

1820-029

Chancery Causes: Henry King vs John King, executor of Martha King

Isle of Wight County

particularly interogated; particularly that he set forth
the increase of the four cows left your orator in the
aforesaid wife: He lastly prays that your worshipps will
decree that the said John King pay to him the amount
of his said account with interest, or make any
other or further order or decree in the premises for
his relief as may seem just & reasonable.

May it please the

Nich^d & Co. Byrd
12

King - {
" Bill on
King on

King
Bill

King

June 1800

Bill filed

August 1807

answ^d filed Dec

May 1820 dismissed
with leave to reinstate
in 3 months

The answer of John King to a bill of Complaints of Henry King exhibited against him in the worshipfull Court of Isle of Wight County. — This defendant now and at all times hereafter having and reserving to himself all and all manner of advantage of excepting to the Complainants said bill of Complaint for and on account of the many Errors, misstatements and untruths in the said bill contained, for answer therunto, Or to so much thereof as he is advised is necessary or material for him to answer unto, he answering saith

That it is true Martha King the mother of this defendant and Grand mother of the Complainant, bequeathed ~~to~~ the Complainant Negroe November and four head of Cattle to him and his heirs forever — if he lived to twenty one years of age. It is true that she died in the later part of the year 1790 — and that this defendant had possession of the estate of said Martha, as executor of her said Will, and that, among the rest he retained possession of the property so bequeathed to the Complainant, for seven years — to wit 1791 — & 1797 — inclusive — Your orator never did refuse or decline the delivery of the said legacy, after it could be done with safety, and propriety, — and after it was by any means in his power to do it; for, he states that said Henry was left on the plantation where the said Martha and this defendant lived (and where he ^{this deft} still lives,) a poor, weak, puny — & sickly orphan — without any property, or the most distant prospect of receiving or inheriting any, and without the power of acquiring it, except that, if he lived to twenty one years of age he would be intitled to the legacy aforesaid — The Complainant had no

Guardian, and if he had then had one the Condition attached to the gift in the will shows plainly, that this defendant could not deliver ~~it~~ the property, until the Complainant attained the age of twenty one years; — which he did not attain until about the year 1797 or 1798 — ~~when~~ in which last year the legacy of November and four cows was delivered to him. —

In regard to the profits of the said cattle and the hire of said November — ~~your~~ this defendant cannot from the very nature of the case, be very certain as to the first; because he had not the means of raising a special account of them not knowing which kind, quality, ^{or age} of the 4 Cattle, on a fair assignment from the whole stock would be; he is persuaded however that a fair assignment would not have afforded more than two Cows at most, of the four. As to the second — to wit November, he was only a small boy of about ten or twelve years. That he was hired out first year to wit in 1791 — for four pounds, being the best attainable price — He does not remember positively the precise sum he hired for the remaining six years — but in the annexed Account Current, which he prays may be made, taken and considered as a part of this bill, he has stated as correctly as he can the ~~annual~~ annual values of said Negro — amounting during the seven years to forty five pounds two shillings. — By the annexed account Current, your honours will have a clear view of this defendants Charges against the Complainant — all of which he considers just and proper, and unavoidable in their nature. The Complainant was not only incapable of labour from the infirmity of his Constitution; but also from a very sore leg he was, for the greatest part of his time ~~unable~~ during the seven years aforesaid ~~he was~~ unable to walk. — The Complainant

Some time after the death of his grandmother (perhaps three years) had a small negro named Pink, left to him by his uncle Samuel King, which this defendant had to support; but for which the Complainant seems, ~~by~~ his ~~own~~ silence, unwilling to give any credit for. — This respondent further states that he has only charged board from the beginning of the year ~~the~~ 1794 — because his brother Samuel until that time, was a joint house keeper with him; but he contends that he is ~~strictly~~ entitled to half board, for for the preceding years, in his own right, and, as the executor of his said brother Samuel, to the other half.

