

1832-046 SOUTHAMPTON COUNTY  
CHANCERY PAPERS

SMITH VS JOYNER & UX & al

10/1832

other surnames. Fitzhugh,  
Clayton

Smith  
Fitzhugh } Pele and  
Deane

Deane

1800 Jan 10th Deane & Deane

Deane filed 8/2

Deane & Deane

of the City of New York to dispose of  
the chargeable slaves of deceased  
30. as to enable him to pay the  
amount of charges for said chargeable  
slaves previous to the payment over  
to the parties in the original deed  
as their direction.

Smith vs Fitzhugh's infants & Fitzhugh's  
Committee on motion the decree is ordered  
to be amended so as to direct admission of the  
portion of Rebecca the deceased infant into  
four parts instead of three there being three  
children - serving instead of two as stated in the  
original report & the said decree is further  
amended so as to require the Sheriff's Committee

to the worshipful the County Court of Southampton in Chancery sitting  
duly complaining thereof unto your worship your orators  
Martha & Smith - That her father John Tilyghugh died intestate  
leaving an estate real & personal, a widow Nancy Smith married  
to Joseph & Joyner, and the following children &c of your orator -  
Nebeca - Anne E & John H Tilyghugh - That a decree of the Court of  
Appeal was obtained directing a division & allotment of  
the slaves between the widow & the said children - That  
before the said decree was carried into effect, Nebeca one of  
the children died an infant unmarried & unmarried - whereupon  
your orator & John Smith her husband filed their bill  
praying a decree for a division according to the then existing  
will which was so ordered - That sometime afterwards  
and before the latter decree had been carried into  
effect John Smith died by which event your orator  
has been advised that she has become entitled to the portion  
- that would have gone to him had he lived - That since the  
revocation of the said decree one of the children &c  
Tilyghugh has died an infant unmarried & intestate leaving  
brother & sister & Mother the said widow Nancy married to  
Joseph & Joyner, heirs & distributees, by means of which the said  
survivors have become entitled to equal proportions of the  
part of that share - That the estate of John Tilyghugh has  
been committed to James Clayton late Sheriff of St. Croix  
as trustee for administration - That, owing to the number  
of shares & the quality of some of the negroes, it is believed  
that a division in kind is impossible, wherefore a sale  
of the same is prayed in order to a more equal division  
may be obtained the Court that the said Joseph & Joyner  
& Nancy his wife, James Clayton Sheriff & committee &c. and  
Tilyghugh be made duly heirs, that your worship make a  
decree according to the prayer hereof and grant such other  
general relief as may seem equitable & just, as in duty  
the will ever pray &c. - Martha Smith

*8 months since  
Tilyghugh the Court of the appeal for Clayton was forced to the  
will & not in this case -*



and make his report in order to a final decree.

Smith vs Fitzhugh's infants & Fitzhugh's  
Committee on motion the decree is ordered  
to be amended so as to direct admission of the  
portion of Rebecca the deceased infant into  
four parts instead of three there being three  
children - saying evidence of two is stated in the  
original report & the said decree is further  
amended so as to require the Sheriff's Committee

Smith  
Fitzhugh } Bill and  
Rebecca

1800 Long Street & across as  
per decree filed 8<sup>th</sup>  
of the Fitzhugh estate to disburse of  
the Charles's slaves of deceased  
so as to enable him to pay the  
amount of charges for said Charles's  
slaves previous to the payment over  
to the parties in the original decree  
as their direction

Southampton February Court 1830.  
 Martha D Smith -

Joseph S. Snyder & wife &c.

Deft { Infancy  
 Dft.

