

1837-025

SOUTHAMPTON COUNTY
CHANCERY PAPERS

GRIFFIN and Wife VS. WHITFIELD'S EX'R.

10/1837

a decree may be entered directing the pay-
ment of the balance in the hands of the
exor. to the p^{ty} Griffin for the life of
his wife, upon his executing refunding
bond conditioned according to law unless
waived by the deft. and on his executing
bond with security conditioned ~~that~~ for the
return of the money upon the termination
of the life estate: sh^d. this be not acce-
ptable to the p^{ty} the exor. may be directed
to loan out the money and pay the
interest to the p^{ty}.

Baker.

Griffin & Martin
Saml
Barnes, Exors
Whitfield
Bill & Anne
& Charles

1937. Oct. Dec. paid \$:

To the honorable Rufus H Baker Judge of the
Circuit Superior Court of Law & Chancery
for the County of So. Carolina sitting in Chancery
humbly complaining sheweth to your honor
your orator Jonathan J. Griffin & your orator
Polly his wife late widows & next of George
Whitfield deceased.

Here your complements by leave to
represent to your ~~honor~~ that George
Whitfield the late husband of your
orator Polly deceased some time in the
year 1828 having first made & published
his last will & testament a copy whereof
duly authenticated from the Clerk of
the County Court of So. Carolina where
the same was regularly & duly recorded
is hereto annexed as a heretofore
to be so received (marked A) that he
appointed Jacob Barnes his executor the only
executor & that the said Barnes qualified
& took on himself the burden of the
execution thereof That the testator in
the first clause in his will devises as
follows ^{or} 1st I desire that my executor hereafter
named do as soon as convenient after my decease
sell my negro man slave named Kunchie & of
the proceeds of such sales pay & discharge all my
just debts & expenses of ^{my} interment together with the
expense of the full execution of this my last will
& in case the money raised by & from the sales

of ~~Mary~~ ~~Grace~~ ~~John~~ ~~William~~ ~~James~~, names as
aforesaid shall prove insufficient for the purposes
aforesaid, I desire that my Executor as aforesaid
sell such of my personal estate as he shall
think best sufficient to raise money to pay all
debts &c as aforesaid. 2^{dly} after the payment
of my debts of my debts &c as aforesaid I leave
to my wife Polly Whitfield the residue of
my estate both real & personal for and during
the term of her own natural life & at her death
I give the same as follows that is to say 3^{rds} at the
expiration of the above term I give & bequeath
the whole of my estate both real & personal
equally to be divided between my four daughters
Martha Whitfield, Mary Whitfield, Margaret
Whitfield & Grace Ann Whitfield to them &
their heirs forever & to their heirs forever
lastly I name & appoint my friend Jacob Barnes
executor of this my last will & testament

estate the said Sarah
of the sum of \$135.56 cents with interest
~~from~~ \$126 ^{as per part thereof} from the 3^d day of January 1831
that your orator & ~~orators~~ ^{in right of your next} are entitled
to the same ^{for the life of your brother} but which although entitled
to the cannot obtain from the said Barnes
who alleges that your orator who took under
his husband's will is entitled to the
use only for her life thereof wherefore

Blackburn for
Jonathan T. Grepper & Polley
his wife

The answer of ^{his wife}~~Jacob~~ Barnes executor of
the last will & testament of George White
decease to the hell police in the circuit
superior court & clerk for the county
of York & by his attorney ^{Parker} ~~Whitehead~~
& removing all doubts or exceptions to the
rights unperfected statements in the
said bill contained for answer thereto
says he admits that the testator George
made the will referred to in the bill that
he qualified as executor thereof & that
he sold the slave Hannah & the other

perishable estate all of which with some
fully appear by his account current
of Geo. Whitfield's estate returned to the
County Court of Lancaster two barrels & thereon received
leaving a balance as shown of \$126.04 with
interest thereon from 30th Decr. 1830 till house & which
said account is hereto annexed & it is taken ^{herein} that
that he does not admit however that
the said Jonathan T. Grepper & Polly his
wife as executors & administrators of George Whitfield
are entitled to the balance of \$126.04
with interest thereon from the 30th Decr. 1830
but only to the use thereof or the interest
thereof for and during the life of the
said Polly as devisee & that presently
after the determination of the said
Polly's life estate the four children
will be entitled to the balance that
may remain ^{after the account taken now in} ~~administration~~ ^{the hands of the executors} of
the estate of ^{the said} George Whitfield your respondent further
states that as he does authorize by the
testator to sell the same hereunder & such
other of the testator's personal estate as in his
own discretion he should deem best
sufficient for the payment of all debts &
that with the assent of the said Polly the
late executor of the testator & because there
was at the time a suit ~~then pending~~ ^{then brought} in the
name of Lewis Mornell against him as the
exor of George Whitfield & which it is believed
the said Mornell would have succeeded
in recovering if the said Mornell had
been defeated & compelled to ~~deposit~~ ^{bring in} the

