

1840-010 Chancery Causes. Benjamin Bidgood vs Elizabeth Bidgood's cont

Isle of Wight County

other surnames. Wills
Whitehead, Jordan,
Young

To the Judge of the Superior court of Law
and Chancery for the county of Essex
wight in chancery sitting

Humbly complaining, shews me to
your honour, your orator Benjamin
Bridgwood that on the 1 day of May
1922 a certain Matthew Mills of said
county was appointed ^{also 1st executor} executor
to a certain Elizabeth Bridgwood ^{a party} of
sound mind and then in the
Lunatic Hospital. The said Mills in
violation into his possession the estate
to which the said Elizabeth was
entitled and managed the same
till the time of his death, ~~an~~ ^{an} ~~copy~~
an attested copy of ^{the} ~~order~~ appointing
said Mills executor marked A
is herewith filed and is prayed
to be taken as part of this bill. After
the death of said Mills to wit on
the 1 day of January 1927 a certain
Joseph B Whithead of said county was
appointed executor of the said Elizabeth
by the court of said county, a copy of
said order is herewith also filed
marked B. and is prayed to be con-
sidered as part of the bill. The said Jo-
seph B Whithead afterwards by virtue
of said appointment received the estate
and receives said said Elizabeth.
From the said Mills the former executor
and afterwards to wit on the 26th
Feb 1929 rendered before a commissioner
of the county court of said county
an account of the estate and re-
ceives so received, and of his receipts
and savings as executor of said
said Elizabeth from the said Jo-
seph B Whithead of \$207.11 with inter-
est on \$195.20 part thereof from
the 31st Dec 1923 till paid, ~~and~~
an attested copy of said account is
herewith filed marked C, and is
prayed to be taken as part of this bill.
The said Elizabeth continued a lunatic
till and since, and died in the
Hospital at Melrosebury on the
11th day of ^{eighteen hundred and}
thirty and before the passage of the law
on the 22nd March 1931 which makes
the estates of lunatics who are cured

2

and discharged on who she in the hospitals
responsible and subject to pay any
debt due the Commonwealth for
expenses of maintenance incurred
while the lunatic resided in the
hospitals; yet the death of the said Eliza-
beth, your mother was the sole and
only heir, being her only brother,
she having left no father or mother,
or other brother or sister or descendant
or sister of them; and as such
your mother was entitled to receive
all the estate of the said Eliza-
beth of which she was seized or to which
she was entitled at the time of her
death; your mother is advised that
no one to defray the expenses of removal of said lunatic to the hospital, and
no annual allowance ^{ever made}
by the county court of Blount for
support or maintenance of the said
Elizabeth, and that her estate was
in no way responsible for any debt
or balance due the Commonwealth
therefor; that her estate ought to demand
and pay to your mother as her only
heir at law and that he was and
is entitled to receive and receive
the same; the said Joseph B Whithead
on the 2nd day of November 1835 ad-
ministered on the estate of the said Eli-
zabeth in the county court of Blount
a certificate of the same which
is herewith filed as part of this bill,
and as committee or administrator
of the said Elizabeth still retains the
although the said Elizabeth owed no debts
said estate and monies and re-
fuses to pay the same to your mother
on the ground (as he understands) that
there was due and owing to the
Commonwealth from the said Eli-
zabeth for maintenance in the Lunatic
hospitals a sum greater than the
amount due from him as com-
mittee or administrator or officer
your mother is anxious to receive
the balance due the estate of his
said sister Elizabeth and has applied
to the said Joseph B Whithead in the
most friendly terms: But now as
it is my duty please your honor

he has positively refused, which tends
more to the injury & oppression of your
estate, and forasmuch as he is with-
out remedy at law and can be re-
lieved only in a court of Equity: to the
end therefore that relief may be had
your estate prays your Honors that
the said Joseph B. Whitcomb as executor
or administrator of said estate be com-
pelled ^{on oath} to answer the premises fully
and distinctly as if the same were
again repeated and he thereto interpose
not, that he answer especially whether
the said Elizabeth Beal died before
the 22nd March 1831, and that by
a decree of this court he be compelled
to pay your estate the said sum
of \$207.11 with interest acc^d to
from the 31st Decr 1828 as of said
and all other estate & monies which
have come into his hands as executor
or administrator of said estate, and may
it please your Honors to grant all
further relief in the premises ^{where}
by and proper, and grant the cover
you so and your estate as in
our duty bound we are &c

W. L. C. J.

Hochmann p. 9.

