

1806-001

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BAKER vs. DORLON et ux et al

5/1806

Plat

other surnames: Riddick, Leigh, Briggs,
Laurence, Blunt

1806-001

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BAKER vs. DORLON et ux et al

5/1806

Baker
w
Dorlon Lab

Frances Riddle
D

Dry
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To the Justices of Southampton county sitting in
Chancery, humbly complaining, Sheweth unto your
Worships your orator Martha Baker, by Reading
Blund her guardian.

That Benjamin Baker the father of
your complainant departed this life after having
fully made and published his last will and
testament in writing. That in his said will which
is hereto annexed and prayed to be taken as a part
of his bill is (among many other desires) this clause,
"I do give and devise to the child with which my
wife Eliza is now pregnant whether male or female,
one thousand pounds to be raised by my
executors hereafter named, out of my whole estate
in any manner they may conceive the Court
prejudicial to the same, then follow some provisions
in case the said child proved a male, which it
is unnecessary here to relate, as your oration was
the child alluded to. That all the executors nominated
in the said will died without ever paying her
or her guardian her said legacy or any part
thereof. That the children of the said Benjamin Baker
living at the time of his decease were Richard, Benjamin,
William, Mary, Juliana, Elizabeth and Emily.
That to each of these he left considerable legacies
all of which as your orator has been informed,
that they also received all the other estate of the said testator
have been received. That Richard the first devisee
is dead and that Judy his widow has intermarried
with a certain John Gorton; That Benjamin Berkeley
Baker, Richard H. Baker and Mary Baker are
the children of the said Richard Baker. That
Benjamin Blake Baker the second devisee died
leaving Kitty his widow and two children to wit
Joseph and Sally. That William H. Baker the
third devisee died without issue, leaving a widow

8/8/1813
C. Baker
Dorset St.
B. Baker

Cherry, who has since intermarried with a certain James Riddick. That Mary Baker, the fourth legatee married the aforesaid John Dorton and then died. That Julianna the fifth legatee died unmarried. That Elizabeth the sixth devisee and doctor Leigh her husband are both dead: And That Emily has intermarried with a certain Henry Briggs. And Your Oratrix further states that as all the persons appointed by the aforesaid testator to carry his said Will into execution are no more, She can not recover her said Legacy at Law.

It tender consideration whereof, and for as much as your Oratrix has no remedy at and by the strict rules of the common law, She solicits the interposition of this court.

To the and therefore she prays that the said John Dorton and Judith his wife, and Benjamin Beverley Baker, Richard H. Baker and Mary Baker the children of Richard Baker; and Joseph Baker and Sally Baker children of Benjamin Blake Baker and Kitty Baker his widow, and James Riddick and Cherry his wife late widow of William H. Baker and ^{Henry} Briggs and Emily his wife may be made dependants to this bill of complaint, and that they may upon their corporal oaths full, true, and perfect answers make to all and singular the allegations herein contained and that as fully as if the same were here repeated and they themselves particularly interrogated; and especially that they set forth if the said Benjamin Baker the elder did not depart this life after having executed such a last will and testament as is before alleged, if the

executors named in the said will are not dead, and if there is any personal property of the said Benjamin Baker; where? and how much? If they have not received the legacies left them by the testator, ^{or well as all his other estate} and when? Your Oratrix also prays that the said dependants may discover upon oath all they know of the estate of the said Benjamin Baker, as well such parts thereof as have come to their and each of their hands, as those which may be in the possession of any other person or persons, and also by what means the holders became possessed thereof. She prays too that your Honors will decree that the said dependants contribute their just proportions towards discharging and paying the aforesaid Legacy of one thousand pounds to her, with legal interest from the death of the said testator; or that your Honors ~~make such other order~~ or decree in the premises for the relief of yr. Oratrix as may be consistent with equity and justice.

May it please the

Rich^d. W. Byrd
J^r. 2

Bartholomew }
a. v. }
M. Baker — } Answer

Bartholomew
Nov 18/83

Chas. Jones

The last line mentioned her being called on the witness stand to other Court -
also the negro woman she mentioned - that the said children are omitted as not being a
part of Ben. Baker's estate at his death - this is agreed to the Court. - J. H. G. 9th

The answer of Catharine Baker, widow and adm^a
of Benjamin B. Baker dec^d - and as guardian
of Joseph and Sarah Baker infant Children of
the said Benjamin B Baker. - To a bill in Chancery
exhibited in the worshipful Court of Southampton
against this defendant and others by Martha
Baker, suing by Reading Blunt her next friend

This respondent having now and at all
times hereafter, all right and manner of right of
exception to the complainant's said Bill &c.

For answer thereto or to so much thereof as
she considers material to answer unto, she
answers saith. - That she knows nothing for
certain respecting the will, or estate of Benjamin
- in Baker dec^d - except that she is possessed of
land as is shown in the bill of which Benj^a
B Baker, her late husband, was seized, and
as guardian to her said Children, which land
she has understood was devised by Benjamin
Baker to his son the aforesaid Benj^a B Baker;
but whether the land was so devised she cannot
be positive. - She has one possession an old
negro woman and four Children the title to
which is ~~not~~ in dispute, which ~~was~~ were, as
she has heard, formerly part of Benjamin Baker's
estate. - The Slaves and other property, which
this respondents intestate derived from a division
of Benjamin Baker's estate, were sold to pay
the debts of the said Benjamin Baker. -

This respondent is advised that there
are still debts due by the estate of her
the said Benjamin Baker, more than sufficient
to counterbalance the small scattered remains of
the personal ~~the~~ estate

Wherever they may be found, and that before
the plaintiff in this action can recover (if at all
she can) there ought to be an administration
de bonis non, on Benjamin Baker's estate, in order
that thereby ^{the} true ~~the~~ situation thereof may be
known &c. — This respondent is advised that
the lands of Benjamin Baker cannot be
subjected to the payment of the legacy claimed
as that was placed by the Will of the said
Benjamin beyond the authority of the executors
by special bequests to his sons. — The will and
intention of the testator will appear more
fully, to mean that his lands should be protected
from the operation of the legacy in question,
from his giving all his lands to his sons, and
leaving his other daughters unprovided for except
so far as his personal estate should be able
to afford. — It is therefore presumed that if the
testator had intended to provide more amply
for his unborn child than for his others he would
have specified in a more special manner.
The answer of Joseph Baker & Francis Baker infants of Benjamin Baker, answered by
Catharine Baker Guardian to her said infant children
This respondent knows nothing as they are so young
as to be properly informed of their grandfather's
estate.

This respondent prays hence to be
dismissed with her costs in this behalf so
wrongfully sustained. — Catharine Baker

Nansemond County to Writ.

