

1844-150

SOUTHAMPTON COUNTY
CHANCERY PAPERS

WALLER

VS.

CLAUD'S EXECUTOR

10/1844

Orals

as }
3

lands 2 or.

Price as seen
and as seen.

1844 Oct. Same as filed.

To the worshipful the curial Court of
Hampshire.

In Chancery sitting,

Humly Comptain

ing sheweth unto your Honorships, your Comptain.
Elizabeth I. mother of Henry 6. to have her right found
that some years ago some Clerk of this Curial
applied this life after making and publishing
her last will and testament, by which she
 devised her estate to your Comptain. That Joseph
I. to have yourship as the son - a copy of which
will and qualification is herewith exhibited
as part of this bill. That J. I. to have, since the
year 1836. settled his account by which the
J. I. was indebted to the estate of his mother
in the sum of \$653.22 with interest
from 31 Dec. 1836 - herewith a copy of which
account is herewith exhibited as a part of this
bill, That the J. I. Clerk has recd. on 31 Dec.
1842. belonging to the J. I. estate the sum of \$438.61
from capital and interest with the sum of \$364.77
also on 26th Dec. 1843. \$580.68 ~~for~~ sale of my goods
and interest. herewith your Comptain.
further states that that the J. I. to have has since
and Joseph H. Paine has qualified as his executor.
and has all the funds in his hands. your Comptain.
further states, that she has frequently applied to
Paine the J. I. of to have for payment of the above
sums by he has always refuse, expressing the
intention of this Court.

In tender consideration whereof, and in
as much as your Comptain is without
remedy in the premises & apply in the Court
of Equity to the end that Justice may
be done, she prays, your Honorships to make
Lds. H. Paine Exr. of Lds. Holland and a
proper order there, and that your will be
done to pay your Comptain the sums above
expressed, and grant such other and

general rule in the business, as agents may
act in any business &c.

Chas. J. May Jr. for P. W. Allen

and son of Joseph H. Primer, Executor of Joseph
J. Clarendon, and to the foregoing Bill,

This Aft. having &c; for answer thereto with
that he admits the facts contained in the bill
as they are presented in documentary evidence
in his possession or acceptable to him. That
he has no objection to such a decree as is
proposed for by the Comptroller, and having
no reason to be given as to the same.

May it please your Honors &c. &c.

Saml J. Prater by Benj. L. Prater

vs
Jos. H. Primer Executor of J. J. Clarendon, ac.

This case was presented by
counsel of parties, and with the assent of
the Court came on to be heard on the
Primer answer and exhibits, and was argued
by counsel, an examination thereof the
Court with adjournment and decree that
Joseph H. Primer Exr. of Jos. J. Clarendon, ac. and of
the assets of his Testator. pay to Benj. L. Prater
Incident to Elizabeth J. Prater. The sum of \$655.22
with interest - Thence from 31st December 1836 - till paid
also the sum of \$457.61 with interest - on \$364.77 paid
thence from 31st Dec. 1842 till paid. also the sum of
\$380.68 with interest - from 26th Dec. 1842 till paid.
and that the S^r Prater execute proper receipts to the

Review for the Review are in the hands to be made

and I shall be glad to hear from you

Jane P. Claudds
Will

A. Copy

I Jane P. Bland of the County of Southampton do make and publish my last Will and Testament as follows.

Item. I wish all my property of every description to be sold, and my just debts to be paid, & the balance dispose of as follows.

Item 2. I leave and bequeath to my daughter Temperance Waller fifteen dollars for the purpose of buying a mourning suit.

Item 3. I leave the residue of the proceeds of the sale of my estate to my grand daughter Elizabeth Jane Waller. It is my wish that this legacy should remain in the hands of Joseph P. Bland whom I wish to settle my business until my grand daughter aforesaid shall arrive at the age of fifteen years.

Item 4. In case that my grand daughter Elizabeth Jane Waller should die before she arrive at the age of fifteen years I leave the property given to her as above to be equally divided between all my other grand children.

Southampton County March 20 1835. We the undersigned hereby Certify that Mrs. Jane P. Bland whilst on her death bed called upon us and requested us to witness her last Will and Testament, that she repeated to us the manner in which she wished her property disposed of, and that the above writing contains a true and correct statement of what she requested us to witness as her last Will and Testament. And moreover that Mrs. Jane P. Bland aforesaid was in her perfect senses and of sound mind at the time of making the said Will - Given under our hands this day and year above written.

Jane ^{her} + Newton
Mackay ^{mark} + Turner
Martha ^{mark} + Newson

Southampton Co. to wit.

This day personally appeared before me Ro. J. Musgrave a Justice of the Peace for the County aforesaid Jane Newton, Mackay Turner and Martha Newson and have acknowledged their signatures to the within Certificate. Given under my hand this 30th March 1835.

Ro. J. Musgrave J. P.

At a Court held for the County of Southampton the 20th day of April 1835

A writing purporting the nuncupative Will of Jane P. Bland dec^d was produced in Court by Joseph P. Bland. Benjamin C. Waller a person interested in said estate appeared and acknowledged notice of the motion and thereupon the said writing was proved by the oath of Jane Newton & Mackay Turner two of the witnesses thereto and

ordered to be recorded. Administration with the will annexed granted Joseph T
Leland who made oath and together with Robert F Misgrace and Peter Edwards
his securities entered into and acknowledged a bond in the penalty of Three thousand
dollars according to Law

Teste. James Rochelle Clk

Attesty

Teste. P R Edwards Clk

Barrons ad.

v: Report

Barrons ad.

