

1832-005

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BELL'S EXECUTRIX

VS. WILLIAMS' ADMINISTRATOR

11/1832

other surnames: Ellis, Ricks,
Denegre, Denegree

B. Bell

vs. ^P
Bill &

Ino. Denegre

adm. of William.

Baker.

1828. As decreed as per decreed
filed 4th
F

S.° Ampton Co. Co.

To the worshipful Court of Southampton County in
Chancery sitting, Humbly complaining sheweth unto your
worships your Oratrix Brambly Bell widow & surviving execu-
trix of James Bell decd: that some time in the year 1804
the said James Bell departed this life testate, seized and
possessed of a considerable real & personal estate: He ^{left} your
compt. his widow & several children: Some short time after
his death his last will & testament was duly ^{proved} in the
County Court of S^o ampton, and your compt. and Brittain
Williams qualified as exec. & executor according to law:
an attested copy of the said will is here referred to &
prayed to be considered as a part of this bill: By the said
will, as will appear by reference thereto, the said testator
devise & bequeathed to the compt. for life his whole estate
real & personal, except a negro girl: your compt. charges
that the said Brittain Williams received the principal or
greater part of the estate of the said testator, & transacted
the whole or principal part of the business relative to
the same - some time in the year 1809 or 1810 a
settlement of the affairs of the said executor & executrix
on the said estate was made up & returned to the
said court by Michael Ellis & John Williams: an attested
copy of the said settlement is here referred to & prayed to
be considered as a part of this bill: by the said settlement
the sum of £187.11.8² is ascertained to be due to the
said estate, without shewing however by whom the
same is to be paid: for this, and other reasons apparent
upon the face of the said settlement, the same is wrong-
ous & defective - The said Brittain Williams has lately
departed this life & John Denney has obtained letters of
administration on his estate: Since the death of the
said Brittain Williams & since the settlement aforesaid
was returned to court as aforesaid, your Oratrix has
frequently called upon the said John Denney as admin^r
of the said Brittain Williams for a more perfect

adjustment of the said account & for payment of any balance that might be due to her: Under a variety of pretences the said John Denegre has hitherto refused to come to such settlement, but has proposed to submit the matter in controversy to some court of competent jurisdiction - In Tender Consideration whereof &c.

To the End therefore that the said John Denegre as a debtor as aforesaid, may be made default & may upon his ex parte call full & perfect answer make to all particulars the said premises, & that as fully as if the same were here again repeated & interrogated:

Your Orator prays that your worship will decree a reparation & settlement of the said account in such manner as to show the amount due to the said testator's estate, & by whom the same should be paid: that your worship will decree to your Orator what upon the balance of the said account shall appear to be due & that you will make such other or further order or decree in the premises as may seem consistent with equity & justice - May it please &c.

The answer of John Denegre answer of Brittain Williams dec^d to the bill of complaint exhibited against him in this court by Brambley Bell complainant - This respondent saving and reserving to himself every benefit and advantage of exception to the many errors and insufficiencies in the said bill contained for answer thereto, saith it is true that James Bell late of the county of Southampton, died as this respondent has been informed about the year 1801, leaving a will, which was afterwards duly proved, & to which the compt^r & this respondent's intestate qualified as executor & co-executor as charged in the said bill: It is also true that the said James Bell died seized and possessed of both real & personal estate, & that he disposed thereof by his said will as the compt^r in her bill alleges: whether the said Brittain Williams did receive a large portion of the said testator's personal estate & managed principally the business connected with the same, is a matter of which this respondent is not personally informed: so far therefore as the compt^r's allegation in that respect is intended to affect the s^d Brittain Williams's estate this respondent requires proof. This respondent admits that an account of the transactions of the said executor & co-executor on the estate of the said testator has been returned to the county court of Southampton shewing a balance to be due the said estate: a correct copy of the said account is filed with the compt^r's bill: This respondent however, does not admit that the estate of his said intestate is alone bound for the balance so found due: It seems from the said account that the amount so found due, is a joint due and payable equally by the compt^r & this respondent.

into Interlocutory; the responsibility of this respondent as
adverser as before said, however, will probably appear upon
the production of the original vouchers, supposed to be
in the hands of the comptroller or other officers, & there-
fore he is willing, should the court think it
proper on his part, to submit to a decree for
the establishment of the said account in such
manner as to the court may seem right: without
that &c And this respondent having answered &c
denies all fraud & prays to be relieved with his
costs &c

John Denegre

Bell is Denger.
Denger.

