

1809-015

SOUTHAMPTON COUNTY
CHANCERY PAPERS

KIRBY'S WIDOW vs. KIRBY'S CHILDREN

Kirby's Heirs vs Kirby, Widow

5/1809

other surnames: Carr

6 Nov 7 Bill
Philips will &
1 Nov 7, Ann
Philips children

Jan 1809 Int. decree

May 1809 Repl. re. fo
Final decree

To the honorable court of Southampton county in
chancery sitting. Humbly complaining sheweth
unto your worship your name is Nancy Kirby widow
of Moody Kirby deceased late of this county. That
Moody Kirby her late husband did interlate in
the year ~~intestate~~ leaving three children to
wit, Lizzy Kirby Carr, Turner Kirby and Lally Kirby
who are equally entitled to the land and slaves
of which the said Moody died seized and bequeathed
after taking thereout one third part to which
your name is entitled in right of dower. Your
name states that the said Moody died bequeathed
of a tract of land lying in this county containing
acres and the following slaves, Alice, Lim, Man
Mam, Bob Linney and Misses to all which after
one third is apportioned to your name who administered
upon the estate of the said Moody the said Lizzy, Turner
and Lally Kirby infant children of Moody Kirby
deceased, ~~as bequeathed~~ ~~defendants~~ ~~heirs~~ are equally
entitled. In tender consideration whereof and in
as much as your name is residing in exile in
a court of Chancery she prays that the said
Lizzy, Turner and Lally Kirby infant children and
co distributees of Moody Kirby deceased may be
made defendants and by their guardian or next
friend be compelled to answer all and singular
the allegations herein contained in as full true
and perfect a manner as if the same were

have again repeated and they think more
particularly interesting, and she prays that
your worship would deem that Robert Goodwyn
Moody Collier Thomas Butts and William Timmons
a very true lay off and set apart one third
of said land and negroes to your estate as well
in right of her dower and that they divide the
residue of said land and negroes equally between
Lizzy Kirby Carr, Turner Kirby and Sally Kirby and
make report of their proceedings and your
estate may that your worship would
make make such other and further decree
in the premises as may be consistent with law
and the.
Henny Kirby

To the worshipful court of Lenthampers in Chancery
sitting -
The answer of Lizzy Kirby Carr, Turner Kirby and
Sally Kirby infant children and co-defendants of
Moody Kirby deceased by the foregoing bill by their
next friend Henry Arrington. Their respondents
serving and reserving to themselves all and
every benefit of exception to all errors and
imperfections in complainant's said bill of
complaint contained for answer thereto or to
so much thereof as they are advised is necessary
and material for them to make answer unto

answering say that they believe the allegations
contained in the complainant's bill are all
true and they are willing to entrust their
interest with the court believing such decree
as is made for to be agreeable to the law relating
to the distribution of intestate's estate and
their respondents may to be here dismissed by

Lizzy Kirby Carr
Turner Kirby } infants by
Sally Kirby } their next
friend
Henry Arrington