

1833-003

Chancery Causes

Margaret F. Atkinson & al, by & c vs Joseph Atkinson's exors & Margaret

Dale of Wright County

Atkinson, widow

other surnames Day,
Wilson

Atkinson's infants

in 3 Rice

Atkinson's exors.

Nov. 3rd 1832 Rice Vans.
filed Unit 9 acres Cont.

Dec. 3rd 1832 rept. ret.
Cont.

June 3rd 1833 -

Final decree. entered -

August 5th 1833 report of com.
Sight foot fine

debt remaining unpaid and then can be
offered no good reason they think, why the
said division of the estate shall not be
allotted to him and the balance of the
estate divided according to the will of
the testator. They therefore pray that the
said Geo. Wilson, James R. Wilson and
B. Atkinson as executors of the said
deceased Atkinson, widows of the father
and mother of the said Geo. Wilson
be required to answer the same - that you
will cause a distribution of the estate
and an allotment to the widows of
the same - that the said executors shall
be required to render their account
before a Court of this Court and that
you will appoint a Court to set aside the
division of the said estate. The division
of the balance of the estate equally between
you complainant that you will
make any other or further order in the
premise which may comport with
Equity and as in duty bound they
will ever pray &c.

Atkinson atty. p. g.

The joint and separate answer of Geo.
Wilson, James R. Wilson and Archd. Atkinson
executors of Joseph Atkinson decd: to the
bill of complaint exhibited against them
in the County Court of the City of New York
by Margaret H. Atkinson and others -
The respondent says &c. for answer
and that they are the executors of Joseph
Atkinson have recd. a personal estate to a

large amount - that they can't pay of the
allotment in the bill and are willing to
a division of the property & to render an
account of their executorial transaction,
but they say that the sale of the chattels, take
has not yet been made, yet as they are
not advised of any outstanding claims against
the said estate and believe that there are
none, they say that so soon as the
estate can be sold, they will render an
account of that also - and they are willing
that the Court shall pronounce any decree
which will be legal and proper, & having
answered they pray leave to be dismissed
&c.

(Signed)

Archd. Atkinson

Geo. Wilson

J. R. Wilson

The separate answer of Margaret H. Atkinson
widow of Joseph Atkinson decd: to the bill of
complaint exhibited in the County Court of New York
against her and others by Margaret
H. Atkinson and others infants &c.

This respondent says she is the widow of Joseph
Atkinson and has been proper to remove
the provision made for her by the will of her
husband father of the complainant, &
therefore claims her share in the estate -
she asks that same according to law shall
be set apart to her and that her rights shall
be protected by the Court &c. - prays leave
to be dismissed &c. - (Signed)

Margaret H. Atkinson

To the County Court of Ill of Wight sitting in
humbly complain, shew unto your honorships
your orator Margaret H Atkinson, and your
orator Joseph ^{sr} and George H Atkinson infants
of tender years being by Mr H Day their
next friend that their father Joseph
Atkinson late of the County of Ill of Wight
departed this life on or about the 1st of
1832, having made before
his last will and testament which was
only admitted to record in the County Court
of Ill of Wight, an attested copy of which
has been annexed and prayed to be taken as
a part of this bill; that by said will he
makes sundry devises; among other
things he gives to his wife property therein
specified intending it to be in lieu of
her dower in his estate, and directs the
estate not specifically devised to be
equally divided between your orator
and sister, and he appointed George
Mason, James H Wilson and Archr Atkinson
his executors who have qualified as such
in the County Court of Ill of Wight. That
the widow Margaret H Atkinson the
mother has renounced the provision in
the will for her and therefore claims her
dower in the real and personal estate
your complainant charge that the said
executors have possessed themselves of a very
large personal estate ~~and~~ ^{amounting}
they suppose to the sum of \$30,000 or
thereabouts, and above what will be
required to pay debts and specific
legacies and that their father had a considerable
real estate in Ill of Wight County.
They charge that there are but few if any

Atkinson's

Report

Atkinson's

56
3
54

Atkinson's

11

11

report

Atkinson's

Dec 3rd 1832 at ^{to} ^{of} ^{the} ^{cont.}

Isle of Wight County & November Court 1832

Margaret F. Atkinson Joseph & M. Atkinson
and George R. Atkinson infants of tender
years suing by William H. Day their next
friends

Complainants

against

George Wilson Samuel R. Wilson and Archibald
Atkinson executors of Joseph Atkinson decd.
and Margaret K. Atkinson widow of the
said Joseph Atkinson decd.