On motion the decree is ordered to be amended so as to direct a division of the portion of Rebecca the deceased infant into four parts instead of three, there being three children surviving instead of two as stated in the original report and the said decree is further amended so as to require the Sheriff & Committee of John Fitzhugh's estate to dispose of the chargeable slaves of the decedent so as to enable him to pay the amount of charges for said chargeable slaves previous to the payment over to the parties in the original decree as therein directed -

A Copy Teste J. Rochelle Clk

Lalk's costs \$3:99  
 Law fa. - 5:00  
 \$ 8:99 L.R.B.  
 Extra. - 5:00  
 \$ 13:99

Smith

to Exec: slave

Fitzhugh &c

For Commission

774  
 162  
 163  
 399  
 500  
 899  
 500  
 1399

Southampton January Court 1838

Martha D Smith  
against

Plff { In Chancery

Joseph S Sayer and Nancy his wife, James Clayton late Sheriff, Comr<sup>rs</sup> of the Estate of John Fitzhugh dec<sup>d</sup> and Fitzhugh by James Clayton his next friend. . . . . Defts

This cause came on to be heard upon the bill and answer by consent of parties, and the Court inspected the proceedings and decrees in this cause alluded to, and upon consideration thereof and upon argument of Counsel the Court doth approve, order and decree, That Edwards Bulls sell to the highest bidder on a credit of twelve months, except so much as may be necessary to pay the expenses of the same, having first given due notice thereof, the negroes of which John Fitzhugh dec<sup>d</sup> possessed, except those that have been allotted to the widow, taking bonds from the purchasers with good security in such manner as to make the division herein after directed, Sc<sup>ilicet</sup>, he shall divide the same into four equal parts and allot one part to the Complainant Martha D Smith - one fourth to John Fitzhugh, and the other two fourths or one half, being the two fourths which belonged to the two dec<sup>d</sup> infants Rebecca & Fitzhugh into three equal parts and allot one part to Joseph S Sayer in right of his wife, - one to the Compt<sup>rs</sup> Martha D Smith, and one to the infant.

Fitzhugh. The Said Complainer is directed to require of the Complainant Martha bond with good security to indemnify the Committee of John Fitzhugh's estate against any outstanding debts against the estate - and require from Joseph S Sayer bond of the same description as also from the Guardian to the infant.

Fitzhugh if any and if none then the Complainer is to return the part to which that said infant is entitled to Court subject to the future order of the Court. And make his report in order to a final decree.

Attest  
James Rochelle Secy

Report of the  
Sales of John  
Fitzhugh's Negroes  
by E. Bates Cannon

1832 Oct. Ret<sup>d</sup> Special  
decrea 4<sup>th</sup>

1200  
210  
222.00  
213.40  
8.60

In obedience to the annexed amended decree the undersigned the commissioners appointed therein, proceeded after giving due notice to sell the slaves in the decree mentioned to the highest bidder on a credit of twelve months, - The commissioners must here remark that there was an idiot among the said negroes who had been very expensive to the estate, and as he was young, was likely to be so, almost to the destruction to the whole estate, also an old woman who was also expensive, he therefore put them up to the lowest bidder in the first instance, the idiot was bid off by Neck Halcomb for one hundred & fifty dollars, and Celice the old woman was also bid off by him for fifty dollars, these amounts I have paid to the said Halcomb, and taken his bond for their maintenance and indemnification of any charge of them to the said estate of John Fitzhugh. The other negroes to wit were sold. Sam for \$305. Anthony \$315. Jack \$325. Henchen \$110. Lucy \$46. Mary \$238. Edwin \$95. 259 Mills \$87. making in the whole

\$1557.25  
 off for expensive negroes \$200.  
 Clerk & Lawyer fees — \$3.99  
 Com<sup>s</sup> on Sales — 77.55 291.35

Leaving this balance \$1259.70  
 to be divided which is done agreeably to the decree to wit —

the sum of \$78.75 is the proportion to which  
 Joseph & Jones in right of his wife is entitled  
 that sum being  $\frac{1}{4}$  of the dec'd infant- Rebecca's  
 part, leaving the sum of \$1180.94 $\frac{1}{2}$  to be  
 equally divided between the P<sup>l</sup>ff Mary & Smith  
 John Fitzhugh and Anne E Fitzhugh which  
 will give to each the sum of \$393.64 $\frac{1}{2}$   
 all of which has been paid to the respective persons  
 Respectfully submitted to the Court

Edw. S. Bates Comr

Report of the  
 Sales of John  
 Fitzhugh Negroes  
 by E. Bates Comr

1832 Oct. Ret<sup>d</sup> Special  
 decree 4<sup>th</sup>

1200  
 210  
 222.00  
 213.80