

1821-002

SOUTHAMPTON COUNTY
CHANCERY PAPERS

VASSER + al VS. BARRETT'S EXTORS

10/1821

Other SURNAMES: Bowen,
Barrott, Jones, Rawlings

Barriotti

4.3 Bill Lamm
Lons & Borne

Nov. 1817 *Int. & Deere*

Sept 1800 *Final Deere*

2
to the Worshipful Court of Lanthamptone County in
chancery sitting, Humbly complaining sheweth unto your
Worship, your Complainers ^{Religat} Harry Vaper formerly Barrell
and Peggy Barrell an Infant by Robert Roushew
next friend.

That Presley Barrell late of this County
deceased this life several years since ~~intestate~~ ^{aged}
~~of a considerable personal Estate~~ having first duly
published his last will and Testament, which has been
admitted to record in this Court, an attested Copy of
which is hereto annexed and prayed to be taken as
a part of this Bill. That the said Presley Barrell
devised his Estate to your Complainers, who are the
only persons intitled under the Will.

Your Complainers by leave to state, the
said Presley Barrell nominated James Jones and Arthur
Bower as Executors to his Will aforesaid, who took
upon themselves the burden and execution thereof.
That the said Executors have proceeded to manage
the said Estate for a considerable time, and have
made no settlement thereof with your Complainers
neither have they rendered to the Court any account
of their transactions therein, all which sayings and
doings of the said James Jones and Arthur Bower
are contrary to Equity and good Conscience, & under
consideration whereof and in as much as your Compts
are remedied at Common Law and alone relievable
at Common Law where making of this Bill is properly

capricious, they pray your Worship, to compel the said
James Jones and Arthur Bowen, who are proper defen-
dants to this bill, true and perfect answer to make
to the foregoing allegations, that your Worship - do declare
and order that the said defendants be compelled to
render an account current of their Executorial
transactions on the said Wesley Barrett's Estate
before Master Commissioner Cobb, to audit, settle and
report and that the said Master Commissioner make up
a final account agreeable to the Will of the
said Wesley Barrett and grant such other & further
Relief the premises considered as may be consistent with
Equity &c. and your Complainers as in duty will
ever pray &c.

Effris for Compt.

The first and separate answer of James Jones
and Arthur Bowen Executors of Wesley Barrett decd.
to the bill exhibited against them in Chancery Court
in Chancery by Fanny Vaper formerly Barrett & Peggy
Barrett an Infant by her next friend

These defendants saving & reserving to themselves
all and every benefit of exception to any error in the
Compliments contained or to so much as they may ad-
vise it is material to answer, submit - That they all-
- not Wesley Barrett departed this life having published
his last Will & Testament appointing respondents as

his Executors, who qualified themselves and took upon
themselves the burden and execution thereof - They
further admit that they have been no return of
themselves Executorial transactions known as is alleged
in the bill - Your respondents further state to
your Worship that they have no objection to the
Master Commissioner Cobb, examining, auditing and settling
their transactions on the said Estate - Denying all
fraud, combination &c. they pray leave to be heard
therein &c.

William Jones and Mary his wife formerly Barrett widow &
Relict of Wesley Barrett decd. Fanny Vaper & Peggy Barrett
Complainers
vs. } In Chancery

James Jones & Arthur Bowen Executors of Wesley Barrett decd.

This day the ~~last~~ report of Master Commissioner
Cobb, was made final by the Court after hearing the arguments
of Counsel on the said report, when it is ordered and decreed
by the Court, that the said defendants pay to Wm. Jones in
right of his wife Mary formerly Barrett, the sum of \$777.79
with interest from 31st April 1820, to Fanny Vaper \$4.77.
with interest from 31st April 1820, & to Peggy Barrett the sum
of \$108.92 with interest from 31st April 1820 -

Commissioners Acct &
Report on Pughly Barrett
Estate

June 19th 1820 ret'd out to li.
re me for exp. —

July 31st 1820 Receipts filed

Sept 18th 1821 Decree final &c.

Oct 1821 Decree final &c.

Loushampton County Nov^r Court 1819
 Fanny Vasey formerly Barrett & Peggy Barrett
 an Infant by Robert Rawlings her next friend Plff.
 Against

James Jones and Arthur Bowen Executors
 of Presly Barrett dec^d. Debt.

In Chancery

This Cause was this day docketed by consent of parties
 and agent of the Court, and came on to be heard upon the ~~Bill~~ Answer
 and arguments of Counsel, whereupon, it is decreed and ordered &
 adjudged that the defendants render an Account Current
 of their Executorial proceedings on the said Presly Barrett's
 estate, before Commissioner Cobb, and that he examine,
 state, and settle the same, and that he also make up
 a Legatee Account agreeably to the Will of the said
 Presly Barrett deceased, and report any matter or thing,
 thought pertinent by himself or required to be stated
 by the parties

Teste James Rochelle C. C.

