1758-001 SOUTHAMPTON COUNTY CHANCERY PAPERS

RICKS vs. JARRELL'S LEGATEES, 10/1758

See also RICKS vs. JARRELL, 1756

other SURNames: Thomas

Jarvis's
Legatees

July 1756

Aug.

Sept 1756.

Dec 1756.

July 1757.

Dec 1757.

Jan 1758

NOT DEACID

To the Worshipfull his Majesty's Justices of the
Peace for the County of Southampton sitting
in Chancery

Humbly complaining sheweth unto your Wor
your Orator Richard Ricks of this County That Thomas
Jarrell late of this County Gent. deceased by his last
Testament in Writing bearing Date the
1766 which
Days
in due Form of Law duly proved
prays may be taken as part of this his Bill of
Complaint gave several Specific Legacies to
his Wife
1911. Thomas Jarrell
Head Which Bequest to Your Orator
of this said Will Thomas Jarrell appointed
Wife Executrix Martha Jarrell his Son by
Orator & Your Orator them. But the said Will
was proved by the Exors tho' your Orator alone acted
as Exor & thereupon took the Execution thereof
he was obliged to pay away the Sums
Legacies within mentioned
more the Sales of the Personal Estate & Slaves out of
in Specific Legacies Your Orator having delivered
the Legatees their respective Specific Legacies
to know what the Estate fell short of and further shew

NOT DEACIDIFIED 1-10-92

...as the Specifick Legacies so devised by the said Thomas ...
...Estate did not exceed or appraised in his Will so that your ...
...Orator cannot tell how much each Legatee ought to ...
...refund out of his particular Legacy to ...
...the reimbursing your Orator his Claim afs[t] the said ...

...their Specifick Legacies according to the ...
...Value to their respective Legacies in Proportion to the ...
...whole sum due deducting the Proportionable Part ...
...the Value of his own Legacy the Last Mention'd ...
...kindly manner offered. Which said Legatees refused ...
...in Equity they ought to have done. But now so it is ...
...may it please your Worships that the Legatees ...
...altogether refuse to pay any Part of your Orator's ...
...Claim pretending that tho they are liable upon other ...
...Legacies they can't be obliged to refund or pay back ...
...any Part of their Legacies. Wherefore your Orator ...
...of the said Defts John, Benjamin Elizabeth Mills ...
...the said Martha (who is intermarried with one ...
...Norman) are contrary to Equity & good Conscience ...
...to the ruin & Impoverishment of your Orator unless ...
...relieved by this Court In Tender Consideration ...

...whereof and for that your Orator is remediless at ...
...only relievable in this Court where he may have ...
...Discovery of the true Matter To the End there ...
...May the said Defts may on their respective Corporal ...
...Oaths such as are of Age and such as are Infants ...
...their Guardian full ... & perfect Answer ...
...all and singular the Allegations of this Bill ...
...particularly as if herein again repeated & ...
...more especially May they may set forth whether ...
...each of them did not receive Specifick Legacies ...
...Testator & what were the particular Sum ...
...Whether your Orator did ...
...each ...
...Whether he ...
...to value ...
...to him as ...
...were assessed ...
And May their respective Legacies may be ...
appraised by Persons to be appointed by this ...
and they decreed to pay your Orator his Dem[d] ...
Proportion of the Value to their respective Legac[s] ...
Orator's Legacy also included & the loosing Cause ...
in Proportion with them according to the Va[l] ...
his Legacy And your Orator relieved further ...
as to Justice according to Equity & good Conscience ...
May it please your Worships to Grant to your Orator ...
his Majesty's most Gracious Writ of Subpœna to ...
Miles Cary & the Compl[t]

Thomas Ord
adr.
Richd
filed Oct 1737.
Ano.
Eloo.