Defendants

In Chancery

This cause came on this day to be heard by

consent of parties on the bills, answers and exhibits filed, and was argued
by counsel, On consideration whereof the court doth adjudge order
and decree that Arthur Smith, James Chalmers, Samuel Whitfield
Nelson P. Jordan and Bartholomew Lightfoot or any three of them
do allot and set apart to Margaret K. Atkinson widow of Joseph
Atkinson one full and equal third part of the real estate in the
county of Isle of Wight whereof Joseph Atkinson her husband died
seized, having regard to quality and quantity, also one equal third
part of the slaves whereof he died seised, and which now remain
in the hands of the executors, and that they then proceed to divide
into three equal parts, having regard to quality and quantity the
balance of the real estate & slaves whereof the said Joseph Atkinson
died seised, the part so be allotted to the widow to be held as her
dower in said lands and slaves, and that they deliver over to the
widow her portion, and to the guardians of the infants their respective
shares - but the court doth order that the said property shall not be
delivered over until the widow on her part and the guardians
of the infants if required by the executor shall have executed bonds
to said executor in a penalty double the amount which each may
be entitled to receive, conditioned to refund due proportions of any
debts which may come against the said estate together with the
costs attending the same - and the court doth also order that the said
executors render before a commissioner of this court an account or
accounts of their transactions on the said estate, and the commissioner
having examined stated & settled the same do apportion the balance
which may be found due from the executors among the children of said
Joseph Atkinson & the widow - apportioning one third to the widow, and the balance
equally between the infants complainants & make report of his doings in
order to a final decree.

Attest

Nathl Young Ck.

Atkinson's Notes p. 10

vs.

2 copy Ints.
3 diene

Atkinson's notes:

p. 10 —

of Josiah Parker due refer to the deed. -

To Margaret F. Atkinson we have allotted lot
etc. nine in the plat of the town of Smithfield,
also the undivided moiety of the ancestor,
in lands purchased by him and Joseph B.
Whitman, formerly Alexander Goodwin. -

To Joseph N. Atkinson, we have allotted the
piece of Marsh purchased by the ancestor

of see the deed for the same; also lot etc. forty

five and forty one in the plat of the town
of Smithfield, likewise the lands purcha-

- sed by Joseph Atkinson of Arthur Smith
in the year and conveyed by and
bearing date the day of ad.

containing by estimation acres, more or less
to the said deed; also the lands purchased

by the ancestor of Joseph B. Whitman
by deed of the day of

ad. likewise the lands bought by
the ancestor, of William Whitfield

as will appear by deed of record in the County
Court of Ed of Wight & bearing date the day

of ad.
and which is respectively submitted -

given under our hands & seals this 18 day
of Dec. 1832 -

Arthur Smith Secy
W. F. Gibbon Secy

Barth. Lightfoot Secy

Atkinson & others

17

Atkinson, executor &c.

By authority of the annexed decree
of the County Court of the City of New York
at November Court 1832, we have set apart to
Mrs Margaret K Atkinson widow of Joseph Atkinson
slaves, ~~Barney~~ ^{Davy}, Lilly, Lavinia, Henrietta, Myland,
~~Henry~~ and China - To George Atkinson,
we have allotted Peter, Polly, Eliza, ~~Davy~~ ^{Harriett} and
Venice -

To Joseph Atkinson, we have allotted George Emanuel,
Merritt, Richard of Angelenay, Angelina Husan;
To Margaret K Atkinson we have allotted
Rubin, Nancy, Willis, Charles and Richard
of Lilly -

