

1814-068

SOUTHAMPTON COUNTY
CHANCERY PAPERS

KITCHEN et ux + al VS HINES' EXECUTOR et al
1/1814

other SURNAMES: Felts,
Rosser

Kitchin & Co

ms

Benja B. Roper

sec. of Susan and Henry

Samuel 1814 Int. J. Decree

" May Report returned 4/8

To the Worshipful Court of Southampton
County in Chancery sitting recently complain
shew to the Court your ^{orator} ~~orator~~ ~~oratrix~~
Ethelred Kitchen and Martha his wife late Martha
King ~~the late H. Feltz and Susanna R. Feltz in right of~~
~~her~~ ^{her} mother Sally Feltz late Sally King by Fredericks
Feltz their guardian, Fredericks Feltz and Betty his wife
late Betty King and Susanna King. that William
King son of John King died sometime A.D. 1807
intestate possessed of a considerable estate of land, that
~~and that~~ that Benja B. Roper became the adminis-
trator of said estate which was by a decree of the
the Court of this County divided between the compts
the children of the said Mr King the father of
your oratrix, and Susanna King the widow
of the said father - allotting to her 1/3 of the
real and personal estate of which the said
Mr King her husband died seized & possessed -
that the said Susanna King widow ~~he~~ died on
or about the day of ^{Ames} Dec. 1813
leaving Benja B. Roper her executor who is now
in possession of said real and personal estate of
which said ~~the~~ Susanna King died possessed as
her dower for life - that your complainants
are anxious that a division of said estate should
take place between of them, but are advised that
such cannot be done without the intervention
of this Worshipful Court - in consequence of the
infancy of some of the heirs of said estate -
they therefore pray that the said Benja B. Roper
executor of said Susanna King may be made

That Mr R Feltz in right of his mother Sally Feltz by next friend
defendant to this Bill of Complaint, that they
may be compelled full, true & perfect answer
to make to all singular the allegations
aforesaid as fully as if the same were here
repeated they shoud particularly interrogated -
to the end therefore they pray that your honours
will decree the 1/3 of said Mr Hims estate which
was allotted to said Susanna Hims deceased
as her dower right be equally divided between
and said Mr H. Feltz ^{and Sally Feltz late Sally Hims} ^{and that you appoint}
fit & proper persons to carry into effect such
decree, or make any other order in the
premises for their relief which may seem
just & equitable - They pray &c

Signed
Martha Kitchin by Ethelred
Kitchin her husband -
Mr H. Feltz & ~~Susanna R Feltz~~
by Fred. Feltz their son and
Polly Feltz by Fred. Feltz her
husband also Susanna Hims
of full age -

The answer of Benj. B. Roper executor of Susanna Hims
deceased of Mr R Feltz by Benj. B. Roper executor of said
widow of Mr Hims deceased to a Bill of Compl. shew-
ing that as there by Martha Kitchin suing by S. Kitchin her
husband, ~~Mr H. Feltz & Susanna R Feltz infants of Fred~~
Feltz in right of their mother Sally Hims by Frederick
Feltz their son and Polly Feltz by Fred. Feltz her husband
also Susanna Hims of lawful age -
The respondents acknowledge that ~~the same~~ ^{the same}
said ~~Susanna Feltz~~ Hims deceased that she ~~was~~ ^{is} ~~the~~ ^{the} ~~only~~ ^{only} ~~person~~ ^{person} ~~entitled~~ ^{entitled} ~~to the estate~~ ^{to the estate}

acknowledge that the allegations
set forth in the Bill of Compl. are correct as far as
they know or believe and that the complainants
in the Bill ^{together with respondent Mr R Feltz} are the only persons entitled to the estate
left by said Susanna Hims widow of Mr Hims -
He therefore prays that such a division as prayed
for may take place & that this Worshipful Court
will appoint fit & proper persons to carry into effect
such order or decree as prayed for -

Signed
Benj. B. Roper executor
of said Susanna Hims
Fred. Feltz son of Mr R Feltz