Bell vs. Dungee. This cause came on this day
to be heard by consent of parties, on the bill, answer
and exhibits and was argued by counsel: On con-
sideration whereof the court doth adjudge, order & decree
that Jeremiah Cobb, take an account of the
transactions of Brambley Bell & Brittain Williams
as executor & executrix of James Bell deceased,
in taking which account the said court is directed
to receive as prima facie evidence both to be
discharged & falsified the account of the said executor
& executrix returned to the county court of S. Carolina
in the month of October in the year 1810, a copy
of which is filed as an exhibit in this cause:
And The said court is directed to ascertain from
the vouchers & such other evidence as may be pro-
duced before him the balance due upon the said
account, showing the amount due from the crop
as also the amount due from the estate of the
said Brittain Williams, the parties submitting to
be examined in solemn form ~~by~~ ^{by} ~~swearing~~, the
one by the other, under report &c.

Comrs Office Jerusalem July 23rd 1829

I have appointed Saturday the 11th day of April next to take the accounts directed by the within order at which time the parties are required to attend his Office with their vouchers and evidence for examination & settlement

Geo. Cobb Comr

Wells & Alden
to Gledy & deers
Mullins doo
Cobb Comr

Brandy & Beer
John Denger

Also appointed twice at the with
on the 1st & 2nd of Jan
March 4th 1825

This day personally appd before me. Albert Dreyer &
Midd-mouth that John Deringer & Bradley Bell
ackd the Service of the order within & notice
heron Endorsed given under my hand & seal this
18th day of March - 1829 Robt. Goodwin Jp

Southampton County November Court 1828

Wrambly Bell Widow Surviving Executrix of James Bell dec'd

against

John Donegree admor. of Britton Williams dec'd.

Defendant.

In Chancery

This cause came on this day to be heard by consent of parties on the Bill, answer and exhibits and was argued by Counsel: On consideration whereof the Court doth adjudge, order, and decree that Jeremiah Cobb take an account of the transactions of Wrambly Bell and Britton Williams as Executor and Executrix of James Bell dec'd in taking which account the said Commissioner is directed to receive as prima facie evidence, liable to be surcharged and falsified the account of the said Executors & Executrix returned to the County Court of Southampton in the month of October in the year 1810, a copy of which is filed as an exhibit in this cause: And the said Commissioner is directed to ascertain from the vouchers & such other evidence as may be produced before him the balance due upon the said account, shewing the amount due from the Complainant, as also the amount due from the Estate of the said Britton Williams dec'd the parties submitting to be examined in solemn form if required, the one by the other, and make report to Court with any matters specially stated deemed pertinent by himself or which he may be required to state.

Attest Teste James Rahille

March 11th 1830. The court this day
 had the Plaintiff Bramly Bell and the
 Defendant John Donegre before him.
 The Plaintiff was sworn by the Court
 & upon her examination, stated that she
 had rec^d certain sums of money from
 Britton Williams one of the ex^{rs} of Jas
 Bell, among others a debt due from
 Wm Boykin & one due from Benj^r Drew
 she also stated she had been in the habit
 of advancing the said ex^{rs} money to pay the
 debts of their testator, and she recollects a
 bond paid Thos Beent for which she advanced
 the whole, amount. The Court say
 whether she rec^d more or less than she
 advanced. She states that B. Williams
 managed the whole business, and finally
 settled his transactions, without her know-
 ledge or consent, & that she did not
 know ~~for~~ ^{until} several years
 after, that the estate had
 been settled.

Bella Case

or J. Geo. Case

Williams's ad^r

Law. Case

Joseph McLean

Folia. March 15/1830

Southampton November Court 1829

Pranbly Bell widow surviving Executrix of James Bell dec. *Plff*

against

John Denegre Admor of Britton Williams dec.?

John chancery
Defn

On the motion of the plaintiff it is ordered that the account heretofore reported in this case by Master Commissioner Cobb be committed to the said Commissioner who is directed to examine the parties plaintiff and defendant in solemn form touching the same, and make report to the Court with any matters specially stated deemed pertinent by himself or which the parties may request him to state.

