1786-001 SOUTHAMPTON COUNTY CHANCERY PAPERS BRANCH et ux VS. LUNDY'S EXECUTORS 3/1786

other SURNAMES: Washington, Morris, Tharpe, Thorpe

1766 · James Washington Northampton County, NC

Jas. & Danl

Branch & Co
"
Lundy & Co } Bill
Sept bill filed &c
May 1785
Atta for Answ
Jany 1786
Feby dared
March Depn
final

106.
55
25
75
261
60
321

To the Worshipful [illegible]t of Southampton County sitting in Chancery

Humbly complaining sheweth unto your worships, Francis Branch and Mary his wife, the said Mary being one of the daughters of Bird Lundy deceased and granddaughter of James Washington late of Northampton County and State of North Carolina deceased. That the said James Washington being in his lifetime possessed of a considerable number of Negroes as his absolute property, and being so possessed, made his last will and Testament in writing bearing date the eight day of December 17[illegible] ~~wherein among divers~~ which said will was duly proved & recorded in the County Court of Northampton & State aforesaid, held the month of May 1764, at which Court Ethelred & John Washington two of the Executors therein appointed were qualified, and at [illegible] Court following Charles Thompson, Robert [illegible] Benjamin Washington were also qualified as Executors, as appears from the record of the said County Court, a copy of which is hereto annexed, & prayed to be taken as part of this bill of complaint, Your Orators further shew that in the will of the said James Washington deceased is the following devise in favor of your Oratrix to wit, I give unto my granddaughter Mary Lundy one Negro Boy called Luttre, & one negro Boy called Arthur, on the proviso that she lives to the age of 18 years old, or marry – if not the s.d Negroes to be equally divided among the rest of my children, That your Orators father Bird Lundy at a Court held for the s.d County of Northampton June 1769 was appointed guardian to your Oratrix, & obtained an order to take the s.d slaves of Your Oratrix into his possession, in consequence

thereof. They further made application to James Washington dec.d on the aforementioned thereof from that time, untill the day of the death of the s.d Bird Lundy, who departed this life the day of 177 having first made his last will & Testament in writing & therein appointed his wife Rhabe & his friend Lewis Sharpe who took upon themselves the burden of the Execution thereof all which appears by the records of this worshipful Court — Your Orators further shew, that the s.d Rhabe since the death intermarried to whom & the s.d Lewis Sharpe your Orators have applied in a friendly manner, & requested them to render an account of the profits of the s.d Slaves Luna, & their increase in the possession of the s.d Bird Lundy dec.d & to account with your Orators for the same But now so it is, May it please your Worships, that the s.d Defendants refuse so to do, pretending that their Testator left no account thereof, that they are strangers to the length of time the said slaves were possessed of them, & that they were not regularly hired out which is contrary to Equity & good Conscience, In tender Consideration whereof & for that your Orators are remediless in the Premises by the strict rules of the Common Law, & only relievable in this worshipfull Court, To the end therefore that the s.d Defendants may upon their corporal oaths full true & perfect answer make, to all & singular the allegations of this Bill, as fully & particularly as if the same were herein again repeated & interrogated & more especially that they may set forth & discover whether your Oratrix's grandfather James Washington was not possessed as aforesaid during the term aforesaid Bird Lundy dec.d appointed Executors of the said & received into his possession staves, & kept possession thereof from that time, untill the day of the death of the said Bird Lundy, who departed this life the day of 177 having first made his last will & Testament in writing & therein appointed his wife Rhabe & his friend Lewis Sharpe who took upon themselves the burden of the Execution thereof all which appears by the records of this worshipfull Court — Your Orators further shew, that the said Rhabe since the death of your Oratrix's father intermarried to a certain Henry Morris to whom & the said Lewis Sharpe your Orators have applied in a friendly manner, & requested them to render an account of the profits of the said staves Luna, & their increase in the possession of the said Bird Lundy dec.d & to account with your Orators for the same But now so it is, May it please your Worships, that the said Defendants refuse so to do, pretending that their Testator left no account thereof, that they are strangers to the length of time the said slaves were possessed of them, & that they were not regularly hired out which is contrary to Equity & good Conscience, In tender Consideration whereof & for that your Orators are remediless in the Premises by the strict rules of the Common Law, & only relievable in this worshipfull Court, To the end therefore that the said

Branch & wife
vs
Lundys Le.

