1811-014

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BLUNT et al vs. BLUNT'S EXECUTORS

Dec, also Blunt v. Blunt's 1811-13
admr et al

other surnames. Blow

Blunt &c
vs
Blunt's } Bill & Answer

Blunt
vs } Bill Answer
Blunt

February 1808 Interlocutory

To the worshipfull court of Southampton county in chancery sitting

Humbly complaining shew unto your worships your orator and oratrices, John Norfleet Blunt, Mary Williamson Blunt, Ann Gilliam Blunt, Laura Blunt Elizabeth Blunt and Martha Priscilla Blunt infants of tender age by Elizabeth Blunt their Guardian and next friend, That William Blunt late of this county the father of your orator and oratrices hath lately departed this life, after having duly made and executed his last will and testament which hath been duly admitted to record in this court an attested copy whereof is hereto annexed and prayed to be taken as part of this Bill, from which together with a view of the inventory returned into this court it will appear that the said William Blunt died seized and possessed, of a large real and personal estate. The testator in his said will bequeaths to his wife several legacies, which as she has elected to renounce all benefit therefrom, and to betake herself to her right dower under the act of assembly are utterly null and void - to his son William the testator gives a certain part of his lands together with all the perishable part of the property thereon but directs that should his son William die without lawful issue then and in that case that the same should descend to his son John Norfleet Blunt your orators have been advised that the devise over to John Norfleet after the death of William without lawful issue, being a devise to take effect upon an indefinite failure of issue in William, is void, being too uncertain and remote and consequently not sanctioned by the laws of this country, William Blunt the younger since the death of the testator hath departed this life an infant, unmarried and leaving no issue, in consequence of which, either John Norfleet is entitled to the property devised to William by virtue of the limitation over to him or together with your orators (and their Mother as it relates to the personal property) as heirs at law and distributees of the said William; to the decision of this point your Worships are more competent than your orator and orators and to you they submit it - But whether this point be decided in the one way or the other or whether it be decided at this time at all your

orator and nothing do not conceive to be important to the principal
object of this their Bill which is to compel the executors of their deceased
father well to deliver over to their Guardian all the personal property
which of their said father died possessed there being no debts due from
the estate to render it necessary that they should keep it in their hands
for tender consideration whereof and for as much as your orator and ora-
:ces are relievable only in a court of equity to the end therefore that
your Worships may decree that the executors deliver over to their Guardians
all the personal property which William Blount the elder died
possessed, and in case your worships should think proper to decree
whether the limitation over to John Norfleet Blount be good by way
of executory devise or void, that your worships may appoint some
person to enquire the property according to such your decree
Your orator & oratrices pray that Benjamin Blount and Henry
Blount executors of their father will may be made defendants to
this Bill and state whether there are any debts owing or due from
their father estate which render it necessary for them to retain the
personal property in their hands and generally make answer to the
allegations of this Bill, and that your worships will decree and
order them to deliver over the personal property as above prayed
and grant to your orator and oratrices such other and further
relief in the premises as may be consistant with equity May
it please &c

Elizabeth Blount

The joint and separate answer of Benja. Blount and Henry Blount exrs of William Blount dec'd to the Bill of complaint of Elizabeth Blount & others

These defendants having and reserving to themselves all manner of benefit of exception to the manifold errors and insufficiencies in the said Bill contained, for answer thereto or to so much thereof as they are advised it is material for them to make answer unto say that the allegations of the Complainants Bill are correct, that the estate of William Blount does not owe more debts than the monies arising from the sale of Pork and outstanding debts will defray. that they have no objection to delivering over all the Personal property in their possession of the testator William Blount provided they receive from the Guardian a full and complete discharge therefor or such a one as will fully exonerate them in future from all claims of the legatees and devisees- demands all or any of them and that they pray to be hence dismissed with their costs &c

Henry Blount

Blunt
vs
Blunt } Decree

Southampton February Court 1808

John Scarfleet Blunt, Mary Wilkinson Blunt
Ann Gilliam Blunt, Louisa Blunt, Elizabeth
Blunt, and Martha Priscilla Blunt
infants of tender age by Elizabeth
Blunt their guardian & next friend ... Compts

Benjamin Blunt and Henry Blow
executors of William Blunt dec'd ... Defts

In Chancery

This cause this day came on to be heard on the bill answer and exhibits, and on consideration thereupon it is Decreed and Ordered that Samuel Blunt, Benjamin W Johnston, Cordall Francis, Ephraim Lee and Robert Mabry Gent or any three of them divide the personal property whereof William Blunt died possessed agreeably to the will of the said Wm Blunt, that that part of the personal property devised to Wm Blunt the younger since deceased be equally divided between Elizabeth Blunt the widow and her surviving sons and daughters so that each have one Seventh part thereof, that the said Executors immediately after the division deliver over to the guardian to the infant Complainants the personal property, and that the commissioners aforesaid make report thereof to the Court in order to a final Decree.

A copy Teste

H Hunton DC