Attest Teste
James Rochelle c. d.

Belle Ex:

n { Decree

Williams' acc.

July Court 1830.

Bell Exr. Bell

Plff } In Chancery
Dft }

Deceased adm: of Williams

This cause came on this day to be heard as the paper formerly read together with the reports of the Commissioners made pursuant to the orders of the ~~day~~ of heretofore made in this cause, and was argued by Counsel. On consideration whereof the Court approving & confirming the said reports to which there are no exceptions both a judge order and decreed that the defendant John Demaree administrator of Britton Williams dec'd out of the estate of his intestate in his hands to be administered if so much thereof he hath pay to the plaintiff the sum of seven hundred and twelve dollars and six cents with legal interest on five hundred and fifty dollars and six cents part thereof from the 31st day of December 1812 till paid and her costs by her in this behalf expended.

^c 16.6
Bills adms

to 3 Dec for

Williams's acc

To November Term 1832)

Executed

William I. Seabell Dgg
Law Bowers Hff

clerk	\$2.13
clerk	30
Law	5.00
	\$7.43

for a fee

The Commonwealth of Virginia to the Sheriff of Southampton County Greeting
Whereas at a Court held for the County of Southampton on the 19th day of July
1830 in a Suit in Chancery depending in the said Court between Brambley Bell
widow and Surviving Executrix of James Bell dec^d Plaintiff and John Denegre
administrator of Britton Williams dec^d Defendant, it was decreed and ordered
that the said defendant John Denegre out of the estate of his testator Britton
Williams dec^d in his hands to be administered if so much thereof he shall pay to
the Plaintiff the sum of Nine hundred and twelve dollars and six cents
with legal interest on five hundred and fifty dollars and six cents part
thereof from the 31st day of December 1812 till paid together with her costs
in that behalf expended. And whereas since the rendering of the said
decree the said Brambley Bell has departed this life intestate as it is said
and administration of all and singular her goods, chattels and credits hath
been granted unto James Bell in due form, yet execution of the said decree
still remains to be made as before are given to understand. And we
being willing what in our said Court is rightly done should be duly
executed, command you, that you summon the said John Denegre to ap-
pear before the Justice of our County Court of Southampton aforesaid at the
Court house on the first day of November Term next to shew cause if any he
can, why the decree aforesaid should not be revised in the name of the said
James Bell administrator as aforesaid and carried into execution. and thus he
shall in no wise omit under the penalty of \$100. And have them there this
writ Witness James Rochelle clerk of our said Court at the Court house the
22^d day of October 1832 in the 57th year of the Commonwealth.

James Rochelle cl^k

~~Unaffiliated writing~~

The within or foregoing depositions subscribed and sworn to before me, this 11th of April eighteen hundred and twenty nine:

Leif O. Carr

"Since the foregoing affidavits were taken - the following affidavit of Rott Richs was in like manner & for like purposes taken before the same commissioner -

The affidavit of Rott Richs.

This affidavit being duly affirmed according to the depositions said, that Mrs Pamela Williams called upon him in the year 1828 & requested him to go with the papers which she gave to this affiant, to Mrs Bramley Bell & enquire of her the amount of money owed by her of Britton Williams next of James Bell dec'd; that, this affiant did go, & Mrs Bramley Bell said she had frequently received money of said Britton Williams - to what amount she could not say; but this affiant is inclined to think, though not absolutely positive, that, at the time, during the conversation on this subject, Mrs B. Bell remarked, that, though she ~~affirmed~~ ^{firmly} said Britton Williams, ~~that~~ ^{he} ~~applied~~ ^{applied} money to pay ~~a debt~~ ^{debts} against the estate and that ~~he~~ ^{she} ~~applied~~ ^{applied} for money, and received the amount which he required; This affiant, however, has the impression on his mind from the conversation with Mrs Bell, that she had not paid back or loaned to Britton Williams much or any large sum or sums of money; that, the said Britton Williams frequently sent her money by her sons Gideon & Billy Bell; and she mentioned one bond, particularly, which she rec'd of Britton Williams, against Ben Drow, of Smithfield, Isle of Wight county, for considerable or right sum of money, which she gave to Gideon to collect & he brought her the money.