To Mrs Atkinson the widow, we allotted &
set apart, The Mansion House & lot, there
attached in the town of Smithfield embracing
lots no 64. 65. 66. 67. 68, & in consideration ~~that~~
of the value, annually thereof, we are ordering
- on and so award that she the said Marg-
- ret Atkinson do pay to Joseph Atkinson,
George Atkinson and Margaret Atkinson
each, annually, commencing on the first day
of ~~December~~ ^{January} One thousand eight hundred and
thirty, ~~1833~~ ¹⁸³³, the sum of fifteen dollars, during
her life -

To George Atkinson we have allotted the
land purchased by his father of Arthur Smith
as will appear by the deed for the same bearing date
on the day of ~~1832~~ ¹⁸³² to record in
the County Court of the City of New York containing by
estimation ~~acres~~ ^{acres}, also the interest which
the said ancestor purchased under a deed from
Mylin & Glary
and ten acres of land bought by Joseph Atkinson and:

be entitled to receive, conditions to refund
our proportions of any debts which may come
against the said estate together with the costs
attending the same - and the Ct. doth also
order that the said executor render before
a Court of this Court, an account or acc't
of their transactions on the said estate -
and that the Court ~~make report of the~~ ^{do} having
examined, stated and settled the same,
do apportion the balance which may
be found due from the executor among
the children of the said Joseph Atkinson
and the widow - of which one third to the
widow, and the balance equally between
the infant complainant, make report
of his acting in order to a final decree.

Atkinson

2 3/4 years

Atkinson & son

8/11

Margaret F. Atkinson, Joseph R. Atkinson &
George R. Atkinson infant heirs by will
Day, then next of kin. 10th.
3 inchy.

Atkinson vs. Atkinson, Margaret Atkinson an exr.

This cause came on this day to be heard by
court of parties, on the bill, answers &
exhibits filed and was argued by counsel.
On consideration whereof the Court doth
advise, ord. and decree that Arthur Smith,
James Chalmer, Samuel Whitfield
Watson, Jordan and Bartholomew
Lightfoot or any 3 of them, do sell &
convey apart to Margaret R. Atkinson
widow of Joseph Atkinson, one full &
equal third part of the real estate in the
County of Alb. of Wright of which Joseph Atkinson
her husband died seized - also one equal
third part of the slaves whereof he died
seized and which now remain in the
hands of the executor, and that they then
proceed to divide into three equal
parts, having regard to quality & quantity, the
balance of the real estate & slaves whereof
the said Joseph Atkinson ~~then~~ ^{he} died
seized - the part so to be allotted to the
widow to be held as her dower in said
lands and slaves - and that they deliver
over to the widow her ~~share~~ portion & to
the guardians of the infant, their repre-
sentative shares - but the cl. doth order that
the said property shall not be delivered over
until the widow on her part, the guardians
of the infant (if required by the executor, who
have executor's bonds to said executor, in
a penalty double the amount which each may

Atkinson's

~ 3/4 Deer

Atkinson's

✓

Margaret F. Atkinson, Joseph M. Atkinson,
2 George K. Atkinson infants - couple?
Atkinson & son. Margaret K. Atkinson & son
certain partition between the parties
being made and returned, pursuant
to a decree of this Court, bearing date
the 5th day of November 1833, &c., on consid-
eration whereof, it is decreed & ordered
that the said partition in manner
and form aforesaid made, be held
firm and stable forever; and that the
costs be proportionally borne by the
parties - the Court & the also order
adjudged that
Margaret K. Atkinson widow of
Joseph Atkinson pay to each of the
couple
on the 31st Dec. next, and every year
thereafter on the same day of ~~the~~ year,
the sum of \$13 - ~~per~~ ^{per} ann. ~~per~~ ^{per} life,
according to the opinion of the Court
acting under the decree of this Court.
and this cause is returned to be
further proceeded in in respect to
the transactions of the executors.