This respondent cannot consent — that the profits of four Cattle taken promiscuously from the general stock — or, indeed any four selected from it, was, or could be worth any thing near the value set on them by the Complainant. — Upon the whole this defendant considers himself a loser and not againer by having had possession of the Complainant and his property, and is perfectly willing that a fair and impartial account be taken between them by Commissioners, ^{if it shall be deemed necessary} on viewing being assured that he will be found the Complainants Creditor. — This respondent prays to be hence dismissed with his Costs, in this behalf sustained. — and he as in duty bound &c &c.

Barber for deft.

Isle of Wright County, to wit.

This day John King made oath before me a Justice of the Peace for the said County, that the foregoing answer is true to the best of his knowledge and belief. Given under my hand the day of

1807. —

176-3-2

King
of
the
King

King

as

King

~~~~~

Answer to

King King } Ans.  
do }  
John King }

Aug. 1807

Ans. fit

John King Captain

|                                                                      |                                           |
|----------------------------------------------------------------------|-------------------------------------------|
| 1792 To 1 pair Cloth                                                 | 50 7 <sup>th</sup>                        |
| To 4 yards Linen                                                     | 12 <sup>th</sup>                          |
| To 4 <sup>th</sup> 1/2 Oz. of Linen                                  | 4 <sup>th</sup> 0                         |
| 1793 To 2 yards of Linen                                             | 1 <sup>th</sup> 0                         |
| To 4 <sup>th</sup> 1/2 Cloth                                         | 10 <sup>th</sup> 0                        |
| To 1 <sup>th</sup> 1/2 Cloth                                         | 9 <sup>th</sup> 0                         |
| To 1 <sup>th</sup> 1/2 Cloth                                         | 1 <sup>th</sup> 2 <sup>nd</sup> 0         |
| 1794 To his Board for the year                                       | 12 <sup>th</sup> 0 <sup>th</sup> 0        |
| To Keeping Small Negro Pink                                          | 3 <sup>th</sup> 12 <sup>th</sup> 0        |
| To Clothing for said year                                            | 6 <sup>th</sup> 0 <sup>th</sup> 0         |
| 1795 To your Board                                                   | 12 <sup>th</sup> 0 <sup>th</sup> 0        |
| To Clothing for said year                                            | 6 <sup>th</sup> 0 <sup>th</sup> 0         |
| To Keeping Small Negro Pink                                          | 3 <sup>th</sup> 12 <sup>th</sup> 0        |
| 1796 To your Board                                                   | 12 <sup>th</sup> 0 <sup>th</sup> 0        |
| To Clothing for said year                                            | 6 <sup>th</sup> 0 <sup>th</sup> 0         |
| To Keeping Small Negro Pink                                          | 2 <sup>th</sup> 10 <sup>th</sup> 0        |
| 1797 To your Board                                                   | 12 <sup>th</sup> 0 <sup>th</sup> 0        |
| To Clothing for said year                                            | 6 <sup>th</sup> 0 <sup>th</sup> 0         |
| To Keeping Small Negro Pink                                          | 2 <sup>th</sup> 10 <sup>th</sup> 0        |
| To Wintering a heaving until she becomes<br>a cow with a calf. 12/11 | 2 <sup>th</sup> 8 <sup>th</sup> 0         |
| year. including care of the same                                     | 1 <sup>th</sup> 4 <sup>th</sup> 0         |
| To 1 <sup>th</sup> 1/2 Chest                                         | 1 <sup>th</sup> 4 <sup>th</sup> 0         |
|                                                                      | <u>£ 91<sup>th</sup> 5<sup>th</sup> 0</u> |

John King the Master of the Ship

|      |                                         |                                      |                                     |
|------|-----------------------------------------|--------------------------------------|-------------------------------------|