by death of his wife's settlement claim
that by his death Mornell failed to
recover & the price monies of
receipts to meet it was sent to
the estate & therefore the balance is
still saved to the estate & in many
instances of property in which it would
have remained until the death of
the complainant Polly for life & in
remittance to the children & your
respondent believes therefor is advised
that he cannot allow that the said
Polly is entitled to ^{the money} ~~the~~ the said
balance or to any part thereof
except its interest for the life of the
said Polly that he is unwilling to
take the responsibility of paying over
the money to the said Grepper & wife
& therefore he submits the matter
to your honor to decree the rights
of the parties & the terms & all of
which is respectfully submitted
to your honor & your respondent prays
that he be set in his costs here caused
& as in equity he will run to

A Blackman for
Jacob Barnes Esq
of George Whitfield

Jonathan Griffine & Polly his wife
 late widow & devisee of George Whitfield
 Complainants in Chancery against
 Jacob Barnes Executor of Geo. Whitfield
 decree this day this cause on the merits
 of parties & with the assent of the court
 to be heard on the bill the answer
 the bill of Geo. Whitfield and
 the account current of Jacob Barnes
 Executor of the said George Whitfield
 decree & on arguments of counsel
 on mature consideration whereof
 the court doth adjudge order & de-
 - cree that the said Jacob Barnes Esq.
 of Geo. Whitfield pay to the plaintiff
 Griffine for the life of his wife Polly
 late Whitfield the sum of \$135.50
 on \$126.04 ^{paid thereof} interest from the
 with the interest in the

3 day of ^{July} 1838 returned still in the
act pursuant to the former place
upon the said Griffin executing a
replevin ^{bond} conditioned according to
law & on his executing bond with security
conditioned for the return of the said
sum of money upon the termination
of the life estate to Mrs Griffin & her
heirs by her which she has formerly
husband & should the ^{plaintiff} ~~defendant~~
~~Whitfield~~ ^{J. Griffin} not accept the payment

upon the consideration of the
order is then to put ^{the money of} out on loan and
good security & pay the interest
annually to the plaintiff and the costs
to be paid by the parties respectively -

Griffiths v. Smith
against G. Smith
Jacob Baines
Order of Geo.
M. B. B. B.

This day came the parties by their Counsel and the plaintiff filed his bill,
to which the defendant filed his answer and the plaintiff replied generally
thereto. and thereupon the cause coming on to be heard ^{by court} on the bill, answer
and replication thereto and exhibits filed ~~and~~ was argued by counsel.
On consideration &c.

George Washington Meade

Albany

(\$)

—

I George Whitfield of the County of Southampton, in the State of Virginia do hereby make my last Will and Testament in manner and form following: Viz 1st I desire that my Executor hereafter named do as soon as convenient after my decease, sell my negro man Slave named Kinchen, and of the proceeds of such sale, pay and discharge all my just debts, expenses of my interment, together with the expenses of the full execution of this my Will, and in case the money raised by & from the sales of my said negro named as aforesaid, shall prove insufficient for the purposes aforesaid I desire that my Executor as aforesaid, sell such of my personal estate as he shall think best: sufficient to raise money to pay all debts &c as aforesaid.

2dly. After the payment of my debts &c as aforesaid I leave to my Wife Polly Whitfield, the residue of my estate both real and personal, for and during the time of her own natural life, and at her death; I give the same as follows that is to say:-

3dly. At the Expiration of the above term, I give and bequeath the whole of my estate, both real and personal, equally to be divided between my four daughters namely Martha Whitfield, Mary Whitfield, Margaret Whitfield and Susan Whitfield to them my said daughters and to their heirs forever.

Lastly I do hereby nominate and appoint my friend Jacob Barnes executor of this my last Will and Testament. In Witness whereof I have hereunto set my hand and seal this 21st day of July year 1838.