This day Catharine Baker made
Oath before me, a Justice of the Peace for the
said County, that the foregoing answer contains
the truth to the best of her knowledge and
belief — Given under my hand
the 21st Nov^r 1803 —

Willis W. Parker

NOT
DEACIFIED
3/18/92

S. Barton
ad } Answer
Mr. Baker }

The answer of John Barton one of the defendants to a bill in Chancery exhibited in the worshipping Court of Southampton, by Martha Baker, being by Reading Blunt her next friend. —

This respondent, saving and reserving to himself all and all manner of exception, his right of exception to the Complainants said bill for and on account of the many errors, imperfections and uncertainties which it contains, for answer thereto or to so much thereof as he considers or is advised is material to answer unto he answering says. — That for ought he knows Benjamin Baker made a will containing the clause stated in the bill, he never ^{saw} ~~the~~ will; but has ^{seen} a paper reputed to be a copy, the contents of which he cannot now remember, that he knows of no personal estate of Benjamin Baker now in the possession of any person except an old negroe woman and four children in the hands of Catharine Baker, adm^x of Benjamin B. Baker, the title of which property is in dispute. —

This respondent received, in right of his late wife, Mary some slaves and a Chattell property, as a share of the estate of Benjamin (his 2^d wifes father). The slaves he received were sold, afterwards, by Benjamin B. Baker at public Auction, as the property of Ben^a Baker, for the payment of debts due by said Ben^a in his lifetime. The Chattell property which he received is inconsiderable, he has it still in possession, it may be worth two hundred dollars or thereabout. — This respondent has in his possession two old negroes & two small children belonging to the late Concession of Benjamin Baker & son, and Barton. One third part of which belong

to the estate of the said Benjamin; but that property is also in dispute, the said negroes having sued for their freedom. — He this respondent knows not particularly in whose possession the slaves and Chattel estate of Benjamin Baker now is, other than what he has stated came to his own hands; but he presumes that, Benj^r B. Baker sold the other slaves for the payment of his testator's debts in the same manner in which he ~~with~~ except such slaves as may be in the possession of the heirs of Benj^r B. Baker which he has more before mentioned, — There are considerable quantities of land ~~of~~ which Benj^r Baker died seized and possessed, now held by the heirs of Benjamin B. Baker, and of William H. Baker, which this respondent has heard was devised to the said Benj^r Baker & Wm H. Baker, specially, by the said Benjamin.

This respondent ~~is sensible~~ ^{knows} that considerable sums are still due to creditors from the estate of Benjamin Baker, which he pursues are unpaid for want of personal property to levy on, which circumstance he is advised will render an administration, delictious now, on Benjamin Bakers estate necessary, whereby the true situation of that estate may be known as to debts and credits, before the heirs, legatees, devisees or distributees, of the said Benjamin ought to be harassed with prosecution. —

The answer off. ~~This is not to be substituted in behalf~~
~~of his wife B. Baker, Mary Baker and~~
 N. Rich - Baker - Children of ~~Richard Baker~~ ^{by John Harting their next of kin} Guardian
 of ~~Richard Baker~~ ^{Richard Baker} ~~and~~ ^{and} ~~a~~ ^{and} ~~Bath.~~ ^{Bath.}

That B^everly was not two years old & the other
two unborn at the time of Benjamin Baker's
death — That ~~a grandson~~ B^everly Baker
one of the respondents is possessed of a tract of land
and Mills devised to him by his father Richd Baker
Which the said Rich^d derived from his father
Sam^l^r Baker as a devisee. — ~~Baker~~ a negro slave
in the possession, ~~of Mary Baker~~, the ^{then wife} ~~father~~ ^{respondent} ~~of~~ ^{to} ~~Mary Baker~~
the title to which is in dispute, which was given to
the said Mary, by her ^{aunt} ~~uncle~~ Lillian, a daughter of

The said Benjamin. — This respondent further states that all the slaves and other personal property, which ~~was~~ Rich^d Baker received under his fathers will, was sold with the rest of his property, by his executors and appropriated principally to the payment of the debts of testator, Benjamin Baker. —

And further this Respondent saith not.
but prays to be hence dismissed with his Cost in
this behalf so wrongfully sustained. -

In, Boston

Nansemond County, to wit. This day John Barlow made oath before me, a Justice of the ~~peace~~ peace for said County, that the foregoing answer contains the truth, to the best of his knowledge & belief. - Given under my hand the 2nd day of Nov. 1853 - Wm. W. Parker -

Mellicamp Park -

~~The answer of Lucette Boulton to the bill mentioned
in the foregoing answer~~

H. Briggs Vicks
adv. } Answer
Baker & Son.

Filed Dec.
26th 1868

The answer of Henry Briggs Vicks his wife, defendants to a bill of Complaints exhibited in the Court of Chancery in Charleston, by Matthew Baker, an infant Child of Benjamin Baker, suing by Reading Blount her Guardian, against these respondents & others.

These defendants now and at all times hereafter saving and reserving to themselves all and all manner of benefit and advantage of exception, that may be had or taken to the many errors, uncertainties and manifest insufficiencies in the Complainant's said bill of Complaints contained, for answer thereto, or to so much thereof as these defendants ~~are advised~~ is material or necessary for them to answer unto the answering bar, that the said Emilia being an infant of tender years at, and long since, the time of her father's death, knows nothing, of her own knowledge, about his estate. She has seen a paper purporting to be a copy of his will; but she paid little or no attention to its contents. At the time of her intimacy with Henry Briggs, her mother, with whom she then lived, had in her possession seven or eight slaves which she (the respondent Emilia) understood was her share of the slaves of which her said father died possessed; but she has only heard so and knows it not as a fact. She knows, however, that the slaves so held by her mother, were of a very unprofitable description, being mostly children, they were killing in value, as she understood, when received from ^{her father} raised by her mother at a great expence. One of them, ^{the child} after being so raised, was taken under an execution against her said father's estate and sold to satisfy the same. — She received from her mother some articles of furniture and a few heads of cattle, ~~some of~~ which she has heard were derived from her said father's estate ~~and the rest was not of his~~ ^{the child} ~~the whole however was very trifling.~~ It is not true that all the legacies given in ^{one of his wills} ~~Benjamin Baker's will~~ (if these respondents are rightly informed) for the respondents or either of them have not received a legacy said to be contained in the said will to the respondent Emilia. It is true they have no possessions or

Female Slave, which a part of the said legacy, or perhaps the whole of
the legacy bequeathed to her; but that Slave was sold under an
execution against her father's estate and purchased by her mother.
By her mother given to her (Emilia) —

These respondents further state that he (the said Henry)
after his marriage with the said Emilia received by virtue of his
said marriage, several Slaves, some few articles of furniture (of
little value) and a few head of cattle, of which his wife was
possessed; but he cannot say how she acquired them; —

It would be useless and improper for these respondents
to answer as to every thing they or either of them have heard
about the estate of the said Benjamin Baker. They know of
no legal representatives of his estate and they have reasons
to believe his estate whenever the assets are closed will be
found insolvent. — These respondents are instructed that the
solvency or insolvency of the estate of the said Benjamin
ought to be made appear by the Complainants before recovery
ought to be sought for against the legatees or distributees —
even if they had received such estate as would subject
and enable them to pay by contribution the legacy claimed,
which is by no means admitted. —

These respondents pray hence to be dismissed.
With their costs so wrongfully incurred. —

Henry Briggs
Emilia Briggs

Southampton County to wit, The within named Henry Briggs ^{Emilia} his wife
made oath before me, a Justice of the Peace for said County, that the foregoing
answer contains the truth to the best of their knowledge and belief. —
Given under my hand the 29th day of Decr. 1883
Charles Briggs

Dorlon.

adu

Baker pp²

Pass²

The answer of Judith Dorton, to a bill of Complaints exhibited against her, and others in the worshipping Court of Southampton in Chancery, by Martha Baker, suing by Reading Blunt her next friend. —

This respondent having and reserving to herself and husband, all, and all manner of right of exception to the Complainant's said bill, for the many errors and untutts it contains, — for answer thereto, or to so much thereof as she is advised is material for her to answer unto she answering saith. That it is true ~~that~~ she was the widow of Rich^d Baker, in the bill ~~mentioned~~ mentioned, and is now the wife of John Dorton. & That Benjamin B Baker, Rich^d H. Baker and many Bakers, are the Children of the said Richard Baker. She knows nothing of the Will of Benjⁿ Baker the elder, or who were the executors, what legacies he left or whether they were ever paid, what the situation of the estate was, now is or in whose hands (if any), except by hearsay. and further this respondent saith not

Judith Dorton

Hantsdown County to wit.