| 1791 | By Hire Negro Yellows                   | November                             | £ 4 <sup>th</sup> 0 <sup>th</sup> 0 |
| 1792 | By Hire 2 <sup>nd</sup> 1 <sup>st</sup> | 5 <sup>th</sup> 10 <sup>th</sup> 0   |                                     |
| 1793 | By Hire 2 <sup>nd</sup> 1 <sup>st</sup> | 6 <sup>th</sup> 0 <sup>th</sup> 0    |                                     |
| 1794 | By Hire 2 <sup>nd</sup> 1 <sup>st</sup> | 6 <sup>th</sup> 0 <sup>th</sup> 0    |                                     |
| 1795 | By Hire 2 <sup>nd</sup> 1 <sup>st</sup> | 7 <sup>th</sup> 10 <sup>th</sup> 0   |                                     |
| 1796 | By Hire 2 <sup>nd</sup> 1 <sup>st</sup> | 7 <sup>th</sup> 12 <sup>th</sup> 0   |                                     |
| 1797 | By Hire 2 <sup>nd</sup> 1 <sup>st</sup> | 8 <sup>th</sup> 10 <sup>th</sup> 0   |                                     |
|      | Balance due John King                   | 4 <sup>th</sup> 3 <sup>th</sup> 0    |                                     |
|      |                                         | £ 91 <sup>th</sup> 5 <sup>th</sup> 0 |                                     |

The above sworn to before me Robt. Kelly  
August 3<sup>rd</sup> 1807

King

is

King

Winnipeg

Miss deane

Recd

Wm

McKisler

J. S. Davis

Isle of Wight County, to wit,

Henry King

against

Solm King

June court 1807

Comptt.

In Chancery

Deft.

The defendant having failed to file his answer to the bill of the complainant exhibited against him by the complainant in this cause; It is ordered that unless the defendant appear here at August court next & file his answer, that judgment will be entered for the complainant against him, agreeable to the prayer of the said bill —

Attest Teste North: Young Esq.

In the name of God Amen, I Martha King of the parish of  
Newport, and County of Isle of Wight, being sick and weak, but in perfect  
sense and memory, do make and ordain this to be my last Will & Testament  
First I give and bequeath unto my Grand child, Henry King,  
my Negroe November, and four head of cattle, to him and his heirs for  
ever, unless he dies before he come to the age of twenty one years, or has  
lawful issue, in which case it is my will and desire that the said  
Negroe November, and the cattle and their increase, here devised, be  
inherited by my son John King, and his heirs forever. —

Item, To my Daughter Sally Bunchley I give and bequeath a  
Bed quilt, and side saddle, and also give and bequeath to my said  
Daughter Sally Bunchley, my Negroe Amy, to her and her heirs  
forever, provided her husband Joshua Bunchley acquits my estate of  
his Wife's part of her fathers personal estate now due. —

Item, All the rest of my Estate, I devise to my two Sons, Samuel King  
and John King, and their Heirs forever. — It is my further desire  
that my Son John King should execute this my last Will & Testament.

In Witness whereof I have set my hand and affixed my  
Seal this 24<sup>th</sup> day of August 1783 —

Witness  
Tristram Norworthy  
John Parker  
Pamela Smith

her  
Martha X King (Seal)  
marks

At a Court held for Isle of Wight County  
the 4<sup>th</sup> day of October 1790. This Will was presented into Court by John  
King, the executor therein named, and the same being proved by the  
oath of John Parker, one of the witnesses thereto, and ordered to be  
Recorded —

Attest

R. Lightfoot D. C. 1790.

His King is of age and has only received the rags  
and four head of cattle. He wishes to recover the  
lands of his father and the increase of the stock.  
He is dying 14th June 1805.

King

107.

King

W. Sp. in Chy

W. Sp. in Chy  
for W. Sp. in Chy

Executed

W. Sp. in Chy

W. Sp. in Chy

The Commonwealth of Virginia to the sheriff of Ischofright  
County Greeting, we command you, that you summon

John King —————

To appear before the Justices of our County court of Ischofright  
at their Courthouse of said County, on the first Monday in  
July — next, there to answer a bill in Chancery  
against him — Exhibited by Henry King

—————  
—————

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, the 18th day of  
June 1805 and in the 29th year of the Commonwealth

Nath. Young