

1819 -025 Chancery Causes: Samuel Stott vs Nathaniel Coker, admr of Thomas Stott

Isle of Wight County

Mundy in any part thereof. ~~all which~~ which, according to  
the principles of right & equity of <sup>the</sup> court is advised  
they ought to have ~~done~~ so furnished him - and  
especially as <sup>it</sup> <sup>was</sup> <sup>no</sup> <sup>way</sup> <sup>was</sup> <sup>no</sup>  
deficiency of assets, ~~belonging to~~ <sup>to</sup> <sup>the</sup> <sup>said</sup> <sup>estate</sup>  
of the said estate. - In tender consideration where  
"they remained in the premises, except by the interposition  
of a court of equity - To the end, that the said ~~Mathew~~  
be made a party defendt. in his title of <sup>compt. laund.</sup>  
<sup>of</sup> <sup>compt.</sup> <sup>press</sup> <sup>of</sup> <sup>wardships</sup> that the said <sup>deft.</sup>  
be compell'd fully to answer the premises - on his  
oath - & that <sup>of</sup> <sup>wardships</sup> decree that the  
said defendt. out of the assets in his hands to  
be administered, belonging to the estate of the said  
Thomas Stott, pay to <sup>of</sup> <sup>rates</sup>, the seal, barrells, of  
Mundy as <sup>operas</sup> delivered to him by his <sup>of</sup> <sup>rates</sup>.  
& make such other & further order in the premises  
as may comport with equity & the nature of business  
= Argyter

John  
of the Court  
of Equity  
in the  
Chancery  
at  
Westminster  
the  
10th  
of  
April  
1711

The copy of the will of the said John Stote in chancery attested  
legally complaining thereof to your worshipps of the said  
John Stote that sometime in the year of  
a certain John Stote (Father of the said John) departed this  
life having first duly made and executed by last will  
and testament an office copy of which wanted A is  
herewith incorporated & prayed to be taken as a part of this  
bill - your worshipps charges that in this will the testator  
devises that a certain Thomas Stote (brother of the said  
John) should receive two barrels of Apple  
Brandy, the same year annually to be furnished  
by his brother Thomas Stote - that after several devises  
to the said Thomas in the said will - the testator father  
devises him the said Thomas a considerable residuary  
estate upon condition that, in case of any deficiency  
in his estate to pay off the legacies as mentioned in his  
will that the said Thomas should discharge such  
deficit from the proceeds of the estate by the said  
Stote devised him as aforesaid - your worshipps  
that the said Thomas - duly claimed & possessed  
himself of all the benefits as contained in the  
said will - & having thus made his election  
therein in equity certainly bound to have favored  
of Comf. with the said barrels of Brandy as devised  
in the will of his father as aforesaid, your worshipps  
that upon the death of the said Thomas a certain Abraham  
duly qualified as Ex<sup>r</sup> to his will - that the said Ex<sup>r</sup> on the

departed this life - and the certain Nathl Cooke  
has taken on himself the burden of Comf. de bonis non  
with the will annexed on the estate of the said Thomas Stote  
& your worshipps charges that the said provision  
was devised by the said Thomas from the wife of his father  
yet in ~~his will~~ <sup>the will of the said Thomas</sup> he utterly fails to furnish him up  
orated with the said Brandy devised to him as aforesaid  
and since the death of the said Thomas neither the said Abraham  
or the said Nathl Cooke has furnished him with the said

the same, by reason of a devise of considerable  
 property to him which he hath acquired into possession,  
 therefore if the said brandy was not paid by Thomas  
 in his lifetime, it ought his mother was directed  
 to pay it - but if she died before the legacies were  
 paid, the payment thereof was imposed upon the  
 said deceased estate the executor who is now asking  
 to receive what he is bound to pay -  
 This respondent having answered prayer deemed  
 due satisfied with his reasonable costs in this  
 behalf so moneyfully sustained.

Attorney for Respondent. Nath Cooke

above with the will annexed  
 of Thomas Stone

Baron of Norfolk. Felicitous. His day came  
 before me one of the Aldermen of the Borough  
 of Norwich, Nathaniel Cooke who made oath that  
 the facts stated in the foregoing answer are true  
 in so far as they depend on his knowledge and so far  
 as they depend on the knowledge of others he believes  
 them to be true - Given under my hand this  
 10<sup>th</sup> Novy 1699.

William B. Lamb

will annexed  
 a. g. h. s. s. s.  
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away that the said Thomas, Stott jr. departed this life  
in a short period after the decease of the said ~~John~~  
Stott, on or about the day of ~~1811~~  
1811 having first made and published his last will  
and testament a copy of which is hereto annexed  
and prayed to be taken and considered as a part  
of the answer, in which said will the said Thomas  
Stott directs as follows to wit; "I give and bequeath to my  
brother <sup>said Stott</sup> all the land bequeathed to me by my father at  
my mother's death &c." You respondent avers that the said  
Samuel Stott in a very short period after the death  
of the said Thomas Stott became seized and possessed  
of the land so devised at the death of his mother, the  
said Samuel having in a few weeks or months after the said Thomas  
Stott the said Samuel having so soon acquired the possession  
of the said land and orchards ~~afforded~~ out of  
the said John Stott certainly constituted the  
money devised to the said Samuel may be paid or raised  
on the said Samuel's debt received by seizure  
from the said Thomas, Stott jr. property of much  
greater value than the property which the devisee  
is bound to pay him, your respondent cannot  
discover what principle of equity or justice  
the complainant can expect to recover his demand  
so illegally and unjustly set up. - You respondent  
has been advised that whenever a debtor shall  
devise to ~~another~~ his creditor an amount equal <sup>to</sup> or  
more than the sum due, ~~that~~ if the creditor accept  
the devise, it shall be in satisfaction and extinguish-  
ment of the said debt - and that when the same