Amendment to bill

After 16th line 2 page insert

~~It~~ was order to defray the expenses of removal
of voice lavative to the hospital and

Costs C. S. C. \$18.34
 Costs B. A. 33.38
 \$51.72

Ridgwood ¹¹³ ~~and~~ Rice
 Ridgwood's case

September ^{6th} 1836
 Bill filed — Exhibits
 A, B, C, & D, also filed —

February 5th 1837
 Ans.^r filed with exhibit A.

March Rules, 1837
 Set for hearing

May 5th 1837 leave to
 amend the Bill —

Oct. 2^d 1837
 A. Youngs. Depo.ⁿ filed
 Set for hearing —

Oct. 10th 1837 decree for
 the plt. for \$207. 11. with int.
 on \$195.20 from the 31st of
 Dec. 1838 till paid — & that the
 plt. & Def.^s do each pay his own
 Costs —

~~Sp. to file for the~~
~~to amend the~~
~~to amend the~~

309
 1230
 309
 30 43207144
 33
 132 482
 120
 126
 120

To the Judge of the Circuit Superior Court of
Law and Chancery for the County of
Blk of Wight - The answer of Joseph B.
Whiteman, administrator of Elizabeth
Biggood decd: and a Committee
whilst living, to the Bill of complaint
against him in the said Court exhibited
by Benjamin Biggood. - This respondent
saying and answering to himself now
and at all times, but after all manner of
benefit and advantage of exception to the
manifest error, imperfections, insuffi-
-ciencies and false allegations in the
complaint, bill contained. for answer
thereto, or unto so much thereof as he is
advised it is material for him to make
answer unto - for answer says, that he was
appointed Committee of the estate of Elizabeth
Biggood a lunatick then in the Lunatick
Hospital in Williamsburg, by the County
Court of Blk of Wight County, and while the
said Elizabeth was living, he rendered an
account to the County Court aforesaid showing
a balance of \$207.11 with interest on
\$195.20 paid during from the 31 Dec. 1828
and owing by him in the character
of Committee of the said Elizabeth Biggood.
About that time, James E. Heath the Secre-
-tary of Virginia, gave to your respondent
information that a debt to a considerable
-ly innocent (and much above the sum
then in your respondents hands) was due
to the maintenance of said deced-
-ent Elizabeth Biggood at the Hospital
in Williamsburg; ~~and your respondent~~
~~was threatened with a prosecution agt.~~

~~his own will, and of the same person~~
~~to pay for the same, and of the same person~~
~~perpetrating the same, and of the same person.~~
Intending to comply with what he
then believed was his duty, and what he
now contends he has a right to do, this
respondent in good faith, paid the whole
amount in his hands as Committee of the
said Elizabeth Biggood to the Treasury
of Virginia, to wit, \$216.56, as will appear
by the receipt of George K. Lee an officer
in the Auditor's office, dated the 10th of Octo-
ber, 1829. Auditor's office, which receipt
marked it is hereto annexed and prayed
to be taken as part of this answer. —
Your respondent is advised that under the 7th
section of the act of the general assembly passed
the 9th of March 1819 entitled "an act to reduce
into one act all acts and parts of acts, making
provision for the retreat, support and
maintenance of sick and decedents, and
the preservation and management of their estates,"
he as Committee of the said Elizabeth Biggood
was bound to account with the Auditor of
Public Accounts, and pay into the Treasury
as well what was due for expenses attending the
removal of said decedent to the Hospital,
as for his annual support while in
the Hospital, and he says, that the amount
so due for maintenance and expenses
aforesaid was much more than the sum
of money in his hands, but that the bal-
ance of the claim against the estate of
the said decedent was left unpaid, by
reason of insufficiency of assets, and if
your respondent had suffered himself to be
moved against by the auditor, he would
have been compelled to pay, and would have