The above bill was this day sworn to before me, a Justice of the peace for the said County, by the above named Judith Dorton. Given under my hand the 18th day of February 1804.

Will^m Parker P

J. Kiddick & Wife }
 ad. } ansr.
 Baker — }

The answer of James Kiddick and Cherry his wife
 defendants to a bill of Complaint filed against them
 and other, in the worshipfull Court of Southampton,
 by Martha Baker suing by Reading Blunt her
 Guardians. — These respondents saving to
 themselves now and at all times hereafter all
 right and benefit of exception whay be had or
 taken to the Complainants said bill, for the many
 imperfections, misstatements, and insufficiencies
 therein, for answer thereto, or to so much thereof
 as they consider or are advised is material for
 them to answer unto they answer and say,

That it is true, Benjamin Baker, the Compl-
 =ainants father made a will in which there is
 some such devise, of one thousand pounds, to the
 Complainant, as in her bill is stated, and that
 the executors in the said will named are all dead,
 but it is not true that all the legacies contained in
 the will were paid or delivered, for it is within
 the knowledge of the respondent Cherry, that a
 negro named David Bevised to William Baker,
 was sold with a number of others which had
 come to his possession from his fathers estate, as
 she understood, by Benjamin Black Baker, the
 Executor of Rich^d Baker, who was the executor of
 the testator Benjamin Baker, to satisfy a debt ~~which~~
 or debts of the said Benjamin Baker, and as well
 as she remembers and believes they were sold to
 satisfy executions against the said Benjamins
 estate. These respondents know not whether the
 executors of Benjamin Baker ever paid the said
 legacy of one thousand pounds to the Complainant.
 but they are inclined to think it never was paid.

They have not a particle of property, or a penny of money in their possession, which came to the said William H. Baker from his father's estate, either as a legatee or devisee, nor do they, or either of them know of any property of the estate of the said Benjamin; ~~but~~ believing the greatest part, if not all of the slaves and other personal estate, were sold to pay the testator's debts; having heard that every one of the slaves which had been devised among the testator's children, were sold, for that purpose except those of Thomas Blunt, and Doct. Leigh, which may have also been sold for aught these respondents know. —

These respondents have seen the will of the said Benj^a Baker and admit it devises a number of tracts of land, three of which, were to Wm H. Baker, but the use, for life, of one of the tracts being devised to the testator's widow, who survived the said William, he never had possession thereof (namely the one call'd King's soil) — That the tract on Wickham's Swamp, was sold by Wm H. Baker ~~to~~ and that he died possessed of the place call'd Littleton, one third part of which your respondents now hold as the dower of the respondent Cherry, during her life. —

Whatever money may have come to the hands of Wm H. Baker, in his lifetime, as the proceeds of the land sold, was spent by him before his death; his estate being insufficient for the payment of his debts. —

These respondents deny all allegations which are not herein ^{before} ~~alleged~~, or answered, and having nothing of the estate of Benj^a Baker, and having never had any of it, they cannot in

Justice be call'd on for Contributions. —

These respondents are advised that by a fair Construction of the will of Benjamin Baker, it will appear he never intended any part of his land for his daughter, or that the land should be subjected to the payment of the Complainant's legacy, or any other. In this they are the more confirmed in opinion, as the testator had every right to consider his personal estate far more than sufficient to pay all his debts and legacies; he having at that time of his death five vessels at sea none of which were returned, as these respondents have been informed. —

These defendants pray hence to be dismissed with their costs, in this behalf so unmercifully and wrongfully sustained, & they &c. —

Jammy Riddick.
Cherry Riddick

Nausumond County, to wit.

This day the above named Cherry and James Riddicks made oath before me, a Justice of the peace for said County, that the foregoing answer is true as far as they know and believe. —

MJMS

Suff: 10th July '05 —

The court after hearing the arguments of counsel on
both sides are of opinion that the complainant recover
against the debts £1000 the sum in the bill mentioned
with interest from the 1st day of Decr 1792
and the court doth order that the master commissioner
make ~~up~~^{up} an account of the testators whole estate
both real and personal ^{at the time of his decease} and of the rents and profits
of the same which have accrued ^{and come to the debts} since his death,
and also an account of the particular proportion
in the possession of each of the debts ^{and also}
and that he make report to the court ^{in order to a final}
~~return of the said debts~~ decree.

as well as an account of the value of the land
of the land left to Laurence, with the profits
thereon since the said testators death

At a court continued and held for the county of Southampton on the 20th day of August 1805.

Martha Baker by Reading Blunt her guardian complt.

against

John Dorton and Judith his wife, Benjamin Beverly Baker, Richard M. Baker and Mary Baker, children of Richard Baker, Josiah Baker and Sally Baker, children of Catharine Baker, widow of Benj^a Blake Baker, James Riddick and Cherry his wife, widow of W^m H. Baker, & Henry Briggs and Emily his wife, and the eldest son of John Lawrence (son of Michael). Defts.

In Chancery

This cause, this day came on to be heard on the bill of the complainant, the answers of the defendants, and arguments of counsel on either side, on consideration whereof the Court doth decree and order, that the complainant recover of the defendants the sum of one thousand pounds, the sum in the complainant's said bill mentioned, together with interest thereon to be computed after the rate of 5^p Centum per annum from the first day of January 1792 to the time of payment, and that the defendants pay to the complainant her cost by her in this behalf expended; and the Court doth further order and decree, that the master commissioner make up an account of the testator's (Benj^a Baker's) whole estate, both real and personal, at the time of his decease, and of the rents and profits of the same, which have accrued and come to the defendants hands since his death, and also an account of the particular proportions in the possession of each of the depts. since the said testator's death, and that he make report to the Court in order to a final decree.

The foregoing decree and order of the Court of Southampton having been directed to the Master Commissioner for his report to be made thereon, and returned to the Court. States his proceedings as follows. And first that notice * was given the defendants (published in the Norfolk and Portsmouth Herald for three weeks) requiring their attendance agreeable to the notice at his Office on a certain day, and there to render to the said Commissioner a full account of all property received by them, from the estate of Benjamin Baker dec^d. That on failure of some of the defendants to attend on that day, a second notice † was given them, that on the third Monday in December at Southampton Court-house certain persons for that purpose would proceed to make a valuation of the property disposed of by the will of the said Benj Baker dec^d in order to ascertaining the proportion due from each of the several defendants in making up the legacy decreed by the Court to be paid to the complainant in this suit; at which time and place a valuation of the aforesaid property was made, as is stated on document marked C. Wherein it appears that,

Richard Baker the first devisee in the said will, did receive and possess of his Father's estate (the testator Benj^a Baker) sundry tracts of Land, and other property including rents profits &c. to the amount of £2962:0:0

And that the proportionable part payable on account of the legacy due the Compl^t by the representatives of the said Richard, being John Dorton and wife, Beverly, Richard, and Mary Baker, children of Richard Baker dec^d does amount to £393:0:0

* See notice marked A.

† See notice marked B.

