1789-011 Chancery Papers ' Owens + ux vs Williams ' extor 8/1789

Southampton County

see also Owings vs Williams 1796

other SURNAMES Owings

To the worshipful justices of Southampton sitting in Chancery

Humbly complaining shew unto your worships your Orator & Orator Robert Owens & Marcella his wife, That one Daniel Williams your Orators father late of the county of Nansemond was in his life seized & possessed of a very considerable estate real & personal & being so seized departed this life having first made his last will & testament in writing bearing date the 21 day of May 1767 duly proved & recorded in the Court of said County and of said will appointed one Isaac Williams his executor that amongst other things the said testator devised after several devises & legacies that all the residue of his estate be it in any kind or quality should be sold to the highest bidder on two years Credit & the money arising thereby should be equally divided amongst his wife & his Children of whom your Orator is one — that sometime in April 1771 the aforesaid Executor returned an Inventory & Appraisement of the said testators estate amounting then to £645. 6. 10. ½ & in the Month of October 1780 returned his Account Current of the said estate Balance due the said estate £13.066. 6. — as by the said Will inventory & Appraisement & Account duly recorded will appear & to which your Orator refer. That agreeable to the devise aforesaid your Orator in right of your Orator Marcella claimes entitled to proportion or one Sixth part of the true value of all such residue & remainder of the said testators estate with interest thereon from such period as this Court shall direct. But now so it is May it please your worships that although your orator have frequently made the most friendly applications to the executor to adjust settle & pay your Orator such part or proportion of the residue aforesaid & the interest thereon yet the said executor hath hitherto neglected & refused to pay the same under the most frivolous pretences To the end therefore that the said Isaac Williams the executor may upon his corporal oath fully true & perfect answer make to all the several allegations in this bill as fully & particularly as if again repeated And that this Court will decree & order that the said Defendant pay & satisfy unto your Orator your Orators due & full proportion of the sum remaining due on his Account of

Administration ~~with~~ annexed of the testator Daniel Williams
estate with interest thereon from such time as this Court shall
direct. or make such further or other Decree in the premises
for the relief of your Orator as to your worships shall seem
just & equitable. May it please &c

Kelly & Compts

Owens Executor
vs
Williams &c.

Bill

No 2

To the worshipful court of Southampton county sitting in chancery

The answer of Isaac Williams to the bill of compleint against him exhibited in this court by Robert Owings & Marcella his wife — This respondent reserving to himself now & at all times hereafter every benefit of exception to the errors & misrepresentations in the said bill contained, for answer thereto or to so much thereof as he thinks necessary; he answereth & saith — That it is that Daniel Williams was possest and did dispose of his estate in manner & form as recited in the complainants bill, appointing this respondent his executor that the said exor returned an inventory, appraisement and account of the sales of his testator's estate, the amount of which has been the same stated in the complainants bill, as will fully appear from the return made, to which this respondent refers as part of his answer —

this

this respondent doth not admit the complainants demand of the 1/6th part of the money arising from the sale of his Testator's estate to be just but saith that the 1/37th part only is what they have a right to demand as reference to his Testator's Will plainly appears — This respondent thinks himself justified in withholding ~~all~~ the demand of the complainants respecting Marcellus's proportionate shares, because the complainant Owings at that time had the estate of John Williams in his possession, and the said John was, and his estate still is indebted to this respondent as Exor of Daniel Williams aforesaid — furthermore this respondent saith that the complainant Owings is indebted to him as admor of John Williams decd for sundry articles bought at the sale of the said Johns estate as per acct & bond will fully appear and which he offers as part of his answer ——— This respondent also saith that in addition to what the complainants Owings is indebted to him as ~~Exor of Daniel Williams~~ admor of John Williams he now stands chargeable with a negro girl bought on account of Marcellus Owings proportionate part at the last sale of Daniel Williams's estate after the death of Mourning Williams widow of said Daniel — This respondent doth not conceive ~~This respondent also expressly~~ that the complainants are entitled to interest on Marcellus proportionate shares because at the time that part of the money due on the first sale ~~on account of what was due the complainants on account~~ was received it was in a depreciated state; and at the time the money became due on the second sale it had depreciated from 28 to 700 for one, which sales as aforesaid were agreeable to the last will & testament of Daniel Williams decd.

This respondent further saith that abstracted from the above considerations yet he hath nevertheless from time to time paid unto, and for the said Owings sundry sums of money besides articles furnished the complainants the acct & vouchers of which this respondent refers to as part of his answer, together

with what the said Owings is indebted to him, do amount to the full part of Marcella Owings proportionate share of the estate as aforesaid if not to more

This respondent hath been at all times & is still willing & ready to settle the whole accts & business aforesaid and therefore humbly requests ~~requests~~ that he may be dismist from this worshipful Court with his costs &c which have accrued by reason of the complainants unjust demands &c and he as in duty bound will ever pray &c

Sworn to in Court
Augst 1789.

Hill
for the respondent