

1768-003

SOUTHAMPTON COUNTY
CHANCERY PAPERS

JONES by WHITEHEAD vs. NEWSOM'S EXECUTORS & NEWSOM
6/1768

Jones by }
 Whitehead }
 in }
 Newcomer }
 Leon } 25th Feb

95
 760/25
 100

To the worshipfull court of Southampton
county sitting in chancery

Humbly complaining sheweth unto your
worships your orator Thomas Jones an infant by
Lazarus Whitehead his guardian, that he is the
only child of Thomas Jones late of the said county
deceased, that the said Thomas Jones departed this
life sometime in the year of our lord one thousand
seven hundred and fifty intestate, leaving
your orator, an infant of tender years, and ~~leaving~~
Patience his widow and relict, who sometime after
administered on the said Thomas Jones estate
in due form and by virtue thereof possessed
herself of all and singular the goods, chattels
rights and credits of the said deceased, which
amounted to the sum of thirty four pounds, &
one shilling & two pence, as by an Inventory &
appraisement thereof returned to this Court
the sixteenth day of July 1757 will appear.
Your orator further sheweth unto your worships
that after paying debts, funeral charges, & expenses
of administration, and also the said widows
dower therein, your orator is intitled to the
residue of the said sum. That after the said
Patience had administered on the said estate she
intermarried with one Joseph Newsum, who
by virtue of the said marriage possessed himself
of the said Thomas Jones's estate, and departed
this life sometime in the year of our lord one
thousand seven hundred and sixty six, having
first made his last will and testament,
bearing date the 16. day of March 1766, which
is duly proved & recorded in the said county Court
of Southampton, by which amongst other things
he "Gives and bequeaths to his son in law
Thomas Jones twenty pounds current Money
of Virginia." Your orator further sheweth
unto your worships that the said Joseph Newsum
by

by his said last will appointed his trusty friends
George Gurbly jinn. William Thomas ^{and his wife}
~~John Thomas~~ ^{George} may be made ^{deft.} within ^{the} ^{Bill}
executors of the said will, who proved the same
(and took on themselves the burthen of the execution
thereof who by virtue thereof took into their hands
& possession all the estate of the said Joseph
Newson which was greatly more than was
sufficient to pay and satisfy your orators
part of his said fathers estate, and also to pay
his legacy so left him by his said father in
law. Your orator further sheweth unto your
worships that he hath often applied to the said
executors requesting ^{them} not only to pay your
orator his part of his fathers estate, together
with lawfull interest thereon from a reasonable
time after his said fathers Death, but also
the said legacy so bequeathed him by the
said Joseph Newson, & interest thereon
till paid. But now so it is, may it
please your worships that the said executors
altogether refuse to comply with your
orators reasonable request, alleging many
frivolous ~~reasons~~ ^{pretences} for the same. In tend it
consideration whereof, and forasmuch as
your orator in remedial by the rules of the
common law, and properly to be relieved in
this worshipfull court. To the end therefore
that the said George Gurbly jinn. William Thomas
& Patience Newson, may in their respective
corporal oaths full, true and perfect answer &
make to all and singular the allegations of
this bill as if herein again particularly set
down and interrogated, and Whether the said
Thomas Jones did not depart this life, about
the time herein before mentioned, intestate.
Did not the said Patience administer on his
estate? Is not your orator his only child?
How much did the said estate amount to

and whether the said Patience hath ever made
up an account of her administration of the said
estate? Whether she did not intermarry with
the said Joseph Newson? Whether the said
Joseph did not possess himself of the said
Thomas Jones' estate by virtue of such marriage.
Whether the said Joseph Newson did not make
such waste and devise as is herein before set
forth? Whether they have not been requested
to pay both your orators part of his said fathers
estate, and also the said legacy? Whether they
did not refuse, and their reasons for such
refusal. And that the said executors may by
decree of this worshipfull court be compelled to
pay and satisfy to your orator his proportionable
part of his said fathers estate together with
lawfull interest thereon, from such reasonable
time, as to your worships shall seem equitable
and also to pay him the said legacy so left
him by the said Joseph Newson, together
with interest thereon arising, and that
your orator may be further and otherwise
relieved in the premises as to your worship
shall think agreeable to equity and good
conscience. May it please your worships
to grant to your orator his majestys most
gracious Writ or Writs of Subpoena &c.