The representatives of Richard Baker brought over £2962:0:0

Benjamin Blake Baker the second devise in the will did receive and possess of his father's estate (Benja Baker decd) sundry tracts of Land, and other property including rents profits &c. amounting to 5377:0:0

And that the proportionable part payable on account of the legacy due the complainant by the representatives of Ben. Blake Baker decd being Catharine Baker his widow and their children Josiah Baker & Sally Baker, does amount to 713:7:9

William H. Baker the third devise in the will did receive & possess of the estate of Benja Baker decd (his father) sundry tracts of land and other property including rents profits &c. amounting to 3579:0:0

And that the proportionable part payable on account of the legacy due the complainant by the representatives of Wm. H. Baker decd being James Riddick and Cherry his wife formerly widow of Wm. H. Baker, does amount to 466:18:10

The eldest son of John Lawrence (son of Michael) the fourth devise in the will did have devised to him by the will of the said Benja Baker decd. one small tract of Land inconsiderable in its value only stated at (including rents profits &c) 30:0:0

The proportion of which sum payable to the complainant on account of her legacy from the said Lawrence, his heirs or representatives does amount to 3:19:9

Henry Briggs - and Emily his wife one of the legatus in the said will did receive of the estate of Benja Baker decd in personal property viz. Negroes &c. 864:4:9

The proportionable share of this sum of £ - payable by Henry Briggs for himself and wife to the complainant in discharge of his part of the legacy due her agreeable to the decree of the court, does amount to 114:13:7

John Dorton did receive agreeable to his answer in value 60:0:0

In conformity with the judgment of the court of Chathampton in August last 1805 wherein it was decreed that the defendants herein named as above pay to the complainant Martha Baker (suing by her Guardian Reading Blunt) the sum of (as mentioned in the Bill exhibited by her) £1000:0:0

With interest thereon to commence on the first day of January 1792 to be computed at the rate of 5 Centum Annuum till payment which interest is calculated up to the first day of January 1806 (fourteen years) making 700:0:0

The foregoing report made on a decree for the complainant's demand with interest thereon to be paid, will show the Legacy due the first of January 1806 as above seventeen hundred pounds.

And the proportion payable by each of the defendants the sums annexed to their several names. Which statement is very respectfully submitted to the Court.

J. Fort M.B.

M. Commissioners fees
for 7 days services at 6 hours
each day 12 hours @ 3/4 - £7.17.6
Twenty six dollars & 25 Cents

A

Martha Baker, by Reading Blunt, her
Guardian, *Complainant,*
Against

IN CHANCERY.

John Dorlon and Judith his wife, Benjamin Beverly Baker, Richard H Baker, and Mary Baker, children of Richard Baker, Josiah Baker and Sally Baker children of Catharine Baker, widow of Benjamin Blake Baker, James Rick, and Cherry his wife, widow of William Baker, Henry Briggs and Emely his wife, and the eldest son of John Lawrence (son of Michael) *Defendants.*

THIS cause came on and was argued by counsel, in the Court of Southampton, in August last; whereupon it was decreed that the defendants pay to the complainant the sum of one thousand pounds, with interest thereon at the rate of five per cent. per annum, from the first day of January, 1792, till payment. And that the Master Commissioner make up an account of the testator's whole estate, both real and personal, at the time of his decease; and of the rents and profits of the same, which have accrued to the defendants since his death; and also an account of the particular proportions in the possession of each of the defendants, and make report thereof to the said Court of Southampton.

The defendants in this cause as named above, are therefore notified that the Master Commissioner has appointed the twelfth day of November next, for their attendance at his office, in Jerusalem, when and where they and each of them, are required to render to the said Commissioner a full and perfect inventory, with the valuation of all and every species of property which has come into their hands from the estate of the said Benjamin Baker, deceased, in order to his making up such report.

JOSHUA FORT, M. C.
Jerusalem, Southampton county,

Oct. 8, 1805.

3w

M. Baker

ms.

J. Dorton & others.

Notice.

B

I acknowledge the within Notice for me & wife

~~Emilie~~
~~Don't know~~

Henry Bailey
For self &
wife Emilie

I acknowledge notice for self & wife } In, London
also for the Orphans of Rich^d Baker }
I acknowledge the within Notice for my self } Catharine Baker
& children

For
Wm Woodard for In. Colon
& Catharine Baker

M. Baker
Mr.
I Orphan & others

Notice

B

Martha Baker, by Reading Blunt,
her Guardian complainant
against

John Dorton & Judith his wife, Benj^a Bursley
Baker, Phil^d. H. Baker, and Mary Baker,
children of Richard Baker; Joseph Baker,
and Sally Baker, children of Catharine Baker,
Widow of Benj^a Blake Baker; James Riddick
and Cherry his wife, widow of William Baker,
Henry Briggs and Emily his wife; and the eldest
son of John Lawrence (son of Michael) Defts.

In Chancery

The defendants in this cause are hereby notified
that on the third Monday in December next, at
Southampton Court-house there will be by persons
for that purpose (Messrs. Alldington Jones & Joseph Brown) a
valuation made of the Estate of Benj^a Baker
dec^d. consisting of real and personal property, now
in the hands of these defendants, conformably to a
decree of the court of Southampton, entered up
in August last, directing a report to be made
by the Master Commissioner, of the whole amount
of the said Estate, as also an estimate of
its value, rents, profits, &c. since the death
of the said Benjamin Baker dec^d. —

Jerusalem.
12th Nov: 1805

J. Fort. M^o.


On the 13 Nov: 1805 this notice was presented to
James Riddick who acknowledged it for himself
Strike

Sam^l Gilbert

Document

C. —

An estimated valuation of the Estate of Benjamin Baker deceased at the time of his death - now in the hands of the devisees and Legates named in his last will and testament; and their decendants. Made by Col. Albrighton Jones and Supt. Browne Esq. who were acquainted with the estate, and its value at the time of the said Benj. Bakers decease, which estimate is supported by the affidavits of those gentlemen as appears below -

First Richard Baker had by Benj. Bakers will devised to him the following lands viz. 1400 acres described by boundaries set forth in the said will, and known by the name of South Quay - valued at 20¢ per acre - 1400
 A Seim place and land at the mouth of Chowan River in N. Carolina - valued at 100
 A Tract of land on black water River formerly Bennett Birdsong containing - Acres valued at - this land was never owned by Ben Baker 225
 A part of kinsale saw-mill in the County of Isle of Wight 3/4 of which was given to B. Baker valued at \$1000 - 3/4 is 135
 Also 3/4 of three hundred acres of Land with the said mill valued at 600 Dollars 3/4 of which is 855

The estimated value of the first devise, as an annual rent since the death of Benj. Baker up to the first of Jan. 1806 - 19 years @ 45¢ 34 57
 Annum in rent of the Seim place and land at the mouth of Chowan River in N. Carolina to do 190
 of the land on Black Water River formerly Bennett Birdsong in Virginia to do including the land 190
 of that part of the kinsale devised to Richard Baker lying in Isle of Wight to do including the land 190
 2062:0:0

The second Benjamin Blake Baker had by Benj. Bakers will devised to him (Benj. Phares) 2000 acres of land lying in Virginia valued at 20¢ per acre 2000
 Ditto on Meherrin River in N. Carolina a plantation of 1300 acres valued at 20¢ 1300
 Ditto a plantation at Waynoak lying a part thereof in Virginia and a part in N. Carolina valued at 50
 Ditto a Negro woman about 30 years of age (her children born since Col. Bakers death and included in the 1806-19 years) valued at 855
 at 45¢ per year 380

The estimated value of the first devise as the annual rent or profit since the death of Benj. Baker up to the first of Jan. 1806 - 19 years @ 20¢ 380
 Annum in rent of the plantation on Meherrin River in N. Carolina as an yearly rent do do 15 285
 of the Waynoak plantation lying partly in Virginia and partly in Carolina do do 3 57
 of the Negro woman as the value of annum for nineteen years 57
 5377:0:0

