

1820-009

Chancery Causes: William Goodwynne & al vs James Murray's exor

Dele of Wight County

other surnames: Kelly
Goodwin, Gray, Murry

Henry Rogers

vs.

Bill Hans.

Henry's care

March 10th 1820. Bill Hans.

John's day consent. Int. 8. Deca

June 10th 1820. rept. int. 25

Deca accordingly

Murray, de la Roche

Murray's Exp. Bill

of Compt. further represent - that the interest or dividends to
the said Widow in life has been duly delivered over to her
and she has been duly paid her last and present marriage -
That the Compt. has fully adjusted the estate, as will fully &
particularly appear by reference to an ~~order~~ ^{order} ~~act~~
Court duly returned, & recd by the Court - ordered to be recorded
an Office Copy of which must be here with filed, & that
to be taken & considered as a part of the bill - by which it
appears that the said def. ~~who~~ ^{who} qualified as
an Exr on the said will - and has in his hands
the sum of ~~\$894~~ ^{\$894} principal & \$894.70 Cents of principal
and the sum of \$286.44 Cents of Int. being a reasonable
portion of the said estate - and also three negroes, to wit
Fred, George, & Patience - and that he hath also in
his hands the monied legacy of \$200, chargeable with
Int from the 1st of Jan. 1817 - as decreed to ~~the said~~ ^{the said} ~~and~~
and all of which said property - is subject to a division
& apportionment among the Compt. in manner as follows
To wit - \$200 Int. & the monied legacy ~~to be~~ ^{with Int. as per account} divided into
three equal parts - among, & allotted - equally, to the Compt.
William Goodyne in right of his wife - Geo Kelly in right of his wife
and of Compt. Henry Thomas in his own right, absolutely -
The slaves Fred, George and Patience the balance of
principal and Int. & found due on the said ~~pecuniary~~ ^{pecuniary}
act is subject to division - into three equal parts - two
parts of which is belong to the Compt. Henry Thomas in
his own right, - ~~and~~ ^{and} Geo Kelly in right of his said wife
- & the remaining third, equally to be divided, between
Geo Goodyne in right of his wife - & Geo Kelly in right of his
said wife - and the Compt. Henry Thomas in his own right
absolutely - and of Compt. further represent, that the Exr

has arranged the sum of \$268.32. for board schooling or clothing
by him furnished, to the Compt. Amantia Reynolds - & also
the sum of \$231.45. - for like purposes, to the
Compt. Henry Thomas - which sums if Compt. considered
should in equity & justice be deducted from their respective
portions - as found due on the said Exr's acct - & as
and your Compt. represent that altho there are no debts
which can require the Exr. longer to retain the said estate
in his hands - yet he refuses to make an account
same, & exactly to law, the rights of the parties, unless he
particularly decreed by a Court of equity. - & under
consideration whereof, being remedied in the premises except
the intervention of a Court of Chy, to the end that speedy
justice be done in the premises - your Orators therefore
pray & wish to compel the Exr. Henry Gray - to be
made and considered a party respondent to the bill - & to
answer the same as fully in every respect, as if again
interrogated - that your Orators will appoint fit and
proper persons or counsel to ~~lay off~~ ^{lay off} & assign to them their
respective rights, objections of the said estate & exactly to law
& as herein before shown to be due them - and that
make such other and further decree in the premises
as may comport with equity & the nature of their case -
(May it please your Orators to grant to your Compt.
the Commission and Subd. to
- ~~Henry~~ ^{Henry}

To the worshipful: The Justice of the County Court of Philadelphia,
in Chancery sitting, humbly complaining, sheweth unto
your worship, your actors, for executors - William Goodwyn
and Jesse, his wife, late Peter Murray, Henry T. Murray
& George Kelly, and Averella Virginia, his wife, late
Averella P. Murray - that on the day, when
year 1813, a certain James Murray, departed this life,
having first duly made & duly executed his last will
& testament - that he left his widowed Mary, and
the following children to wit - Henry Thomas, Averella,
and Martha Ann Murray - that under the will
of the P. testator, an attested copy of which Mark A. & he with
the filed thereof, to be taken as a part of her will - the
said P. testator, three slaves & other personal estate,
is devised to his said widowed P. life - a legacy to his
said Martha Ann, is also, devised, of three negroes,
to wit Isaac, Prot, and Armanda - and the sum of
\$200, in cash, to her and her heirs forever - also, it is
further devised & follows to wit - "I leave my will and devise
is, that the residue of my estate, of what kind so ever
be equally divided between my said my three children
Henry T. Murray, Averella my wife - and Martha Ann Murray
and of course further charge - that the said widowed
is now intermarried with the Comf. William Goodwyn
& his daughter ~~Martha Ann~~ Averella, with a certain
George Kelly - that the daughter Martha Ann,
departed this life, an infant & intestate on or about the
day of - 1815 - that pending her death
his of said slaves to wit Prot, & Armanda, also departed
leaving, the said negro devised to her & the legacy under
said will of \$200, yet remaining of her estate & the heirs
the devise

