

L821-210

SOUTHAMPTON COUNTY
CHANCERY PAPERS

JOYNER and Wife vs FITZHUGH's Extorⁿ al
11/1821

Surgeon General

by

Edwards

Robert L. Anderson

January 17th 1890
Accord granted
for one share of the
real & personal Estate
during life

To the Honorable the Justices of Southampton Court
in Chancery sitting. Humbly complaining shew
unto your worships your complainants Jacob S. Jopner
and Nancy his wife late Nancy Fitzhugh widow
and relict of John Fitzhugh decd. That the said
John Fitzhugh departed this life sometime in
the year having first made and executed
a last will and testament which has been duly
admitted to record an attested copy of which is
hereto annexed and prayed to be taken as a part
of this bill. That certain Thomas Fitzhugh alone
qualified as executor to the said last will and
testament. That ~~some~~ short time since your
complainant Nancy hath intermarried with
your complainant Jacob S. Jopner and
they are anxious to reduce into possession that
part of the estate of the said John Fitzhugh to
which they are entitled. It will be seen by
reference to the will hereto annexed that the
said John Fitzhugh left four children, John
Henry Fitzhugh, Martha Deew Fitzhugh, Rebecca
Fitzhugh, and Ann Eliza Fitzhugh, all of whom
are at present under the age of twenty one
years and together with your complainants
are entitled to the estate of which the said
John Fitzhugh died seized and possessed
by virtue of the ~~said~~ last will and

testament. Your complainers pray that
this Court would make the said Thomas
Fitzhugh executor as aforesaid, and the said
infant children of the said John Fitzhugh
and defendants to this bill and compel
them to answer all and singular the
allegations herein contained fully and
unreservedly. They further pray that the said
estate may be divided according to the
directions of the testator among the parties
entitled. And finally they pray that this
Court would grant any other or further
order or decree in the premises which may
be right and just and as in duty bound
they will ever pray - &c.

To the worshipful Court of Southampton in Chancery
sitting. The joint and separate answers of
Thomas Fitzhugh executor of John Fitzhugh and
and of John Henry, Martha, Drew, Rebecca,
and Ann Eliza Fitzhugh, ^{by their next friends Thomas Fitzhugh} to the bill of
complaint exhibited against them by Imph. J.
Joyner and Nancy his wife late Nancy
Fitzhugh widow and next of John
Fitzhugh and. These respondents saving
and reserving to themselves all and every
benefit of exemption to all errors and
imperfections in said bill contained. for
answer thereto ~~may~~ ^{as they} as they
are advised is material and necessary for them
to make, answering say. That they cannot
deny the complainers allegations and
are willing that this Court should hear
and decide a division of the said estate
agreeably to a fair and sound construction
of the testator's will, and having answered
they pray to be hence dismissed &c.

• Joynes & wife
As Mar
Highugh Decree

July 17th 1820 rep. note
of mar decree by Court

Southampton County January Court 1820

Joseph S. Turner and Nancy his wife
late Nancy Fitzhugh widow and relict of
John Fitzhugh deceased — Complainants
against

Thomas Fitzhugh ex'r of John Fitzhugh and
John Henry, Martha Drew, Rebecca and
Ann Eliza Fitzhugh by their next friend
the said Thomas Fitzhugh — Defendants

In
Chancery

This Cause was this day docketed by Consent of
the parties and a part of the Court came to be heard
on the bill of the Complainants answer of the defendants
exhibits and argument of Counsel, whereupon and after
due consideration thereof had the Court doth adjudge over
and decree that Edwin Turner, Meurt Harris and Levi
Waller or any two of them, being attended by the County
Surveyor, do divide and set apart by proper rules and
bounds to Joseph S. Turner in right of his wife Nancy
one third of the real and personal Estate including the
Slaves whereof John Fitzhugh died seized and possessed
for and during the life of the said Nancy, having due
regard to quality as well and quantity — and it is further
decree and ordered that the said Complainants or such
of them as may act make a report thereof to the
Court in order to a final decree —

At test

A. Middleton D.C.

Inver / aife
3 Final Done,
Fitzhugh.

Nov. 1871 Acera
granted -

Joiner et al vs

Fitzthum & } The O'W.

