

1768-005 SOUTHTAMPTON COUNTY
CHANCERY PAPERS

SMITH et ux vs. DENSON, 9/1768

other surnames. Pope, Council

Smith & wife

Amson

Bill in Chancery

John [unclear] of the County of [unclear] in the County of [unclear]
New Bedford

Humbly complaining shew unto your Worships your Obedience
and Obedience Matthew Smith and Messing his wife that one Henry
Bose late of this County deceased being in his Life Time and at
the Time of his Death seized and Possessor of a Personall Estate
Made his last will and Testament and Appointed Richard Bose
and Hodge Council all Executors who Received this said Will and
Gave Bond with Benjamin Benson their Securities and took unto
their hands and Possession all the Personall Estate of this said
Henry Bose deceased and Returned into this Court full
Correct and Account of their Administration which Account
Was Audited by the Court and admitted to Record and these Comptons
have heard and believes to be True that this said Executors Sells
With and Paid unto the Rest of this said Henry Bose Children
their Distributive part of this said Ballance Now it to Sarah the
Wife of Hodge Council, Mary the wife of Hardy Bose, Ruth
Bose and Henry Bose each Persons Dividends of the Ballance
of this said Estate amounting unto Eleven Pound Shillings
and Seven Pence half Penny Current Money and
Seven which Time both this said Executors are Deceased this
Xth and your Obedience Mourning hath not Received any part
of this Share and Dividends of this said Estate and your Obedience
further shew unto your Worships that the Ballance of this said
Estate to wit that Part which belongs unto your Obedience Mourning
is Deposited in the hands of this said Benjamin Benson as
Security for this said Executors Your Obedience have often in a friendly
Manner applied to this said Benjamin Benson and desired
him to Pay unto your Obedience this said Sum of Eleven Pound
Shillings and Seven Pence half Penny Money aforesaid
But now so it is May it Please your Worships that this
Benjamin Benson altogether Refuses so to do but gives out
if Speeches and sayings that he is not obliged so to do and if he
is obliged he is off in haste and that your Obedience might sue
his Bond and he would keep your Obedience long enough out of
their Money all which sayings Actings and Doings of the
Defendant is contrary to the said good conscience and Justice

in Ruine Improvements Undeceived in this
Worshipfull Court and matters Properly Settled
and Cognizable To the End that these Resps. Dnors
May on his Corporall Cathart have and Begeth an evermore
Walt and wing of the Allegations of this Pet as fully and Particular
as if hereafter specified and interrogated and now especially that
being sufficient and Discovers Whether Theraid Henry Esq. Richard
Richard Esq. and George Councell his Executors and discharged and
Exposed of a personall estate? Whether Theraid Esq. did not Prove
Theraid Will and take upon themselves the Executorship? Whether
Theraid Executors did not take into their Hands and Possession all
the Personall estate of Theraid Decedent and also Return an Account
of their Administration of Theraid in this worshipfull Court and
Whether Theraid was not Audited by the Court and Admitted to
Record? Whether Theraid Esq. did not Settle with and Pay unto
the Rest of the Children of Theraid Decedent their Distributive
Part or Share of Theraid estate? Whether Theraid Esq. lived that
Time as not both Deceased this Life? Whether the Ballance of the
Said estate be not that part which belongs unto your Petitioner
Mourning is not Deposited in the hands of ~~Theraid~~ Benjamin
And that your Worships will order and Direct that Theraid
Benjamin Dnors shall Pay unto your Petitioner their Repulsive
Distributive part of the Personall estate of Theraid Decedent together
with Interest for Theraid from such Time as this Court
shall Direct and that your Worships will make such further
and Other Order in the Premises as will be Agreeable to Equity
& Good Conscience. May it Please your Worships the Petitioner
considered to grant unto your Petitioner this Magistries most gracious
Petition of Subj. & W. & V.

Smith & Co
 &
 Benson
 Bill in Branch
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Smith & Co
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 Benson
 Bill in Branch
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Aug 17 67
 Bill in Branch

Bill in Branch
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 Mar 68
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 June 68
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 Sept 68
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Smith Guar.

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Denson
Executed

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286 Williamson

Oct 1764

Long

Oct

Cont for bill

Oct cont

Mar

cont

April

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May cont for bill

June

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July

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George the third 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 Benjamin Benson to appear before our justices of our said
county court at the courthouse of the said county on the second thursday
in September next to answer a bill in chancery exhibited against him by
Matthew Smith and Mourning his wife ^{Sarah Grogan, his} and thus he shall in no wise omit
under the penalty of £100 and have then these these writ witness Richard Wells
clerk of our said court at the courthouse the eighteenth day of August in the
sixth year of our reign

Phello B