

1761-007 SOUTHAMPTON COUNTY
CHANCERY PAPERS

BRADSHAW vs. BOWEN'S EXECUTORS, 7/1761

other surnames: Bowin, Bennett,
Bennet

Edm J. Co. Denver 15 Oct 10. 149
Apr 11.

Anderson

Boile in Comg.
C. C.
Bennett

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Bradshaw }
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Bowin's }
Looro . }
Bill in Com

July 1761

~~and 1761~~

Done J. P. H.

To the Worshipful Court of Southton sitting in Chancery
Humbly complaining sheweth unto your Worship your Oratrix Elizabeth
Bradshaw of the County of Southampton that one John Brown the elder
late of the Parish of Nottoway in the said County died being in his
Lifetime possessed of a considerable personal Estate did make his last
Will and Testament in Writing bearing Date 17th 1788 and
therein amongst other things did give to your Oratrix by the name
of his Housekeeper Elizabeth Bradshaw the sum of Twenty Pounds
and also did further devise that all the Residue of his Estate both
goods and Chattels should be equally divided between his two Sons
and four Daughters and his Housekeeper Elizth Bradshaw your
Oratrix and appointed his Son John Brown and William
Premett Executors of the said Will and soon after the said John
Brown the elder departed this Life possessed as aforesaid after whose Death
the said John Brown and Wm Premett proved the said Will and took
upon themselves the Burthen of the Execution thereof and possessed
themselves of all the Personal Estate of the s^d Testator which your
Oratrix alleges was considerably more than sufficient to pay
the said twenty Pounds to your Oratrix after satisfying Debt
Funeral ~~Expenses~~ Expenses and other Charges that immediately
after obtaining such Probate as aforesaid to wit on the
Day of then next following the said Executors disposed
some part only of the Personal Estate of the s^d Testator to sale
at publick Auction for ready Money reserving to themselves
a considerable part thereof under pretence that the same was
given to them in the Lifetime of the said Testator the particulars
whereof your Oratrix cannot ascertain the said Executors having
hitherto neglected to return a true and perfect Inventory of the
said Estate to the Court of this County to which your Oratrix
might have had recourse Your Oratrix further sheweth that
she hath often applied to the s^d Executors requesting them in
a friendly manner to pay her as well the Legacy of twenty

pounds or also her proportionable part of the residue of the said
Testator's Estate so bequeathed to her as aforesaid But now for
it is May it please your Worships that the said Executors
combining together have to deceive and defraud your Oratrix
altogether refuse to comply with her Request pretending &
giving out in private that they are not obliged to make sale
but of what part of the Estate they think proper And that
your Oratrix is not intitled to any part of the said Estate
All which actings & doings of the said Executors are contrary
to Equity and good Conscience and tend to the ruin and impover-
ishment of your Oratrix In order Consideration whereof and
for that your Oratrix is Remediable by the strict Rules of the Common
Law and only and properly relievable in this Worshipful Court
in Equity To the End therefore that the said John Bowen
and William Bennett may upon their Corporal Oaths full
true and perfect Answer make to all and singular the Allega-
tions herein before set forth but particularly that ~~they~~ ^{him} may set
forth and discover Whether the said John Bowen the
elder did not die possessed of a considerable personal
Estate more than sufficient to pay and satisfy all his just
Debts funeral Expenses & your Oratrix's Legacy Whether he
did not make such Will appoint such Executor and
therein devise and bequeath to your Oratrix as before
set forth Whether the said Defendants did not immediately
after ^{their} obtaining probate of their Testator's Will make sale of
some part of the Personal Estate only Whether they have
not received some part of the said Estate to their own use
and what and their Reasons for so doing Whether the said
Defendants have made and returned an Inventory of the
said Estate if they have whether such Inventory doth
contain a true and perfect Acc^t. of all the Estate wherof
the Testator was possessed at the Time of his Death that
hath come to the knowledge or possession of the Defendants

or either of them and that the said Defendants may be
Dulced and Ordered to pay and satisfy unto your Oratrix
her Legacy of twenty Pounds together with Interest thereon
to be computed from the Day of the Sale of the said Estate
when the said Defendants were enabled to have paid the
same and also pay and satisfy her for her full proportionable
part and share of the Residue of the said Testator's Personal
Estate and that your Oratrix may have such further and other
Relief in the Premises as is agreeable to Equity and good
Conscience May it please &c

Brato Law (Black
ad) }
Borend } Ans^r

to
9 of Tobacco

The joint several Answer of John Bowen
of Wmssett Leon &c of the last Will and
Testament of J^r Bowen deceased.