This cause this day came on by consent of parties for a final decree on the bills and documents filed & the Court being of opinion that from a sound construction of the will of John Fitzthum his wife in the event of her marriage (which has occurred) was entitled to one third of his estate in fee simple & not for life & that consequently the direction to the commissioners who acted under the interlocutory decree in this cause to allot the 1st one third to the 1st John's wife for the life of the 1st wife was in this particular erroneous it is therefore decreed & ordered that the Report returned by the said commissioners be confirmed except that the 1st John's wife hold the property allotted to them by the 1st Report not for life but in fee simple in right of the 1st wife & that each party pay his own costs. —

Comm. report of
Joseph S. Gwynn
deced in Pittsburgh
Estate —

Agreeable to an Order of the county Court of Southampton to us directed, bearing date January Court 1820 we the undersigned, being attended by the county Surveyor proceeded to Assign to Joseph I Joyner in right of his wife Nancy during of her natural life one third part of the lands whereof John Fitzhugh died seized and possessed with To Wit; The house tract begining at a red Oak a new corner made in the down line standing at the Gate thence along the new line South 26 E. 125 pole to a Maple a corner of the dower in roses swamp thence down the Swamp to a dead stump a corner in Fleury Barrows thence line thence N. 43. W. 138 pole to the road thence along the road N. 55. E. 24 poles thence N. 47. E. 84 poles to the first station containing Eighty Three Acres.

Also one Other tract begining at a red Oak a new corner in the dower line thence S. 59. W. 36 pole to a pine a corner in Barrows line thence N. 79. W. 76 pole Variation of the line thence N. 47. W. 26 pole to a black jack a corner in Frances Pridley's line thence N. 46. E. 50 pole to a red Oak a new corner in the dower thence along the new line of Marked trees S. 26. E. to the first station containing Twenty nine Acres

Also we proceeded to lay of and assign unto Joseph I Joyner in right of his wife Nancy during of her natural life one third part of the slaves belonging to the said John Fitzhugh decd. to Wit Negro man Harry Negro Girl Pink Negro woman Milly and children Drew. Mariah. Charlotte. and old woman Gilly by his paying one third part of the expense of and doing man named Jacob. Given under our hands this 8th day of March 1820

Levit Learrin } Com.
Levi Walker }

Mr. Fitzhugh

Wice

copy

In the name of God amen I John Fitzhugh of the County
of Southampton, being of sound mind and memory, do make
and ordain this to be my last will and Testament, in manner
and form following, I Give and bequeath to my wife Nancy Fitzhugh
all my Estate consisting Land, negroes with all my personal Estate
of every ~~species~~ and of every description, after Selling enough
to pay my Just debts - I Give and bequeath to my
Son John Henry Fitzhugh all my Land to him and his heirs
forever - I Give It is my desire that my children Martha
Drew Fitzhugh, Rebecca Fitzhugh ~~Ann~~ Eliza Fitzhugh and
John Henry Fitzhugh do equally divide my personal property
when ever they become of age or marry, and the same
property to belong to them and their heirs forever, I Give if
my wife Nancy Fitzhugh should think proper to marry
then the above named property shall be disposed of in
manner and form following, I Give for my wife to have
one third part of the above named property and the other
two thirds of my property except the Land to be equally divided
between my children namely Martha D. Fitzhugh, Rebecca
Fitzhugh, Anna Eliza Fitzhugh, and John Henry Fitzhugh -
and I do hereby constitute and appoint Drury Walter and
Thomas Fitzhugh executors to this my last will and Testament.

In witness whereof I have hereunto set my hand and Seal
this Twenty third day of December, one Thousand Eight
hundred and Sixteen

John Fitzhugh *Ed*

Signed Sealed, published
in presence of
Arthur Turner, Nathan Pope
Rebecca Knight

At a Court held for the County of Southampton the
20th day of January 1817.
This last will and Testament was proved by the
oaths of Arthur Turner, Nathan Pope and Rebecca Knight

the witnesses therein and ordered to be recorded & Drury Waller
one of the Executors named therein, refused in open Court to take
upon himself the burden of the execution thereof, on the motion
of Thomas Fitzhugh, the other executor therein named, who made
oath therein and together with Drury Waller and Benjamin
Applegate his Securities entered into and acknowledged a
bond in the penalty of Twenty Thousand dollars, conditioned
as the law directs Certificate is granted the said Thomas
Fitzhugh for obtaining a prelat thereof in due form

testo Jannus Rochelle et

absq; testis A. Middleton D.C.

Wm. Fitzhugh

Wm.

absq;