

1814-074

SOUTHAMPTON COUNTY
CHANCERY PAPERS

PARKER et ux

vs. FITZHUGH'S ADMR & al

12/8/4

other surnames: Williams

463
Packer & Son.

n. $\frac{1}{2}$ Bill. of Exch.
Williams adm. of
Fitzhugh & Co.

December 1814

Ant. J. Deane

with of Record

to the worshipful Court of Southampton County in Chancery sitting -

Humly complaining shew unto your worships your mother and native Henry Parker and Rebecca his wife, late Rebecca Fitzhugh, daughter of Thomas Fitzhugh sen. decd, that on the day of 1870, the said Thomas Fitzhugh sen. departed this life in the County of Southampton, having first duly made and published his last will and testament in writing - that among the Devises and bequests in the said will contained, are the following - Item - I give all my Land, lying on the north of the road, leading from the late residence of Willis Halliday to Southampton Court house and called the Buckhorn Land, to be equally divided between my sons John, Thomas and Reivitt, to them and their heirs forever." Item I give to my son Reivitt the following slaves, vizt Ben and Sam, to him & his heirs forever - and at the death of my wife, I give to my son Reivitt, the slaves, that I lend to my wife vizt Glasgow, Monday, China and Pleasant to him and his heirs forever - all which will fully appear by an attested copy of the said last will and testament hereto annexed and to which your worships are referred as a part of this bill. - that in pursuance of the said last will & testament the said Land, called the Buckhorn Land, was in due form divided between the said John, Thomas and Reivitt by a decree of this Court - Your mother & sister here by leave testate to your worships, that on the day of 1874, the said Reivitt Fitzhugh departed this life, in the said County of Southampton, an infant under the age of twenty one years, intestate and without issue and that at a Court held for the said County on the day of Letters of administration on his Estate was in due form of law granted to a certain Sheath Williams, who is prayed to be made a defendant to this bill. - that the said Reivitt Fitzhugh died in the lifetime of Pissilla Fitzhugh, his mother and widow of the said Thomas Fitzhugh sen. deceased - that shortly thereafter the said Pissilla

Fitzhugh also departed this life in the said County of Southampton, intestate and that at a Court held for the said County on the day of letters of administration on her estate also were in due form of law granted to the said Spratt Williams, who as adm. of the said Priscilla is also prayed to be made a defendant to this bill. Your orator & orators are advised that upon the statement here submitted to the Court, the estate of the said Reiver Fitzhugh dec'd hath descended in the following manner, that is to say, that the land to which he died entitled hath descended in part to your orator Rebecca, the aforesaid John Fitzhugh, Thomas Fitzhugh, and Elizabeth Fitzhugh daughter of William Fitzhugh dec'd. your orator Rebecca and the said John and Thomas, being the sister & brothers of the said Reiver, and the said Elizabeth taking in right of her deceased father who was also a brother of the said Reiver - that the personal estate of the said Reiver descended equally to your orator, the aforesaid John, Thomas & Elizabeth and the said Priscilla Fitzhugh his mother - who being alive at the time of the death of the said Reiver of course succeeded to an equal part thereof.

Your orator & orators beg leave further to state to your worship, that that part of the Beech horn land allotted to the said Reiver as aforesaid would not sell for an amount, yielding a dividend, to each party entitled, exceeding or in fact equal to the sum of one hundred dollars - that of the negro bequeathed to the said Reiver as aforesaid, the negro woman Pleasant has departed this life, but leaving a negro boy child, named ^{therefore} that the said slave cannot be divided in kind, but that both the said land & slave must necessarily be sold for the purpose of distribution -

To the end therefore that the said John, Thomas and Elizabeth Fitzhugh, the latter by her guardian, may be made defendants to this bill, and together with the said Spratt Williams adm. of the said Reiver Fitzhugh dec'd and also adm. of the said Priscilla Fitzhugh dec'd, may be compelled to answer all singular the allegations of the same & that as fully as if they were herein again repeated and they thereunto particularly interrogated - particularly whether, as adm. of the said Reiver Fitzhugh dec'd, it is necessary that he should longer retain the said negroes in his possession? that the said land and negroes may be sold and the proceeds of the said sale distributed in the manner and in the proportions before mentioned - that any other & general relief may be granted in the premises consistent with Equity & good conscience - May it please J.^c and as in duty bound your orator & orators will ever pray J.^c