been found a defaulter in office. This respondent
contends that the payment to
the Treasury was properly made, and that
the Court of the County Court of Albemarle
having allowed the same to him as a credit
on settlement of his account as Committee,
it should not be required of him to do
more than exhibit that account as proof
of the discharge made. This respondent denies
that the complainant has any claim
upon him, and calls for strict proof of
the allegations in the bill. — It may be
true (but he does in no wise mean to
admit it) that all the legal formalities
were ^{not} performed by the County Court of Albemarle,
Albemarle, yet he relies upon ~~strict~~ principles
of strict justice, the debt from Elizabeth
Biggood the decedent to the state ought to be
paid, and he has done so, he has done no
wrong by any relation to said estate,
it would be manifestly unjust he
should suffer. — He admits that Elizabeth
Biggood died in 1830 or before March 1831.
He denies all fraud, and having
answered, prays hence to be dismissed
with his reasonable costs in his behalf, and
— claims unjustly —

(Signed)

County of Albemarle Geo.

This day came before the undersigned, justice
for said County, Joseph B. Whitbread, who made
oath that the foregoing statement is true so
far as it respects on his own knowledge, &
that so far as respects on the knowledge of
others, he believes it to be true. Given under my
hand and seal this 31st day of Jan'y. 1837.
J. Morrison, J. (S)

Biggood's answer:

Ans: Answer

Biggood

February Rules 1837 and
filed —

414

Biggood's answer:

docs.

3

Ans:

Biggood

February 6th 1837—

Ans: filed Kan exhibit A.

0
15. nat. fed.
15. Ans
50 bona
40 Long.
15 Ind. C.
58 exon
2.07
16.33
18.34
33.38

C. C. McCreary

The Commonwealth of Virginia,

To the Sheriff of *Isle of Wight* — County, GREETING :

YOU ARE HEREBY COMMANDED TO SUMMON *Joseph B. Whithead* late committee of the estate of *Elizabeth Bidgood* a *limitie* and the said *Joseph B. Whithead* *adw.* of the said *Elizabeth Bidgood* *decd.*

to appear before the Judge of the Circuit Superior Court of Law and Chancery for the County of *Isle-of-Wight*, at the Court-House of *Isle-of-Wight* County, on the first day of *Sept.* ~~the~~ *Rules* next; to answer a bill exhibited against *him by Benjamin Bidgood*

in the said Court, by *Benjamin Bidgood* —

and unless the said defendant shall answer the said bill within four months thereafter, the Court will take the same for confessed, and decree the matter thereof accordingly. 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 *10th* day of *August* 183 *0*, and in the *01st* — year of the Commonwealth.

Nathl. Young

Executed On Saturday 1st of Oct
1836 by delivering a true Copy
to S^r Whitehead

At Whitehead & for
J 86 Duckshead

Whitehead

15.

Wm. W. W. W.

Whitehead's committee

To Wm. W. W. 1033

Car. Wm. W. W. W. W.

Wm. W. W. W.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of *Isle of Wight* County, GREETING:

WE COMMAND YOU to summon *Joseph B. Whithead late*
Committee of Elizabeth Bridgwood a lunatic and
the said Joseph B. Whithead account of the said
Elizabeth Bridgwood and: ..

to appear before the Judge of the Circuit Superior Court of Law and Chancery for the County of Isle of Wight,
at the Court House of said County, on the first Monday in *June* ~~next~~ *an amercia* next,
being Rule day, to answer a bill in Chancery in the said Court exhibited against *him* by *Benjamin*
Bridgwood ..

and if *he* - shall fail to answer the Bill within four months thereafter, the Court will take the said Bill
for confessed, and proceed to decree the matter thereof accordingly. And have then there this Writ.—Witness
NATHANIEL YOUNG, Clerk of our said Court at the Court House, the *8th* day *May* ..
1837, in the *6th* year of the Commonwealth.