The third Wm. H. Baker had devised to him by Benj. Bakers Will land viz. On Black-water River 600 acres valued at 20¢ per acre 600
 Ditto a tract of land called kinsale 800 do 20¢ 800
 Ditto do in Southampton known by the name of Littletown containing 800 do 20¢ 960

The estimated value of the first devise as the annual rent or profit since the death of Benj. Baker up to the first of Jan. 1806 - 19 years @ 20¢ 1800
 Annum in rent of the second being the tract called kinsale do do 16 304
 of the third " the tract called Littletown in Southampton do do 30 570
 3579:0:0

The fourth devise in the will of Benja. Baker is a tract of Land to John Lawrence son of Michael valued at 30
 This tract of Land was not considered worth any thing by the year 30:0:0

Henry Briggs in right of his wife, Emely a legatee in the will - see document marked D 864 4 9 864:4:9
 John Dorton did receive by his intermarriage with Mary Baker (daughter of Benj. Baker) agreeable to his answer personal property to the amount of sixty pounds 60 - 60:0:0
 The whole estate 8128 12:4:9

Southampton J.C. This day appeared before me a Justice of the peace, Alldington Jones and Jesse Browne
and depose on oaths that they do verily believe the foregoing estimate of Benjamin Baker's Estate
made by them to be a fair and just valuation, agreeable to their judgment, formed on a
knowledge of the property. Given under my hand this 10th Day of December 1805

The within valuation of the Estate of Ben^g. Baker decd. was made by the above
names Alldington Jones and Jesse Browne, which was by consent of the parties
Jst.

Henry D. J. J. C.

Document
C.

Document

D

Henry Briggs and Emily his wife, defendants, the
suit Martha Baker comp.ⁿ vs John Dorlon & others
defendants, state that they have received of Benj^r
Bakers Estate - Sundries

Viz. Peter a negro man 35 Years old, worth £ 90:0:0
Charles — do. — 25 — do. — 120:0:0
Marler — do. — 20 — do. — 80:0:0
Nippse a negro Woman 50 years old — 3:0:0
Cate — do. — 18 — — —

And a Child of Cates 6 months old — — —

Hire of these negroes Years see statement marked E 176:16:9

Value of them since possessed by H. Briggs statement — E 292:10:0
£ 42:6:9

Five cattle, being 2 Cows and Calves
and a heifer, valued at — — — £ 10:10:0

Some furniture, consisting of plate
Viz. 2 Doz. Table, & 8 Tea spoons — — — 9:0:0
Candle sticks and China, a Table —
and looking glass amounting in value to — — — 8:0:0

£ 864:4:9

Heir of Mrs
Briggs Negroes
successors to his marriage

and by years to amt
of £176: 16: 9

etc. & F

An Account of the hire of Miss Annely Baker Negroes, taken from a Book kept at South Quay.

Negroes Names		To whom hired	Sum	
1788	Peter	William Glover Junr.	7.	15
	Charles	Peter Fivcash	1.	17
	Kate	Jacob Bailey	2.	5
1789	Peter	Blake Baker	6.	12
	Charles	John Glover Senr.	2.	"
	Kate	James Edwards	2.	8. 9
	Nippy	John Glover	2.	5. 6
1790	Peter	Blake Baker	6.	12
	Charles	Samuel Calvert	3.	3
	Kate	Simon Murfee	2.	10. 6
	Nippy	Elizabeth Baker	3.	7. 6
	Marlow	Adams Cutchins	15.	6
1791	Peter	Blake Baker	9.	11
	Charles	Samuel Calvert	4.	3
	Kate	Simon Murfee	4.	10
	Nippy	Elizabeth Baker	3.	4
	Marlow	Adams Cutchins	2.	1
	Mial	James Thomas	10.	2
1792	Peter	Blake Baker	7.	10
	Charles	Samuel Calvert	4.	2
	Kate	Jonathan Darden	4.	1
	Nippy	Elizabeth Baker	3.	3. 6
	Marlow	Adams Cutchins	2.	0. 1
	Mial	James Thomas	1.	"
1793	Peter	Blake Baker	7.	13
	Charles	Lawrence Carr	6.	"
	Kate	Simon Murfee	4.	0. 6
	Nippy	Elizabeth Baker	2.	10
	Marlow	William Vaper	2.	3. 6
	Mial	James Thomas	1.	"
1794	Peter	Adams Cutchins	9.	0. 6
	Charles	Lawrence Carr	7.	16
	Kate	Simon Murfee	4.	"
	Nippy	Elizabeth Baker	10.	"
	Marlow	Jonas Ballentine	3.	2. 1
	Mial	James Thomas	1.	10. 1
1795	Charles	Daniel Webb	6.	1
	Kate	Simon Murfee	4.	"
	Nippy	Matthew Gardner Junr.	2.	2. 6
	Marlow	Jonas Ballentine	6.	0. 1
1796	Peter	John Dorlon	9.	"
	Charles	John Croft	5.	"
	Kate	William Glover	3.	"
	Marlow	Albington Harvey	5.	"
			176	16 9

Store of Henry
Briggs' Negroes
every year.

F

Hire of the Negroes belonging to Mrs Emely
Briggs previous to her intermarriage with Henry
Briggs, see the inclosed document marked ~~E~~ £176.16.9

The value of those Negroes agreeable to a
valuation made by persons for that purpose
by consent of parties, from the time of
Henry Briggs marriage with the said Emely
up to the 1st Jan^y 1806 nine years at £32:10:0
per year, amounting to the sum of . . . £292:10:0
£469:6:9

14

M. Baker by R.
Blunt her guardian

Ag^t } Spc
Dress & wife } In.
Dorlin R. } Ch^y

To March 1801
March 6. Ecce^d on
Briggs & Wife
James Bishop
of
Drowne Hff.

The commonwealth of Virginia to the Sheriff
of Southampton county greeting you are hereby com-
-manded to summon John Dolen and Ludy his wife

Benjamin Beverly Baker Richard ~~H~~ Baker and
Mary Baker children of Richard Baker Josiah
Baker and Sally Baker children and Catherine
Baker widow Benj^{Blake} Baker. James Riddick and
Charity his wife widow of William Baker and
Henry Briggs and Emily his wife To appear before the
justices of our said court at the Courthouse on the
third monday in March next To answer a bill in
Chancery exhibited against them by Reading
Blunt guardian of Martha Baker and that they
shall in no wise omit under the penalty of One hun-
-dred pounds each and have there this writ
Witness Sam^l Wells clerk of our said court at
the Court house the 22^d day January 1801 and
in the 25 year of the commonwealth

Sam^l Wells Jun^r D^c

M Baker by her guardian
R Blunt } Spa
vs } In
J Dorlon & others } Chs

To March 1804.

Come to Late to hand

James McLenney
Shiff

Sampton county Feb

The commonwealth of Virginia to the Sheriff
of ~~Northampton~~ county greeting you are hereby commanded to
summon John Dorton and ~~Judy~~ his wife Benjamin Beverly
Baker Richard H Baker and Mary Baker children of Rich^d
Baker Josiah Baker and Sally Baker children, and Catharine
Baker widow of Benjⁿ Blake Baker, James Riddick and
Charity his wife widow William H Baker and Henry Briggs
~~and J. D. Dorton to the said court at the house of the said court~~
court at the courthouse of the said county of Sampton on the
third monday in March next to answer a bill in chancery
exhibited against them by Reading Blunt guardian of
Martha Baker and have then there their writ return
Sam^l Wells clerk of our said court at the House the
22^d day of Jan
-wealth

M. Baker

vs

Dorlon dothers

} ad. spa
in
Ch. S.

to Nans?