George Whitfield (Seal)

Acknowledged in presence of us
as and for the last Will and Tes-
tament of the above named George
Whitfield. Witnesses

Jonathan T. Griffin
J. H. Whitfield

Southampton County, November Court 1838.

This last Will and Testament of George Whitfield deceased was proved by the oath of the Witnesses there-
to and ordered to be recorded. And at a Court held for the County of Southampton the 15th December 1838, on the
motion of Jacob Barnes the executor named in the said Will, who made oath and together with Joseph For-
d and Everett C. Mayet his securities entered into and acknowledged a bond in the penalty of sixteen hundred
dollars conditioned as the Law directs to be granted him for obtaining a probate of the said Will in due
form.

Teste James Rochelle clk

Attesty Teste J. R. Edwards clk

Southampton August Court 1830. On the motion of Jacob Barnes, ordered that Alexander Myrick and Jacob Barrett be appointed commissioners after having taken the oath required by Law do state, settle and adjust or further account of said Barnes administration on George Whitfield's estate, and make report thereof to Court.

Teste James Rochelle clk.

January 3. 1831. Jacob Barnes Executor of George Whitfield decd. this day laid his accounts and vouchers of said decd. Estate before us from the following account is made up.

Debits & credits. The Estate of George Whitfield decd.

In account with Jacob Barnes his Executor.

1829					
Jan	9	By recd. Anderson Edwards note & Int.		16	71
"	"	By recd. Anderson Edwards note & Int & same		3	56
"	"	By recd. Anderson Edwards note & Int.		6	40
"	"	By recd. act vs A. Edwards		17	20
"	"	To paid A. Edwards as per rect.	18	16	
Jan	23	By recd. bal. Joel Williams note & Int.		3	60
Feb	20	To paid Jacob Barrett as per rect.	1	00	
"	"	To this Executors act.	35	35	
March	9	To paid Nathaniel Barrett act as per rect.	1	00	
1829			55	51	46 45
		Ante carried forward			
Apr	6	Ant of Debits & Crs. brought over	55	51	46 45
"	"	To paid William Telford a/c as per receipt.	1	08	
"	"	To paid Jno. T. Griffin a/c as per receipt.	1	00	
July	23	By recd. Bal. of James Rans bond & Int.			3 74
"	20	To paid Jno. T. Griffin as per rect.	10	81	
Sept.	26	To this Executors bond & Int to this day	12	46	
"	25	To paid Benj Barnes admr bond & Int vs the decd this day	3	15	
"	20	By amt. of Sales due this day			589 92
Oct.	17	To paid Miles Cook for his Guapt vs decd	8	47	
"	15	By recd. amt of James Jones a/c			25
1830 Jan	15	To paid Lewis Norrell's bond & Int	31	40	
"	"	To paid Ditto for bond & Int	14	01	
"	"	To paid Ditto Ditto bond & Int	11	58	
"	"	To paid Ditto Ditto bond & Int	22	94	
"	"	To paid Ditto Ditto bond & Int	16	14	
"	"	To b for lt. commissioners on ff 1822. 20	37	33	
"	"	By balance due the estate	127	58	
1830			640	36	640 36
Jan	15	By balance due the estate			127 58
July	10	By recd Jno Whitfield bond & Int to this day			37 57
Aug	27	To paid James Clayton Shff as per rect.	91		
"	"	To paid Henry Barrett as per rect.	25		
Oct	17	To paid Thos J. Harper as per rect	14	50	
"	29	To paid Howell Harris bond as per rect	12	08	
"	13	To paid Shff as per rect & Tickets	7	13	

Nov	27	To paid Thomas Barnes as per receipt	1 00		
		To paid Alexander Myrick as per receipt	1 00		
		To 6 per ct. commissions on \$57.58	2 25		
		Balance due the Estate	126 04		
1831 Dec.	30	By balance due the estate brought down.	165 10	165 10	
		.. Int on \$126.04 from Sept 30. 1829 To Jan 3. 1831.		126 04	
				9 52	
1831 Jan	3	By balance due the Estate as above stated \$155.56 - \$126.04 (part thereof to carry			\$155 56
		Int. from January 3. 1831 till paid - Respectfully submitted to the Court.			

A. Myrick Comr
Jacob Barrett Comr.

At a Court held for the County of Southampton the 21st day of February 1831.

This Account Current of the estate of George Whitfield decd. was this day returned and ordered to be recorded.

Teste James Rochette lcl

A copy Teste S R Edwards lcl

Griffin & Wils
v
Whitfield's Exors } Exhibit with bill