Still for prompt

The separate answer of Spratt Williams adm. of Reiver Fitzhugh dec'd, and also adm. of Priscilla Fitzhugh dec'd, to the foregoing bill - The said Defendant saving & reserving J.^c for answer thereto saith - that as adm. of Reiver Fitzhugh dec'd, it is not necessary that he should keep the negroes in the bill mentioned in his possession - that the allegations in the said bill contained are true, and that he will submit to such decree as this worshipful Court may approve - and he prays to be hence dismissed J.^c (Signed)

The joint separate answer of John Fitzhugh, Thomas Fitzhugh, and Elizabeth Fitzhugh infant daughters of William Fitzhugh dec'd, by the said Thomas Fitzhugh her guardian, to the foregoing bill - The said defendants saving & reserving

d.^s for ever think for, that they cannot gainsay the allegations therein
contained, and that they have no objection to the answer asked for by the
Complainants - And they pray to be hence dismissed &c

(Signed)

463
Packer & Co.

W. H. C. & Co.
Williamson & Co.
Thompson & Co.

December 1874

Wm. L. Pierce

with of Record

Hury Parker & Rebecca his wife, late Rebecca Fitzhugh - Compt. to
against

Shanty Williams adm. of Newit Fitzhugh decd, and also adm.

of Priscilla Fitzhugh decd, John Fitzhugh, Thomas Fitzhugh and
Elizabeth Fitzhugh, infant daughter of William Fitzhugh deceased,

In Chy-

by the said Thomas Fitzhugh, her guardian

Sept

This cause was this day debated by consent of the parties and the assent of
the Court and was heard on the bill, the answers of the Defendants and
the arguments of Counsel, whereupon the Court doth advise, order and
decree, that Thomas Peadar, Peter Blow, Benjamin Lewis and Edwin
Turner or any three of them, do sell, at public auction, on a credit of
twelve months, that part of the ~~Buckhorn~~ land, formerly owned by
Thomas Fitzhugh sen. decd, ^{lying on the north of the road} ~~which was allotted to Newit~~ leading from the late
residence of Willis Halliday to Southampton Court House & called the ~~Buckhorn~~
Buckhorn Land, which was allotted, in a division of the said land, to Newit
Fitzhugh to which the said Newit died entitled, giving reasonable
notice of the time and place of sale and requiring bond with approved
security from the purchaser - that they execute a deed for the said land
to the purchaser and divide the proceeds of the said sale equally
between the Complainant Hury Parker, in right of his wife
Rebecca and the defendants John Fitzhugh, Thomas Fitzhugh

and Elizabeth Fitzhugh, in right of her deceased father William Fitzhugh -
taking care to pay the proportion of the said Elizabeth to the said Thomas
Fitzhugh her guardian - The Court doth also adjudge order and decree
that the said Commissioners ^{at the same time} or any 3 of them do sell at public auction
on a credit of twelve months the negroes in the bill mentioned, to wit, Ben,
Sam, Glasgow, Monday, Chena and ^{a child of Neassant}
to which the said Henry Fitzhugh was entitled,
that they receive bonds with approved security from the purchasers and divide
the proceeds of the said sale in the following manner - ^{that is to say -} that they pay over
one 5th part thereof to the complainant Henry Parker, in right of his wife Rebecca,
one other 5th part thereof to the defendant Spratt Williams as admr. of his-
self, one other 5th part thereof to the defendant John Fitzhugh, one
other 5th part thereof to the defendant Thomas Fitzhugh, and the remaining 5th part
thereof to the defendant Elizabeth Fitzhugh in right of her deceased father
William Fitzhugh - taking care to pay the proportion of the said Elizabeth to the
said Thomas Fitzhugh her guardian - It is further ordered that the said
Commissioners make a report of their actings & doings in this
behalf to the Court, in order to a final decree -

Thomas Fitzhugh Sr.

Will

Copy

I Thomas Fitzhugh, of Southampton County do hereby make my last will and testament in manner and form following, That is to say:-

Imprimis, I lend to my wife Priscilla Fitzhugh my Tract of land whereon I live, containing three hundred and fifty six acres, with my mill on the same, during her natural life;

Item, I lend to my said wife, during her life, as much of my stock of all kinds, plantation utensils, household, and kitchen furniture as she may think necessary for her use, and the balance, if any, to be sold by my Executors to be hereafter named, upon this condition, that she furnish my son Hewit, with a bed and furniture, and at the death of my wife, if any of the stock, plantation utensils, household or kitchen furniture should remain, I desire they may be sold, and the money arising therefrom, to be equally divided amongst all my children;