Henry Gray Esq. &c.
Adm. of the
Wm. Lloyd & Co. Esq. &c.

owned the slaves Bob and Amanda, specifically devised to the decedent
infant Martha Ann the two hundred dollars also specifically de-
vised as aforesaid, together with the slaves Ned, George and Patience
(which last named slaves, from all the slaves included under the
residuary clause in the said James Murray's will) are now in the
hands of the defendant liable to division and distribution according
to the said. That ^{the} ~~the~~ ^{plaintiff} ~~the~~ moried legacy for the slave James, were
another delivred up to the said infant Martha Ann she having
~~infant~~ having no guardian authorized to give such an ac-
quittance ~~and~~ ~~as~~ ~~the~~ ~~defendant~~ had a right to do
made. And the defendant further answers and says, that he has no
objection that the estate shall be divided and distributed, and
altho he has never consented to such any division, ~~he~~ ~~has~~ ~~never~~ ~~consented~~ ~~to~~ ~~such~~ ~~any~~ ~~division~~, ~~he~~ ~~has~~ ~~never~~ ~~consented~~ ~~to~~ ~~such~~ ~~any~~ ~~division~~,
from belief on his part, that it was proper for a Court of compe-
tent authority to decide the various questions of law ~~and~~
arising under the facts herein before stated. He also most cheerfully
submit to such decree as the Court shall think proper to
pronounce - he shall however insist that the parties entitled shall
execute bonds to refund according to law for his indemnification.
He is also true that this debt was advanced the sum of \$268.32
for board, clothes and schooling to Averilia V. before her marriage, and the
sum of \$231.45 to the said Henry Thomas for like purposes which sum
so advanced, the defendant shall insist upon a deduction of before
distribution - and that the widow of the said James has the possession
of the lands slaves and personally, as devised to her under the will of
her said husband - the defendant denying all fraud &c. &c. the bill
charged, prays to be hence dismissed with ~~costs~~ ~~to~~ ~~wrongfully~~
sustained. &c.

Henry Gray

The Answer of Henry Gray Executor of James Murray
dec'd to the bill of complaint against them in the
Honourable Court of Pleas of Wight County, by William
Goodwyn and Patsey his said late Patsey Murray Henry
Thomas Murray George Kelly and Averilia Virginia
Murray his wife late Averilia V. Murray, exhibited.

This defendant now and at all times hereafter saving and reserving
to himself all benefit and advantage of exceptions to the many
errors, uncertainties and false allegations in the Complainant's said
bill of complaint contained, for answer thereto, he wnts so much
thence as he is advised is material or necessary for him to
make answer unto answers and says -

That it is true and therefore he admits that he, the Executor of
the late James Murray dec'd and hath qualified as such in the said
Honourable Court in due form of law. And it is also true that the said
James Murray at the time of his death left a widow named Patsey
who is now the wife of the said William Goodwyn - that he said
testator also left three children namely Henry Thomas Murray,
Averilia Virginia and Martha Ann and that Averilia Virginia
hath been married with a certain George Kelly - and that the said
Martha Ann died an infant and intestate some time about the
month of February A.D. 1845 leaving a mother, a brother and sister -
and this defendant further answers and says, that he admits the de-
-clarations set forth and charged by the Compt's, are true; in substance,
and that he has returned an executorial account of his transactions
on his testator's estate to the County Court of Wight, which
is the document alluded to by the Complainants in their said bill.
and that the balance of the principal and interest, by found due on
the said executorial account; together with the slave Isaac who had been

Murray, Devices

11

~~Mattis~~

Murray, Et. Bille

Dece

And it is further decreed and ordered that the sum of
\$268.33 for board ^{Schooling} and clothes furnished the said
Ananias Vignea, by the said defend^t. ~~and~~ ^{and}
the further sum of \$231.45 also for board ^{Schooling} and
clothing furnished to the said Mary Thomas, Mary
by the said defend^t. be first allow'd the said defend^t,
and deducted from the portions of the respective
persons to whom the said advancements were made,
before the division as aforesaid ~~be made~~ directed.

