1821-014 SOUTHAMPTON COUNTY CHANCERY PAPERS WHITEHEAD et al VS. WASHINGTON'S ADM'R. etc
11/1821

other surnames; Cooper, Pledger, Boazeman, Bracy, Johnson, Boseman, Bozeman, Devany

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Whitehead et al

vs

Bice

Stewart adm

Jos Pleasants Thos
M Berriman Sols

Mar: 19th 1821 ord. of pub.
to issue.

August 1821 Decree for account
Nov: 1821 report filed.

To the worshipful Court of Southampton in Chancery
sitting. Humbly complaining shew unto your
worships your complainants James & Elizabeth
Whitehead infants by their father and next friend
James Whitehead, and the said James Whitehead
in his own right as heir at Law to his deceased
child Patsy Whitehead, and John Cooper, and
Matthew Washington an infant by the said
James Whitehead his next friend. That a certain
Esther Washington late of this County died a
few years past, having first made and published
her last will and Testament which has been proved
and admitted to record an attested Copy of which
is to annexed and prays to be taken as a part of
this bill of Complaint. That the executor therein
nominated and appointed refused to act whereupon
letters of administration with the will annexed
were granted to a certain Benjamin Dewey
who in that character received the estate of
the said decedent into his possession, and
was bound to distribute it according to the
directions of the testatrix in her said last will
and Testament. That the testatrix among other
bequests and directions directs the residue of
her estate which is to be converted into money,
into six equal parts. One sixth part she
gives to Lucy Pleasant wife of John Rodger
both of whom reside in the State of North
Carolina. One sixth part to Chloe Boyenton
wife of Mike Boyenton both of whom also
reside in North Carolina. One sixth part
she gives other grand children to wit, your

complainants James and Eliza Whitehead, Nancy Whitehead who intermarried with a certain John Coober and is now dead her husband survives. and Patsy Whitehead who died an infant unmarried intestate without issue leaving a father your complainant James Whitehead. One half of one sixth part she became entitled to her sister Sally Bray wife of Isabb Bray who now resides in N Carolina during the existence of the said Sally and after her death she gives it to her grand children Washington S Johnson. Eliza Johnson who hath intermarried with a certain and Benjamin Johnson who is a minor all of whom reside in the State of North Carolina one half of one sixth part she gives to the said Washington S Johnson, Eliza, & Benjamin Johnson. One sixth part she gives to Henry Johnson who also resides in North Carolina. and one sixth part she gives to her grandson your complainant Matthew Washington. Your complainants state that the testatrix left a considerable estate which was sold by the admr and has not yet been accounted for notwithstanding sufficient time has been afforded for that purpose. They have not seen their respective proportions of the said estate, and are advised that they cannot enforce a settlement with the said admr without the aid of a Court of Equity.

In tender consideration whereof and in as much as your complainants are without remedy elsewhere. they pray that the said Benjamin Dewany admr with the will annexed of Esther Washington dec'd John Cloyer and Lucy his wife. Mike Bozeman and Chloe his wife. Joseph Bray and Sally his wife, Henry Johnson, Washington Johnson and his wife Eliza late Eliza Johnson and Benjamin Johnson a minor by some friend to be appointed by the Court to defend his in their behalf may be made defendants hereto and be compelled to answer the allegations herein contained. They further pray that the said Benjamin Dewany admr as aforesaid may be compelled to render to this Court a true account of the amount of the estate of the said Esther Washington, and of his administration of what may be in his administration. They also pray that whatever may be in his hands subject to the dispositions mentioned in testamentary bequests may be divided according to the directions of the will, and that your complainants respective proportions may be decreed to be paid over to your complainants and your complainants as in duty bound will ever pray &c.

