their
father Lemuel, the son & heir of the sd
Benja Stewart, are entitled to his, the sd Lemuel's
proportion of the estate & lands before mentioned
to be equally divided between them; to effect
this

this, your complainants have applied the other representatives of the sd Benja Stewart to cause a division of the estate to be made but your Complainants being infants, & the each claimants share will not amount to one hundred dollars in value, they, the representatives aforesd, will not agree to a Division of the sd estate unless it is done by the sanction of this court the proper guardians of Orphans. In consideration whereof your Complainants pray that Matthew Faircloth & Nancy his wife, Silas Hobbs & Sarah his wife, Arthur Washington & Elizabeth his wife, James Faircloth & Susan his wife, James Hose & Mason his wife and Mary Stewart, representatives as aforesd, be made defendants to this that the court will ~~make~~ appoint proper persons to make sale of the sd land & to deliver to your Complnts one seventh part of the purchase money to be divided between them & also decree unto your Complnts one seventh part of the personal estate of the sd Benja Stewart to be equally divided between them or that the court be pleased to make such other order or decree as they think equitable & just

And will ever pray &c

Cocke p.q.

The joint & several answer of Matthew Fair-
cloth & Nancy his wife, Silas Hobbs & Sarah his
wife, Arthur Washington & Elizabeth his wife
James Faircloth & Susan his wife, James Hose &
Mason his wife and Mary Stewart to the
bill of complaint exhibited against them
by Lydia & Charles Stewart

These defendants saving & reserving &c
Answer & say — that they have no objec-
tion to the Complts right to the property
in the bill mentioned & are will that
there should be a division of the estate & a sale of
the sd land as each persons share will
not amount to an 100 dollars in Value

These defendants pray hence
to be dismissd &c

Stewart

vs

Stewart & Lane

Mar. 1799

Southampton November Court 1799

Lydia & Charles Stewart infants &c by Jno. Stewart who was
one of the sons of Benj. Stewart dec'd
by Robert Goodwyn their next friend &c

v

Matthew Faircloth & Mary his wife
Silas Hobbs & Sarah his wife. Arthur Washington
& Elizabeth his wife & Mary his wife James
Faircloth & Susan his wife James Hosea
& Wilson his wife & Mary Stewart defts

Bill Chancery

This Cause was docketed by consent of the parties and heard on the bills of the Complainants answers of the Defendts & Consideration whereof it is decreed and adjudged that William Simmons Daniel Butts Woody Ellis and Michael Ellis or any three of them make sale of the Land whereof Benjamin Stewart died seized and possessed on a credit of nine months taking bonds of the purchasers with sufficient security, and assign one seventh of the proceeds of the sale to Lydia and Charles Stewart the children of Jemmet Stewart who are Complainants and divide the residue in equal proportions among the defendants — and it is further adjudged that the personal estate of the s.d Benj.a Stewart be divided by the s.d Commissioners between the Complainants & Defendts in the same manner & in the same proportions as the amt. of the sales of the Lands to wit 1/7.th to the Complainants & the residue equally among the defendants & that a report be made to this Court in order to a final decree

Test

Jno Scott C.

8

Stewart
vs
Stewart
June 1802 Rept
rd 9 Decr fine

In obeisance to an Order & decree of the Court of Southampton County, bearing date [illegible] November Court 1799. And to us directed, We have after [illegible] due Notice thereof Sold at Publick Vendue [illegible] Lands whereof Benj.a Stewart dyed seizd & posd on [illegible] months Credit & Benj.a Virby became the purchaser at the Price & Sum of Seventy pounds, which [illegible] together with the personal Estate of the said dec.d [illegible] have devided & paid to the Plaintiffs & Complainants in the said decree mentioned agreeable to the direction thereof.

William Simmons
Mich.l Ellis } Com.rs
Moody Collier

Stewart

"

Stewart 2.

56

56

56

36 = 5 = 1

36 3 = 4

We do agree that a friendly suit shall be brought in Southampton court to divide the estate of Benja and Henry Stewart — decd. 1 Polly Stewart

Benja Simmons

Theo. Scott

Wm. Simmons,

2 Mathew Faircloth & Nancy his wife

3 Silas Hobbs & Sarah his wife

4 Arthur Washington & Betsy his wife

James 5 his Faircloth & Susan Mark his wife

6 Jame Frost & Mason Frost his wife