And it is further decreed and ordered that the
Commissioners herein after named be allow'd
if on their opinion, need be - in order to effectuate
with ^{the} more equality the division and apportionment,
as aforesaid - to sell one or more of the said slave
for cash, at public auction, after giving ten
days previous and public notice of the time
and place of sale, to be posted up at the Court
house door of the said County, and at some other public
place near the place of sale - and divide and
pay over the proceeds as herein before decreed.
And it is also decreed that the defend^t out of the
estate of his testator pay the costs and expences of this
suit, as well those ~~incurred~~ incurred by the plffs in the
prosecution as by the defend^t in his defence in this suit,
before division as aforesaid decreed. = And it is further
decreed that Nathaniel Will, Bartholomew Seightfoot,
and David Gray, or any two of them be appointed
Commissioners for the purpose of effectuating the
aforesaid orders, execute returning ^{only to the defend^t according to Law}
negroing decree. ~~that said commissioners~~ ^{make} due report of
their proceedings, - in order to a final decree: ~~be~~

At a Court held in Isle of Wight County, March 7th 1820.

William Goodwyn and Patsey, his wife, late Patsey Murry
Henry Thomas Murry - George Kelly and Avarilla Virginia
his wife, late Avarilla V. Murry --- --- Compts.

Henry Gray Ex'r of James Murry dec'd - Defend^t { by
Chey

" This day the cause coming on to be heard on the Bill
of the Compt's Answer of the Defend^t - the will of the said
James Murry, & other exhibits, and arguments of Counsel
by consent of the parties and assent of the Court on
mature deliberation, it is ordered, adjudged and
decreed, that the property specifically devised
to the dec'd's daughter, Martha Ann Murry,
as in the Bill charged - to wit Negro Isaac and
off with interest thereon due on the account current from 1st January 1817, his paid
\$200, in com, be divided into three equal
shares or parts, and ~~divided~~ ^{shared} the same equally
between the Compt^r William in right of his wife
Patsey - the said George Kelly, in right of his wife
Avarilla V. - and the said Henry Thomas, in his
own right - absolutely: and it is further ordered and
decreed that the residuary estate of said James Murry
except the life interest under said will bequeath'd
to the Compt^r Patsey - to wit the stock in the Bill
mentioned, ~~to wit~~ ^{to wit} Ned, George and Patience,
and the sum of \$894:70. ^{or \$206.04. Interest} principal due on the acct. current,
as in the said Bill mentioned, be divided into three
equal parts, or shares, & two portions thereof to
be divided between Henry Thomas in his own right,
and the said Kelly, in right of his said wife - and
the remainings thereof, also divided into three equal
parts, between the said Goodwyn in right of his wife -
the said Kelly in right of his wife - the said Compt^r Henry Thomas Murry
absolutely.

Sale of Wright County to wit

Pursuant to a decree of the Chancery Court of this county bearing date March Court 1820 to us directed, we the undersigned have made sale of the negro boy Isaac therein named, to William Goodwin for the sum of three hundred fifty two dollars fifty cents after deducting commissions, which sum together with the sum of two hundred & thirty eight dollars (a legacy left to Martha Murray ^{including interest}) we have divided & paid over to the parties entitled, as directed in said decree: - we have also divided and paid over to the parties aforesaid the sum of eleven hundred and eighty dollars and seventy four cents, (the amount found due on the account current of the estate of James Murray ~~decd~~) agreeable to their several rights, to wit, to William Goodwin in right of his wife the sum of one hundred and twenty seven dollars and seventy five cents, to Henry Murray the sum of two hundred and thirty one dollars and forty five cents after deducting two hundred and seventy nine dollars and fifty six cents for amount of articles furnished the said Henry, by Henry Gray the executor of James Murray ~~decd~~, for board, clothes, schooling &c. - to George Kelly in right of his wife Virginia Murray the sum of two hundred and sixty eight dollars and thirty two cents after deducting the sum of two hundred & forty two dollars and sixty nine cents for board, clothing &c. furnished her by the said executor: - And finding it impracticable to make a division of the slaves ~~sd~~, George & Patience, named in the said decree, have made sale of them to wit, ~~sd~~ to Henry Murray for the sum of four hundred and twenty three dollars exclusive of commissions - George and Patience to George Kelly for the sum of six hundred and thirty three dollars & fifty six cents exclusive of commissions - which sums we have divided and paid over to the parties as directed in said decree.