Devany admr

adv

Whitehead et al

Answer

of the Court of Southampton in Chancery sitting. The Separate answer of Benjamin Deveny [redacted] answer unto the bill annexed of Esther Marlborough and to the bill of Complaint exhibited against himself and others in the Court by Jane and Elizabeth Mitchell infants by their father and next friend James Mitchell and others. This respondent having all benefit of exception to any errors or imperfections in the Complainants bill contained for answer to so much thereof as he is advised is necessary for him to answer saith. That he did administer with the will annexed on the estate of Testatrix Esther Marlborough. That the will annexed to this bill is a true Copy. That he sold the estate consisting entirely of personalty according to the directions. That he is prepared at any moment to shew what amount came into his hands and in what manner he has disposed of it. and he is also willing to pay any amount which may be in his hands under the sanction of this Court reserving to himself the right of requiring a respondents bond. And this respondent having answered prays to be hence dismissed &c -

Pledger & Bracy

vs

Whitehead & al

Answer

To the worshipful the County Court of Southampton in
Chancery sitting. The joint answers of John Pledger
& Lucy Pledger his wife and Joseph Brary & Sally Brary
his wife to the bill of complaint exhibited against them
& others in this worshipful court by James & Elizabeth
Whitehead infants by their next friend James Whitehead
and others. These respondents saving & reserving to themselves
all benefit of exception to the manifold errors and imperfections
in the said bill of complaint contained for answer thereto
or so much thereof as they are advised it is material
for them to answer say. that it is true that the said
Esther Washington departed this life some time since leaving a
will. the copy of which inclosed in the complainants
bill your respondents admit to be correct. whereby
she bequeathed certain legacies to your respondents & to
the complainants as they have in their bills alleged. -
and that a certain Benj. Savage qualified as admr.
with the will annexed. of the estate of the said Esther.
Your respondents have nothing further to state. that they
wish to receive no more of her estate than is bequeathed to
them in her will. that they admit the facts of the comp. to
be true & will be perfectly satisfied with such decree
as the court may be pleased to make in the premises
& having fully answered pray hence to be dismissed
with their costs in this behalf expended. -

Southampton County August Court 1821

James Whitehead & Elizabeth Whitehead minors by their next friend James Whitehead & the said James Whitehead in his own right & John Cooper & Matthew Johnson a minor by his next friend the said James Whitehead Compltˢ

In Chancery

against

Benjamin Devany Admr. with the will annexd of Esther Washington decd & John Pledger & Lucy his wife, Micajah Boarman & Chloe his wife, Joseph Bracy & Sally his wife Henry Johnson, Washington Johnson & his wife Elizabeth late Elizabeth Johnson & Benj. Johnson Deftˢ

This cause this day came on to be heard on the bill of the complainants answer of the Deftˢ Benj. Devany admr. with the will annexd of Esther Washington deceased & John Pledger, & Lucy his wife, & Joseph Bracy & Sally his wife) exibits & arguments of Council, and it appearing that the order of publication heretofore made in this cause against the absent defendants, has been duly published as the law requires, and they failing to appear & file their answer. Therefore it is decreed, ordered, & adjudged, that one of the commissioners of this Court, do examine, state, and settle, an account of Benj. Devany's administration on Esther Washingtons Estate, and report any matter or thing thought pertenant by himself, or required to be stated by the parties

Teste

James Rochelle C.C

Commissioners Office Jerusalem Sept. 16/1821

On Friday the 19th. day of this next I shall carry the above order into effect. On that day the parties concerned, are required to attend my office by 10 O'Clock A.M. with their Vouchers, & other evidence ready for examination & settlement

Lind. Cobb Comr.