The Estate of Presly Barrett deceased
 In Account with James Jones & Arthur Bowen Exrs Dec^d

1815		To Arthur Bowen's acct allowed & statement	23 26
January 26		" paid Tho. Puttows bond & Interest & Receipt	40 83
"	"	" John Griffis Account	28 7 1/2
"	"	" Benjamin Wilsons "	4 00
"	"	" Matt Calvert Ship Tax	13 13
"	"	" Ben ^e Griffis "	5 "
"	"	" Matt Westons Judgment	12 "
"	"	" Edwards Butts Ship	4 08
"	"	" Lem ^e Jones acct	1 75
"	"	" William Gonyner "	" 50
"	"	" John Griffis "	1 00
Feb ^y	4	" Henry Jones "	6 "
"	"	" Joshua Whitney "	4 50
"	"	" Micajah Griffis "	14 38
"	"	Amount Carried Forward	149 36

1817	Decr.	31	By Amount brought forward	189	86	19	19
			" Interest on \$189.86 from Dec 31/1816 to Dec 31/1817	"	"	11	39
			By Amount of Interest Account	30	58		
			" balance of principal & Int. due estate	220	44		
			To this balance yet due Joshua				
			Pettlow on a bond as the Extr ^{as}	32	61		
			state is not yet paid				
			By balance due the Estate this day	187	83		
			One third of this balance allotted to				
			the widow, she having refused				
			to stand to the Will of her husband	62	61		
				125	22		
			This balance of \$125.22 should be equally divided between the Complainants Peggy & Fanny, as the Estate has credited by the hire of Sawney, who belonged to Peggy under the Will, and Moses who belonged to Fanny, for two years, the hire being nearly equal which will give each this sum \$62.61.				
			To pay the Legacies to Cecil				
1816	Jan'y	27	By the widows proportion as above	"	"	62	61
			To Cash paid you & Receipt	4	"		
			" Interest to December 31/1817	"	44		
1817	August	21	To paid you & Receipt	8	62		
			" Interest to Decr. 31/1817	"	69	13	75
1817	Decr.	31	By balance due the Widow	"	"	48	86
1816	Jan'y	1	By Fanny Vaper's proportion	62	61	62	61
			To your board last year 1815	50	"		
			" Cloathing ditto	30	"		
			" Int on \$80. 2 yrs to Dec 31/1817	9	60		
May			" paid Lem Jones for shoes & Receipt	1	50		
			" Int on ditto to Dec. 31/1817	"	14		
June		18	" paid Theodore Freyvant & Receipt	6	00		
			" Interest to Dec 31/1817	"	53		
			To amt Carried forward	97	79		

1816	Sept	17	To Amount brought forward	97	79	62	61
			" paid Henry Welsh his acct.	4	75		
			" Interest to Dec 31/1817	37	512	102	91
1817	Decr.	31	To balance due the Extr ^{as}	"	"	40	30
			By Peggy Banett's proportion	"	"	62	61
1817	May	31	To paid Robert Rawlings Guardian	10	00		
			" Interest to Dec. 31/1817	"	35	10	38
Decr.		31	By balance due the Estate	"	"	52	26
1816	Decr	28	The Executor proceeded to sell two negroes to Cecil, Moses who was given to Fanny & Sawney who was given to Peggy under the Will of the testator. if this sale should be legal the Widow should be entitled to about one sixth of the Amount of Sales, to Cecil Moses was sold for this sum.				
			Sawney	"	"	396	00
			net amt of sales of negroes	"	"	60	00
			1/6 of this been widows proportion	76	"		
			" Int to Dec. 31/1817	4	56	80	56
			By the Above balance due from the Estate	"	"	48	86
1817	March	29	To paid Fanny Banett & Receipt	"	75	129	42
			Interest to Dec 31/1817	"	03		
			" paid ditto & Receipt \$10. Int. 43	10	43		
			" ditto \$31.00 Int to Dec 31/1817 \$1.32	32	32		
			" ditto 5.99 3/4 Int. to 31 Dec 1817 50	13	07 3/4		
			" To Commission on \$76.	4	56	61	17
			Interest on \$68.25 from Dec 31/1817 to April 31/1820	"	"	68	25
1820	Apr.	31	By balance due the Widow	"	"	77	79

1816	Decr	28	By Sale of moses belonging to Fanny deduct 1/6 widows proportion.	396 " 66	330 00
			To Commissions on \$330.	16 50	
			" paid Elijah Vaper in right of his Receipt- } 266 "		
			" this balance due Acct Current- 40 30	322 80	
			Interest on \$7.20 from Decr 31/1817 to April 31/1820. }	" " 7 20 " " 57	
1820	Apr	31	By balance due E. Vaper	" " 7 77	
			By Sale of Sawney belonging to Peggy deduct 1/6 for widows proportion	" " 60 00 " " 10 00	
				50 "	
1817			To Commissions on \$50.	2 50	
July	28		" paid Robert Rawlings Guardian Interest to Decr 31/1817.	6 81 " 17	9 48
			" Interest on \$47.50. to Decr 31/1817.	2 75	40 52
			By balance due on Acct Current-	52 26	55 01
					95 53
			Interest on \$95.53 from Decr 31/1817 to April 31/1820. 2 yrs 4 mo }	" " 13 39	
1820	Apr	31	By balance due Peggy Barrett	" "	108 92

