1816-032 SOUTHAMPTON COUNTY CHANCERY PAPERS PARKER and Wife etal US. FITZHUGH 9/1816

H. Parker & Wife

vs

Fitzhugh

Friendly Bill

and answer

June 1816 Sub. Dures

To the worshipfull Court of Southampton County
sitting in Chancery humbly complaining shew
unto your worships, your Orator Henry
Parker & Rebecah his Wife late Rebecah Fitzhugh
Eliza Fitzhugh an infant Daughter of
William Fitzhugh dec.d by Thomas Fitzhugh her
Guardian and next friend, and Thomas Fitzhugh
for himself —

That some time in the year 1810 Thomas
Fitzhugh dec.d departed this life after making
and publishing his last will and testament in
writing, aforesaid proved in the County Court
of Southampton. — That amongst the
devises therein contained he gave to Nunt
Fitzhugh his son the tract of Land & premises
with the appurtenances thereto belonging where
the said Thomas Fitzhugh dec.d then lived,
at and after the death of Priscilla Fitzhugh
wife to the said Thomas, and Mother to the s.d
Nunt. — That the said Nunt Fitzhugh to
whom the said land was given & Priscilla
his mother to whom it was lent for and
during her life, are both of them now dead.

And the said Nunt having died intestate
and unmarried the said Tract of Land &its
appurtenances by the laws of this common-
wealth goes in reversion to your complt.
and to John Fitzhugh, who it is prayed
may be made defendant to this bill of
complaint. Your complainants
respectfully represent to this Court that the d.

Tract of Land containing at least 356 Acres, according to the act of Assembly in such cases make a Distribution of s.d Land indispensible since the shares to the several distributees will be worth four or five hundred Dollars each: and thereon cannot be legally sold to effect a Division; more Specially as there is an infant complainant equally entitled to distribution of the said Nuvits Estate. It is therefor prayed that the Court will order and Decree a Division of the said tract of Land equally between your complainants Henry Parker & Rebecah his wife late Rebecah Fitzhugh in right of the said Rebecah. Eliz.a Fitzhugh Daughter of Wm Fitzhugh dec.d Thomas Fitzhugh & John Fitzhugh; that is 1/4 part thereof to Henry Parker & wife 1/4 to Eliz.a Fitzhugh 1/4 to Thomas Fitzhugh, & the other 1/4 to John Fitzhugh, — they the s.d Complainants and the s.d John Fitzhugh only being entitled to have in parcenary the said land of which the said Nuvit died seized and possessed. — Your Compt.s further pray that Commissioners be appointed to carry the said Decree into effect according to the laws in force in such cases — and for general relief — Wm Fitzhugh for self & Eliz.a Fitzhugh

The Answer of John Fitzhugh to a Bill of Complaint exhibited against him in the County Court of Southampton by Henry Parker and Wife and others; for Answer thereto saith: that true it is as stated in the said bill, Nuvit Fitzhugh did depart this life intestate and unmarried leaving a tract of Land of 356 Acres or more; and that the said Priscilla Fitzhugh to whom the said land was left and lent for life is no more — and that this respondent cannot deny the right of the complainants to have such Decree as is prayed for in the said Bill. — He therefor prays hence to be Dismissed — John Fitzhugh

Com. Southampton
Sworn to in Court
Test. John Richardson

Sd on ff

This Cause was this day docketed by Consent of the Parties and upon motion of the Court Came on to be heard upon the bill of the Complts and answer of the Defendant and was argued by Counsel, Whereupon it is ~~Decreed and ordered~~ Ordered & Adjudged and Decreed that Newet Harris, Randolph Newsum, Nathan Jones and John T Richardson or any three of them, attended with the Surveyor of this County if necessary, ~~and make an division of a certain tract of~~ land as lay off and divide a tract of land in the Bill mentioned, containing at least 356 Acres Equally between the the Complainants as follows ¼ to Henry Fitzhugh formerly Lives and was Seized and possessed which was lent to his wife the said Prus. Fitzhugh, during her life and at her death to Newet Fitzhugh his Son, But the said Prus. Fitzhugh to whom it was lent and Newet Fitzhugh to whom it was given at the death of the said Prus. Fitzhugh, are both of them now dead and the said Newet Fitzhugh dying intestate ~~the~~ remainder the said tract of land & its appurtenances by the laws of this Commonwealth goes in parcenary to your Complainants. to wit one forth to your Complt Thos Parker and Rebeckah, his wife formerly Rebeckah Fitzhugh in right of his said wife Rebeckah. ¼ to Eliz. Fitzhugh an Infant Daughter of ~~the said~~ Newet Fitzhugh by Thos. Fitzhugh her guardian and next friend. & ¼ to the said Thos. Fitzhugh, and the remaining ~~one~~ ¼ to the Defft. John Fitzhugh having regard to ~~the~~ quality as well as quantity of the said land, and that the said Commissioners or such

of them as act. make a report of their actings and doings
therein & do the Court in order to a final Decree

Fitzhugh &c.
vs
Fitzhughs

Interl.
Decree

Sept. 16th 1816 Repd. Red.
& final decree by consent

Southampton Sirne Court 1876

Henry Parker and Rebecah his wife late Rebecah Fitzhugh, Eliz.a Fitzhugh an infant Daughter of William Fitzhugh dec.d by Thomas Fitzhugh her guardian and next friends and the said Thomas Fitzhugh in his own right - - - - - Plff.s

In Chancery

against

John Fitzhugh - - - - - Deft.