Sept. 16/1821 We acknowledge the above notice

Benj. Devany
Micajah Boarman & Jno Pledger

Jerusalem ~~Octaster~~ 29th 1821. Micajah Boarman attended with James Trezvant his Counsel, & John Pledger. The Defen.t Benj.a Devany having previously delivered his Account & Vouchers to the Commissioner, from which he has formed the following Account. — your commissioner is instructed by James Trezvant Counsel as above, to state, that Micajah Boarman, was the Administrator of William Washington, that Esther Washington became a purchaser at the Sale of the said William Washington to the amount of thirty two pounds seven shillings about the year 1809, that said Boarman neglected to take her bond for said purchase, & therefore has not recieved one cent of said purchase which most or all of the parties to the foregoing bill believed to be true. As the said claim is of such a nature that your commissioner does not think he can allow it, he therefore, respectfully submits it to the Court.

The Estate of Esther Washington, In Account with Benj.a Devany Admr

				Dr			Cr		
1817									
Nov	5	To paid Thomas Spivey his acct & Receipt		4	00				
	"	" Richard Williams "		1	50				
	"	" John Moore "		3	00				
	17	" " Edwards Butts & taxes "		7	61				
Dec 1818	30	" " Joseph Bracy for Coffin "		8	00				
Sept	22	" " Noel Waddill acct "			96				
	"	" " Lucy Drake " "		1	00				
Dec 1818	31	" " Joseph Bracy " "		108	45				
Nov	3	By amount of Sales due this day					2420	56	
				134	52				
		To Commissions on Receipts this year		145	23				
		By balance due the Estate		2140	81				
				$2420	56		2420	56	
1819									
Jany	1	By balance brought down					2140	81	
Feby	23	To paid Hardy Cross exon.r & Receipt		10	36				
	"	" " Thomas Spivey do do "		2	98				
	27	" " Edwin Lewis acct do		6	75				
		Carried forward		$ 20	09				

1819		To amount brought forward		20	09	2140	81		
April	1	" paid James Millikin his Acct & Receipt		5	50				
June	28	" " James Scott his bond & Int		11	68				
	"	" ditto "		11	18				
	"	" ditto "		21	08				
	"	" ditto "		21	27				
July	19	" " John Pledger do "		29	90				
				120	70				
		By balance due the Estate		2020	11				
				$2140	81	2140	81		
1820									
Jany	1	By balance brought down				2020	11		
		Int on $2020.11 for 1819							121.20
Feby	3	To paid Thomas Johnson his Acct & Receipt		1	50				
March	11	" " Clerks ticket "		11	20				
Nov.r	29	" " Hy. Briggs Exor " in favor of J. Spivey		55	88				
		By balance due the Estate		1951	53				
				$2020	11	2020	11		
1821									
Jany	1	By balance due the Estate brot down				1951	53		
		Int on $1951.53 for 1820							117.09
Feby	12	To paid James Trezvant attorey & Receipt		17	50				
apl	17	" " Can Bowers note & Int		24	80				
	"	" " Phs J. Dill Weight ticket			63				
Septr	15	" " Miles Joyner acct			75				
	"	" " Burgess Joyner "		6	00				
	17	" " James Scott "		5	00				
	20	" " J. M. Gurley for M. Boarman "		7	62				
	"	" " James Trezvant "		18	00				
	21	" " Richard Williams "		2	65				
	"	" " Benj.a Devany Acct "		2	50				
	"	" " Clerks tickets to pay "		9	04				
	"	" " James Scott Acct "		7	00				
	"	" " Editor of Petersburg Intelligencer "		5	50				
		By balance due the Estate		1844	54				
				$1951	53	1951	53		
		By balance carried forward							$2382

1820
October 19th By balance brought forward $1844.54 $238.29

" Int on $1844.54 from Jany 1st to Octr 19/1821 . . . . 90.90

329.19

By Amount of Int Account 329.19

" " Balance due the Estate . . . $2173.73

Balance due the Estate Octr 19th 1821 $2173.75 with Interest on $1844.54 part thereof from that date till paid

Amnr for 16 Hours @ 75 cents $12.00 Jne Cobb. Comr

Copy of acct 75

$12.75

Allowance Report on the Estate of Esther Washington

Mar 6, 1821 rec'd & ord. & dis & rec. for copies —

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Whitehead & W. } Spa in
vs } Chy.
Washington ads. W.