Rich^d Baker for
the d^r.

The joint and several answer of Patience Newsum George Gurley jr and William Thomas defendants to the bill of compl.
by exhibited agst them by Thomas Jones an infant under the
age of twenty one years by Lazarus Whitehead his guardian &
next friend complainant.

These defendants now and at all times hereafter saving and
reserving to themselves all advantage of exception to the
manifest uncertainties untruths and imperfections in
the complainant's said bill of complaint contained. For
answer thereto or to so much thereof as these defendants
are advised is material for them to make answer unto
they answer and say That true it is the said Thomas Jones
the elder in the bill named departed this life intestate

leaving the defendant Patience his widow who administered
and took possession of the whole amounting to £34.0.2. and
on the said Thomas Jones estate paid all his debts and
funeral expences one half of the residue that def^t Patience

is advised then belonged to her but as there was but so
small an estate to be divided between that def^t Patience
and the complainant she did not think ~~it~~ ~~it~~ ~~it~~
it would be any advantage to the estate to return an
account current that some time after the def^t Patience
intermarried with the said Joseph Newsum who possessed
himself in her right of the said Thomas Jones estate and
took care of the education & and support of the complainant
for the space of three years or thereabouts without making any
charge agst the complainant for the same and then bound
him out to a good trade. These defendants further say that
the said Joseph Newsum departed this life some time about
the day of in the year of our lord 1766 having
just made his will as in the bill is set forth thereby
appointing these defendants executors wherein amongst other
bequests is the legacy of twenty pounds given to the ~~def^t~~ compl.
which these defendants verily believe was by the testator
intended as a satisfaction to the complainant for his
proportionable part of the said Thomas Jones estate the
said Joseph never having kept any account against the
said complainant or given the complt credit for his

proportionally part the same being much less than the legacy of
 twenty pounds after reasonable allowances made These Depts
 further say that the said Joseph Newsum hath disposed of the
 whole of his estate after his death are paid exclusive of the
 said complete demand on and of his father Thomas Jones but
 these Depts are willing ~~either~~ to pay the complete ~~to~~ ~~copy~~
~~of the said~~ ~~to~~ his proportionally part of the said
 Thomas Jones estate after deducting reasonable charges
 then not being sufficient to pay pecuniary legacies of the said Joseph
 against the same, without that that ~~he~~ ~~her~~
 Patience Newsum

mark

Sworn to before me
 this 21st Oct^r 1767

J. Goals

Geo Gurbey Jun^r
 Wm Thomas

Whitehead
Newfomeys

June
time to come & late
July
time to ans^r

Expected

At
cont for ans^r
Nov ans^r filed of
time

Thos Ridley
Dr
Nov 68
cont

June 68
L^h for her
W^h sum^r 4/6

George the third by the grace of god of Great Britain France & Ireland
King Defender of the Faith &c To the Shire of Southampton county
greeting we command you that you summon George Gurley Etk William
Thomas ~~and~~ ~~James~~ and Patience Newform exors of Joseph
Newform decd which said Joseph & Patience were admors of Thomas
Jones decd to appear before our justices of our said county court
at the courthouse of the said county on the second Thursday in June
next to answer a bill in chancery exhibited agst them by
Thomas Jones an infant by Lazarus Whitehead his guardian and
this you shall in no wise omit under the penalty of Proccash
and have then there this writ witness Peter Wells clerk of our said
court at the courthouse the 22^d day of May in the 20th year of
our reign

Peter Wells
Clerk