

1819-011

SOUTHAMPTON COUNTY
CHANCERY PAPERS

SMITH & ux & al vs. THOMAS' ADMINISTRATOR
7/1819

other SURNames: Francis

Smith &

M

Thomas's adms

Bill -

1818 Order for account

More have instead

To the Worshipful Court of Southampton in Chancery
sitting - Humbly complaining shew unto your worship
your complainants William T Smith and his wife
Jenny late late Jenny Thomas widow and relict
of David Thomas dead. Nathan A Thomas, David
of David Thomas dead. John A Thomas infant children of
David Thomas dead by William T Smith their
guardian and next friend. That David Thomas
did sometime in the year ~~1844~~ having first made
and published his last will and testament an attested
copy of which is hereto annexed and prayed to be taken
as a part of this bill. That a certain Millie Francis
was appointed Executor in said will but refused to
qualify as such. but took out letters of administration
with the will annexed, and became possessed of the
personal estate of said David Thomas. That
the said Millie Francis hath delivered over the
specific legacies bequeathed in said will, and
hath rendered an account of his proceedings
to this Court upon an ex parte settlement
made before persons appointed, which has
been admitted to record, ^{with} to which however
your complainants are dissatisfied in as much
as the accounts so rendered abounds with errors
They therefore pray that they may be permitted
to establish the errors of which they complain
upon an account to be taken before the
commissioner of this Court. They further repre-

deceit that Mary Ann Thomas one of the legacies
hath departed this life under the age of twenty
one years, intestate, unmarried and without issue
leaving her mother your complainant Lincy
and her brothers, Nathan A Thomas, David H
Thomas and John A Thomas her only heirs
who are equally entitled to that portion of
the estate which belonged to her by virtue of the
said last will and testament. They further
represent that the remainder of the estate after
the payment of debts &c is bequeathed to your
complainant Nathan A Thomas, and the
said Mary Ann Thomas, the said Mary
Ann Thomas being entitled to two hundred dollars
more than the said Nathan A Thomas, and
they represent that that remainder when
a proper adjustment of the estate is considered
yet they are advised that they cannot obtain
the same without the aid of this Court. For
tender consideration whereof and is as much
as your complainants are without remedy
said in this Court they pray that the said
Willie Francis now as aforesaid may be made
a defendant unto him and be compelled to answer
all and singular the allegations herein
contained fully and unequivocally. They further

pray that the said Willie Francis be compelled
to answer under a just true and perfect account
of his transactions upon said estate. That the balance
which may be found due from the said Willie
Francis be decreed to be paid to your complainants
in the following proportions to wit, one half within
two hundred dollars to your complainant Nathan
A Thomas, one fourth of the remainder to the said
Nathan A Thomas, one fourth to the complainants
Wm J Smith and Lincy his wife in right of
his said wife, and one fourth to each of the
complainants David H Thomas, and John A
Thomas. And finally your complainants pray
that this Court would make any other or further
order or decree in the premises, or grant any other
relief which may be consistent with Equity and
the rules of this Court. And as in duty bound
they will ever pray &c —

Wm J. Smith

To the honorable Court of Southampton in
Chancery sitting. The answer of William Thomas
adorn with the will annexed of David Thomas and
to the bill of complaint exhibited against him by
William T Smith and being his wife late being
Thomas widow and next of David Thomas and
and Nathan T Thomas, David H Thomas and
John A Thomas by their guardian and next
friend William T Smith -

This respondent now and at
all times saving and reserving to himself every benefit
of exception to any errors or imperfections in the said bill
contained for answer thereto or to so much thereof
he is advised is necessary for him to answer, answering
oath. That it is true that David Thomas and
behave such a vice as is stated, and that this
respondent is the adorn with the will annexed
It is also true that Mary Ann Thomas one of
the legatees died under the age of twenty one years
intestate, unmarried and without issue. He
further states that he hath rendered an account
of his proceedings as adorn as aforesaid to this Court
which has been admitted to record, but he is
willing if there be any errors in said account
that they should be corrected, relying however
as he has a right to do, upon the accounts

returned as promised finding evidence of his
having accounted correctly for the estate which
had been under his hands. This respondent having
answered every other demand made for.