land that is to receive, ought to pay, it is an  
extinguishment, and as the John Stott directed that  
property to be paid to ~~the~~ said by Thomas, Stott,  
because he had devised his land and orchards to  
Thomas - as far as ~~the~~ took by seizure from his  
debtor the said Thomas, the very land and orchards  
out of which the money was constituted ~~constituted~~  
to be paid which lands and personal property so  
devised being of much greater value than the money  
the respondent cannot believe that a Court of Equity  
will subject the estate of his testator to the payment  
of the said complainant's unjust demand. Another  
circumstance of material to be made known, is that in  
the will of the said Thomas, Stott who is charged by  
the complainant with being responsible to him for the ~~same~~  
he says "it is my wish and desire that the same time  
of payment may be allowed my mother to make the  
payments to the legacies of my father's will, as the law  
allows me, fully embracing every case that may be  
seen by reference to said will" He also says, "it is my  
wish and desire that in case my mother should be  
sufficient at her death in making the payments to  
the legacies, that my brother said Stott shall pay such  
deficiency in like manner assigned to ~~my~~ mother  
by his said will, then, the said Thomas, Stott by reason of  
a devise to his mother, has imposed upon her the  
payment of all the legacies which John Stott directed  
him to pay, that were unpaid at the time of his death  
and if the legacies are not all paid by his mother  
he imposes on the complainant in the bill, the payment of

To the Worshipful Court of Wych-Might County, in Chan-  
-cery sitting. - The answer of Nathaniel Stott was made  
by Thomas Stott of a bill of complaint exhibited against  
him in the County Court of Wych-Might by Samuel Stott.

This respondent having and receiving to himself now  
and at all times hereafter all and every benefit and  
advantage of exception to the bill of the complainant,  
and to the manifold errors, uncertainties, and  
insufficiencies therein contained - for answer thereto,  
or to so much thereof, as he is advised it is, made  
for him to answer unto, answering, says that it is true  
John Stott, the father of Samuel the complainant, in  
his lifetime, executed his last will and testament in  
which he devised to ~~Thomas Stott~~ ~~as follows~~ to Thomas  
Stott jr. several tracts or parcels of land together with  
some personal or chattel property; and to his son  
Samuel Stott the complainant real and personal  
property to a considerable amount including two  
barrels of apple brandy for five years annually to be  
furnished by Thomas Stott jr. as well appears by reference  
to the bill of the said John Stott which is prayed to be  
taken and considered as a part of the answer - To  
the said Thomas Stott jr. the said John Stott devised all  
his plantations (or which were good and extensive  
orchards both peach and apple, and  
respondent has no doubt but that that circumstances induced  
him to give to his son Samuel Stott the complainant  
two barrels of brandy for five years annually to be  
paid by the said Thomas Stott jr. Your respondent  
is unable to say whether the said Thomas Stott jr.  
furnished the said Samuel Stott with any part of  
the brandy they mentioned in the bill - but he is

Jackson and Service of the with the pond.

17<sup>th</sup> July 1874 —

Nath. Locke admr.

De bonagron with the  
will annexed of John & Thos Stott

Stott

2/3<sup>rd</sup> part in charge

Stott & Son

Wines for Company

Isle of Wight County Court

The Commissioners of Virginia to the Sergeant  
of the Borough of Norfolk, greeting. You are hereby  
commanded to summon Nathaniel Cooke, Admini-  
strator de bonis non with the Will annexed of Thomas  
Stott decd. to appear before the Justices of our County  
Court of Isle of Wight at the Court house of said County  
on the first Monday in August next to answer a bill  
in Chancery exhibited against him by Samuel Stott

and this he shall in no wise omit under the Penalty  
of £ 100. And have then there this writ. Witness

Nathaniel Young Clerk of our said Court at the Court  
house the 9th day of July 1717 in the 42<sup>d</sup> Year of the  
Commonwealth

Nathaniel Young



Know all men by these presents that we Thomas  
Bevan and Jesse Roberts

are held and jointly bound unto Wills Morris admr.

Robert Dushill in the just sum of \$44.00

to which payments were and they  
to be made we bind ourselves our heirs executors  
jointly and severally finally by these presents sealed with  
our seals dated this 2<sup>nd</sup> day of March 1819 —

The condition of the above obligation is such that  
whereas the said ~~Thomas Bevan~~ Morris, as comr  
in ~~of~~ said hath obtained judgment at com  
mon law in the county of Hampshire against the said  
Thomas Bevan for the sum of \$

and the said Thomas Bevan hath obta  
ined an injunction to stay the execution of the said judg  
ments until the hearing the matter in equity upon a  
bill filed for that purpose if therefore the said Thomas  
Bevan shall satisfy or pay the said judgment at  
law and all costs, damages that shall be awarded  
to the said Morris in case the

said injunction shall be dissolved that then the  
above obligation to be void or else to remain in force

given and witnessed  
signed sealed  
in presence of

W Morris

Thomas Bevan Seal  
Jesse Roberts Seal