Item, I lend to my wife, during her life, the following Slaves Vizt. Glasgow, Monday, China and Pleasant, -

Item - I lend to my daughter Rebecca Parker, during her life, the following Slaves Vizt. Jack, Tommy, and Preston, and at my D^r. Daughter's death I give the said Slaves to be equally divided amongst her living children, to them and their heirs forever;

Item - I give to my son John Fitzhugh all my tract of land lying on the south of the road leading from the late residence of Willis Holladay (now owned by Henry Banow) to Southampton Court house to him and his heirs forever; I also give to my son John, the following Slaves Vizt. Harry, Daphne, Anise, Anthony, and Pink, to him and his heirs forever;

Item - I lend to my wife, my negro woman Daphne, during her life, and at her death, I give the said negro woman Daphne, to my son John, together with her increase, to him and his heirs forever;

Item, I give all my land, lying on the north of the road leading from the late residence of Willis Holladay, to Southampton Court house, and called the Buckhorn land, to be equally divided between my sons, John, Thomas, and Hewit, to them and their heirs forever -

Item, I give to my son Thomas Fitzhugh, to him and his heirs forever

my Tract of land whereon Thomas now lives, containing nineteen and one half acres, be the same more or less (and bounded as follows, beginning at the old Indian line, thence along D. line to Col Thomas Ridgely line thence along said line to William Moon line to the beginning. I also give to my son Thomas and his heirs, all the money that may be recovered from the estate of John Person (de) under a deed made and passed to me for two hundred and six acres of land by the said Person; I also give to my son Thomas the following slaves, viz: Anan, Betty, Phoebe, and Absalom, to him and his heirs forever;

Item, I give to my son Newit, at the death of my wife, the tract of land, whereon I now live, containing three hundred and fifty six acres, be the same more or less, to him and his heirs forever;

Item, I give to my son Newit, the following slaves viz: Ben. and Sam. to him and his heirs forever; and at the death of my wife, I give to my son Newit, the slaves that I lend to my wife viz: Glasgow, Monday, China and Pleasant, to him and his heirs forever;

Item, I give to my son Newit, at the death of my wife, my best mill & cotton machine, to him and his heirs forever;

Item, I lend to my wife during her life, the following slaves viz: Tony (and Jacob, to my son Thomas Fitzhugh, to him and his heirs forever;

Item - I give to my son Newit, one bed furniture, also my colt (by life & top) if the colt should be living, otherwise, I give him a horse worth one hundred dollars, the money to be raised out of all my estate, also one saddle and bridle, to be worth twenty dollars, the money also to be raised out of all my estate, to him and his heirs forever;

Item I also give to my son Newit, six cows and calves (or yearlings as may be most convenient at the time), and one yoke of steers to him and his heirs forever;

Item, I also give to my son Newit, six ewes to him and his heirs;

Item, I give to my grand daughter, Elizabeth Fitzhugh (daughter of my son William Fitzhugh, one negro girl, named Winney, one bed and furniture, and one hundred dollars, the money to be raised out of all my estate, Should my grand daughter, Elizabeth Fitzhugh die under the age of eighteen years, or without lawful issue, it is my will, that the above mentioned property, and money be equally divided between my children -

Item, I desire that my still may remain on my plantation for the use of my wife, during her life, and at her death, I give the said still to my son Newit, to him and his heirs forever;

Item, after the payment of my debts, and the legacies bequeathed, above, I lend the balance of my estate of every kind, species and quality, to my wife, Priscilla Fitzhugh, during her life, and at her death, I give it to be equally divided amongst my children;

Lastly I do nominate and appoint my wife Priscilla Fitzhugh my executrix and my son John J. Thomas and Spratly Williams, my executors to this my last will and Testament. In Witness whereof I have hereunto set my hand and affixed my seal this twenty first day of February, in the Year of our Lord, one thousand eight hundred and ten -

Thos. Fitzhugh Seal

Signed, sealed, published and declared as and for his last will & Testament in presence of -

Edwin Turner

Louie Wallen

Nathans Jones

Willis D. Holladay

At a Court held for the county of Southampton the 16th day of July 1810 This will was presented in Court by the executor therein named proved by the oaths of Edwin Turner, Nathans Jones and Willis D. Holladay, three of the witnesses thereto and ordered to be recorded. And on the motion of the said executrix who made oath according to law, certificate is granted her for obtaining a probat thereof in due form on her giving bond & security whereupon -

Lamy & Co.
Attest
J. Rochelle Ck.

Friendly Suits in
in which no reports have been

Removed from

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