Atta
for
Ans

For not appg to
Ans. the bill of
Compt. exhibited ag
him by Branch
& wife &c.

Executed an Rule Henry Mar-
shall & Elizabeth his wife
= ors. not Jurors

Marshall & Comm'd & Exd

The Comm.th of Virginia to the Sheriff of Southampton County greet

You are hereby commanded to Attach Henry Moore & Phobe his wife & Lewis Thorpe Exors of Byrd Lundy decd so that you have their bodies before our justices of our Ct. Court at the Court house on ye 2d. Thursday in April Next to Answer ~~Francis Board & his wife~~ in an action of a certain contempt to our offence as it is said as upon those things which to them then & there shall be objected & further do & receive what our said Court in this part shall consider thereon this writ witness P. Kello clerk of our Ct. Court at the Court the 13th day of March 1785 in the 9th Year of the Comm.th.

P. Kello, C.

Branch & wife
vs
Lundy, Exr. &c
Sha in Lany
1788 May Cont. for bill
June Cond.

Executed on Peter Lundy
Lewis Boyd no inhabitant
Joshua Fowler

The Commonwealth of Virginia to the Sheriff of Southampton County greeting
We command You to Summon Lewis Sharp & Phoebe Lundy Exec.rs of Benj.a
Lundy dec.d _____ to appear before our justices of our court of Southampton
in chancery at the Courthouse of the said County on the second Thursday in
May next to answer Francis Branch a Bill in chancery exhibited a-
-gainst them by Francis Branch & Mary his Wife and this they shall
in no wise omit under the Penalty of £100. Each & have then there this Writ
Witness Sam.l Kello clerk of our said Court at the Courthouse aforesaid
the 12.th day of April in the 7.th Year of our independence

Sam Kello C

Branch & wife
&c
Lundy. } Rule

Mar 1786
Rule Nil. & decree.

Branch & wife
&c
B. Lundy & Co.
return

In obidience to an Order of the worshipful Court of Southampton County Court to us directed bearing date January Court 1786. we have examined into the accounts produced to us by Francis Branch & Wife Plff. and Lewis Thorpe Exor of Byrd Lundy dec. and find the Ballt. due the said Branch and Wife to be Ninety two pounds ten Shillings. Given under our hands this 9th. day of March 1786

Wm. Blunt
John Myrick
James Lundy

Jas. Washingtons Will
Copy examined

In the Name of God Amen

I James Washington of Northampton County being sick and weak in body but in perfect sence and Memory praised be Almighty God for it but knowing the uncertainty of our being here do make this my last Will & Testament as followeth disanulling & Revoking all other Wills or Wills heretofore made by me

Imp.s I give and bequeath my Soul to God that gave it me relying on the Merits of my Blessed Saviour to have full remission of all my Sins & my body to the Earth to be buried at the discretion of my Executors hereafter named

Item I give unto my dear and loving Wife one Feather Bed & one p.r of Blankets & one p.r of Sheets & one Negroe Woman named Grace and also the use of the Plantation wherein I now live & the Labour of three Negroes during her Natural Life that is Jeany Jacob & Sal and also the use of all the Horses Cattle and Hogs during her Natural Life

Item I give and bequeath unto my son Robert Washington one hundred Acres of Land whereon he now lives to him & his Heirs of his body lawfully begotten & for want of such Heirs to descend to my Son Nicholas Washington & his Heirs forever and I also give to my Son Robert Washington one Negroe Fellow called Tom & one boy called Ralph to him and his Heirs forever & also one Negroe Fellow called Jacob after the Death of his Mother

Item I give and bequeath unto my son Benj.a Washington two hundred Acres of Land being the Plantation whereon I now live & the Land that lies on the other Side of Meherrin River in Bertford County to him & the Heirs of his body lawfully begotten & for want of such Heirs to descend to Nicholas Washington & his Heirs forever I give to my Son Benjamin Washington one Negroe Boy called Roger after the death of his Mother one Negroe Man called Jeany to him & his Heirs forever and further my desire is that my Son Robert Washington may have the use of the Land over Meherrin in Bertford County to build on his Plantation if he wants