To February County court
1815
not executed for
want of time

Edwd. & Betts Atty of
Geo: Hines Sheff

Add: Sp. & Comd.

The Commonwealth of Virginia to the Sheriff of Southampton county Greeting You are hereby commanded to Summon Benj.a Dewany & Sam.l with the wife annexed of Esther Washington dec.d and John Pledger and Lucy his wife, Mike Bozeman and Chloe his wife Joseph Bracy & Sally his wife, Henry Johnson, Washington Johnson and and his wife Eliz.a late Eliz.a Johnson, and Benj.a Johnson to appear before the Justices of our county court of Southampton at the Courthouse on the Third Monday in this present Month February to answer James Whitehead and Elizabeth Whitehead minors by their next friend James Whitehead and the said James Whitehead in his own right and John Cooper, and Matthew ~~Johnson~~ Washington a minor by his next friend the said James Whitehead— And this they shall in no wise omit under the penalty of £100 each— And have then there this writ— Witness James Rochelle clerk of our said county court of Southampton at his office the 12th day of February 1845 and 45th Year of the commonwealth

James Rochelle Cl:

a bill in chancery exhibited against them by

Whitehead &c
" "
Dewaney ad &c

} alb.
Spec. in
Ch.

To march Ct 1801

Executed on Benj. Dewaney ad with the will annexed of Esther Washington dec'd.—John Pledger & Lucy his wife, Micajah Boseman & Chloe his wife, Joseph Tracy and Sally his wife, Henry Johnson, Washington Johnson, and his wife, Eliza late Eliza Johnson, and Benjamin Johnson. no inhabitants

Edw. Bullock dep. of Geo: Hines sheriff

The Commonwealth of Virginia to the Sheriff of Southampton County
Greeting: We Command you as at another time you have been
Commanded to Summon Benjamin Deaney admr. with the
will annexed of Esther Washington dec'd, and John Pleasants and
Lucy his wife, Michajah Boseman and Chloe his wife, Joseph
Bracy and Sally his wife, Henry Johnson, Washington Johnson
and & his wife, Eliz'a late Eliz'a Johnson and Benjamin
Johnson, to appear before the Justices of our County Court of
Southampton, at the Court house, on the third monday in March
to answer a bill in chancery exhibited against them by James
Whitehead and Elizabeth Whitehead minors by their next-friend
James Whitehead, and the said James Whitehead in his own right
and John Cooper and Washington Matthew a minor by his next-friend the
said James Whitehead. And this they shall in no wise omit-
under the penalty of £100 each. And have then there this writ
Witness James Rochelle clerk of our said Court at his office the
12th day of February 1821 In the 45th year of the
Commonwealth

James Rochelle c c

Town of Petersburg. To Wit

This day appeared before me, an Alderman of the Said Town, Stith E. Burton, and made oath that the annexed order of ~~Southampton~~ Court, hath been inserted in the Petersburg Intelligencer regularly for two successive months. Given under my hand this 5th day of Octr. 1821.

Jno. Stith Alden

Virginia:

At rules holden in the Clerk's Office of the County Court of Southampton on the 7th day of May 1821.

James Whitehead and Elizabeth Whitehead minors by their next friend the said James Whitehead, and the said James Whitehead in his own right, and John Cooper and Matthew Washington, a minor, by his next friend the said James Whitehead Complainants,

Against,

Benjamin Devaney administrator with the will annexed of Esther Washington dec'd. John Pledger and Lucy his wife, Micajah Boseman and Chloe his wife, Joseph Bracy and Sally his wife, Henry Johnson, Washington Johnson and ——— and Elizabeth his wife, late Elizabeth Johnson and Benjamin Johnson Defendants.

In Chancery.