These Defendants by Petition not confessing or
acknowledging, all any of the Matters or Things
in and by the said Bill of Complaint set forth and
alleged to be true for plea therunto saith that he
is advised that the Compl^r seeks to have and cause for
legacy under the Will of the said J^r Bowen deceased in the
Bill mentioned wholly in said Will appointed then
Def^t his Leon of the said Will to be the same
performed and further by his said Will he did
direct that if any of the Legacies in his said
Will were unsatisfied but would go to Law he
desired that they should have no more than
what they get by the Law & their Part in the
Will to go to the Def^t. And these Def^ts do plead
the said Will of the said J^r Bowen and the before-
said Clause thereof in the said Compl^r's Demand
and humbly pray the Just. of this Worshipful Court
whether they shall be compelled to make any
further Answer unto the Compl^r's said Bill of Complaint
than as aforesaid And these Def^ts not Waving

then said that but wholly relying thereon for Answer
to the said Bill saying that the Compt. never
applied to the Def. for her legacy under the said
Will and hath since the commencement of this
suit written Def. that she never gave any Order
or Direction for the bringing the said Debt and
was willing to abide by the Will of the Testor
without Law or Contention. Notwithstanding
that she and the Def. pray to be heard
in respect to (without that)

John Bowin

William Bennett

Southampton

Certified that John Bowin and
William Bennett made Oath before me to the
within Bill of Answer this 17th March
1760

J Gray

Bowes
Brashaw
" }
Bow in L^{ts} }
Deere }

The Court held for the County of Southampton the 10 Day
of July 1761

~~Ely & Bradshaw~~

Ely & Bradshaw - Plt

vs

John Bowin & Wm Bennell Executors of
John Bowin Deceased. - Defs

} In Chancery

¶ This Cause was this Day heard upon the Bill of the
Plt. the Plea & Answer of the Defs & the Arguments
of the Counsel on both sides on Consideration whereof
It is Decreed & Ordered that the Defs do pay unto the
Plt. ~~the sum~~ ^{for Legacy} of twenty Pounds ^{in the Bill mentioned} together with Interest
for the same to be Computed after the Rate of 5 p Cent
Per Ann from the tenth Day March 1758 to the time
of Payment. & also that the said Defs do pay & satisfy
unto the Plt. her Distributive Part or share ^{of the said} the said
accident John Bowin's Estate and the Costs of this Suit

Bradshaw } Lie
w. } i

Bovine Epizootic

April 1759.

Dec 1759

May

June 1760

June

June 1760

Aug.

Further time

March 1760

Cont

May

Aug.

Oct

Cont

Dec.

Set for 1760

1760

George the second by the
Treason and Ireland Shiring
of Southampton County
you Summon John Brown
Esq. & of John Brown
~~and~~ appear before our Justice of our
Court at the Courthouse of our said County
Thursday in April next to answer a Bill in Chancery
exhibited against them by Elizabeth Peradshaw and
this they shall in no wise omit under the Penalty of
£100 and have then there this Writ Witness
Clerk of our said Court at the Courthouse aforesaid the
2^d Day of March in the 11th Year of our said

Grace of God of Great Britain
Defender of the Faith &c. To the Sheriff
greeting We command you that
you Summon John Brown and William Bennett
Esq. to answer a Bill in Chancery
exhibited against them by Elizabeth Peradshaw and
this they shall in no wise omit under the Penalty of
£100 and have then there this Writ Witness
Clerk of our said Court at the Courthouse aforesaid the
2^d Day of March in the 11th Year of our said

Richard Shells
Clerk

Bradshaw
v
Bowins Bros
attf.

Wm
H. H. H. H. H.

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 Wherefore we command you that you
Attend John Brown & William Bennett Esqs &c of John Brown
deced so that you have their Bodies before our Justices of
our said County Court at the Courthouse on the second Sunday
in May next to answer us of a certain Contempt by the
said John & William to us offered as it is said as upon
those things which shall then or otherwise objected
further to do receive what our said Court shall of them
in that part consider and have then there this Writ
Witness Richard Kello Ch. of our said Court at the Courthouse
the twelfth Day of April In the thirty second Year of our
Reign

For not appearing to answer the Bill
of Complaint of Elizabeth Bradshaw
exhibited agst them.

R Kello Ch