

1767-007 SOUTHAMPTON COUNTY
CHANCERY PAPERS

ANDREWS, ¹⁸⁶⁷ US. ANDREWS, et al.

7/1767

Andrews & Bill
vs in
Andrews & Co
July
Turner & Co

To the worshipfull court of Southampton County
sitting in chancery

Humbly complaining sheweth unto your
worships your orator Benjamin Andrews an infant by
William Simmons his next friend of the said county
that sometime in the year of our lord

your orators grandfather William
Andrews of the said county having purchased a certain
tract of land lying in the parish of Botterway and
said county of Southampton of one ^{Benjamin} ~~William~~ Ellis
containing by estimation two hundred and seventy
acres or thereabouts, joining on the Lands of
William Simmons, Samuel Drevitt, Richard Blow
& Thomas Chappell, and paid part of the consideration
money but there remained the sum of thirty pounds
with interest thereon arising from the 26
day of January 1762 ——— till the time of payment
still due from the said Andrews to the said Ellis
for the said Land. Your orator further sheweth unto
your worship that sometime after your orators
father Robert Andrews, and the said William
came to the following agreement, that the said
William Andrews promised that in case the
said Robert Andrews, would pay the remaining
part of the consideration money, to wit thirty
pounds, and growing Interest thereon that he
would give him the said Robert the aforeaid
land, and was willing to make a deed for the
same, which the said Robert agreed to, that
sometime after before any deeds were executed
or the said money paid, the said Robert Andrews
departed this life, intestate, leaving your orator
his eldest son and heir at law, in whom
the equitable title of the said land is vested
under the agreement aforeaid, Your Orator
further sheweth unto your worship that after
the death of the said Robert Andrews your orator
father

father administration on his estate was in due
form granted to Mary his widow and relict who
by virtue thereof possessed herself of all and singular
the goods chattels rights and credits of the said deceased
and is still possessed of the same, that the said
William Andrews hath been applied to make your
orator a title to the said land, and the said Admin^r
hath also been applied to pay the said money &
interest out of the said Roberts estate as in justice
and equity they ought to have done. But now
so it is may it please your worshipps that,
the s^d William desires to make your orator such
title until the said money is paid, and the said
Mary as administratrix of the said Roberts refuses
to pay the s^d money without the decree of this
worshipful court. All which doings & doings of
the said William Andrews and Mary Andrews
[who your orator prays may be made Df to be
this his Bill of complaint] are contrary to equity
and good conscience and tend to the hurt of your
orator, In tender consideration whereof
and forasmuch as your orator is remediless at
common law and only to be relieved in this
court, where arguments of this kind are decreed
to be specifically performed. To the use therefore
that the said William Andrews and Mary
Andrews on their corporal oaths may full true
and perfect answer make to all and every the
allegations of this bill as if herein again set
down and interrogated, and particularly,
that the said William Andrews may set forth
and discover, whether he did not make such
agreement with his son Robert as is herein
set forth? Whether the said Robert did not
depart this life soon after making the said
agreement? Whether your orator is not the
eldest son and heir at law of the said Robert?
Whether the said thirty pounds & Interest
hath ever been paid? Whether he hath ever
executed

a deed either to the said Robert in his lifetime
or to your orator since his death for the said land?
And that the said Mary may also set forth and
discover whether she knows of any such agreement
between the said William Andrews & the said
Robert Andrews as is herein before set forth.
Whether the said Robert did not depart this life
soon after making the said agreement? Whether
she did not administer on the said Roberts
estate? Whether there is sufficient of the said
estate to pay the said thirty pounds and
interest? Whether she hath ever paid the
same? and if not what was her reason for not
paying it? And that the said William
Andrews may by decree of this court be compelled
to make your orator a good & sufficient
conveyance in fee simple of the said land &
premises on the said thirty pounds and
interest being paid him, and that the
said Mary may be compelled to pay the said
sum of money & interest to the said William
Andrews out of her intestates estate, and that
your orator may be further and otherwise
relieved in the premises as to your worshipps
shall seem agreeable to equity and good
conscience. May it please your worshipps
to grant to your orator his majestys much
gracious writ or writs of Subpoena &c

at
Rich^d Baker for orator

H. Andrews
ad } Ansd.
Andrews

The Answer of William Andrews,
one of the Defs to the bill of complaint of
Benjamin Andrews, Complainant