Sworn to and subscribed
before me this day last
above mentioned

Rott Richs

Leif O. Carr

and Burrell Williams

The affidavit of Michael Ellis, taken before Master Commissary
Leonor Izor Cobb, in the execution of the executorial account
of Britain Williams - as executor of James Bell decd, and
which said affidavits are to be read on the trial of a cause
brought on in the County Court of Southampton in which
Pringle Bell surviving, Executor of James Bell decd is Plaintiff - and
John Irregan as admr of said B. Williams is ~~Plaintiff~~
Executor of the said James Bell is ~~Defendant~~
and ~~Pringle Bell, co-executor with said B. Williams in his~~
~~life time is defendant.~~

This affiant being first duly sworn
upon the Holy Evangelists of Almighty God, deposes and saith
that as ^{one of the} Commissioners appointed to settle the acct of Britain
Williams as executor of James Bell decd, the said Britain
produced before him his vouchers alone, and from all that
passed in making up the acct current, to wit in October 1809,
he was fully satisfied that he was the sole acting executor of
said Estate - and furthermore that he had so understood and
always been informed. And further this affiant saith ad.
Michl. Ellis

The affidavit of Burrell Williams: This affiant being in like
manner duly sworn deposes and saith that he was a near
neighbor to James ^{Bell's} at no time living more distant from his
house than two & a half miles; that he always heard and
understood, and from Britain Williams himself, learned that
he was the sole acting executor of James Bell decd.

Question by Plaintiff - Did you ~~not~~ hear Britain Williams say
some time before his death, that he did not draw any money
of James Bell's estate?

Answer. I have heard him say so, but how long before
his death I can not say. and further this affiant saith
not.
Burrell Williams

Anna fr.

Bretton Williams Esq
James Pitt decd
Emm's Report

June 15th 1829 Ret?

1829 Nov: acct recommended to Com.
to examine the parties on oath - &c.
f-

1830. July - Decree final as filed &c.
= (a file)

Colk..	\$5.32
Com-	7.00
Saw-	5.00
	\$17.32

1832. Oct. 22^d Sci. for. paid to revive
the decree in the name of Jas Pitt
adm. Wramby Pitt decd.

The Estate of James Bell decd. In account with Britton Williams & Dranley Bell Esrs

1801	To paid Twithey and Shanks their note & Interest		231 72	
"	" " Mr Boykin acct		55 34	
"	" " Jordan Denson "		91 20	
"	" " John Davis "		16 08	
"	" " B. C. Johnston "		10 81	
"	" " Robert Goodwyn "		11 75	
"	" " Charles Bridges Esq & C. Cobb bond		60 00	
"	" " John Cotton for Coffin		1 83	
"	" " Lewis Williams acct		134	
"	" " Richd Ricks "		75	
"	" " Jos Vick "		10 47	
"	" " Thos. Hunt apud de Patridge bond		713 34	
"	" " Jos. Vick bond		1 54	
"	" " Mr Williams acct		3 33	
"	" " Nicholas Williams "		15 25	
"	" " Mike Ellis "		3 50	
"	" " Benjes Branch "		25 00	
"	" " Spencer Pierce "		9 00	
"	" " Dan. Simmons "		5 00	
"	" " William Simmons "		1 46	
"	" " Benjes Vick "		2 35	
"	" " J. Fort collector duet tax		12 34	
"	" " Brown Sheriff "		16 14	
"	" " attto do "		9 44	
"	" " John Mughart do "		13 90	
			722 44	
	By Cash recd for bonds & due the estate found in the house	789.22		
	To Commissions on attto off	39.46	749 76	
Decr 31	By balance due the estate		27 02	
1802	To paid J. Hobbs acct	3.56		
"	" " M. Williams "	1.50		
"	" " Robt Goodwyn bond	6.97		
"	" " Amos Drake acct	4.00		
"	" " Robt Matry Shff "	75		
"	" " Thos Gray acct	89		
"	" " M. Ellis "	71		
"	" " Thos C. Clements "	14.50		
"	" " Sheriff rectets "	10.75		
"	" " Saml Calvert com Revenue "	84		
"	" " do Sheriff "	9.34		
"	" " do Bond & Int	26.36		
"	" " Jordan Denson bond bond de	6.77		
"	" " Moody Collier acct	30.00		
	Amounts Can forward	116.94	27 02	

