1816-038 SOUTHAMPTON COUNTY CHANCERY PAPERS

FRANCIS et als VS. FRANCIS' ADM'R. et al
5/1816

Plat

Jacques

other SURNAMES, TURNER

Francis

vs } Bill &c

Francis's adm. exam

test an. &c

Nov. 1815 Int. J. Dunn

Willie Francis.

Newit Harris

Edmund Turner

John Turlotte.

To the worshipfull Court of Southampton County in Chancery Sitting

Humbly complaining sheweth unto your worships, Polly Francis daughter of Samuel Francis dec'd late of the County of Southampton, and your orators Brothers Salathiel Francis, Nathaniel Francis, Sally Francis and Martha Jane Francis infant children of the said Samuel Francis dec'd by their mother Sally Francis their guardian & next friend, that the said Samuel Francis departed this life in the said County on the day of March 1815 having first duly made and published his last will & testament in writing, that at a court held for the said County on the 17th day of April 1815, the said will was proved and ordered to be recorded, and that at a court held for the said County on the 15th day of May 1815, a certain an Executor therein named refusing to qualify to the said will and it appearing that William Francis the other Executor therein named, was an infant under the age of twenty one years, letters of administration on the Estate with the will of the said Samuel Francis annexed were on due form of Law granted by the said Court to a certain Samuel Turner, during the minority of the said infant executor William Francis — that among the devises & bequests in the will of the said Samuel Francis contained, are the following — "Item I give & bequeath unto my children, namely, Polly Francis, William Francis, Samuel Francis, Sally Francis, Salathiel Francis, Nathaniel Francis, & Martha J Francis, the balance of my negroes, not heretofore lent nor given away, to be equally devided amongst them, to them & their heirs for ever" — Item I give & bequeath unto my three eldest sons, namely, William Francis, Samuel Francis, and Salathiel Francis, my quarter plantation, to be equally devided amongst them, to them and their heirs for ever" — as will fully appear by an attested copy of the said last will & testament, hereto annexed, and to which your worships are referred as a part of this bill — Your orator Polly and your infant orators pretend not leave to state to your worships, that the said negroes "not heretofore lent nor given away" are the following, to wit, Ben, Frank, Edwin, Peter, Moses, John Nathan, Aracha, Nancy, Temperance and Patty, of which your orator Polly and your

Willie Francis

infant orators brothers are each entitled to one equal seventh part - and that the said Samuel Turner administrator with the will annexed of the said Samuel Francis dec^d as aforesaid, has proceeded so far with his administration as to ascertain that none of the said negroes need be sold for the payment of debts - Your infant orator Salathiel is also now entitled to one equal third part of the said quarter plantation - Nevertheless your orator Polly & your infant orators brothers cannot reduce their respective proportion of the said negroes, nor your infant orator Salathiel, his proportion of the said quarter plantation into possession without the aid & interposition of a Court of Equity, where matters of this sort are properly cognizable - To the End therefore that the said ~~William Francis Samuel Francis~~ ~~infant children of the said~~ Samuel Turner administrator with the will annexed of the said Samuel Francis dec^d as aforesaid and the said William Francis & Samuel Francis infant children of the said Samuel Francis dec^d by their guardian or guardians ad litem or otherwise, may be made Defendants to this bill & be compelled to answer all & singular the allegations herein contained & that as fully & perfectly as if the same were herein again repeated, & they thereunto par-ticularly interrogated - that your worships will decree that the aforesaid negroes be equally divided between your orator Polly, your in-fant orators brothers & the said William Francis & Samuel Francis in pursuance of the said will - that the said quarter plantation be equally divided between your orator Salathiel & the said William Francis and Samuel Francis in pursuance of the said will - & that any other & general relief be granted in the premises, consistent with Equity & good conscience - May it please your worships to grant the Commonwealths writ of Subpoena to command & c and as in duty bound your orator Polly Polly & your infant orators brothers will ever pray &c

Smith for Complt

To the worshipful Court of Southampton County in Chancery sitting -

The separate answer of Samuel Turner administrator with the will annexed of Samuel Francis dec^d, & of the infant executor William Francis, to the bill of complaint exhibited in this worshipful Court against him and the said William Francis & Samuel Francis infant children of the said Samuel Francis dec^d by Polly Francis, and Salathiel Francis, Nathaniel Francis, Polly Francis and Martha Jane Francis by their mother Polly Francis their guardian & next friend - The said defendant saving & reserving to himself all & all manner of benefit & advantage to the said bill, for answer thereto said, that the allegations therein contained are true & correct - That he has no objection upon having a reasonable compensation to the decree asked for by the complainants - And he prays to be hence dismissed &c - (Signed) Sam^d Turner