Executed on
John Dorlon &
Judy his Wife
Catherine Baker
& James Riddick

Jas. M. Glenney
Suff

Southampton
County. To wit

The Commonwealth of Virginia to the Sheriff of Hansemond county
greeting You are hereby commanded (as before) to summon John Dalton
and July his wife, Benjamin Beverly Baker Richard H. Baker
and Mary Baker, children of Richard Baker ~~and~~, Josiah Baker
& Sally Baker, children, & Catharine Baker widows of Benjamin
Blake Baker ~~and~~, & James Siddicks & Charity his wife who was the
widow of William H. Baker ~~and~~ to appear before the justices of our
county court of Southampton at the courthouse of the S. county on
the third monday in june next to answer a bill in chancery
-hibited agst them (others) by Martha Baker by Reading Blunt
her guardian & this they shall not omit under the penalty of
\$100 out & have then & there this writ returne Shells clerk of our
S. court of Southampton at the house the 5th day of may 1801
& in the 26th Year of the Commonwealth

Sam Shello DSC
7

The within mentioned defendants are informed that I shall attend at ~~the~~ the Court House of the County of Southampton on the third Tuesday in December next, between the hours of ten in the morning and six o'clock in the evening of the same day, to take the deposition Albrington Harvey relative to the within Suit.

Nov: the 25 1803.

Rich^d. Lee. Pryor
attorney for the
Complainant

Baker

so

Baker &

ad. Spa

25 Sep 1801

Southampton county.

The Commonwealth of Virginia to the Sheriff
of Nansemond county. greeting You are hereby commanded
as before you were commanded to summon ^{Benj^a} Beverly Baker
Richard H Baker & Mary Baker children of Rich^d Baker & Josiah
Baker & Catharine Baker ~~widow~~ children of Catharine Baker widow
of Benj^a Blake Baker decd, to appear before the justices of our S. county
court of Southampton at the courthouse of the S. county of Southampton
on the third monday of September next to answer a bill in Chan-
-cery exhibited against them & others by Martha Baker by Reading
Blunt her guardian & this they shall in no wise omit under the
penalty of £100 each & have then & there this writ witness Samuel
Kello clerk of our S. court the 21th July 1801 in the 26th year of
the Commonwealth

Sam^l Kello. C

A full & perfect Inventory of the property of the late Col. Benj. Baker
deceased, received by, and now in the possession of Catharine Baker Widow,
& Adm^r. of Benj^r. Blake Baker -

~~A tract of land whereon she now lives called Piney -~~
Pleasant, & a tract in Wianock, the quantity of neither she does
not know, but supposes they may be known from the Land Roll
of Vansemond County - the value she is unacquainted with - as
to the rents & profits she can ascertain it in no better way than
by saying they never supported her family - - -

A Negro Woman, & five children which are disputable
property - the profits of which, if worth mentioning would
be worse than nothing as they have been an expence - - -

At her late husbands Benj. Blake Baker rec^d. any
of his Fathers personal property she is not acquainted
with the species or value - - -

On the above report her two children Joseph &
Sally are included, for as Adm^r. & Guardian to the
Orphan the estate of B. B. Baker has been kept going
live
(Turn Over)

The within mentioned land has been valued and stands
on the caput -

as also the negro woman - the five children
mentioned were born subsequent to the death
of Colo. Ben. Baker and therefore not included
as any part of his estate at the time of his
decease - which is agreeable to the decree of
the Court.

For M^{rs}.
Baker

Callamine Baker for self
& for Joseph & Sally Baker

The within mentioned land has been valued and
stands on the report. —

The said Negroes were sold as Ben. Baker's
Est. therefore are omitted on the report —

The sixty pounds stated by Mr. Dorton as
the value of personal property received by him is
accounted for on the report. —

The negro man mentioned within of the
property of Mary Baker is thought to have
been at the time of Ben. Baker's death of
no value as he was deformed in so much
that he would not have sold for anything *grf.*

J. F. M. B.

As full & perfect an Inventory as the memory of the subscriber enables him to render at this time - of the property he received from - and has now in possession of the Estate of the late Col: Benjamin Baker deceased - To wit

5 Negroes - their value or profits not known, as they were taken & sold at publick sale for, and on Account of the estate of Benjamin Baker, by Benjamin Blake Baker executor of Richard Baker who was Executor of Benjamin Baker

Personal Property in the division of the estate to amount of Sixty pounds or thereabouts, but all the particular species or value not now recollected, as there is none of it now on hand except a silver Cann & part of a set of China

In: Dorset for self & Wife

As Guardian to Benj: Beverly Baker son of Richard Baker - three fourths of a Mill & Land belonging thereto - this Mill since in my hands, was rented to W: H. Baker for six years at £10.3. 10. year - what the rents & profits has been since Jan'y 1803 is uncertain, as it has not been rented, & the repairs & expences considerable

As Guardian to Mary Baker Daughter of Richard Baker - a Negroe fellow devised to her by Julia Baker her Aunt. which I suppose was formerly in possession of Benjamin Baker, but as he is disputed property presume it unnecessary to mention the profits, as that will go with him if recovered

In: Dorset

for the two Orphans above mentioned

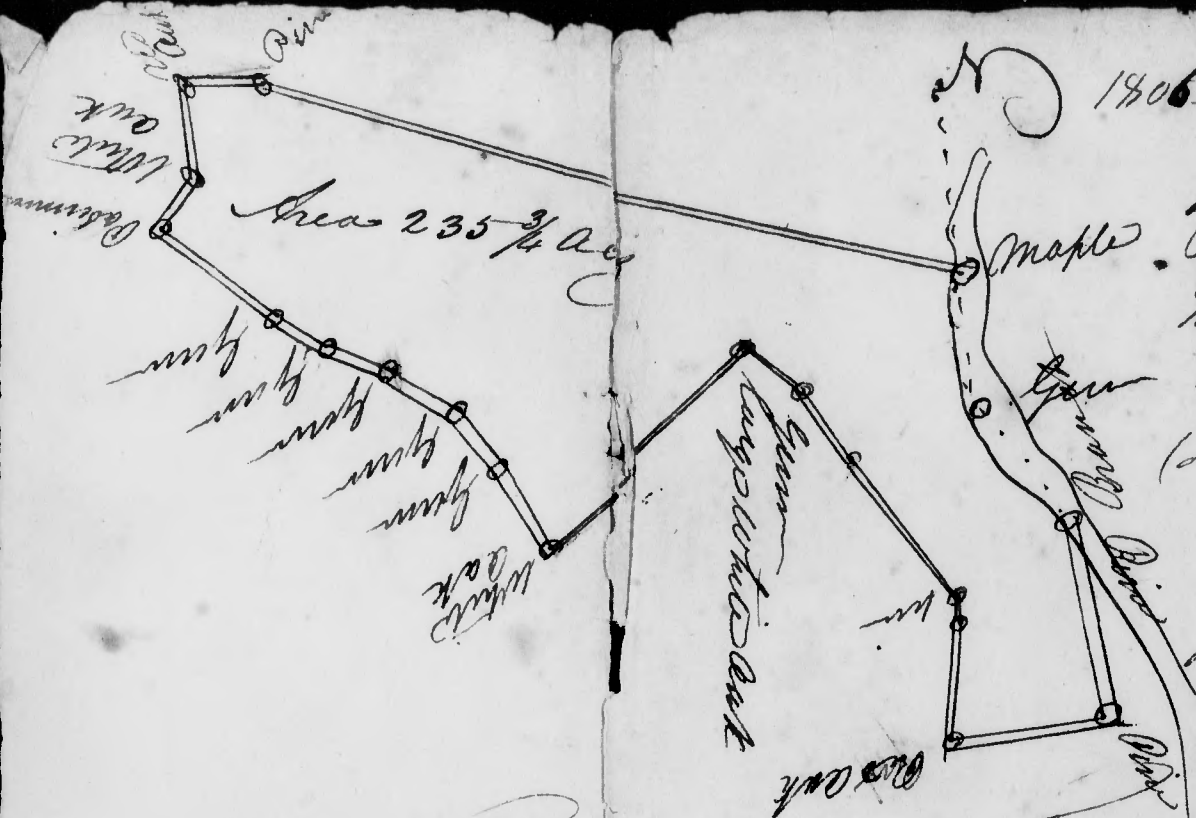
The Land of
William Baker
Decd
Pochon tract

