

1842-122

SOUTHAMPTON COUNTY
CHANCERY PAPERS

HART VS. HART'S EXECUTOR et al
11/1842

Kant

in 2 Bde für
Kantiana &c.

1841 Aug. Diener as filed &c

1842 Oct. Report

.. Nov. Rep: long -

Althaus & Co

In the County Court of Southampton sitting in
Ch. humbly complaining - shew to the Court
you or other fully part of Southampton
County - that her late husband Benjamin
departed this life on or about the day
of June 18th - having first made his last
will and testament which has been recorded
in the County Court of Southampton of
which a copy is hereto annexed in and
it now is prayed to be taken as part of the
will - he was seized and possessed of a very
considerable real and personal
estate in the said County - this complainant
is satisfied with the provision now
taken in the will and has before the County
Court of Southampton signed and actually
entered upon record her renunciation
of the benefit under the said will of
the bequest which that Benjamin & Sons whom
he appointed executor and who has qualified
as such, should sell at public auction all his
estate real and personal of whatever nature
or kind - and of the parts of his estate & the
legacy to you or other and some other pecuniary
legacies, he directs the remainder of his
estate to be divided equally between his
two sons Elbridge & Hart and George R. Hart
who are now infants - now complainant
is entitled to one third of the lands of
the bequest for life and to one third of
the slaves for her life but she desires
that the will shall be carried out in
accordance with the wishes of the testator
provided her intent is not too much
injured she therefore is willing and desires
that the lands and slaves shall be sold
out and out and that she should
receive in full and absolute estate such
part of the purchase money for the lands
and slaves as to the Court may seem
correct having regard to her age &c.
she prays that the said Benjamin & Sons
exors. of Hartwell Hart, and Elbridge Hart
and George R. Hart, be made assignees
to this Bill and be compelled to answer
the same fully and conscientiously

that you will and are what shall be a reasonable
-be equivalent to her for her life estate
and make any man in the premises
that may be committed. allowing the executor
to sell a cross to the estate of the testator
and as in duty bound she will pay
do

Signed
Polly Kart

to the County Court of Southampton in
Ch: set up, the joint and separate assets
of George Kart and Geo. R. Kart
infant by Benjamin L. Brown their personal
ad litem, and of the said Benjamin L.
Brown of Kartwell Kart, to the Court
complaint in the said Court exhibited
against them and others by Polly
Kart. The said Brown exor: &c. as before
said he is exor: of Kartwell Kart &
expresses to carry out the intention of
the testator so far as he can. He is
well satisfied that it is to the intent
of Mr Kart the complainant &
the other infants, that the whole estate
shall be sold out and out, & that
she shall receive in full and absolutely
such a share as the Court may think
equivalent to her life estate & he is
willing the Court shall fix the proper
portion - and the said infant by their
praisers admit the allegation in
the bill to be true, they are of tender
years & submit their rights to the care
and protection of the Court &
(Signed Benjamin L. Brown

Polly Kart _____ cor: &c.

Benjamin L. Brown exor: of Kartwell
Kart and George Kart and Geo. R.
Kart infant _____ ex: &c.

On motion of the complainant, Benjamin
L. Brown is by the Court appointed for
ad litem to the infant defendants &
this cause came on this day to be
heard on the bill and answer and
exhibit filed and was argued by
Counsel; on consideration whereof, the
Court both judge and order that
Benjamin L. Brown exor: of Kartwell Kart
do account to the use of his testator
will to the highest bid on a credit
of 9 months, the land and slave,
whereof the said Kartwell was seized
possessed at the time of his death,
to wit, house and good security of the
purchaser - and that he take the house
so as to enable him to comply with
his duty; that out of the sale of the land
he pay to the couple Polly Kart widow
an annuity on sixth part of the ~~net~~ net
sale to be held by her absolutely in fee
as an equivalent for her right of
dower in said land and that she
unite in the same to the purchaser - if
required relinquish her interest in the
said land - and the Court both judge
order that out of the net sale of the land,
the said Brown pay to the said Polly
on sixth part of the net sale of said slave,
to be held absolutely in fee of her right
to a life estate in said slave, & that
the said Brown distribute the balance
account to the use of the testator to make
up do. If required, the exor: is allowed
to emane from the said complainant

her bond with security conditions
to refuse her proposition of any
subtle demands that may have the
aid of G. Davis pilot together with the
cost attend to the same.