		Dr	Cr
1802	Amounts brought forward	116.94	27 12
	To paid W. Washington acct	6.39	
	" " W. Wright	4.25	
Decr 31	By Cash rec'd on bonds &c found in the house		789 22
			816 24
	To Commissions on Receipts this Year	39.46	167 04
" "	By balance due the estate		\$ 649 20
1803	To paid L. Denson acct		3 67
Decr 31	By balance due the estate		\$ 645 53
1804	To paid Wm Blow admr S. Wells		10 27
Decr 31	By balance due the estate		\$ 635 26
1805	To paid Clerk tickets		2 75
Decr 31	By balance due the estate		632 51
1807	To paid Daniel Butler	3.24	
" "	" " Thos Southampton tickets	9.35	
" "	" " A Cooke acct	2.00	14 69
			617 92
	To paid Clerk ticket in 1805 omitted		7 46
Decr 31	By balance due the Estate		\$ 610 46
1811	To paid Lemuel Lewis acct	29.36	
" "	" " Brewery Williams "	58	29 74
Decr 31	By balance due the Estate		\$ 580 52
1812	To paid E. Drake acct	16.34	
" "	" Charles Briggs Exr E. Cobb	14.12	30 46
Decr 31	By balance due the Estate		\$ 550 06
	By Interest on \$27.02 from Decr 31/1801 to Decr 31/1802	1.62	
	" do on \$645.53 from Decr 31/1802 to Decr 31/1803	38.73	
	" do on 635.26 from Decr 31/1803 to Decr 31/1804	38.11	
	" do on 632.51 from Decr 31/1804 to Decr 31/1805	37.95	
	" do on 610.46 from Decr 31/1805 to Decr 31/1807	73.25	
	" do on 580.52 from Decr 31/1807 to Decr 31/1811	139.32	
	" do on 550.06 from Decr 31/1811 to Decr 31/1812	33.00	361 98
" "	By amount total due the estate		\$ 912 04
	With Interest on \$550.06 part thereof from this 31/1812 till paid. - William Gleason Counsel for the ^{Plff} defendant, & William Le Parker for the ^{Def} defendant, directed the Court to make up this acct upon the items as reported on said settlement by Court in Octr 1809 which is of record, which done upon the principals established for the settlement of accounts. - the affidavits of D. Williams & M. Ellis herewith filed, state that Brutton Williams was the only acting Exr.		
Comrs for W. & S. & Y. Co.		Respectfully submitted to the Court	
charged to the ^{Plff}		J. Cobb Comr	

At a Court held for the County of Southampton the 16th day of February
1802 This will was proved by the oaths of Michael Ellis Deacon
Cotton & Henry estines the witnesses thereto & entered for the
Executors. And at a Court held for the said County the 20th day of
April 1801. Bramble Bell and William Williams the
Executors therein named who made oath according to Law probat
is granted them in due form giving security whereupon

Stello & Co
" 3 "

A Copy Teste James Rochell & Co
" 3 "

James Bell's
Will

A Copy
J. B.

I James Bell of the County of Southampton being sick but of perfect sense & memory do make & ordain this to be my last will and Testament in manner & form as followeth to wit. First & principally My will & desire is that my loving wife Brambly shall have the use of all my lands I now possess during her life & also all the rest of my Estate except my negro Girl Chaney but in case she should marry my desire is the man whom she should marry may give Bond and sufficient security to the parties to whom it will belong for the performance of the same. My will and desire is that the Children may continue with her and that she may school them from the profits of the Estate and after her decease my will & desire is that the lands may be divided to wit. The plantation I bought of Arthur Joynt that Gidron T Bell may have it. The Plantation I now live on may be equally divided between William T Bell and James T Bell my will and desire is that my Daughter Parmelia Williams may have my negro Girl Chaney my will and desire is that after the decease of my wife the residue of the negroes to be equally divided between my children to wit. Gidron William Eliz^a James Polly and Nancy T Bell. my will and desire is that after the decease of my wife the residue of my Estate may be equally divided between all my Children Parmelia Williams Gidron William James Elizabeth Polly and Nancy T Bell. my will and desire is that my still may continue on the Plantation after the decease of my wife for the use of my three sons Gidron William & James T Bell. I do nominate and appoint my wife Brambly and Brittain Williams my Exec^{rs} of this my last will and Testament In witness whereof I have hereunto set my hand and seal this 29th day Decr 1800

Signed sealed
In presence of
Mich^l Ellis
Denny ^{his} Cotton
John Cotton
Abner Hines

James T Bell

James Bell's
account current.