Martha Kitchin suing by Ethelred Kitchin her husband,
~~Mr H. Feltz and~~ Susanna R Feltz by Fred. Feltz their son
and Polly Feltz by Fred. Feltz her husband also
Susanna Hims ⁱⁿ ³ ⁱⁿ ^{Chy}
Benj. B. Roper exor. of Susanna Hims deceased and
Mr R Feltz by Fred. Feltz her son -

This cause came on this day to be heard by Council
and by the order whereupon it is decreed, ordered & adjudged
that James Scammell, Mr Briggs, Micajah Ellis
and Britain Williams or any three ^{equally joining} of them lay off
1/3 of estate of Mr Hims deceased ^{whenever or partitioned to} ^{Leaving Hims deceased having}
and allot to Ethelred Kitchin in right of her wife Martha
Kitchin - Mr H Feltz & Susanna R Feltz infants of Fred. Feltz
in right of their mother Sally Feltz formerly Sally Hims and
Fred. Feltz in right of his wife Polly Feltz & Susanna Feltz one
of the children of said ^{Mr Hims} ~~Sally Feltz~~ of full age, & that they
make report of this act doing to this Court in order to a
final decree -

Southampton January Court 1813

Ethelred Kitchens and Martha his
wife Susanna R Fitts by Frederick
Fitts her guardian and Betty Fitts
by S^r Frederick her husband and
Susanna Miers ————— Comptts

In Chancery

ag^t
Benjamin B Roper executor of Susanna
Miers dec^d and William R Fitts by Frederick
Fitts her guardian — — — — — de^f

This cause was this day docketed by consent.
Heard on the bills of the Complainants and answer of
the defendants and arguments of Counsel whereupon it
is decreed Ordered and adjudged that James Scammell
William Briggs Micajah Ellis and Britain Williams
or any three of them divide the lands which were
assigned to Susanna Miers widow of William Miers dec^d
as her dower in the land whereof the S^r M^r dec^d seized
and proposed into four equal parts And assign one
fourth part thereof to Ethelred Kitchens in right of
his wife Martha, one fourth part to Susanna
Miers, one fourth part to Frederick Fitts in right
of his wife Betty, and the remaining fourth part
equally between the Complainants Susanna R
Fitts and Wm R Fitts — that the commissioners
aforesaid divide the slaves which were assigned to
the said Susanna Miers widow of Wm Miers
dec^d as her dower with their increase into
four equal parts and assign the same in the

Same manner & proportions as is directed for
the division and apportionment of the lands -
that in the division of the lands they have
regard to quality as well as quantity and
that they also mark the different proportions
of the lands by proper notes & bounds and
make report of all their proceedings to the
Court in order to a final decree between
the parties

Teste Sam Killo

Kitchens & wife &c
vs 3 Inty Decrees
Robert ex^{or} Hines
& Wm R Fells
January 1814

Agreeably to an order of the Worshipful court of Southampton county bearing date February court ^{to us directed} 1814 we have proceeded to divide the down estate of Susanna Hines widow and relict of William Hines son of John among the heirs and devisees of said Wm Hines dec^d and first his land in the following proportions having ^{regard} to quality, quantity and improvements and have divided the same by lot among the legatees in following proportions Viz: Lot No 1 to Frederic Fells and Betsy his wife which said Betsy was daughter of said Wm Hines dec^d which Lot containing four acres of land with the dwelling house and is bounded as follows Viz: Beginning at a Sycamore on the side of the main road leading from Petersburg to Jerusalem thence South 85 degrees East 14 pole to a corner post in the yard. Thence N^o 2 degrees East 38 pole to a post in the apple Orchard and in a former dividing line between the down land and the land formerly laid off to Wm H. & Susanna R. Fells thence along the said line to a post on the main Road S^o 84 west 19 pole, thence down the said Road to the Sycamore begun at. —

