1820-043 Chancery Cause: Samuel Stott vs James Atkins (Atkinson) + ux + Morris Hatchell + ux

Dsh of Wight County

yr orators can shew, & labours done and performd on the said premises — yr Orats further represent, that Thos Stott, Nancy his wife late Nancy Stott, and Thomas Stakehill and Sally his wife late Sally Stott, are the heirs and devisees of the said Thomas Stott, but refuse to deliver the premises & the benefit which they have rec'd — as aforesaid do positively refuse, to refund any portion of the estate of the said Thomas — already in their possession by assent of the proper representatives, — and also to pay any more one cent, for the services rendered as aforesaid — all which actings & doings of compl. complains are contrary to equity. In tender consideration whereof being remediless in the premises, except by the interposition of this court of equity — yr Orators pray yr Worships to compell the said Thos Stott, Stakehill & Wife and the children on their corporal oath fully to answer the premises — that yr worships will have an act taken of the services rendered as aforesaid by orators & a decree being thereupon made — & make such other and further decree in the premises as may in the opinion of this yr worships be agreeable & proper — & Orators &c

Stott
&
Stott
&
Bill

To The Worshipful Court of the Worshipful Chancery Court humbly
complaining sheweth unto your Lordships, your orator Samuel Stott
that Lomentum on the year of his father Edward Stott
departed this life having first duly made and
executed his last will & testament, as attested by a
which marked A is herewith filed and prays to be
taken and considered as a part of this bill -
That by the said will your orator's brother Thomas Stott became legatee of the
entitled to & possessed of an estate & effects, as in the said will
& said Testator recited, at the time of his death -
That Stott further shows, that he being a minor
on the said Thomas at the time of his father's death
was prevailed on by Cooper to contract, to the purpose
of taking care of the said land - after the death
of the said Thomas Stott commenced the occupation
stock of his deceased - that during all this
rendered considerable services
& much improved the premises by his judicious
work and labour, whereon by means of which
labour no doubt but that he would be fully
compensated therefor - by that so far from
having received such compensation, the
the legal representatives of the said
Stott sold all the said profits of his labour
for the benefit of the heirs & devisees
of the said Thomas Stott generally - Refused
either to pay for the improvements made
on the said land - or the profits sold as aforesaid
made by & under - By means of which premises
the heirs and devisees of the said Thomas
in the actual enjoyment of all the benefits intended by the

Stott

vs

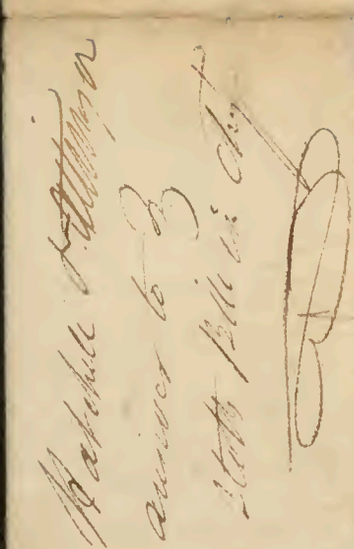
Papers

Atkinson Exrs &c

Apl. 1810 bill filed

Oct. 1810 Answ filed

May 1820 Court for Compl.



&c. They repeat that there was an administration on the estate of John Hatchel and it certainly may be taken care of the estate and &c. attached to the land for the remainder of the year in which John Hatchel died and they cannot see that it is law or equity that Hatchel is entitled to receive any thing of them for his having so remained absolutely for his own advantage. They repeat that the said Sally Hatchel at that time informed of the proceedings and cannot be presumed to know much of the situation of things at that period. Your respondents firmly believe that Samuel Hatchel is not entitled to any consideration from them for any services which he alleges to have rendered. But if any need be performed by them it may entirely be dispensed with and not their satisfaction. They totally deny the prosperity of the decree prayed for by the complainant ~~and pray that the bill may be dismissed with costs and that the complainant may be enjoined from further proceedings~~ and aver that they think the complainant actually indebted to them for the support of his slaves &c. some for several months after they ought properly to have been supported by the estate of John Hatchel. They pray them to be dismissed with their costs in this behalf so unreasonably sustained, &c as in duty bound they will pray &c.

Morris Hatchel
Sally N. Hatchel

State of North Carolina,
Hertford County, to wit.

This day Morris Hatchel and Sally his wife made oath before me a Justice of the Peace for the County aforesaid that the foregoing answer as far as respects their knowledge is true. Given under my hand and seal this 5th day of July — A.D. 1808.

John Wheeler J.P.

Hertford County, to wit. This day James Outlaw and Edward Pierce made oath that the foregoing answer as far as respects their knowledge is true and so far as respects the knowledge of others they believe it to be true. Given under our hands this 7th day of Oct — 1808

Edmund Pearce J.P.

To the Worshipful County Court of Bristol County sitting in Chancery. The joint and separate answer of James Athinson and Nancy his wife and of Thomas Bateden and Sally his wife, to a bill of complaint exhibited against them in the County Court of Bristol by Samuel Stott.

The respondents having and reserving to themselves now and at all times hereafter all and every manner of right of exception to the manifold errors, uncertainties and insufficiencies in the complainants bill of complaint contained, for answer thereto, or to such parts thereof, as they are advised it is material for them to answer answering say. That it is true that John Stott died by his last will and testament duly executed duly to Thomas Stott named and to Samuel Stott the complainant, the said executrix in the said bill. That they believe that the said Samuel may live on the said farm of the deceased, the father of the said Samuel in the family of the said John Stott. That the said John Stott died after the first day of March in the year of our Lord 18 , in consequence whereof the family of the deceased may according to law kept together the whole of that year. That Samuel continued there as he had done in the lifetime of his father. These respondents aver that Samuel Stott the complainant was at that time an infant under the age of twenty one years, and they have no doubt may satisfactorily militate to retain the time allowed to in the bill on the supposition whereon the father John said during life he was supported free of expense to himself. They do not know that he was promised or influenced in the least degree by any person, to remain on the farm - indeed they conceive that he was perfectly disposed to remain, and rather than to have gone off and thereby have incurred the displeasure of [illegible]

Executed on James Atkinson &
Morris Hatchel

Jonah Holleman &
for F. M Boyskin

The commonwealth of Virginia to the sheriff of Isle of wight county greeting; you are hereby commanded to summon James Atkinson and Nancy his wife formerly Nancy Stott- Morris Hatchell & Sally his wife formerly Sally Stott to appear before the Justices of our county court of Isle of wight at the courthouse of the said county on the first mondad in August next to answer a bill in chancery exhibited against them by Samuel Stott

and this they shall in no wise omit under the penalty of £100 each and have then there this writ Witness Nathaniel Young clerk of our said court at the courthouse the 9th day of July 1817 in the 42d year of the commonwealth —

Nath. Young