1865

Not decified
1992

The Land of
William Baker
Dec'd
Pochon tract

1865



1806 3rd January Surveyed
for the Estate of W^m
Baker a Tract of land
known by the name of
the Pocason tract
(to wit) Beginning at
a Sweet gum a corner
of W^m Fowler and Ethelred
Guardian in S. Bakers
line in a bunch then
up said Branch N

16 W 26 poles, Thence N 8 E 20 poles, Thence N 2 E 12 poles to a
Maple, Thence N 2 W 316 poles Thence N 85 W 2 poles a red oak a
corner of Hinchon Edwards and S. Land in Levy Edwards line Thence
along S. line S 5 E 47 poles to a White Oak, Thence S 41 W 24 1/2
poles to a Passimmon a corner of David Edwards Levy Edwards and
S. Baker, Thence S 7 E 20 poles to a Sweet gum, Thence S 57 E
24 poles to a Sweet gum, Thence, Thence S 6 E 28 poles to a Black
gum Thence S 55 E 32 poles to a poplar, Thence S 33 E 28 poles to
a Sweet gum, Thence S 26 E 40 poles to a White oak a
corner David Edwards Ethelred Guardian and S. Land Thence N
52 E 130 poles to a large White Oak a corner of E. Guardian
and S. Land, Thence S 43 E 32 poles to a Gum, Thence S 25 E
72 poles to a ^{pine} ~~Maple~~, Thence S 30 E 40 poles to a ^{red oak} ~~Pine~~, Thence
S 16 E 12 poles to a Red Oak, Thence S 12 W 48 poles to a pine
a corner of E. Guardian and S. Land, Thence S 68 poles to
a Pine a corner of William Weston and S. Land, Thence N 4 E 38
poles, Thence N 3 1/2 E 46 poles to a pine in the aforesaid Branch
Thence up said branch to the beginning

John Barham D.S.
Richd B. Clements

92 Littleton tract

Martha Baker Compt.
vs.
John Dorton & others defts.

Report
to April Court 1806
Byrd

300
251
151
120
51
235

It appears by the inclosed report that Rich.^d Baker was not so amply provided for as some of the other children of Benj^r Baker. In the opinion of the M. Commissioner this difference arose from the value Col^l. Baker put on the La Duay Land: that being at the time of his making his Will a place of considerable trade, since the discontinuance of which trade, it has fallen in value very much.

In pursuance of the report made by the master
Commissioners ^{in this case} which has been respectfully returned
to this court, it is decreed and ordered that John

Dorlon and ^{Baker} his wife the widow, and ^{Baker} Mary Baker the heirs of Richard Baker
the first decedent named in the will of Benjamin
Baker pay unto the compt. the sum of £393.0.7.
on or before the first day of June 1806, and in default
thereof that

~~do~~ ^{do} make sale of the tract of land called Southway
or so much thereof as will be sufficient to discharge
the said £393.0.7 and pay the same to Reading Blunt the guardian of
the compt. ~~and that the compt. if any be found~~

and that Catharine Baker the widow, and Josiah Baker
and Sally Baker the heirs of Benjamin Blunt Baker
pay to the ^{said guardian of the} compt. £713.7.9. on or before the said
1st day of June 1806, and in default thereof
that the commissioners aforesaid make sale
of the ~~land~~ ^{land} called ~~Southway~~ ^{Southway}
thereof as will be sufficient to discharge the
said £713.7.9, and pay the same to Reading Blunt
the compt. guardian.

And that James Riddick and Catharine his wife
out of the estate of William H. Baker pay unto the
compt. Reading Blunt the compt. guardian
£466.18.10 on or before the 1st of June 1806. and in
default thereof, that the aforesaid commissioners
make sale of ~~the~~ a tract of land called Little town
or so much thereof as will be sufficient to
discharge the said £466.18.10, and pay the same
to the aforesaid guardian.

and that Henry Ringg and Emely his wife pay
unto the said guardian the sum of £114.13.9 on or
before the 1st of June 1806. and in default thereof
that the said commissioners make sale of Peter
Charles and Cate (negroes devised by them from
Benjamin Baker the testator) or so many of

them as will be sufficient to discharge
the said £114.13.4. and pay the same to the said
guardian.

and lastly that John Dorlon pay unto the said
guardian £7.19.6 on or before the said 1st of June
~~to being acknowledged that he received~~
~~the same in consequence~~

The court are of opinion that no decree can
be made against the heir of John Lawrence
for the £3.19.9. being his proportionable part
applicable to the said report and as he does
not appear to have been regularly before
*them, ~~which therefore~~ And it is ordered
that the said commissioners make a report
of their proceedings to this court.

*It is also ordered that three weeks ~~full~~ notice
be given at some public place in the neigh-
bourhood of each tract of land and of the
aforesaid negroes which it may be necessary
to sell in pursuance of this decree.

Dorlon }
as } Exception
Baker }

May 20, 1801 filed
to be argued

Exceptions filed at May Court 1806
by John Dorton & Judith his wife & by Benj^a
~~W. Baker~~ Richard H. Baker & Mary
Baker children of Richard Baker dec^d, to
the Master Commissioners Report in the
Suit in Chancery in Southampton Court,
Martha Baker by Reading B. Court her
Guardian against John Dorton and
others Dfts. These Dfts. Dorton, Wife &
the above s^d children of Richard Baker dec^d do object
to the s^d Report for the following reasons viz:

1st Because the ~~all the~~ ^{that} of property of every
description which Richard Baker dec^d received
at any time from his father by his will or
by advancement never was nor is not now
of the value of £2962:0:0 as reported by the
Master Commissioner of this Court, which these
Dfts could prove by Depositions if permitted
to do so by the Court.

2^{ndly} Because the Master Commissioner in appor-
tioning amongst ~~the~~ Dfts in this cause the
payment of the Legacy decreed the Com^{pt}
improperly took into consideration all the
property

property mentioned by the testator Benjamin
Baker in his will instead of so much only
as he died seized & possessed of, & as was
actually received into possession by his devisees
& legatees.

3^{rdly} - Because the master commissioner has
made no valuation of the legacies bequeathed
by the testator Benj.^a Baker to his wife Eliza-
- beth, his daughters Mary, Lucretia &
Elizabeth & to Thomas Blount, nor has he
~~the~~ Master Comm^r. reported that the
said Legatees shall pay any part of
the legacy decreed by the Court to the Compt^r.
or that their legatees in cases where any
of the legatees are dead shall abate ratably
for the raising of the legacy decreed as afores.
to the Compt^r. -

Thomas M^r for
his Dorlon Son

In the name of God amen, I Benjamin Baker
of the County of Nansemond being of perfect and sound mind
and memory, do make and ordain this to be my last Will
and Testament in manner and form following, revoking and
disannulling all wills by me heretofore made.