Lot No 2 containing 16 ¹/₄ Acres of land valued at \$75 and 1 Brandy Still thereon valued at \$50 and bounded as follows Viz: Beginning at the said Sycamore on the main Road thence by Lot No 1 S^o 85 degrees East 14 pole to a corner post in the yard. thence N^o 2 degrees East 38 pole to a post a corner of said Wm H. & S. R. Fells in the Orchard aforesaid, thence down the former line of said Wm H. & S. R. Fells nearly east to a branch in Wm Hines (Shuff) line thence down the said branch to a chopped Maple a corner of William Hines (Shuff) and Lot No 2 and 3 of said lands. Thence along the dividing line of No 2 and 3 S^o 60 degrees ^{west} to a post on the main Road a corner of No 2 and 3 thence up the said Road to the Sycamore begun at. — This Lot was drawn by William Hines Fells and Susanna Roper Fells in right of their Mother Sally Fells formerly Sally Hines daughter of said Wm Hines dec^d —

Lot No 3 containing 45 ¹/₂ Acres of land valued at \$125 bounded as follows Viz: Beginning at a corner post on the main road a corner of No 3 and 4 thence on the dividing line of No 3 and 4 N^o 76 degrees East 105 pole to an elbow corner post thence nearly east to the main run of the Assamuree Swamp thence up the main run of the said swamp to the mouth of a small branch a dividing line between Wm Hines (Shuff) and up the various courses of said branch to the Maple

a corner for Lot No 2 and 3 and the said Wm Hines (Jr) thence along the dividing line of No 2 aforesaid to the corner post on the road, and down the said Road to the corner post begun at. This lot was drawn by Susanna Hines daughter of said William Hines dec.

Lot No 4 containing 45 $\frac{1}{2}$ Acres Beginning at the aforesaid corner post on the main Road a corner for No 3 and 4 thence down the south line of No 3 described as aforesaid to the main Run of the Assamusee swamp thence down the main run of said swamp to the mouth of a small branch a dividing line between the said Wm Hines dec and John James thence up the various courses of said branch as the known and reputed boundaries of said Hines and James line to the main road aforesaid & up the said road to the post begun at. This Lot was drawn by Ethelred Kitchen in right of his wife Martha who was one of the daughters of said Wm Hines son of John dec. This was all the down land.

We also divided the Negroes as follows by their Value Viz. George valued at \$100—Judy do at \$100—Charles do at \$300—Dibby do at \$300—Peter do at \$400—Willis do at \$333 $\frac{1}{3}$ —Silas do at \$300—Lewis do at \$200—Mary do at \$150—Allen do at \$125—Mason do at \$100—The total valuation of the whole amounted \$2408 $\frac{1}{2}$ —making the value of Six hundred and two dollars 8 $\frac{1}{2}$ cts to each of the four legatees— which we divided in following divisions Viz. To Ethelred Kitchen in right of his wife Martha, Willis, Mary & Allen valued at \$608 $\frac{1}{3}$ —To Frederic Feltz in right of his wife Betsey Dibby & Silas valued at \$600—To William H. Feltz & Susanna R. Feltz in right of their mother Sally a daughter of Wm Hines dec. Charles, Lewis & Judy valued at \$600—To Susanna Hines daughter of Wm Hines dec in her own right, Peter, George and Maron valued at \$600— which division leaves Ethelred Kitchen indebted to each of other three legatees two dollars 8 $\frac{1}{2}$ cts which will make the aggregate Valuation of \$602.08 $\frac{1}{2}$ to each legatee— which comply with the whole decree except dividing Wm H. Feltz and Susanna R. Feltz parts of the said estate in equal divisions and as they have had a part of their Grandfather's estate before which is undivided and they are both yet under age we concluded it might do as well not to divide their property until one or both of them should come of age or marry when a final division of their whole property might

be made at once, which we humbly leave for your further considerations. — Given under our hands this 18th day of April One thousand eight hundred and fourteen.

Mich. Ellis

Jas. Scammon
Bristain Williams

Kitchen wife & }
" } Depts.
Roper son & }

May 1814 Rept. ret.
& Decree final