1761-005 SOUTHAMPTON COUNTY CHANCERY PAPERS

CHITTY, ... vs. CHITTY, 8/1761

other SURNAMES: Maggett

Hon.
Chitty's
vs
Chitty
Bill in
Chancery

Aug. 1761.

Dem. for Pltf.

To the Worshipful his Majesty's Justices of the
Peace for the County of Ston sitting in Chancery

Humbly complaining sheweth unto your Worships your
Orator & Oratrix Briton Chitty, Celia Chitty, Edward Chitty
Elizabeth Chitty
Infants under the Age of twenty one Years by Nicholas Nagget
their Guardian next Friend &c
Orator & Oratrix's Father Edward Chitty died died
intestate in this County possessed of several Slaves, town,
Cum, Pompe, Lucy, Peter, Trial, & Sharper,
appraised to the Sum of £167. 10. 0 which descended
to John Chitty his eldest Son & Heir at Law That by the
Laws of this Colony the appraised Value of
the said Slaves belonging to the said
deceased
Orator & Oratrix who are the Children of the said Edward
Chitty That they have applied to the said John Chitty
the Defr. to pay them their proportionable part of the
appraised Value of the Slaves whereof their Father
died possessed That their Guardian might dispose
thereof for their Benefit But now so it is may it
please your Worships That the said John Chitty the
Heir at Law pretends That tho the Facts are
above stated yet as he is an Infant he is not
obliged to pay your Orator & Oratrix their Demand
tho he comes of Age which is expressly contrary
to the Laws of this Colony in such Case made & under

Consideration thereof and for that they are remedyless at Law & only can be relieved in this Court of Equity To the End therefore that the said John Chitty by his Guardian may full true & perfect Answer make to all & singular the Allegations of this Bill as fully & particularly as if herein again repeated & interrogated & more especially that he may set forth & discover Whether the said Edward died not intestate & of several Slaves & what Value they were appraised at? Did he leave a Widow? Is not he this Defendt Son & Heir at Law? Are not your Orators & Oratrix Children of the said Edward [illegible] Shares of the appraised Value of the said Intestate's Negroes deducting the Widow's Dower? And that he may be compelled by Decree of this Court to pay to your Orators & Oratrix their Proportionable Parts or Shares of the said Decedent's Slaves according to Law And they further or otherwise relieved in the Premises as the Nature & Circumstances of their Case shall or may require & according to Equity & good Conscience

May it please your Worships to grant to your Orators & Oratrix his Majesty's Writ of Subpœna

Mills Cary & Compl.ts

Chitty
ads
Chitty

Ston.

Ans. infans

The Answer of ~~Edward~~ John Chitty an Infant under the Age of twenty one Years by John Wilkinson his Guardian to the Bill of Complaint of Britton Chitty, Caleb Chitty, & Edward Chitty Compts.

This Defendant saving & reserving to himself all Advantage & benefit that may be had & taken to the manifold Imperfections of the said Bill for Answer thereto this Defr. by his Guardian answering Saith That true it is the said Edward Chitty died intestate as in Bill leaving a Widow this Defr. his eldest Son & Heir & the Compts. his Children That he was possessed of several Slaves as in Bill which were appraised according to Law That the Compts. are intitled to their respective Shares of the said Slaves Value as they in their Bill set forth But being an Infant this Defr. may not what Right he hath may be saved to him &c Without that that he

John Wilkinson

Chitty &c. } Bill
vs
Chitty & Others

At a Court held for the County of Southampton the 13 Day of August 1761

Britton Chitty Celia Chitty & Edward Chitty Infants by Nicholas Nisbet Gent. their Guardain Pltfs — agst. John Chitty son & heir of Edward Chitty dcsd Defr. } In Chancery

John Wilkinson is by the Court Appointed Guardain to the Defr in this Suit and the Cause was this Day heard upon the Bill & Answer & the Arguments of the Counsel on both sides on Consideration whereof It is Decreed & Ordered that the Defr do Pay unto the Pltfs their Severall & Respective Parts & Shares of the Apprraised Value of the negro Slaves of the Intestate Edward Chitty in the Bill named Died Seised & Possessed after deducting the Dower of the said Edward Chitty's Widow & Relict therein & It is further Ordered that the Costs of this Suit be equally born by the Parties

Chitty
~
Chitty } Spain Cons

Valentine Chitty

George the third by the grace of God of Great Britain France and Ireland King Defender of the Faith &c To the Sheriff of Southampton County greeting We command you that you summon John Chitty Son & Heir of Edward Chitty Dec'd to appear before our Justices of our said County Court in Chancery on the second Thursday in August next to answer a Bill in Chancery exhibited against him by Bonton Chitty Celia Chitty and Edward Chitty Infants by Nicholas Maget Gent: their Guardian and next Friend and have then there this Writ Witness Richard Wells Clerk of our said Court at the Court house the fourteenth day of July in the first Year of our Reign

R Wells C