This Deft. saving and reserving to himself
all manner of Benefit of exception to the ~~Plt~~
bill of complaint. For answer thereto or to so
much thereof as this Deft is advised concerns him
to answer unto he answereth and saith that,
True, it is that he did purchase the land in the bill
mentioned of one ~~Benjamin~~ ^{Benjamin} Ellis, and that afterwards
he did agree to make it over to his son Robert
Andrews on his paying the remainder of
the consideration money, which was thirty pounds
& Interest thereon arising from the 20th day
of January - 1762. Till the time of
payment. That he confesses the ~~Plt~~ to be
his son and heir at law to the said Robert
Andrews, and is ready and willing to make
the ~~Plt~~ a Deed for the said lands on receiving
the said thirty pounds and interest, and
prays to be hence dismissed with his reasonable
costs in this behalf expended. Without the ~~Plt~~

Andrews

This Answer sworn to
Before me

J. G. W.

Mary Andrews
ad }
Andrews }
Andrews }

The Answer of Mary Andrews
Adm^r & C. of Robert Andrews died
one of the Defts to the Bill of
complaint of Benjamin Andrews
Compt^r & C.

This Deft saving and reserving to herself
all manner of benefit of exception to the bill
bill of complaint for answer thereto or to so much
thereof as this Deft is advised materially
concerns her to answer unto she answers that
saith that she has heard and believes to be
true that the said Robert Andrews died did
make such agreement with his father
William Andrews for the Lands in the bill
mentioned that the said Robert Andrews
soon after died without paying the thirty
pounds in the bill mentioned that she the
Deft administrated on the said Roberts estate
and that there is sufficient to pay the said
sum of interest in her hands but she has
been advised that she is not justifiable as an
administrator in paying the said sum of
money out of her intestates estate without
the leave of this worshipful court she submits
herself to the leave thereof and prays to be
home dismissed with her reasonable costs
in that behalf sustained without that
that &c

Mary Andrews

This Answer sworn
to before me

J. G. M.

Antares

~

Androm

Long - 2000

Hampton July court 1767.

~~Robert~~ Benj Andrews and infant by Wm Simmons
his next friend Jot

M^{rs} Andrews and Mary Andrews admo^rs
of Rob Andrews dec^d Jot

In Court

This cause was this day heard on
the bill of the p^{et} the answers of the d^{ef}s and the arguments
of the counsel on both sides in consideration whereof
It is Ordered and adjudged that the opinion of the court
that if a agreement in the bill mentioned to be made
by the intestate Robert Andrews in his lifetime ^{with} the
said William Andrews be specifically performed &
carried into execution therefore It is Ordered and
that the d^{ef}s Mary of the assets in her hands to be
administered of the est of the said Robert do pay unto
the d^{ef} William the sum of £30. together with int^r &
from the 26 Day of Jan^y 1762 till paid or receipt of
which It is further Decreed that the said d^{ef} Will^m
91 by good and sufficient deeds in the Law
convey and make over unto the plaintiff Benjamin
the ~~same~~ a good ~~and~~ ^{and} ~~only~~ ^{his} ~~heir~~ ^{and} ~~apogis~~ ^{the}
a good and indefeasible est of inheritance in fee
simple of the lands and premises in the bill ment^d
being ^{of} lands purchased by the said Wm Andrews
of one Benj Ellis and that the plaintiff pay the
costs of this suit

Andrews }
~ }
Andrews }
} ^{John}
} ^{John}

Executed

James
con for the

George the third by the grace of god of Great Britain France & Ireland
king defender of the faith &c To the Sheriff of Southampton county -
greeting we command you that you summon William Andrews of Mary
Andrews adm^r of Robert Andrews dec^d to appear before our justices of our
said county county court at the courthouse of the said county on the
second Thursday in ~~June~~ next to answer a bill in chancery -
exhibited against them by Benjamin Andrews an infant by -
William Semmons his next friend and this they shall in no wise
omit under the penalty of £100 each & have then & there this
writ with his ~~subscrip~~th of our said court at the courthouse
the 22th day of May in the 13th year of our reign.

Wm B.