Willis Francis

Thomasi adw

adw

Smith Dr

Answer

I
Commissioner's report on
David Thomas dec^d
Estate

Aug 21st 1819 Ret^d

The Estate of David Thomas deceased

In Account with Willie Francis adm^r with the will annexed

{ Dr & Cr

1812	Vouchers			Dr	Cr	Dr	Cr
Oct ^r	1	1	To paid Robert Murrell his account & Receipt		2	00	
	2	2	" James Rochelle Tax on Land		2	88	
Nov ^r	7	3	" Nathl. Feltt his account & Receipt		9	00	
		4	" David Newsum I. Th ^r taxes ditto		19	76	
1813		5	" Nancy Rivers bond and Interest ditto		40	00	
Jan ^y	19	6	" James Kello his account do		24	67	
	26	7	" James Harris his shop acct do		7	00	
Feb ^y	6	8	" William Williford his wifes Legacy		4	67	
	13	9	" William Phillips bond & Interest & Receipt		30	79	
March	3	10	" Norflet Harris Const. do		42	93	
		11	" James Harris Guard ⁿ to James vants		30	60	
	8	12	" Hardy Pritchard his account & Rec ^t		9	50	
	15	13	" David Westbrook bond and Interest		19	03	
June	12	14	" William Barker his account & Receipt		15	96	
Aug ^t	27	15	" Joel M. Lemore do do		6	00	
Sept.	20	16	" John Myrick clks tickets		9	34	
Oct ^r	18	17	" John Thorpe Witness		1	06	
Nov ^r	5	18	" D. J. Claibourne his acct		38	88	
		19	" This sum retained by me for Jeremiah and — Spence; a legacy left them by Hardy Thorpe of £20. each, which sum was retained by David Thomas in his Administration Account, on said estate with Interest from 1 st Jan ^y 1810 to Nov ^r 3 rd 1813		163	34	
					Dollars	477	47

1812	Nov ^r	3	By Cash found in the house		1	72	00
	Dec ^r	15	" of Burwell Westbrook on acct			25	
			" James M. Lemore			94	
			" Harrison M. Lemore			1	44
			" John Wommack			8	50
			" Carter Hutchings			25	
			" Nancy Rivers			2	25
			" Joseph Stensall			1	00
1813	March	2	" Linton & Mason note & Interest			50	50
			" Thomas Harrison on acct			25	
			" Healey Foster on acct			25	
			" Robt Murrell			6	30
			" George Joy note & Interest			12	37
			" Nathl. Feltt			2	60
			" Joel M. Lemore on acct			13	10
			" Ditto note and Interest			41	49
						313	49

1813	Amount brot forward				1817
March 2	By Cash rec ^d of David Crossum on acct			313 49	Jan'y 14
Nov 5 3	By amount of Sales due this day			25	July 17
				154 79	1817
				Dollars 1908 53	

1814					
Jan'y 29 20	To Cash paid David Crossum his acct & Receipt		5 67		
July 5 21	" John Barham Guardian for Priscilla Bap		133 47		
7 22	" Nancy Rivers her Account & Receipt		3 50		
July 22 23	" Joshua Fort fee		2 50		
23 24	" Rebecca Bap for rent of land		26 16		
24 25	" Saml Kell his tickets		6 80		
Aug ^t 8 26	" John Ellendall his acct		75		
Sept 14 27	" Wm T. Mason Genl Court tickets		1 08		
Dec 31 28	" Wm T. Smith in right of his wife Jenny formerly Jenny Thomas her legacy		50 00		
"	" Wm T. Smith Guardian for David Thomas his legacy		50 00		
"	" Ditto Guardian for John & Thomas do.		50 00		
			Dollars 329 93		

1814					
July 2	By Cash received of Rich Banker on acct		15 11		
"	" Ditto		22 87 1/2		
7	Joel McLeomore note & Interest		85 12 1/2		
"	Phedraeh Newton his account		25		
"	Briggs Worrell note & Interest		25 42		
"	Reuben Reese his account		9 33		
"	Edwin Reese note and Interest		18 62 1/2		
"	James B. Wommack on acct \$134.33				
"	" ditto note & Interest 13.44		147 77		
May 27	" Stephenson Blake note & Interest		14 00		
Nov 10	" Randolph Metton		7 50		
"	" Hansel Reese		25		
			Dollars 346 25		

1815					
May 30	By Cash received of Joel McLeomore note & Interest		156 87 1/2		
June 15	" Rich Blank Adm ^r of Marthen Harris acct		37 69		
July 10	" 7731 ^{lb} Tobacco sold in Petersburg 224/		369 24		
Oct 1	" Randolph Metton		37 79		
			Dollars 541 59		