14 Oct 1758
Curies Ord

The Joint and several Answer of Henry Thomas and Martha his Wife, — Benjamin Jarell, Elizabeth Jarell & Thomas Jarell Son of Thomas Jarell dec.d Infants by the said Henry Thomas their Guardian to the Bill of Complaint of Richard Ricks Complainant —

These Defendants saving and reserving to themselves all and all Manner of Exception to the many Uncertainty Untruths & Imperfections in the said Compl.ts Bill of Complaint Contained for Answer thereto or to so much thereof as these Defendants are advised materially concern them to answer unto they Answer and say. That true it is that the said Thomas Jarrell died about the Time mentioned in the Bill and made such Will & gave such Legacys as is therein set forth That the Executors named in the said Will did prove the same and take on themselves the Burthen of the Execution thereof — That true it is that the said Richard Ricks did chiefly transact the said Estate, and took into his Possession the Books of Accounts Bonds Bills & Cin Order to Collect the Moneys due thereon, that this Defts hath heard that there was Money sufficient due on the said Books of Acct Bonds Bills &c. to the said Estate to pay the Debts due from the said Estate if the same were properly collected. — That true is the Charge of £20 0 0 Allowed to the said Richard Ricks / it being for Cash to the Debits of the Acct Cur.t / for Disbursements &c. Notwithstanding he has Charged several Disbursements in the said Acct which Charge this Defts is advised is Contrary to Law and ought not to be allowed — That this Defts is willing to pay his Proportion of the Balance of this part of the Demand / if any / after the Outstanding Debts due to the said Estate are Collected. — To the said Richard, deducting all Charges in the said

Account Current which shall appear to be Contrary to Law.
And with Regard to the Infants he prays that what Rights
Title or Estate they may have may be saved to them by this
Worshipfull Court. The submits himself to the Decree of the
said Court & prays to be hence dismissed with his
Reasonable Cost in this Behalf expended. Without that
that he

Henry Thomas

Ricks
vs
Thomas Va & Chancy

Exd on Henry Thomas
Martha his Wife Elisabeth
Jarrell Benj.a Jarrell &
Tha.s Jarrell Gener.l A.t
Copey Left with for John
Jarrell &c.
Benj.a Simmons Sh
Mar 1756
Guard Assp.d in Intanty
of Time to And.r for other
Apld.
Time to And.d

George the second 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 Henry Thomas & Martha his Wife John Jarrell Benjamin Jarrell Elizabeth Jarrell & Thomas Jarrell Junr. Son of Thomas to appear before our Justices of our said County Court in Chancery at the Courthouse of the said County on the second Thursday in March instant to Answer a Bill in Chancery exhibited against them by Richard Ricks and this they shall in no wise omit under the Penalty of every of them one hundred Pounds And have then there this Writ Witness Richard Hollis Clerk of our said Court at the Courthouse the fourth Day of March In the twenty ninth year of our Reign

R Hollis CS

Reib.
v
Jarelly.
Legatee

Report

In obedance to an order of Court Bearing Date the 8 [illegible]
December 1757. we the Subscribers have heard under
mentioned valued in Currant money each Particular
Legatees Specifick Legacy bequeathed by the Last will and
Testament of Thomas Jarrell dec'd to the Bill mentioned

Vst. Henry Thomas & Martha his wife

1 Negroe wench. Rear ——— £35.0.0

John Jarrell 1 Negroe Benn. ——— £ 50.0.0

1 Philip £50. 1 Liddy £45 ——— 95.0.0

1 Lewey ——— 51

£ 196.0.0

Benjamin Jarrell. 1 Negro James ——— £ 47.10.0

1 Tom £50. 1 Sarah £47.10. 1 Luke £47. ——— 144.10.0

1 Amey £47.10. 10 head Cattle £7. ——— 54.10.0

£ 246.10.0

Richard Ricks & Ann his wife

1 Negroe Andrew £47.10. 1 Simon £37.1. ——— £84.11.0

1 Lady £47.10. 1 Sealy £35 ——— 82.10.0

£ 167.1.0

Elisabeth Jarrell. 1 Negroe Moses ——— £50.0.0

1 Negroe David £50. 1 Easter £45 ——— 95.0.0

1 Magg £30 ——— 30.0.0

£ 175.0.0

Thomas Jarrell. Son Thomas.

1 Negroe Boy £35. 1 Negroe Girl £35 £70.0.0

Jo^s Cobb

M Edwards