

1847-18 SOUTHAMPTON COUNTY
CHANCERY PAPERS

FITZHUGH VS. FITZHUGH'S ORPHANS
1/1847

Fitzhugh

" $\frac{2}{3}$ Rele ans. d.

Fitzhugh's ophans.

Mason

1831 July. heard and derived as
p deora filed &c.

1840 March. deora amended

" Nov. Report.

1847 Jan. confirmed

To the worshipful the County Court of Southampton sitting
in Chancery. Humbly complaining shew unto your worships
your Complt. Drew Fitzhugh, that his father Thomas Fitz-
hugh, late of this County, departed this life, some time
since, having first duly made and published his last will
and testament, which was duly admitted to record by the
worshipful Court: an attested copy whereof is herewith
exhibited as a part of this Bill. That, by its provisions,
his estate real and personal, was to be kept together until
your Complt attained the age of 21 years, and then
that his lands should be divided equally amongst
his three sons, your Orator, Thomas, & John Taylor Fitzhugh,
and that his personal property should be divided
amongst his said three sons and his daughter Martha
R. P. allowing her eight hundred dollars more in
value, than her said brothers. Your Orator states that
his mother departed this life some years since, & that
he has lately attained full age - and wishes a
division of the estate real and personal according to
his father's will - But as it is, may it please the
Court, no such division can be compelled without
the aid of this Court sitting in Equity. In tender consid-
eration whereof, and forasmuch as your Complt is
remedied at Law, ~~for~~ the end that the said Thomas,
John Taylor, and Martha R. P. by some proper person
to protect their interests in this behalf, ^{by the Court to be appointed} may be made
Defendants hereto, and compelled to answer the allegations
hereof, ~~he~~ prays the Court's writ of Sp. ^o L. That your
worships will decree a division of the estate agreeably
to the provisions of the will, and grant to your Complt
such other and general relief, as may be consistent
with equity & the nature of his case -

The ^{joint} answer of Thomas, John Taylor, and Martha K. P. Fitzhugh, infants of tender years, by George B. Carey their Guardian ad litem, by the Court here appointed to protect their interests in this behalf, to the foregoing bill of complaint:

The Respondents, for answer thereto, say, that they admit the allegations, of the Plffs' Bill, and have no objection to the decree asked for - and having answered, they pray &

Fitzhugh

Plffs.

2
3 In Chy.

Fitzhugh's orphans by Edm ad litem. Defs.

This cause was this day docketed by consent of parties with the assent of the Court, and came on to be heard on the Bill, answer, exhibit, and argument of counsel. On consideration whereof the Court doth adjudge, order, and decree, that Thomas Ridley, Samuel Basham, William L. Rockelle, and Richd. S. Nicholson, or any three of them, do attended by the County Surveyor, divide the land whereof Thomas Fitzhugh died seized, into three parcels of equal value, having regard to quality & quantity, and allot one to each of the three sons of the said Thomas, to wit, Drew, Thomas and John Taylor -

That the said Commissioners or those acting under this decree, do divide the negro slaves and the other estate of the said Testator, amongst the three sons and the daughter of the said Testator, so as to give

to the said daughter, eight hundred dollars more than is allotted to either of the boys, and how they shall have acted in the premises, make report to this Court, in order to a final decree -

Fitzhugh

v. } Co. deposed

Fitzhugh

Commissioner
Report.

Southampton March Court 1846
Drew Fitzhugh

against

Plff

In Chancery

Thomas, John Taylor & Martha R. P. Fitzhugh infants of tender
years by George W. Cary their guardian ad litem Defts

For reasons appearing to the Court it is ordered that Samuel Barham &
Barham Wrenn, & Thomas Wrenn be added to the Commissioners heretofore appointed
to divide the lands of Thomas Fitzhugh dec^d and that they or any two of them
make report to the Court.

Teste S R Edwards Clk

Communications

Report.

1846 November.

Agreeably to an order of the worshipping Court of
Southampton we the Commissioners have proceeded
To divide the lands of Thomas Fitzhugh decd. as follows.
Lot. No 1. containing 75. acres with the mansion
house and other improvements to John Taylor Fitzhugh
beginning at an oak a corner for Drew Fitzhugh and
John T. Fitzhugh in Bendalls line thence east along
the said Bendalls line to a pine a corner in Charlotte
Bryant's line thence north along the said Charlotte
Bryant's line to a gum on nottoway River thence a straight
line to the oak at the beginning Lot. No. 2. 200. acres.
to Drew Fitzhugh beginning at the oak aforesaid
thence east along the said Bendalls line to a pine
a corner for Drew Fitzhugh and Thos. Fitzhugh in
Bendalls line thence north a straight line to nottoway
River thence down the said River to John T. Fitzhugh
line thence up the said line to oak at the beginning
Lot. No. 3. 252 acres. to Thos. Fitzhugh beginning at
the aforesaid pine a corner for Drew and Thos. Fitzhugh
thence west along the said Bendalls line to the Buckhorn
Swamp near Nicholas mill thence down the said
Swamp to nottoway River thence down the said River
to Drew Fitzhugh's line thence south along the said line
to the pine at the beginning

On the north side of nottoway River Lot. No. 1. 54 acres.
to Drew Fitzhugh beginning at nottoway River at a sweet
gum in Samuel T. James's line thence along the said
James's line to a maple a corner. Edwin Simmons
and Drew Fitzhugh in James's line thence east along
the said Simmons's line to a black gum a corner for
Drew Fitzhugh and Thos. Fitzhugh in Edwin Simmons
line thence south a straight line to a hornbeam on
said River thence up said River to the gum at the beginning
Lot. No. 2. 150. acres. to Thos. Fitzhugh beginning at
the aforesaid corner. Black gum in Edwin Simmons's
line thence along the said Simmons's line to a post oak
a corner for Edwin Simmons and Jesse Little thence
along Little's line to a sassafras a corner in said Little's

line for Thos. Fitzhugh and Geo. J. Fitzhugh thence
South a straight line to a pine on the River aforesaid
thence up the said River to the hornbeam and Oak.
Fitzhugh's line thence North along the said Oak Fitzhugh's
line to the Black gum at the beginning Lot No 3 130
Acres to Geo. J. Fitzhugh beginning at the aforesaid
pumpkin in Jesse Little's line thence along the said
Little's line to Micajah Ellis's line thence along the
said Ellis's line to the river thence up the said River
to the pine in Thos. Fitzhugh's line thence North along
the said Thos. Fitzhugh's line to the pumpkin at the
beginning

This our report we the Commissioners most humbly
submit to the worshipful Court of Southampton
Given under our hands this 10th day of October 1846.

Samuel Barkham ^{sr}