To the worshipful Court of Southampton County in Chancery sitting

The joint & separate answer of William Francis & Samuel Francis infant children of Samuel Francis dec^d by Samuel Turner their guar-dian specially appointed by the Court to defend them with this bill of complaint exhibited in this worshipful Court against them & the said Samuel Turner admr with the will annexed of the said Samuel Francis dec^d, & the infant executor of the said William Francis, by Polly Francis, & Salathiel Francis, Nathaniel Francis, Polly Francis & Martha Jane Francis by their mother Polly Francis, their guardian & next friend - The said Defendants saving & reserving &c for answer thereto say, that they cannot gainsay the allegations therein con-tained & have no objection to the decree prayed for by the complainants - And they pray to be hence dismissed &c

(Signed) Sam^d Turner

Copy of the original
Bond and Penalty
to the Register of
Samuel Simmons adm.r

Francis Vf.
vs Rep.t
Francis Vf.

May 1816 rep.t ret.o Vf decreed
final —

Rec.d

Agreeable to an Order of the County Court of Southampton to
Us directed bearing date 181

We the Undersigned have gone on the Land of Saml. Francis decd. Call'd the Guardian Land, attend with the County Surveyor &c by the Order we were required and have run out and devided the Same in Manner and form following (to Wit) Beginning near a Hickory a new Cor. made in Lott No. 1 running thence S. 13. E — 92 Pole to a Red Oak Corner of John Francis, thence S. 58. E — 91 Pole to a large Willow Oak a Corner of Benjamin Balmore in the Poley Branch thence N. 61. E — 22 Pole thence S. 73. E. 66 Pole to a dead Pine Stump Corner of Benj Balmore thence N. 73. E. 4 pole to a Poplar thence N. 37. E. 40 Pole thence N. 55. E — 40 Pole thence N. 65. E — 38 pole to a Hickory fore and Aft Tree marking in the Millpond; thence the Same Course N. 65. E. 20 Pole to the Mill pond — thence along the Various Courses of the said Millpond to the deep run and thence along that run to a new Corner made in Lotts No. 1 & 2 at the pulls that Crosses the deep run to Capt. Mason — thence S. 62. — W pole to the first Station containing 342 Acres being Lott No. 1 Which Lott was drawn by Samuel Francis being his full Proportion the Guardian Land of his decd. Father

Beginning at the new Cr. of Lott No. 1 & 2 running thence N. 71. W. 70. pole to a Hickory a Cr. of Capt. Mason thence due north 65 pole to a Pine a Cr. of Capt. Mason thence N. 50. W. 4 pole to a Dogwood Cr. of Capt. Mason

thence along the dividing line of lotts No. 2 & 3 to a new Cr. made on the Out bounds of No. 2 & 3 — in the Poley Branch; thence along that branch the Various Courses thereof to a dead Pine and maple Cr. of John Francis; thence N. 13° E. 4 pole thence N. 5° E. 32 pole to three Scrub Oaks; thence N. 75° E — 52 pole to a Pine in the ready branch; thence N. 71° E — 29 pole to a Poplar Cr. of Jno Francis thence N. 13° E — 10 pole a new Cr. of lotts No. 1 & 2 thence along the dividing of lotts No. 1 & 2 to the first Station — being Lott No. 2 containing 188 Acres Known Lott Which Lott was drawn by Selathiel Francis being his Proportionable Part of the Quantes Lands of his decd Father

Thence Beginning at a dogwood a corner of Capt. Mercer thence N. 60° W — 158 pole thence N. 72° W — 20 pole thence N. 38° W — 54 pole thence N. 65° W — 54 pole to red Oak. a corner of Newton Ellis; thence N. 25° E 80 Pole — thence N. 15° E — 30 pole to a pine Cr. of N. Ellis thence N. 19° W. 8 pole to a water Oak in a Small Branch thence N. 86° W. 72 pole to a large Green Pine a Cr. of Benj Blunt & N. Ellis at the Poley Branch thence N. 20° E — 72 down the S. Branch to where it turns out of the Branch thence the Various Courses agreeable to the Plat around to the new Cr. of lotts No. 2 & 3. and thence along the lines of lotts No. 2 & 3 to the first Station containing 240 acres; being Lott No. 3 Which Lott was drawn by William Francis being his full Proportionable Part of the Quantes Lands of his decd Father —

We have in Obedience to the same decree further gone on to divide the Slaves of the Sd decd — in Manner and form following (to Wit) Lott No. 1 drawn by Sally Francis negro Ben. Valued at £ 134. 29 — Lott No. 2 drawn by Polly Francis negro Peter Pays Lott No. 7 the Sum of £ 134. 29 Lott No. 3 drawn by William Francis negro Jennica pays Lott No. 6 — £ 64-29 Cents

Lott No. 4 drawn by Nalthaniel Francis negro Temperance (Child Nathan) Valued at the Sum of £ 57. 42 and pays Lott No. 7 — £ 1. 42 and Lott No. 6 the Sum of £ 31. 42

Lott No. 5 drawn by Samuel Francis negro Moses receives from Lott No. 2 — £ 134 - 29 and from Lott No. 4 — £ 31. 42

Lott No. 6 drawn by Martha Francis Edwin & John Receives from Lott No. 3 — £ 64. 29 and from Lott No. 4 £ 57. 42 —

Lott No. 7 drawn by Selathiel Francis negroes Nancy and Pat Receives from Lott No. 1 — £ 134. 29 and from Lott No. 4 the Sum of £ 1. 42 being their Proportionable Part of the negroes divided and the Within mentioned decree of Partition and receiving as above directed.

