1814-085 SOUTHAMPTON COUNTY CHANCERY PAPERS

WILLIAMS et ux et al vs. WASHINGTON'S ADMINISTRATOR

S/1814

N.B. Fragile! Thin paper and acidic ink. Sheets pasted together & folded. Handle with care.

other SURNames: Clayton

1814-085 SOUTHAMPTON COUNTY CHANCERY PAPERS

WILLIAMS et ux et al VS. WASHINGTON'S ADMINISTRATOR

S/1814

Williams Exr.
& others.
vs } Bill
Washington adm.
of Washington.

October 1811. Subp. filed Subp
Nov. Rule to answer
Dec. Rule to answer
Nov 1811 Leave Give
Nov 10. Defts answer
filed —

Referred to M Comm.

Nov. 1812 M Comm Rep.
& Ordered to lie 2 Mo

May 1814 Decree for
Pltf.

To the worshipful Court of Southampton County in Chancery sitting

Humbly complaining shew unto your worships your orator and oratrix Ethelbert C. Williams and Lucy his wife, your orator and oratrix James Clayton and Amelia his wife and your orators Andrew Washington and Joseph Washington, that on the day of in the year a certain Edwin Washington departed this life in the County of Southampton intestate and possessed of a considerable estate - that at the time of his death he left neither children, nor their descendants nor father, but left his sisters and brothers, to wit, your oratrix Lucy Williams, your oratrix Amelia Clayton, then Amelia Washington, your orators Andrew Washington and Joseph Washington and a certain William Washington, his heir at law - that letters of administration on the estate of the said Edwin Washington dec. were on the day of in due and solemn form of law granted by the County Court of Southampton to the said William Washington, who your orator and oratrix pray may be made defendant to this bill - that the said William Washington has proceeded to administer the said estate, so far, as your orators oratrixes believe, by paying all the debts of his intestate - that they have reason to believe that there is a considerable distributable surplus of money left, after the payment of the said debts, in the hands of the said William Washington adm^r as aforesaid, to which the heirs of his said intestate are now entitled, but which he refuses to pay over to them or to account for, although applications have been frequently and repeatedly made to him to that effect - which is contrary to Equity and good conscience - In tender consideration whereof and because relief in the premises can only be had in a court of Chancery where matters of this sort are most properly cognizable - your orators and oratrixes pray that the said William Washington adm^r as aforesaid may be compelled to answer on his corporal oath all and

singular the allegations of this bill and that as fully perfectly distinctly and unreservedly as though they were herein again repeated and he were concerning each & every of them particularly and especially interrogated - that the said William Washington admr as aforesaid may be compelled to exhibit before the Worsh. Commissioner of this Court or such other competent person or persons as may be appointed, a full, true and perfect account of all his transactions as administrator of the said Edwin Washington dec'd, so as to shew the sum or sums of money, now in his hands, belonging to the heirs and distributees - that your worships will thereupon decree that the said William Washington admr as aforesaid pay to your orators and natives their respective proportions of the said money, and grant any other and general relief in the premises which from the bill, answer and exhibits may seem meet and applicable - May it please the Court to grant the Commonwealth's writ of Subpoena commanding &c and as in duty bound your orators and orators will ever pray &c

Smith for Compt.

The Answer of William Washington admr. &c of Edwin Washington dec.d to a Bill in Chancery exhibited against him in the County Court of Southampton by James Clayton and Amelia his Wife, Joseph Washington, Elbert C. William and Lucy his Wife, and Andrew Washington

For answer thereto saith that true it is as is stated in the s.d Bill he is the Admr. of Edwin Washington dec.d And that the complainants with himself are the only rightfull heirs of Edwin Washington dec.d That this respondent did also after the death of the s.d Edwin undertake the administration on the Estate of Joseph Washington who had died some short time previous to the death of the said Edwin Washington, who had that is the s.d Edwin been appointed by the s.d Joseph his Executor and had accordingly qualified under the said Joseph's Will. That the two Estates of Joseph & Edwin were together on the same plantation, and so blended and intermixed that a separation of them would have proven very difficult, if not all practicable. That the same persons who were entitled to distribution in the one case, were equally entitled in both he was therefore advised to sell both the Estates together which was accordingly done; the amount of Sales comprising both Estates being as appear on a Statement hereto annexed £1138-19-9¾ in addition to which the said Edwin had in Cash at the time of his death the sum of £116: 5-9-3 and due to him, sundry collections to the amount of £5[illegible]-19-7- and [illegible]ington 63-14-9- due to the two aforesaid Estates as will more fully appear by reference to the said Statement made a part of this answer to wit due to Edwin Washington's Estate £812-11-3 and to Joseph Washington's £[illegible]-1-5¾.