Atkinson & Co

183:  Report

Atkinson & Co

August 5th: 1833 report filed

To the County Court of Isle of Wight

According to a decree of the County Court of Isle of Wight pronounced on the day of 1832. I have as a Commissioner proceeded to make up the transactions of George Wilson and Archibald Atkinson two of the Executors of Joseph Atkinson ~~decd.~~ and offer the exhibit marked A as the result of the said George Wilson's transactions on said Joseph Atkinson's estate made up the first day of February 1833. I offer as a part of the report, ~~that~~ the exhibit marked B being the transactions of the said Archibald Atkinson ~~on~~ ~~the~~ said Joseph Atkinson's estate made up the said first day of February 1833. — James R. Wilson another executor of the said Joseph Atkinson ~~decd.~~ had to that day received no part of the ~~deceased's~~ estate & had administered no part up to that day, for that reason no account was stated for him at that time. — There are further transactions of the said executors on the estate of said Joseph Atkinson ~~decd.~~ yet to be performed by them and which will be hereafter reported.

Barth. Lightfoot Comr.

dollars & eighty nine cents - all of which payment made by
the executor aforesaid is in full for the balance aforesaid
reported to be in his hands - all of which proceedings is
submitted to the court as

Barth Lightfoot Commr

At a Court held for the county of Hillsborough the 4th day
of March 1833. the foregoing account current was returned
by Commissioner Lightfoot and with his report thereon
is ordered to be filed for exceptions - and at another
Court held for said county on the 2nd day of June 1833
the said account having been returned for more than
two months and no exceptions filed thereto the same
is confirmed and with the report of Commissioner aforesaid
is ordered to be recorded -

Teste Nathl. Young J. C. 1833
Attest W. C. Edwards J. C. 1833

Joseph Atkinson's

Acct. Current as adm.
by George Wilson

Attest

Exhibit with
Cov. report

Letter A.

The estate of Joseph Atkinson deceased In account with George Wilson one of the executors

1832				1832					
Sept	30	To paid James Woodley	Act.	20	98	Sept	26	By this sum in Bank Notes found in house of testator	2745 00
Oct	1	" paid Josiah Parker Gen. to wife A Parker Legacy		50	00	"	"	By this sum in Silver	ditto 72 11
"	9	" paid Sally Waltham	"	100	00	"	"	By this sum in Gold	ditto 155 00
"	16	" paid James Chalmers	Aut.	4	00	Nov	1	By this sum of Barth. Lightfoot on bond	291 23
"	20	" paid Arthur Smith	"	2	92	"	"	By this sum of Robert W Young	" 57 84
"	24	" paid Elizabeth Davis	Legacy	50	00	"	"	By this sum of Geo C J Andrews	" 29 92
Nov	"	" paid Thomas Baryar	Aut.	1	50	"	"	By this sum of John B Young	" 1155 00
"	"	" paid James Martin painter part of	"	10	00	"	"	By this sum of William Davis	" 47 00
"	23	" paid Lucius G. attorney Indgt on attn		21	00	"	"	By this sum of John A Purdie	" 2350 61
Dec	28	" paid James Tucker Subscription to build Christ Church in Smithfield		20	00	"	"	By this sum of Thomas D Ripley	" 210 00
Dec	6	" paid Samuel Whitfield	Aut.	3	44	"	"	By this sum of Cartright Price	" 388 29
1833						"	"	By this sum of Jacob Persons	" 1161 55
Jan	7	" paid Ezekiel Thomas	"	3	00	Dec	12	By this sum of John B Levy	" 124 83
"	11	" paid Folk & White	"	30	69	"	"	By this sum of B. B. Bunter	" 103 75
Feb	1	" 5 p cent Comm ^s on of 13762.65 receipts including amount of Sales		688	12	"	31	By this sum of John Murphy	" 142 50
"	1	To this ^{sum} amount due the estate of Contra		12757	00	"	"	By this sum of Charles Murphy	" 274 14
1833						1833			
Feb	1	To paid Margaret R Atkinson widow of Testator 3/4		4252	33	Jan	1	By this sum of R. Boykin	" 212 00
"	"	" paid Arch. Atkinson Gen to Jos R Atkinson		2834	89	"	"	By this sum of L. L. Crumpler & Co	" 88 86
"	"	" paid Arch Atkinson Gen to Margaret R Atkinson		2834	89	"	15	By this sum of Mills Wilson	" 142 39
"	"	" paid James R Wilson Gen to Geo. R. Atkinson		2834	89	"	"	By this sum of Ro Butler	" 212 50
				12757	00	Feb	1	By this amount for Sales of the estate due the vend of May 1833	2795 06
								By this sum of John Ross	f bond 411 12
								By this sum of Mrs Goodwin	" 631 95
									ff 13762 65