Item I give and bequeath unto my Son John Washington & his Heirs forever two hundred Acres of Land on the South side of Kirby's Creek joining Arthur Williams's Land & I give him one Negroe Boy called Will & one Negroe Boy called Natt & him and his Heirs forever

Item I give and bequeath unto my Son Elk.d Washington and his Heirs forever two hundred Acres of Land on the South side of Kirby's Creek joining Richard Andrews Land & the Land of his Brother John's & I give one Negroe Boy called Lewis & one called Charles & I give him one Feather Bed

Item I give & bequeath unto my Son Nicholas Washington two hundred Acres of Land to him & his Heirs forever lying on the north side of the little Creek joining the said Creek and the Land I've given his Brother John & Elk.d & I give him one Negroe Boy called Tully & one Negroe called Jupe and I give one Negroe Girl called Beck & I give him one Feather Bed Bugg &c

Item I give unto my Daughter Joanna Thomson and her Heirs forever ninety Acres of Land being the Plantation that she now lives upon I also give her a Negroe Fellow called Sheppo and after the death of her Mother I give her a Negroe Woman called Sall & her & her Heirs forever also one Negroe Boy called Davy and after the death of my said Daughter the said Negroe Boy Davy to my Grandson Chs. Thomson

Item I give to my Daughter Elizabeth Washington one Negroe Boy called Daniel and one Negroe Girl called Lucy to her & Heirs forever & I give her one Feather Bed Bugg &c

Item I give unto my Daughter Joyce Washington and her Heirs forever one Negroe Girl called Diner and one Negroe Boy called Phil. and I give her one Feather Bed Bugg &c and one Gold Ring

Item I give unto my Granddaughter Mary Lindsey one Negroe Boy called Luke & one Negroe Boy called Arthur on the provision that she lives to the age of eighteen Years & or Married if not the said Negroes to be equally divided among the rest of my Children

My Will and direction is that my Negroe Fellow Frank may be sold to pay my just Debts by my Executors hereafter named and all the remaining part of my Estate to be equally divided amongst all my Children after the Death of their Mother — I do constitute and appoint my Son Robert Washington Benj.a Washington John Washington Elk.d Washington and my Son in Law Charles Thomson whole & sole Executors of this my last Will and Testament as Witness my Hand & Seal this 8th Day of December 1761.

Sign'd & Seal'd in the Presence of
William Murgree
Martha Washington
her Mark.
Elizabeth + Washington
her Mark.

James Washington (Seal)

Northampton County
May Court 1766.

This Will of James Washington, deceased, was exhibited into Court & proved by the subscribing Witnesses William Murgree Martha Washington & Elizabeth Washington, at the same time Ethelred Washington & John Washington were qualified as Executors thereof; which is ordered to be certified & recorded.

Test Wilkie Jones Clk

Nov.r Court 1766
Charles Thompson was qualified as Exr of the last Will & of James Washington Deceased
September Court 1766

Copy Test. Wilkie Jones Clk

Robert Washington & Benjamin Washington were qualified as Executors of this Will

Test Wilkie Jones Clk.

Copy Test Wilkie Jones Clk

NOT DEACIDIFIED 1/29/92

Copy of Jas. Washington's Will
with Letters Testamentary.

Fees unpaid
Test. Wilie Jones

Letters
Henry H. Washington

North - Carolina, ss.

By His Excellency the Honourable Colonel *William Tryon*, Esq^r. Lieutenant-Governor and Commander in Chief, in and over the said Province.

IT being certified unto me, That *James Washington* late of the County of *Northampton* in this Province, is dead, and hath made *his Last Will & Testament* in Writing signed & Sealed, constituting & appointing among others, *Ethelred Washington & John Washington* Executors thereof; and that the said *Ethelred & John* have been duly qualified as to the Execution thereof

THESE are therefore to impower the said *Ethelred Washington & John Washington* to enter into, and upon, all and singular the Goods, Chattels, Rights, and Credits of the said deceased, and the same into *their* Possession take, wheresoever in this Province to be found, and an Inventory thereof, on Oath, to return into the Secretary's Office, within ninety Days from the Date hereof; and all the just Debts of the deceased to pay so far as the said Estate will extend or amount to. *And the Remainder to dispose of as by the said Will they are Directed.*

GIVEN at *Brunswick* under my Hand, and the Seal of the Colony, the *Fourteenth* Day of *May* Anno Domini, 1766.