

1794-010

SOUTHAMPTON COUNTY
CHANCERY PAPERS

THORPE vs. THORPE'S EXECUTOR

11/1794

To the worshipful Court of Southampton County, in chancery
sitting, Sarah Thorpe shews that, a M^r Thorpe late of
Southampton, departed this life, on or about the Day of
anno Dom. having first made his last will
which has been duly proved & recorded, & therein appoint-
ed John Thorpe, Lewis Thorpe, & John Wmson his exors:
and the sd. John Thorpe has accordingly taken upon him-
self the execution of the sd. will - M^r Thorpe left John
Thorpe, Elizabeth Harris, & Sarah Briggs Thorpe, his
children, & the complainant his widow - The Testator,
by his said will, bequeathed divers legacies to differ-
ent people, & also to this complainant - After full exe-
cution of the said will, payment of debts, payment &
delivery of all legacies in the said will contained, there yet
remained a surplus belonging to the sd. estate of the sd. Testa-
tor, not disposed of, nor mentioned by him, & with respect
to which he died wholly intestate - By operation of which
circumstances & intestacy, a right accrued to the complain-
ant to demand & have of the sd. exor, her distributive share
of the said residuum of the sd. estate, amounting ^{about} to the sum of
£220 as she is able to prove to the Court - The sd. exor
has altogether refused to pay or deliver up to your complain-
ant her sd. distributive share of the sd. residuum - Knowing
the sd. exor to be indebted as above stated, the complainant
was induced to purchase divers articles at the sale of the sd.
estate; for whose price the sd. exor has instituted suit
in this Court, obtained judgement, & now threatens your
complainant with execution for the same, altogether
refusing to allow the complainant any discount for her
part of the above residuum - In consideration whereof,
& because the complainant is only & properly relievable in
a court of Chancery - To the end therefore the sd. exor may
upon oath, full & true answer make to the allegations of this
bill - but especially - Did not M^r Thorpe depart this
life having made his will as above stated? Did he not leave

C. Taylor

Bent, Blank Just.

Theophile
 v.
 The overgrown
 Giant.
 What you depicted
 is

Thorp } answer
to }
Thorp }

give a note to chapel on
the 1st day of September Count
bring the paper to By: } R. B.
Count _____ }

Shorpe
in
Shorpe's L
Shors.

The Liverpool meeting in the week

The answer of John Thorne the acting executor of Moses Thorne to the bill of Complaint of Sarah Thorne exhibited against him in this Worshipful Court.

This defendant saying and reserving to himself all manner of exception to the many uncertainties, and imperfections in the said Complainant's bill contained for answer thereto, as to so much thereof as this defendant is advised is material for him to make answer unto he answereth and saith, That his Testator Moses Thorne did depart this life leaving the Complainant his widow, and the children as stated in the bill, That his Testator left a will and therein devised to the Complainant his widow aforesaid a considerable part of his estate, & that the said Complainant never relinquished the benefits and advantages under the said will, as matter, or entitle her to any other or further claim, This defendant admits there may be a surplus of the said estate after payment of debts & legacies, which he conceives himself bound to administer according to law, and that the Complainant having accepted the provision under the will aforesaid, is not further in law or justice entitled as he has been informed, & verily believes, & therefore he has refused to make distribution thereof, ~~inasmuch as the Complainant~~ as the Complainant has requested, The Complainant did purchase articles at the sale of the said estate to the amount of £42.¹²⁶ & repaid the same brought in & returned judgment for the same, and conceives he is well entitled to execution in order that the money may be recovered & distributed according to Law. This defendant denies all fraud, and acts of injustice

in the premises, and prays to be hence discharged with his
reasonable costs in this behalf to lawfully sustained

Yours truly for ever

For Manlyton County to wit.

John Thomas made oath before me a Justice
of the Peace of the said County, that the foregoing answer
is true as far as he knows & truly believes. Given
under my hand this 15th day of August 1794.

Robt. Goodwyn

Thorpe

by

11

Thorpe's Cove

Know all men by these presents that we Sarah Thorpe and John
Simmons Sen^r Benj^a Bluntj^r Kinchen Turner & Rob^t Mabry
are held and firmly bound unto John Thorpe ex^{or}. & of Moses Thorpe deed
in the sum of Eighty five pounds six
shillings - Current money of Virginia to
the which paymt. well & truly pay to be made unto the said John
Thorpe Ex^{or}. & of Moses Thorpe deed
his heirs & assigns we bind ourselves our heirs & assigns jointly
and severally firmly by these presents sealed with our seals
this tenth day of April 1794

The condition of this obligation is such that whereas the said
~~John~~ Thorpe Ex^{or}. & of Moses Thorpe deed hath obtained a Judgment
at Common Law against the said Sarah Thorpe

In the county court of Southampton
for Forty two pounds thirteen shillings And Costs & the said
Sarah Thorpe

hath obtained an injunction to stay the Execution of the said
Judgment untill the matter in equity upon a bill for that
purpose filed can be heard & therefore the said Sarah
Thorpe

shall satisfy &
pay the said Judgment at Common Law all Costs & damages
that shall be awarded to the said In^r. Thorpe ex^{or}. of Moses
Thorpe deed - In case the said Injunction

shall be dissolved, then the above obligation to be void or else to remain
in full force & virtue

Sealed & delivered
In Presence of...

~~John~~ Kinchen Turner
Edwin Seward

Sarah Thorpe Seal

John Simmons Seal

Benj^a Blunt Jun^r Seal

Kinchen Turner Seal

Rob^t Mabry Seal