Alaspy

Pursuantly to a decree of the Circuit Superior Court of Law & Chancery pronounced on the 1st day of Nov. 1843. the adm^r of Theophilus J. Barrow. did by his leave to Reports that he has acted according to said decree and paid the parties entitled the following amounts:

To Benj C. Waller and Temperance his wife the sum of	\$364.72
Int ^y till paid 6 april 1844	27.66
Int ^y to be paid according to decree	86.84
	<u>\$479.22</u>

To John A Person adm ^r of Polly Bill Person the sum of	\$60.78
Int ^y till paid 6 april 1844	4.60
Int ^y to be paid according to decree	14.47 $\frac{2}{6}$
	<u>\$79.85 $\frac{2}{6}$</u>

To Peter Edwards & Harcepa his wife the sum of	\$121.58
Int ^y till paid 6 april 1844	9.21
Int ^y to be paid according to decree	28.94 $\frac{4}{6}$
	<u>159.73 $\frac{4}{6}$</u>

To Peter Edwards Guardian to Harriet Harris the sum of	\$60.78
Int ^y till paid 6 april 1844	4.60
Int ^y to be paid according to decree	14.47 $\frac{2}{6}$
	<u>\$79.85 $\frac{2}{6}$</u>

To Edwin Harris adm ^r of Elizabeth Harris the sum of	\$121.58
Int ^y till paid 6 april 1844	9.21
Int ^y to be paid according to decree	28.94 $\frac{4}{6}$
	<u>\$159.73 $\frac{4}{6}$</u>

To Edwin Harris the sum of	\$60.78
Int ^y till paid 6 april 1844	4.60
Int ^y to be paid according to decree	14.47 $\frac{2}{6}$
	<u>\$79.85 $\frac{2}{6}$</u>

To John D Meyer adm ^r of John T. Barrow the sum of	\$121.58
Int ^y till paid 1 st Feby 1844	7.90
Int ^y to be paid according to decree	28.94

To Joshua Lee and Charlotte his wife the sum of	60.78
---	-------

Ints till paid 7 March 1844.

3. 68.

Ints to be paid according to decree

14. 47. $\frac{5}{6}$

\$ 78. 73 $\frac{4}{6}$

and his retained in his own hands as Executor of Jane P. Clancy
the sum of

\$ 364. 17.

Ints to be paid according to decree.

86. 84.

\$ 451. 62

and also as adm^r of Robert J. Musgrave dec^d the sum

\$ 121. 58.

of
Ints to be paid according to decree.

38. 94. $\frac{4}{6}$

\$ 138. 53 $\frac{4}{6}$

All of which is most Respectfully submitted April 15/1844.

Jos. J. Clancy.

Copy

Teste. L. R. Edwards Secy

Barnons ad

n. } Report

Barnons ad 42

Alap

Accounts of sales of the slaves of the Estate of Theophilus J. Barrow &c.
Made in obedience to an order of the Superior Court of Law and Chancery for
the said Term for the County of Southampton November 3^d 1843. Made the 26 day
of December 1842. on a credit of 12 Months

Isaacson To John Fitzhugh \$ 456 " 00

George To Jos T. Cloud 473 " 50

Rindychild To Peter Edwards 300 " 00

Mary & 2 children To Alfred Eldridge 342 " 00 1571 " 50

By Commissioners & \$2. charges for off. 48 " 78

The next amount of sales to be divided \$ 1522 " 72

The 2. Months each 761 " 36

one half of one Month to Benjamin & Walter & wife 380 " 68

the one half of same Month to Jos T. Cloud
Executor of James P. Clouds Estate 380 " 68

the one Month apportioned the Maternal side \$ 761 " 36

the Month apportioned to the paternal kindred.

1/6 To Peter Edwards and wife Narcissa \$ 126 " 89 1/2

1/6 to Jos T. Cloud adm of Robt J. Musgrave 126 " 89 1/2

1/6 To Edwin Harris adm of Elizabeth Harris 126 " 89 1/2

1/6 To R. J. Musgrave adm of John J. Barrow
returned to the Court at bond for 3 126 " 89 1/2

1/2 To Joshua Leigh & wife 63 " 44 1/2

1/2 To Edwin Harris 63 " 44 1/2

1/2 To John A. Persons adm of his wife 63 " 44 1/2

1/2 To Peter Edwards Guardian to Robert Harris 63 " 44 1/2 761 " 36

The next amount of sales proven \$ 1522 " 72

The undersigned Commissioner submit the above accounts to the Court with the
Receipts from the legates except the portion apportioned to R. J. Musgrave adm of
John J. Barrow &c. there being no such man your honor has returned
to the Court at bond in the place of a Receipt subject to the order of the Court
and also the portions apportioned to me as Executor of James P. Cloud and adm of
Robert J. Musgrave &c. there is no receipt for returned - which amounts I have
charge myself as Executor and adm with all of which I Respectively submit to
the Court

Jos T. Cloud Commissioner
Copy - Teste. P. R. Edwards Secy