Given Under Our hands this 26th day of May 1810 —

Wiley Francis
Edmund Turner Jr.
Nevil Harris

Rule of the quarter
lands of Sand.
Francis dec.
771. Series

3

Lot No. 3 — 240 Acres
drawn by William Francis

Lot No. 2 Containing 189 Acres drawn by Sebastien Francis

Lot No. 1 — 342 Acres
drawn by Louis Francis

Beginning at a Dogwood
& Corner of Capt. Allen
Pierre Capitaine Francis

Pour dans les Seigneuries
Provinciales Concession No. 15 Est.

Simon Fortin Surv.

1815 Decembre

Sam'l Francis's

Mill

A Copy Cost 52 Cts

In the name of God, Amen. I, Samuel Francis of Southampton County and Parish of Said Lakes, being in Sound mind and memory do make & this my last will and Testament in manner and form following. First and principally I bequeath my Soul to almighty God who gave it me and for my worldly goods I dispose of them as follows, Viz, — Item, I lend to my wife Sally Francis during her life the following property. the Plantation I live on, Negro wife, Edith, Dred and Charlotte two Horses, Viz, Dark bay horse Ball and Sorrell horse Bailey, Six Cows and Calves of her choice, Six Sheep of her choice, two Sows and twenty pigs of her choice, fifteen hundred weight of Bacon, one riding chear two beds and furniture, one desk, one Boat and furniture, one looking Glass, Six Setting chairs and one table of her choice, forty bands of Corn one half of my Cyder barrels and Stands, one pot of her choice and one duch oven and at her death to be equally divided amongst my loving children except the land. Item I Give and bequeath to my daughter Rebecca Dupree one hundred and forty Six pounds, five head of Cattle one Ladies Saddle, one bed and furniture which she hath received to her and her heirs forever. Item I Give and bequeath to my Daughter Esther Turner one Negro Lucy and her increase one Sorrel Mare, one bed and furniture, one Ladies Saddle, five head of Cattle one Safe and Loom which She hath received to her and her heirs forever. (Item) I Give and bequeath to my Daughter Elizabeth Wade two Negroes Rhoda and Maria and their increase five head of Cattle, one bed and furniture, one Ladies Saddle which She hath received to her and her heirs forever. (Item) I Give and bequeath unto my Children Namely, Polly Francis, William Francis Samuel Francis, Sally Francis, Salathiel Francis, Nathaniel Francis and Martha J Francis the ballance of my negroes (not heretofore lent nor Given away) to be equally divided amongst them, to them and their heirs forever. Item I Give and bequeath unto my three oldest Sons Namely William Francis, Samuel Francis and Salathiel Francis my quarter plantation to be equally divided amongst them to them and their heirs forever. (Item) I Give and bequeath unto my youngest Son Nathaniel Francis at the death of my wife my home plantation to him and his heirs forever. Item) The ballance of my property that I have not lent nor given away I wish to be Sold and equally Divided amongst my loving Children to them and their heirs for ever. Further I desire that my Sister Polly Pope Shou'd enjoy the prividege of ten Acres of woodland of my quarter Plantation during her life

Lastly

Lastly I Constitue and appoint my Friend Willie Francis and my Son William Francis Executors to this my last will and Testament making void all former wills made by me heretofore in witness my hand and seal this Tenth day of February Eighteen hundred and Fifteen

Witness
John Spencer, Thomas James

Samuel "Francis Seal

At a Court held for the County of Southampton on the 17th day of April 1815 This will was presented in Court by the Executors therein named proved by the oathes of John Spencer and Thomas James the witnesses thereto and ordered to be recorded. And at a Court held for the County of Southampton the 15th day of May 1815 Willie Francis one of the executors therein named, refusing in open Court to take upon himself the burthen of the execution thereof and it appearing to the Satisfaction of the Court that William Francis the other executor named in said will is under the age of twenty one years Therefore on the motion of Samuel Turner for administration with the will annexed of Samuel Turner deceased during the minority of the said William Francis the same is granted him on his giving bond and Security and taking the oathes prescribed by Law whereupon He

Teste James Rochelle Cd

A Copy
Teste

James Rochelle Cd