This cause was this day docketed by consent of parties and assent of the court and came on to be heard upon the bill of the complainant answer of the defendant and arguments of counsel whereupon and upon due consideration thereof had the court doth decree order and adjudge that Newit Harris Randolph Newman, Nathan Jones and John T Richardson, or any two or more of them do divide the tract of land containing 355 acres lying in this county whereof Thomas Fitzhugh dec.d died seized and possessed which said land was lent by the said Thomas Fitzhugh d.d by his last will and testament to his wife Priscella during her life and at her death he bequeathed the same to Newit Fitzhugh who has since died equally between the complainants and defendant having regard to quality as well as quantity —

Teste James Rochelle C

Report of the division
of the Lands of Nevil
Fitzhugh dec'd

305 Acres in all

divided in 4 Equal
Parts

as to quality and quantity

Agreeable to our Order of the County Court of
Compton to us directed bearing date June Court
1816 We the Undersigned hath gone on
the Lands of Revil Fitzhugh dec.d attended with
the County Surveyor. as by the Order we were
required and have run out the same and
find there to be 305 Acres except the
drowned land in the main body of the Mill
Pond and we have also laid off and divided
the same among the Legatees of the D.
dec.d in manner and form following Viz.
Beginning at a Cypress Standing on the Side of the Mill
Tail Run and a Corner in Thomas Fitzhughs lott No.1
running thence S. 53. E. Pole to a in new
Corner made in Thomas Fitzhughs lott No. 1 & Henry
Partens lott No. 2. thence along the dividing line
of lotts No. 1 & 2. S. 28.° W. 62 pole to a Pine a new
Corner made in lotts No. 1 3 and 4 thence along the
dividing line of lotts No. 1 & 4 S. 45. W. to a new Corner
made in Francis Ridleys and Boundary line, thence
along his line to the Millpond; and thence down the
Various Courses of the high land mark of the P. Pond
to a Cypress a new C. made in Elizabeth Fitzhughs Mill
lott No. 2. thence S. 49 — E — 40 pole to a new C. in
lott No. 1 and 2. thence N. 53. E — 40 pole to a Peninsula
Face a new C. made in the Mill lott No. 2. thence
N. 47. W. 40 Pole to a Cypress a new C. made in lott
No. 2 Standing on the Side of the Mill tail Run

thence down the S. run to the first Station. Containing 135. Acres Which lott was drawn by Thomas Filzhugh being lott No 1. Which is his full Proportionable part of all the lands of Nicol Filzhugh Decd Also lott No 2 being the mill lott Containing 10 Acres beside the drowned land of the main body of the millpond Which lott was drawn by Elizabeth Filzhugh. and Bounded as follows (viz) Beginning at a Cypress a new corner made standing on the side of the Mill tail run thence N. 47. E. 40 pole to a Ancinan Tree a new C. made in lotts No 1 and 2. thence S. 53. W. 40 pole thence N. 47. 40 pole to a small Cypress Standing on the Edge of the millpond thence down the S. Bound to the Mill tail and down the mill tail to the first Station being her Proportionable part of the S. Lands ——— Also lott No 3 being the House and Orchard lott Containing 25 Acres Which lott was drawn by Henry Parker in right of his Wife and Bounded as follows (viz) Beginning at a new corner made in the Indean line, running thence S. 28. W. 62 pole to a Post a new C. of lott No 1—3 & 4. thence S. 53. E. 62 pole, thence to a Locust Tree a new C. made in lotts No 3 & 4 thence N. 28. E. 62 pole to a new corner made in the Indean line again, thence N. 53. W. 62 pole to the first Station. being Henry Parkers Proportionable part of the S. Lands in right of his Wife ———

Also lott No 4 being the Upper lott Containing 135 Acres drawn by John Filzhugh and Bounded as follows (viz) Beginning at a new C. made in the Indean line of lotts No 3 & 4 running thence S. 53. E. 92 pole to a White Oak a corner of Mr Thomps thence S. 28. W. 122 pole to a Pine and White Oak C. of Francis Ridley, thence N. 65. W. 26 pole, thence N. 49. W 106. Pole to a Sweet Gum corner in Francis Ridleys line; thence S. 52. W 74 pole to an Oak Stump in Ridleys line thence S. 15 W 12 pole to a Small dead Hickory in Ridleys line thence N. 77. W. 70 pole to a new corner made in Francis Ridleys line thence along the dividing line of lotts No 1 & 4 N. 55. E. 180 Pole to a Post a new C. in lotts No 1—3 & 4 thence S. 53. E. 62 pole to a Locust Tree new C. in lotts No 3 and 4 thence N. 28. E. 62 Pole to the first Station it being his full Proportionable part of S. Lands, all of which respective lotts will more fully appear by having reference to the Platt annexed to this report ———

Given Under our hands this 22nd day of August 1816

Randolph Newsum
Nathan Jones
John Richardson