Due the estate of 12757.00
Feb 1st 1833

Smithfield February 1st 1833

Agreeable to a decree of the Court of Hh of Wright County pronounced at - Court 1832 in the case of Atkinson against Atkinson's executors & I have made up an account of the transactions of George Wilson one of the executors of Joseph Atkinson ~~and~~ (so far as he has yet committed the estate of said Jos. Atkinson ~~and~~), from papers and witness laid before me, which I have carefully examined and stated, and find that on this first day of February 1833 the said George Wilson executor as aforesaid has in his hands belonging to said estate the sum of twelve thousand seven hundred and fifty seven dollars & six cents part thereof is for sales of the chattel property of his Testator & is not due till the 22nd of May next

Your Commissioner further reports that out of the aforesaid balance in the hands of the said George Wilson, he will in the presence of your Commissioner pay to Margaret A. Atkinson the widow of the Testator the sum of four thousand & two hundred and fifty two dollars and thirty three cents in full for her interest in said balance for which sum she executes a receipt to said executor - The said George Wilson executor as aforesaid paid over to James R. Wilson Guardian to George R. Atkinson one of the Orphans of said Testator the sum of two thousand & eight hundred & thirty four dollars & eighty nine cents in full for said George's proportion of said balance. Receipts produced as To Archibald Atkinson Guardian to Joseph A. Atkinson another Orphan of the Testator, the said executor paid two thousand & eight hundred & thirty four dollars & eighty nine cents - And to the said Archibald Atkinson Son to Margaret A. Atkinson another Orphan of the Testator, the said executor paid two thousand & eight hundred and thirty four

to ten thousand three hundred and eighty dollars and
forty nine cents, and is in full for the amount due by
him as aforesaid or all of which is submitted to the
Court —

Barth Lightfoot Comm

At a court held for Hillsborough county the 4th of March 1833
the foregoing account current was returned by Master Com-
missioner Lightfoot, and with his report thereon is ordered
to lie for exceptions. And at another Court held for said
county on the 3rd day of June 1833. the said account
having been returned & lain for more than two months
and no exceptions filed thereto, the same is confirmed
and with the report of Commissioner thereon is ordered
to be recorded —

Teste

Wm D Young A M
" " " " " " " " " " " "
Attesty John C Edwards J. C.

Joseph Atkinson's

Acct. Current.

as administered by Asst.
Atkinson

Attesty

Attest B. with
Com. report

Nov 1	By Cash of Geo. Wilson	on hand	1181 37
	By Cash of Mr. A. Day	on hand	62 72
	By Cash of Wiley Bagwell	"	113 70
	By Cash of Henry L. Tynes	"	59 11
	By Cash of Morrison	"	37 43
	By Cash of auto	auto	11 26
	By Cash of Mr. Corbelle	hand	63 00
	By Cash of W. Whitfield	bal of Bond	43 73
" 19	By Cash of J. & Mason	hand	348 24
" 21	By Cash of John Boykin	hand	44 36
" 26	By Cash of Mr. B. Woodley	part of bond	332 80
" 29	By Cash of Hall	for one of his bonds	73 62
	By Cash of Wilmouth Moody	hand	298 50
	By Cash of Thomas Gray	hand	9 44
	By Cash of James Chapman	hand	502 10
	By Cash of Mr. Coleman	hand	412 00
	By Cash of A. B. Woodley's account on exor.		689 65
1833			
Jan 1	By Cash of Fanny Boykin	hand	499 00
	By Cash of F. M. Boykin	2 bonds	315 77
	By Cash of Thomas I. Jordan		19 89
	By Cash of W. B. Woodley	Bond	2634 57
	By Cash of Samuel Goswin		54 00
	By Cash of A. G. Boykin	hand	214 00
	By Cash of Myche	hand	2650 00
	By this sum received of James M. Jordan	hand	231 29
	By this sum received of James Jordan	do.	278 09
" 25	By this sum of Ann Hines		9 00
" 26	By this sum of Lucy Wills		175 72
		ff	11321 72