Inprimis I Give and devise to my son Richard Baker and his
Heirs & assigns forever, the plantation and Land whereon he now
dwells called and known by the name of South Quay together
with a small part of the Land whereon I now live, and the plantation
and Land I purchased of John Lawrence the whole containing
by Estimation fourteen hundred acres and bounded as followeth.
<sup>^ an Blackwater River thence up the said Swamp, to the mouth of the Ready Branch thence at the said Branch crossing
the road that leads to South Quay to the Wickham Swamp</sup>
To wit: beginning at the mouth of Wickham Swamp, thence
along the road Southwaddy to the land formerly Thos. Shivers?
where his sister Mr. Pinder now lives. Thence westwardly along
Shivers line and my line including the Land I purchased of
John Lawrence, as above mentioned, to Black water river,
~~thence up the said river to the first station, also my part of~~
the Kirsate saw Mill, with the Lands thereto belonging, also my
part of a siene place and Lands at the mouth of Chowan river,
also my Negro Bay named Red? Stern I Give and devise
to my son Benjamin Blake Baker and his Heirs and assigns
for ever the plantation and Lands whereon I now live called
and known by the name of Binny Pleasant, except a small
part thereof already given to my son Richard, beginning at
Luis Daughters branch thence down the said branch
to Wickham Swamp thence down ^{the west side of} the said Swamp including
the Mill Pond to a marked Tree standing on the side
thereof just above the little Mill, then along a line of marked
trees to the mouth of the ready branch, thence up the said
branch crossing the South Quay road to the weinout road
thence along the said road Southwaddy adjoining the Land
devised to my son Richard, to Shivers line at present
Binders thence along my line Eastwardly to the Cabin
Swamp, thence up the said Swamp to a line of marked
trees thence along the said line to the first Station.

Including by Estimation two thousand Acres also my Plantation
and Lands on Meherring river north Carolina Warford
County which I purchased of the Stevens containing by
Estimation thirteen ^{hundred} Acres also all my Lands and plantation
in Wainoak neck both in Virginia and in North Carolina
also my Negroe Boy Jack. I give and devise to my
son William Henry Baker and his Heirs and assigns forever
^{on the west and north west side of Wickham Swamp where John Glover now lives beginning at the mouth of}
all my Lands on the Wickham Swamp on Blackwater thence
up the said swamp to the fork thence up the ~~branch~~ branch
by Joseph Gardney to a marked tree thence along a line
of marked trees westwardly by Thomas Cuthins to Black
water river thence down the river to the first Station Including
by Estimation six hundred Acres also all my Lands
and plantation purchased of Mr. Baker called Kingsale
containing by estimation Eight hundred Acres also my
Lands and plantation in Southampton: called Little Lion
containing by Estimation Eight hundred Acres also my
Negroe Boy called David I give and devise to the
Eldest son of John Lawrence (son of Wick) and his
Heirs and assigns the plantation ^{and land} purchased of James
Wiggins. I give and devise that my wife
Elizabeth Baker ^{may have} and enjoy the use of the plantation
and Land whereon I now live according to the bounds
given my son Benjamin Blake until my son Benjamin
Blake arrives to the age of twenty one years or is married
and then to remove, to have hold and enjoy the Plantation
and Lands called Kingsale during her natural life
which I have before devised to my son William Henry it is
also my will and desire that my wife Elizabeth Baker
may have hold and enjoy all the Estate I had by her
I give and devise to my Daughter Mary Baker
and her Heirs my Negroe Girl called Ann. I give
and devise to my Daughter Julianna Baker my Negroe
Girl Anninda. to her and her Heirs I give and devise
to my Daughter Elizabeth Baker and her Heirs my Negroe
Girl Hannah

Item I Give and devise to my Daughter Emela Baker and
her Heirs my Negroe Girl Belinde Item I Give and devise
to Thomas Blunt my Negroe wench (Cherry and all her
increase) which he has now in possession to him and his
Heirs Item my will and desire is that my stock in trade
shall be, carried on by my son Richard until my son Mr. Henry
arrives to the age of twenty one years then the Auct^r closed
and division made in the following manner to wit
I give and devise one fifth part of s^d Stock & profits arising
therefrom to my son Richard Baker & his Heirs and the other
four fifths I give and devise to & desire it may be equally
Divided between my wife Elizabeth Baker (which she is to hold
during her natural life) & my other six children viz
Benjamin Blake Mr. Henry, Mary, Julianna Eliza & Emela
or the survivors of them or their legal representatives
Item I Give & Devise all the rest and residue of my Estate
not herein mentioned (except my right in Lands in the
Western Country & a small tract over Blackwater
purchased of Bonnet Byrdson which I mean to descend to
the Heir at Law, to be equally divided between my wife Eliza^r
Baker, which she is to ^{hold &} enjoy during her natural life,
and my seven Children to wit; Richard Benjamin Blake
William Henry Mary Julianna Eliza & Emela or the
survivors of them and their legal representatives
Item it is my further will and desire that the part of my stock
in trade, with the profits devised to my wife Elizabeth
during her natural life together with the part of the
residue of the Estate devised to her on the same terms be
after her death equally divided between all my Children
then living or their legal representatives
Item I Give and devise to the Child ^{with which} my wife Eliza is now
pregnant, whether Male or female one thousand pounds
current money to be raised by my Exors hereafter named
out of my whole Estate in any manner they may conceive
the least prejudicial to the same and should the Child prove a
(male

It is my will and desire that my ^{Exors} do & they are authorised
and impowered to appraise either my plantation ~~either my~~
Plantation and Lands called Kingsale my Plantation
and Lands called Little Town or my Plantation and Lands
on the Moeherring, which they think most proper notwithstanding
= being it is herein divided away and allotted the same to such
Child being Male at such appraised Value, and deduct that
sum out of the One thousand pounds before mentioned to be the
proportion of such Child & the Balance of One thousand
pounds to be made up in Cash and I hereby ratify and confirm
such allotment of Land to the unborn Infant if a male & his
Heirs forever, but as all ^{three} Tracts of Land are herein before divided
to one or the other of my Infant Sons & in order to avoid an Act of
Injustice to either of them, It is my further Will and desire that the
appraised Value of the Land thus to be allotted by my said Exors to
the unborn infant may be made up as before directed and paid
to either of my sons as the case may happen from which they take
the Tract of Land aforesaid. ~~Then, I hereby appoint Richard Hardy~~
Samuel Hardy and Richard Baker Exors of this my last Will and
Testament and after proving the Will I desire they may return
an Invy of my Estate to Court but that no appraisement of my Estate
be made other than is necessary for my Exors in order to make a fair
and equal division of my Estate among my Wife and Children
according to the true intent and meaning of this my last Will
and I hereby authorise and impower ^{my} aforesaid Exors to make the
division aforesaid and ratify and confirm their proceedings therein.
In Witness Whereof I have hereunto set my hand and affixed
my Seal this Sixth day of Aprile 1785

Signed Sealed & acknowledged
by the Testator as & for his last
Will and Testament in presence of

Benjamin Baker 

Warren Ashley
William Kellow
William Glover
W^m Westbrook

Copy
Teste

Thos. Swepson D^y