Hart

is } Lecky Dorse

Harts

For Commissioner

Southampton August Court 1841-

Polly Hart

against

Eldridge Hart and George R Hart

Plff

Defts.

} In Chancery

On the motion of the Complainant Benjamin L Drew is by the Court appointed guardian ad litem to the infant defendants, and this cause came on this day to be heard on the bill and answer and exhibit filed and was argued by Counsel: On consideration whereof the Court doth adjudge, order and decree that Benjamin L Drew executor of Hartwell Hart do according to the will of his Testator sell to the highest bidder on a credit of nine months, the land and Slaves whereof the said Hartwell Hart was seized and possessed at the time of his death taking bonds and good security of the purchasers, and that he take the bonds so as to enable him to comply with this order: that out of the sales of the land he pay to the complainant Polly Hart widow as aforesaid one sixth part of the nett sales to be held by her absolutely in fee simple as an equivalent for her right of dower in said land, and that she write in the deed to the purchaser if required, relinquishing her interest in the said land - and the Court doth also order that out of the nett sales of the Slaves the said Drew pay to the said Polly one sixth part of the nett sale of said Slaves to be hers absolutely in lieu of her right to a life estate in said Slaves and that the said Drew distribute the balance according to the will of the Testator and make report &c. If required the Executor is allowed to demand from the said Complainant her bond with security conditioned to refund due proportion of any debts or demands that may hereafter arise against said estate together with the costs attending the same.

A Copy Teste. L R Edwards Cbb

Benj. L. Dren's Comm.?
Report-?

Hart

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Hart

1842 Octo.

1842 August 13th, Rec^d. This day of Benj^l. L. Drem
Commissioner, who was appointed by the County Court
of Southampton to sell the Land and slaves belonging
to the Estate of Hartusella Hart dec^d, a Bond
against Thomas Atkinson corresponding with
the within report (pay for \$458.00 $\frac{2}{3}$) in full
for my proportions of the sales of said Land
and slaves, agreeably to the Decree for the sale
of the same as hereto annexed, - Given under
my hand this day and date as above written? —

Witness
James H. Wren

Polley Hart

Agreeably to a Decree of the County Court
of Southampton bearing date August Court 1841,
and hereto annexed, and also in order to carry into
effect the last Will and Testament of Hartwell
Hart Dec^d, after having advertised in sundry
places in many of the adjacent Counties as well as
in Southampton, and given long and sufficient
Notice of this Sale; I have sold at public Auction
on a Credit of Nine months, from the 17th day of
November 1841, - The Land and Slaves belonging to the
Estate of the aforesaid Hartwell Hart Dec^d for the
sum of \$2972.00, I have in the first place
deducted from the Amount of Sales \$15.00, for the
Clerk and Lawyer's fees, and in the next place the
further sum of One hundred and Forty eight Dollars
and Sixty Cents for Commissions, for advertising, selling &c
leaving a net Balance due of \$2808.40,
One Sixth of which sum I am agreeably to the said
Decree directed to pay to Polly Hart the Widow of the said
Hartwell Hart Dec^d, which is \$468.00 $\frac{2}{3}$, for which sum I
have taken Thomas Atkinson's Bond with good and suffici-
-ent security for the said Mr^s Polly Hart the Widow of the
aforesaid Hartwell Hart Dec^d and have paid the said Bond
of \$468.00 $\frac{2}{3}$, over to her the said Polly Hart and taken her
receipt for the same as will appear on the back of this
report, and in further obedience to the aforesaid
Decree the other $\frac{5}{6}$'s Amounting to \$2340.33 $\frac{1}{3}$, I have
retained in my hands as the Ex^{or} of the said Hartwell
Hart Dec^d, in order to carry into execution the
provisions of the said Hartwell Hart's last Will and
Testament; As directed by the said decree or order
Given under my hand this 13th day of August
1842.

Benja^a L. Dorem Com^r