

1814-021

SOUTHAMPTON COUNTY
CHANCERY PAPERS

FITZHUGH ^{vs} vs. FITZHUGH

12/18/4

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Fitzhugh's
vs Bill
Fitzhugh. Decree.

September 1870

~~to the~~ ~~most~~ ~~high~~ ~~just~~ Court of Southampton County in Chancery
setting - Humbly complaining ~~shew~~ unto your worships your
orators John Fitzhugh and Thomas Fitzhugh that on the
day of ~~the~~ ~~month~~ ~~of~~ ~~the~~ ~~year~~ ~~1788~~ their father Thomas Fitzhugh
Senior departed this life having first duly made and
published his last will and testament in writing
that among the devises and bequests in the said last
will and testament contained, is the following - "I give
I give all my land lying on the North side of the road
leading from the late residence of Willis Holladay, to
Southampton Court house and called the Buck horn land,
to be equally divided between my sons John, Thomas and
Pewit to them and their heirs forever" - as will fully
appear by an attested copy of the said last will and testament
incite annexed, to which your orator refer your worships
as a part of this their bill of complaint - But so it is
may it please the Court, that although your orators
title to the above mentioned land is completely and fully
vested, yet the same cannot be reduced into possession and
enjoyment, without the aid of a Court of Equity on account
of the infancy of their brother Pewit Fitzhugh - In
tender consideration whereof they pray that the said
Pewit Fitzhugh by his guardians ~~may~~
- dependant to this bill and be compelled to answer
all and singular the allegations of the same as fully

impetly, distinctly and unequivocally as though ~~they~~
they were herein again repeated and he concerning each and
every of them was particularly and especially interrogated -
that your worship will decree that the tract or parcel
of land aforesaid be equally divided between your
orator and the said Nevil Fitzhugh, according to the
last will and testament aforesaid of their deceased father,
and that any other general relief may be granted in
the premises which may be most consistent with Equity
and good conscience - And your orator as in duty
bound will ever pray R

The answer of Nevil Fitzhugh by Priscilla Fitzhugh
his mother and guardian to the bill of complaint exhibited
in the County Court of Northampton against him by John
Fitzhugh and Thomas Fitzhugh -

The said defendant by his said guardian saving
and reserving to himself every benefit of exception to
the said bill of complaint, for answer thereto saith,
that he believes the allegations therein contained to be
true and correct and has no objection to ~~the~~ the
Decree which is prayed for - Having expressed R
he prays R

John Fitzhugh and
Thomas Fitzhugh - Compt^{ts}
of
Nevil Fitzhugh, by Priscilla
Fitzhugh, his guardian, Def^t } M Chansey.

This cause was this day docketed by consent of the parties
and agent of the Court and being heard upon the bill and
answer and arguments of counsel, the Court, on con-
sideration thereof, doth adjudge, order and decree that
Thomas Ridley Junr, Peter Blow, Edwin Turner and
Etheldred Edmunds or any three of them do divide
equally between the complainants and the defendant
the land, whereof Thomas Fitzhugh Senior died seized and
possessed, called the Buck horn land, and make
report of their proceedings to the Court in order to a
final decree.

Fitzhugh &
No. 3 Inty
Fitzhugh & Co.

September 1810
Octo 1810 order
amended

Decr 1814 Rept. ret.
& cum final -

Southampton September court 1810

John Fitzhugh and Thomas Fitzhugh p^{ts}
ag

Newick Fitzhugh by Priscilla Fitzhugh
his guardian & — — — — — de^{ft}

In
Chancery

This cause was this docketed by consent of
the parties and Agent of the Court, and being heard upon
the bill and Answer and Arguments of Counsel, The Court
on consideration thereof, doth adjudge order and decree that
Thomas Ridley Junior Peter Blou Edwin Turner
and Charles Edmunds or any three of them do
divide the tract of land whereof Thomas Fitzhugh
Senior died possessed called the Buckhorn land, (and lying
on the North side of the road leading from the late
residence of Willis Kolladay to Southampton
Courthouse) equally between the complainants Inc. Thomas
and the defendant Newick Fitzhugh and make report
in order to a final decree

Jam. Vello

Southampton October Court 1810

John Fitzhugh & Thomas Fitzhugh p^{ts}
against

Newick Fitzhugh by Priscilla Fitzhugh
his Guardian & — — — — — de^{ft}

In Chancery

Decreed and ordered that the former decree pronounced
in this cause be so amended that the Commissioners in the
land therein mentioned have regard as well to quality as
quantity & make report —

Jesse Rochelle C.

Report of
Fitzhugh's term the
Division thereof
C.

Class of Mr.
Bryant's writing

Agreeable to an Order of the Worshippful Court of Sessions
to us directed bearing date

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We the Commissioners have gone on the lands of
Fitzhugh dec^d. attended with the County Surveyor as by
the Order we were required; and have run out and
divided the same by Proper meters and bounds, and assign^d.
to Thomas Fitzhugh his Proportionable Part of the S. lands
to John Fitzhugh his Proportionable Part of S. lands by
Thomas Fitzhugh paying to him the Sum of Ten Dollars
making his Proportionable part of the S. lands; and to
Neville Fitzhugh being his Proportionable part in the
S. land and by Walter became the Purchaser, having
regard to quality as well as quantity in the S. lands
In Order to a final Decree

Thos. Ridley Jr
Cecwin Turner
Eth^d Edmunds

— B —