Commissioners Office May 15/1820

Agreeably to the foregoing decree, I have stated and settled an Account of James Jones and Arthur Bowens executors proceedings on the Estate of Pearly Barrett due and by the Vouchers and testimony laid before me by the parties (who were legally notified for that purpose) and find a balance due the Estate after the payment of all the debts, on the 31 day of April 1820 of one hundred and eighty seven dollars ³³/₁₀₀ as will appear by the above statement; and as the widow Nancy Barrett refused to stand to the will, I allotted to her one third of this sum, amounting to \$62.61. of which sum she received of the said Executors

the sum of \$13.75 which leaves a balance due her, of \$48.86. The balance after deducting the widows proportion which is \$125.22, I divided equally between your complainants Fanny, and Peggy, (not the will of the testator, under any other circumstances would justify such a distribution, but as the hire of a negro of each of your complainants two years was credited in this Account Current, and as the hire was within very few cents of being equal, I provided to make an equal distribution, which gives each contributor the sum of \$52.01. - and Fanny's board clothing &c amounted to \$102.91. which was paying her the sum of \$40.30 more than the above sum. - Peggy received \$10.35 which left a balance due her of \$52.26. which will give the following results to wit:

To balance due the widow	\$48.86
To ditto due Peggy	52.26
	101.12

By this sum over paid Fanny	40.30
Balance due the Estate after paying all debts	\$60.82

Your Commissioner must here remark (and be instructed by the Plffs to do so,) that the Executors aforesaid proceeded to sell two negro men to wit Moses & Sawney belonging to said Complainants, as they alleged for the purpose of paying the debts of this testator, as the statement in the latter part of this Account will fully appear. - Should the Court decree that the sale shall be legal, I have in that case, made up an Account, upon said sales, giving to the widow one sixth of the amount, and applied, the balance ~~to~~ ^{to} the Credit of your Complainants agreeably to the above statement, - which leave a balance due the widow including her former balance of \$77.79. - Fanny's balance ditto \$7.77. and Peggy, ditto \$108.92 due the 31st day of Apr. 1820 - All which is respectfully submitted to the Court

Commissioners fee 22 Hours @ 25^{cts} / Hour ch. to debt }
Copy of this Acc't \$23

Joseph McCon

H. J. Tynes ad.
.62

Isle of Wight

David Sumner

3.50

Isle of Wight

Henry Tynes

2.12

Isle of Wight

1876

Henry Rochelle with the will annexed of Henry Sulpham dec.
 To the Clerk of Southampton County Court Dr.
 Motion to Settle Estate 18 order 26 Copy 18 — — — — — " 62

James Rochelle

Daniel Sumner

1878

To the Clerk of Soton County Court Dr.

Copies recd of attachment agt Briss — — — — — 1 00

Applying County Feb 8 & 10 — — — — — 2 50

J. Rochelle \$ 3 50

Henry Syner

1878

To the Clerk of Soton County Court Dr.

Plea with answer agt V. Dickinson 26 Decr 78 Copy 18 filing

papers 18 taxing Costs 20 Copy 20 fees 40 — — — — — 1 60

Entering attorney at the Sicut Bowers 8 plea 18 order 26 — — — — — " 52

J. Rochelle \$ 2 12

Mr. James Richelle
Chs.
of Exmouth Bay

Come to know 31st Aug
1898

Portsmouth July 27th 1820

This may certify that I have some Vouchers
in the Settlement of Presley Barretts Estate
and the Estate of Henry Jones dec^d. Which
I did not lay before the Master Commissioned
in the Settlement of the same; therefore I shall
file Exceptions to the ~~Findings~~ in Barretts Estate
Where it says p^r Prothon Bond 32.61⁷⁵ — which
was considerably more p^r. also in S^r Estate I see the
M^r Bellifours fee is not credited: the Lawyers fee of
10 dollars is not to our credit — also in
Henry Jones^r Estate I shall file Exceptions to
Sennetts Jones^r Legacy of ⁷⁸ 78. ²⁰ $\frac{1}{3}$ not having
not credited the Vouchers of Samuel Jones to the
M^r Commissioned. at the Settlement: also Exceptions of
the Widow of Peggy Jones am^t. 156.83 of 12 dollars
due to Simon Byrdin & 10 dollars Lawyers fee
James Jones ~~Esq~~

James Bochetto Clerk