That this respondent loaned on an advancement of the two Estates the sum of £[illegible] to the complainant Joseph Washington £104-8-10½. to Elbert C Williams £10[illegible] Washington £77-5-3½ more than their proportion of the two Estates. And that this respondent is not indebted to James Clayton in right of his Wife Amelia £100-0-0 And that no money is due to any person whatever from the two Estates, or either of them

It may here be remarked that the complainants Bill only prayed for an investigation of Edwin Washington's Estate & payments to them entitled. But this respondent for the reasons before [illegible] has given not only a view of the situation of the Estate of Edwin but also of that of Joseph Washington's at the same time; which is in order to a final adjustment with the parties they being all equally concerned in both Ests. and when payments have been made to them, it has generally been regarded as so much paid for both, or either Estate; so that separate accounts for the two Estates, were not kept against the distributees. It will be seen that the statement hereto annexed embraces all of the two Estates as well real as personal belonging to Joseph & Edwin Washington dec.d fully exhibiting at one view all the transactions of this respondent. There is however a Debt

due from Stephen Shepherd (who is insolvent) to the Estate of Joseph Washington which if ever recovd will belong in equal proportion to the complainants & to this respondent. Who having fully answered the Bill of Complaint exhibited against him prays that he may hence be dismissed. &c

P. Hart for Defendant

Southampton ss. This day appeared before me Saml. Blunt a Justice of the peace for the said County of Southampton William Washington Admr. of Edwin & Joseph Washington dec'd and made oath to the truth of the foregoing Answer. Given under my hand this 16th Day of November 1812.

Saml Blunt

A general adjustment of the two Estates of Joseph & Edwin Washington.

Amount of Sales of Edwin Washingtons Estate as Acct. Sales & Acct. Current		£ 11: 8	
Debts of Joseph Washingtons Estate as Do.		8: 1¾	1138: 04: 9¾
Due from Edwin Washington at his death as Acct Current	£ 568: 16		
Ditto from the time of his death to Joseph Washington's	116:		
		£ 21: 19: 1¾	
Mrs Washington's Adm. disputed debts due from Edwin Washingtons Estate as Account Current to amount		340: 17: 3	
Ditto Do. debts due from Joseph Washingtons Estate including a Legacy given by him to Amelia Washington		71: 2: 0	
Wm. Washingtons Adm. Commission on the two Estates		44: 7: 6	
		15: 6: 5	
Balance now Due the two Estates Viz. Edwins as Acct. Current	£ 812: 11: 3		
Joseph Washingtons	134: 1: 5½	1: 12: 8½	

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Williams &c
vs
Washington &c
} Decree
} mi. ca

To November court 1852

Executed Novr 6 1852

Sam Calvert Jr
Atty of James Guthrie

Southampton September court 1872

Ethelbert B. Williams and Lucy his wife
James B Clayton and Amelia his wife
Arthur Washington and Joseph Washington
Plts.

against

William Washington administrator of
Edwin Washington dec'd
Defts.

In Chancery

Decreed and ordered that unless the defendant appear here on or before November court next and answer the bill of the complainants the same will be taken for confessed and a decree entered according to the prayer thereof.

Teste James Rochelle D.C.C.

Clayton
vs
Washington

} Spoe
in
Chancery

To June Court 1870.

Executed
Henry Purdy copy
of James Lee Sheriff

Filed

The Commonwealth of Virginia to the Sheriff of Southampton County Greeting You are hereby commanded to summon William Washington admr. of Edwin Washington dec.d to appear before the Justices of our County Court of Southampton at the court house, on the third Monday in June next, to answer a bill in chancery exhibited against him by James Clayton and Amelia his wife, Ethelbert E Williams and Lucy his wife, Joseph Washington and Andrew Washington, And this he shall in no wise omit under the penalty of $100, and have then there this writ, Witness Sam.l Keller clerk of our said court at this office this 23rd day of May 1810 in the 34th year of the commonwealth

H. Hunter D.C