Nath^l Young Clk.

Executed May 31st 1837

G. W. Council D.
for H. Buck Shff

Bogard 3
is: 3 Spec in chys
Bogard's Contn: de
to Aug 1837
C. & C. d. C.

G. W. Council D.
for H. Buck Shff

At Hand May 29th 1837

Mr. Joseph B Whithead late committee
of the estate of Elizabeth (alias Betsey)
Ridgwood, a lunatic, and admin.
of the said Elizabeth (alias Betsey)
Ridgwood dead

Will take notice that I shall on
Saturday the 30th Sept next between
the hours of 10 A.M. and 4 P.M. at
the Tavern of James M. Mearns in
the town of Smithfield proceed to take
the depositions of Nathaniel Jones
Josiah M. Jordan, John M. Jordan and
others to be read as evidence in a
suit now pending in the circuit
superior court of Law and Chancery
for the county of Mississippi in which
I am plaintiff and you defendant
Yours &c

Sept 8th 1837

Benjamin Ridgwood

I acknowledge receipt of the
within notice

Sept 12 to 1837

W. Whitehead

Ridgwood

vs.

Ridgwood and

Notes

Mr. Jos B. Miltimore late owner of the
estate of Elizabeth (alias Ritz) Riegman
a Curator and administrator of the Estate
late Riegman deceased

Take notice that on the 2nd
day of Octr inst at the court
house of Washington county between
the town of 10000 and 4 P. C.
I have proceeded to take the depo-
sition of each party to be
made as evidence in a suit
now pending in the circuit
court of Law & Chancery in
which I am plaintiff and
you defendant yours &c

Oct 1st 1877

Benjamin Riegman

I acknowledge receipt of the correction
notice

H. B. Tuttle

Notice

The deposition of Josiah M Jordan
taken on the 30th Sept
at the instance of James
M Madsen in the town of Smith
field pursuant to notice to be
made in a suit in Chancery now
pending in Sup. Court of Mississippi
between Benjamin Ridgrod and
Jo B Madsen concerning of Betty Ridgrod
and administration of said Betty Ridgrod
This deponent being of lawful
age being full ~~years~~ ^{years} and
able to give testimony by
the plaintiff's attorney as follows

Now you acquainted with Betty
Ridgrod late of the county
of Mississippi and where ~~she~~
and when did she die? I was
acquainted with Betty Ridgrod and agree to informa-
tion. I believe she died in the Lunatic hospital in
Williamsburg in 1830 and that said information
has never been contradicted

Who were the nearest relatives
of the said Betty Ridgrod at
the time of her death? In answer
I believe that Benjamin Bidgood was the nearest
relation, and I moreover believe that she left
no other father or mother, and the said Benjamin
Bidgood, was the brother, and the only one
the said Betty Bidgood had at the time of
her death.

Did she leave any nephew or niece
descended from a brother or sister?
She did not.

Signed Jos W Jordan

For as N Jordan the deponent
has made oath before me as
true of the place of Mowbray county
that the answers to the foregoing
questions are correct and true
according to the best of his know-
ledge and belief Given under
my hand this 31st of Sept 1837

Edw. C. Jordan D

To the Clerk of the Sup^r
Court of the County of Wright Co.
Came to hand under seal
2^d Oct^r 1837— N. Young ad.

Diagnosis
 15.
 3 d. H. dorsalis
 3 d. H. dorsalis
Diagnosis common.

The deposition of Nathaniel Young taken
at the court room of Kings County
pursuant to notice on the 2nd
day of Oct 1837 to be made in a
suit in the circuit & Sup. court
of said county between Benjamin
Bridgman plaintiff and Joseph B
Blateland late com. of Elizabeth
(alias Betsey) Bridgman and order
of the said Elizabeth Bridgman

This deposition being read
to state whether he is clerk of the
county court of Kings County, and
whether he knows about
any order of court making
an allowance for the removal
of said lunatic to the hospital
or for her support or maintenance
wherein there appears
and says that he is the clerk to the county &
Superior Courts for the county of Kings County that
he at the request of Mr. Joel Holliman Att. for
Benjamin Bridgman has examined the records in
his office and cannot find any order making
an allowance for the ^{expenses of the} removal of the said Lunatic
or any order for her support and maintenance in the
Lunatic Hospital of Williamsburg - & firmly believes
that no such orders were ever made & further
says not.