1816					
April 10 29	To paid Joshua Fort his fee		12 00		
Nov 4 30	" Henry Briggs his taxes		13 50		
31	" Recording Inventory & Acct Current		5 37		
			Dollars 30 87		
1816					
March 15	By Cash received of Richard Barker on acct		56 00		
Aug ^t 15	" " for a still sold Wm T. Smith		35 00		
"	" " Ben ^t & Blount & Wm T. Moore amt of freight		150 00		
			Dollars 241 00		

By Cash rec ^d of George Joy's note & Interest		123 45
" " Briggs Worrell		51 17
		Dollars 174 62

To Sundry Expenses at Petersburg and Greensville	20 00
To Cash paid James Teyvant & Acct	10 00
" James Vance, this sum being the amt of his legacy left him by Martha Thorp	395 25
" Jeremiah Cobb Commissioner 24 hours	18 00
" Jo ^l Rochelle clk for recording settlement	2 00
	Dollars 145 25

1813					
	By amt of Sales and Receipts this year		1908 53		
	To Commissions on Receipts		95 42		
	To Amount of Disbursements		477 41 57 2 83		
	By balance due the estate this day		1335 70		
	By amount of Receipts this year		346 25		
	To Commissions on Receipts		17 31		
	To amt disbursed for account		329 93 347 24 " 99		
	By Balance due the estate this day		1334 71		
	By Interest on \$1334.71 from 31 Dec 1813 to 31 Dec 1814		80 08		

1815					
	By Amount of Receipts this year		544 59		
	To Commissions on Receipts		27 07 27 07 51 45 2		
	By Balance due the estate this day		1349 23		
	By Interest on \$1334.71 from 31 Dec 1814 to 31 Dec 1815		80 08		
	By amt of Receipts this year		241 00		
	To Commissions on Receipts		12 05		
	To Amount disbursed for acct		30 87 42 92 198 08		
	By Balance due the estate this day		2047 31		
	By Interest on \$1849.23 from 31 Dec 1815 to 31 Dec 1816		92 46		

1817					
	By amt of Receipts this year		174 62		
	To Commissions on Receipts		8 73		
	To amount of disbursements		145 25 153 98 20 64		
	By balance due the estate this day		2067 95		
	By Interest on \$2047.31 from 31 Dec 1816 to 31 Dec 1817		122 83		
	By whole amount of Interest		375 45		
			Dollars 2443 40		

July 15th 1819 Agreeably to the foregoing Decree and notice hereto annexed. I have stated and settled Willie Francis Administration on David Thomas Estate, and make the following report (to Court) -

The balance due the said estate by the said Willie Francis, the 31st day of December 1817, if approved by the Court, should be two thousand four hundred & forty three dollars ^{which was paid over to Wm. J. Smith Guardian Dec 31. 1817} 40⁰⁰ which I have divided agreeably to the Will of the said David Thomas dec'd in the following manner, E. J. L. Mary A. Thomas dec'd Estate, the sum of one thousand three hundred & twenty one dollars 7⁰⁰, and to Nathan v. Thomas the sum of one thousand one hundred & twenty one dollars 7⁰⁰, which sums make the aforesaid balance of \$2443.40. - which is submitted to the Court

Commissioners fees 24 Hours
at 75 cts p Hour p'd by W. Francis }
J. C.

Guernsey J. M. Counts

Southampton Oct. Court 1818

William T Smith and his wife Lucy late
Lucy Thomas, widow and relict of David Thomas and
Catharine on Thomas, David H Thomas and John A
Thomas infant children of David Thomas deceased
by William T Smith their guardian and next friend. Complt.
against

Willie Francis administrator with the will annexed
of David Thomas deceased

Defendants

In
Chancery

This day this Cause was docketed by Consent of the Parties and
with the assent of the Court came on to be heard upon the bill of
the Complainant, answer of the Defendant, and arguments of Counsel
Whereupon the Court doth adjudge order and decree that the
Master Comptroller, ~~James~~ Coffey do examine, State and Settle the
account of the administration of Willie Francis on the Estate of
David Thomas debt after giving the parties concerned due notice of
the time and place of adjusting the same, and when he shall
have done so that he make a report of his acting and doings
in the premises, to the Court in order to a final decree

attest Teste

A. M. Middleton D.C.

Commissarys Office ^{June} ~~21/1870~~ 21/1870

Have appointed Wednesday
11th day of December next. to take the account directed by the
Surgeons Genl. on which day at 10 O'clock A.M. the parties concerned
are required to attend at this Office with their Books, Accounts, papers
& Testimony -

I acknowledge the service of the above
the parties met agreeably to the
above notice -

J. B. M. C.

~~James Francis M. C.~~
J. B. M. C.

Smith & Co
Rs } Intd
Francis & Co } Acce