Given under our hands this 22^d day of March 1820

Barth. Lightfoot

Davis Gray
Nathl Wells

Sale by
Statement of the division of property belonging to the estate of James
Murray decd. —

Amt. of debt found due on Acct. Current	—	—	\$ 1180. 74
Amt. deducted for costs	—	—	30. 97
			<u>\$ 1149. 77</u>

1/3 of \$ 1149. 77	is	\$ 383. 20
1/3 of \$ 383. 20	is	127. 75
		511. 01. Henry Murrays share
		511. 01. George Kellys share
		127. 75. W. Goodwins share
		<u>\$ 1149. 77</u>

Henry Murrays part of \$ 1149. 77 after deducting \$ 231. 45 — is \$ 279. 50
George Kelly part . . of . . after deducting 208. 32. is 242. 69

Sale of negro boy Isaac.

amt. of Martha Ann Murrays legacy with Int.	\$ 252. 50
	238.
	<u>\$ 590. 50</u>

Henry Murrays part of \$ 590. 50	is	190. 83
George Kelly part of . .	is	190. 83
W. Goodwin part of . .		190. 83
		<u>\$ 590. 50</u>

Sale of Abd. George Wallace

\$ 1050. 50

Henry Murrays part	\$ 467. 59
Geo. Kelly part	467. 59
W. Goodwins part	115. 40
	<u>1050. 50</u>

with the more equality the division and apportionments as aforesaid, to sell
one or more of the said slaves at public auction after giving ten days
previous & public notice of the time and place of sale to be posted up
at the court house door of the said county and at some other public
place near the place of sale. and divide and pay over the proceeds
as herein before decreed. and it is also decreed that the defent. out of the
estate of his testator pay the costs and expences of this suit, as well those
incurred by the plt. in the prosecution as by the defent. in his defence
in this suit before division as aforesaid decreed. — and it is further
decreed, that, Nathaniel Mills Bartholomew Lightfoot and Davis Gray
or any two of them be appointed commissioners for the purpose of
effectuating this foregoing decree, and that the orators execute refunding
bonds to the defent. according to law. and that the said commissioners
make due report of their proceedings in order to a final decree.

Attest Teste

Nathl. Young Ch. Clk.

Murray Rothens

vs.

Int. 9. decree

Murray's expor

Isle of Wight County

March Court 1890

William Goodwin and Patsy his wife, late
Patsy Murray, Henry Thomas Murray, George
Kelly and Avarilla Virginia his wife late
Avarilla V. Murray

Complainants

against

Henry Gray executor of James Murray et al.

defendant

In Chancery

This day this cause came on to be heard, on the Bill of the complainants answer of the defendants, the will of the said James Murray & other exhibits, and arguments of counsel by consent of the parties and a part of the court, on mature deliberation. It is ordered adjudged and decreed, that the property specifically devised to the deceased Daughter Martha Ann Murray as in the Bill charged (to wit) negro Isaac and Two hundred dollars in with interest thereon due on the account current from the 1st of January 1877 till paid be divided into three equal shares or parts, and apportion the same equally between the complt. William in right of his wife Patsy - the said George Kelly in right of his wife Avarilla V. and the said Henry Thomas in his own right absolutely. And it is further ordered and decreed that the residuary estate of said James Murray except the life interest under the said will bequeathed - as to the complainant Patsy (to wit) the Slaves in the bill mentioned Ned, George, and Patience. and the sum of \$894-70 principal and \$286-04 interest due on the account current as in the said Bill mentioned be divided into three equal parts or shares and two portions thereof divided between Henry Thomas in his own right, and the said Kelly, in right of his said wife - and the remaining third, also divided into three equal parts between the said Goodwin in right of his wife, the said Kelly in right of his wife & the said complt. Henry Thomas Murray absolutely. and it is further ordered & decreed that the sum of \$268-32 for board schooling and cloaths furnished the said Avarilla Virginia by the said defendant. and the further sum of \$231-45 also for board schooling & cloaths furnished the said Henry Thomas Murray by the said deft. be first allowed the said deft. and deducted from the portions of the respective persons to whom the said advancements were made before the division as aforesaid directed.

And it is further decreed and ordered that the commissioners herein after named, be allowed if in their opinion need be in order to effectuate