THE defendants John Pledger and Lucy his wife, Micajah Boseman and Chloe his wife, Joseph Bracy and Sally his wife, Henry Johnson, Washington Johnson and ——— and Elizabeth his wife, late Elizabeth Johnson, and Benjamin Johnson, not having entered their appearance and given security according to the Act of Assembly and the rules of this Court, and it appearing by satisfactory evidence that they are not inhabitants of this Commonwealth, It is Ordered, That the said defendants do appear here on or before the third Monday in August next, and answer the said complainants bill--And that a copy of this order be forthwith inserted in some newspaper published in the town of Petersburg, for two months successively, and posted at the front door of the courthouse of this county, on two several court days.

A Copy—Teste,

A. MIDDLETON, D. C.

June 1 2m*

In the name of God Amen I Esther Washington being sick in body but of perfect mind and memory thanks be to God for the same and knowing that it is once appointed for all persons to die do make and ordain this to be my last Will and Testament in manner and forme following First of all I give and bequeath my soul to the almighty God who gave it me and my body to be buried in a decent manner at the discretion of my Executor. I give and bequeath unto my Grandson Henry Johnson one saddle mare and her colt (called his) one bridle and saddle one feather bed and furniture one cow and calf and small Gum to him and his heirs forever. I give and bequeath unto my Grandson Matthew Washington one feather bed and furniture which I have previously lent to my Daughter Chastity Spivey. and is now in the possession of Thomas Spivey: to him and his heirs forever. I desire and say that the residue of my estate of whatsoever kind or nature shall be sold and divided as follows to Wit I give and bequeath unto my daughter Lucy Yeager one sixth part of the monies arising from such sale of my Estate to her and to her heirs forever I give and bequeath unto my Daughter Chloe Boorman one sixth part of the monies arising from the sales of my Estate to her and to her heirs forever I give and bequeath unto my grand

grand Children Nancy Whitehead Elizabeth Whitehead James Whitehead and Patsey Whitehead One sixth part of the monies arising from the sales of my Estate to them & to their heirs forever Equally I lend unto my Daughter Sally Bracey the half of one sixth part of the monies arising from the sales of my Estate during her natural life and after the death of my Daughter Sally to be equally divided between my Grand Children Washington Johnson Eliza Johnson Benjamin Johnson to them and to their heirs forever I give and bequeath unto my Grand Children Washington Johnson Eliza Johnson & Benja Johnson one half of one sixth part of the monies arising from the sales of my estate to be equally divided between them & to their heirs forever I give and bequeath unto my Grand son Henry Johnson one sixth part of the monies arising from the sales of my Estate to him and to his heirs forever But in case my said Grandson Henry Johnson shall die without lawful issue then in that case all the property herein before mentioned and given to him the said Henry shall be equally divided between my grand Children Washington Johnson Eliza Johnson & Benjamin Johnson to them and to their heirs forever I give and bequeath unto my Grandson Matthew Washington one sixth part of the monies arising from the sales of my Estate to him and to his heirs forever and in case the my said Grandson shall die without lawful issue then it is to be equally divided between all my Grand Children then living - Lastly I constitute and appoint my friend James Whitehead my sole and sole executor to this my last Will and Testament In Witness whereof I have affixed my hand and seal this 21st day of January and in the Year of our Lord Christ one thousand eight hundred and Sixteen

Esther her + Washington mark

Signed Seald and
acknowledged in presence of

Richard E Williams
James Whitehead
Henry Johnson
Thomas his + Spivey mark
Lucy her + Drake mark

At a Court held for the County of Southampton the 20th day of October 1817 This will was presented in Court proven by the oaths of Lucy Drake one of the subscribers & ordered to be recorded. The Executor named refusing in open Court to take upon himself the burthen of the execution thereof and on the motion of Benjamin Heraney who made oath according to Law for administration with

with the Will annexed the same is granted him on his giving bond and security whereupon &c

Test Samuel Rochester

a Copy

Test

A. Middleton D.C

Esther Washington's

Will —

a Copy