Due this at of 10380.49
Feb 1st 1833

Smithfield February 1st 1833

Agreeable to a decree of the court of the County pronounced at - Court 1832, in the case of Atkinson against Atkinson's executors & I have made up an account of the transactions of Archibald Atkinson one of the executors of Joseph Atkinson ~~decd~~ (so far as he has yet administered the estate of his testator) from papers and evidence laid before me, which I have carefully examined and stated and find that on this first day of February 1833 there is in the hands of the said Archibald Atkinson executor as aforesaid belonging to his testator's estate the sum of two thousand three hundred and eighty dollars and forty nine cents - Out of which sum the said Archibald Atkinson did on this first day of February 1833 pay over to Margaret K Atkinson the widow of the said Testator, the sum of three thousand four hundred and sixty dollars and sixteen cents as her interest in the balance aforesaid in the hands of said executor - that the said executor on the said 1st of February 1833 did also pay over to James R. Wilson Guardian of F. R. Atkinson one of the Orphans of said Joseph Atkinson ~~decd~~ the sum of two thousand three hundred and six dollars and seventy seven & $\frac{2}{3}$ cents in full of the said George's proportion of said balance due as aforesaid from said executor - That the said executor, acting as guardian to Joseph K Atkinson one of the Orphans of said Joseph Atkinson ~~decd~~ retained the sum of two thousand three hundred and six dollars and seventy seven & $\frac{2}{3}$ cents in full for the said Joseph's proportion of the balance aforesaid - and that the said executor acting as guardian to Margaret K Atkinson one of the Orphans of said Joseph Atkinson ~~decd~~ retained in his hands as guardian, the sum of two thousand three hundred and six dollars and seventy seven & $\frac{2}{3}$ cents in full for said Margaret's proportion of the balance aforesaid - All of which payments and retainers amount

The estate of Joseph Atkinson and in account with Archibald Atkinson one of the executors

1832				
Oct 19	To paid George Wilson	Ant	24	66
" "	" paid Wmble & Wilson	"	26	52
" "	" paid Wmble & Wilson for an advance to testator son for by request of testator in his life time	"	24	00
" "	Amount of an account in favour of the exor ^s		31	50
" "	paid J B Martin in part for painting linen		28	00
" "	paid postage of letters on business of the est		"	10
" "	this sum as atto' fee for account to settle estate		10	00
Nov 1	paid for Coffins for Testator & for negro of the est		47	50
" "	paid John Morrison	Ant	11	00
" 15	paid M H Woolley adm. of A B Woolley	"	6	12
" 22	paid J B Whitelock Dyff	Taxes	29	70
" 24	paid Jas B Southall	bal ant	83	65
" "	paid postage of letter		"	10
Dec 4	paid J R Pollard acct balance on settle ^{mt} ment of bond & ant left by testator	"	7	39
" 15	fee & tax on suit vs Young		5	75
" 28	paid Samuel Butler	Ant	12	00
" "	postage of two letters		"	31
" 31	5 P Cent Comm. on of 11321 23 receipts		566	66
" "	this sum expended for provisions for the family of testator	"	10	00
" "	paid Sarah B Watton	Ant	5	88
" "	paid Folk & White		13	50
1833				
Feb 1	Balance due the estate P Contra		10380	49
			of 11321 23	

1832
Oct 19 By Cash of Geo Wilson & Wilson & Wmble Ant 16 87