(A copy)

Amount brought over		£	s	d
		230	13	9
1801	" paid Spencer Fairclough ap	2	14	"
1802	" paid Samuel Simmons his ap	1	10	"
1800	" paid Thomas W Clements his ap	4	7	"
1800	" paid William Simmons his ap	"	8	9
1797	" paid ~~Samuel~~ Butts his ap	1	"	"
1801	" paid Benjamin Vick	"	14	13
1802	" paid Shiff of Southampton Clerk's tickets	3	4	6
1805	" paid Clerk of Southampton	"	16	6
"	" paid Ditto	2	4	9
1801	" paid S Fort Collector direct tax	3	14	"
1801	" paid S Thorne Shiff	4	17	2
"	" paid Ditto	2	16	7½
1800	" paid John Wriggworth Shiff	3	17	4½
1802	" paid Samuel Calvert C R	"	5	1½
	" paid ditto at Shiff	2	16	"
	" paid Samuel Cornwall his bond & Int	7	18	2
	" paid Jordan Benson his Bond	2	0	7
	" paid Moray Bellus his prom ap	9	"	"
	" paid William Washington his ap	1	18	4½
1807	" paid Walter Wright his ap	1	5	6
	" paid Shiff of Southampton	2	16	1
	" paid Augustin Foster ap	"	12	"
		£	286	0 2½

Agreeable to an Order of Court date October 1809 We
the Commissioners have examined the above account.

Mich^d Ellis
John Williams

At a Court held for the County of Southampton the day of
October 1810 This account current of the Estate of James Bull
de^d was this day reported & examined and approved by the Court & ordered to
be recorded

A Copy
Teste James Peckell C C

Wm. E. Bates of James Bell dec'd In account with Milton Williams and Prunty Bell Exors.

62

1801	Feb. 21.	Depaid Smith & Strantes his acct.	69	11	4
1801		Depaid William Boykin his account	16	12	4
1801	Aug. 17.	Depaid Jordan Benson his Store account.	27	7	3
1801		Depaid John Davis his account.	4	16	6
1801	July.	Depaid Samuel Jones his acct.	8	16	3
1801	Aug. 18.	" paid Brown Williams his acct.	"	3	6
1801		" paid Benjamin M. Johnston his account.	3	4	10 1/2
1802		" paid Edward Drake his account.	2	18	"
1801		" paid Robert Gormy his account.	3	10	5
1803		" paid Joseph Benson his account.	1	2	"
1802		" paid Charles Briggs Esq. Esobh.	4	4	6
1801		" paid ditto. Bond.	18	0	0
1801		" paid John Cotton for Coffin his part.	"	9	9
"		" paid Lewis Williams his ap.	"	8	0
"		" paid Richard Pikes his ap.	"	4	6
"		" paid J. Vick's ap.	3	2	10
Oct. 2.		" paid Thomas Hunt ap of V. of Kestridge, B.	34	"	"
1802		" paid Josiah Vick's Bond & int.	"	9	3
		" paid Elias Hobbs his account.	1	1	4
		" paid Matthew Williams his account.	"	9	"
		" paid Robert Goodwyn his bond & interest.	2	1	10
1802		" paid Amos Drake his ap.	1	4	"
		" paid Robert Mabry Shff.	"	4	6
1801		" paid William Williams his account.	1	0	0
1800		" paid Nicholas Williams his account.	4	11	6
1804		" paid William Plowden Esq. Esobh.	3	1	7 1/2
1802		" paid Thomas Gray his ap.	"	5	4
		" paid W. Ellis his ap.	"	4	3
1801		" paid ditto ditto.	1	1	0
		" paid Benjamin Branch his ap.	7	10	0
			230 13 9		

By Cash received
To amount of sales of
Due the Estate

473	11	11
286	0	3 1/2
187	11	8 1/2

Brambley Bell sawg. executus in. John Demegre adnor.
of Britton Williams - this is to be a friendly suit
for the purpose of settling the transactions of
Williams & Bell recd. & executus of James Bell esq.