Nath. Young
Sworn

Nathaniel Young this day sworn out
before me a justice of the peace of Kings
County that the statements in
the foregoing deposition are correct
& true according to the best of his know-
ledge & belief given under my hand
the 2nd Oct 1837
Gray Carroll J.D.

County

To the State of Massachusetts

Bidgood
is. dep. of
Whitehead & N. Young
Admors. of
Bidgood

Oct 2^d 1837 this day
filed

Ridgroad
or
Ridgroads come
here

(Entered).

Virginia: At a Court of Appeals held at the Capitol in the
City of Richmond on Saturday January 11th 1840.

Joseph B Whitehead late committee and administrator
of Elizabeth Bidgood deceased
against
Benjamin Bidgood

applt.

appee

} Upon an
appeal
from a

decree pronounced by the circuit superior court of law
and chancery held for Isle of Wight County, on the
ninth day of October 1837, in a suit in which the
appellee was plaintiff and the appellant was
defendant.

This day came the appellant by his counsel, the appellee not
appearing although solemnly called; Whereupon the court having
maturely considered the transcript of the record of the decree
aforesaid and the arguments of the appellants counsel, is of
opinion that the said decree is erroneous; therefore it is decreed and
ordered that the same be reversed and annulled, and that the
appellee do pay unto the appellant his costs by him expended in
the prosecution of his appeal aforesaid here. And this court
proceeding to pronounce such decree as the said circuit superior
court ought to have pronounced; it is further decreed and ordered
that the bill of the appellee be dismissed, and that he do
pay unto the appellant his costs by him about his defence
in the said circuit superior court expended.

Which is ordered to be certified to the said circuit superior court.

Appellants costs in the
Court of Appeals

\$33.38

A Copy Test. Allen C. C.

Ridgood
vi } Co: deeres
Ridgood

Isle of Wight

Isle of Wight County May Court 1822.

On motion of Matthew Mills. he is appointed
a committee to Elizabeth Bidgood, a person of insane mind, and at
present in the Lunatic Hospital, and the said Mills together with Solo-
mon Pasture his security entered into and advised a bond in the
penalty of one thousand dollars conditioned as the Law directs —
a copy Teste

Wm Young Secy.

Order of
printing. Mills
committee

(A)

Sleight County Sannary Court 1827 -

On motion of Joseph B. Whitman, ordered that he be appointed Committee on the estate of Elizabeth Bigood, an insane person and the said Whitman together with Charles Murphy his security entered into and acknowledged a bond in the penalty of four hundred dollars conditioned as the Law directs -

a copy Teste

J. Young D.C.

Order appoint
ing Whitehead
committee

(B)

Dr. Elizabeth Bedgood a Lunatic. In account with Jos B Whithead
committed into whose hands the estate of the said Elizabeth Bedgood
1827 has been committed.

July 27. To 5 Cent commission on \$210.93⁷ recd. - - - \$10.34
.. paid clerk of Isle of Wight tickets - - - 1.32
.. paid John G. Pinner atty. at Law - - - 2.50
Oct 31. This sum bal. due the said Eliza. - - - 198.57
1827 br. 210.93

July 27. By this sum recd. of Solomon Pastern Security for Matthew
Wells former Committee - - - \$210.93

1828

Dec. 31. To this sum for recording this account and for own
.. for settlement - - - \$2.37
.. This sum for making up this account - - - 1.00
.. This sum balance due said Elizabeth - - - 195.20
1828 br.

Jan. 1. By this sum Balance due last year - - - 198.57
Dec. 31. By interest on \$198.57 last year balance - - - 11.91
Due the said Eliza. of Principle \$195.20 \$198.57: 11:91
P. of Int: 11.91
\$207.11

Commissioners office Smithfield Feb: 20th 1829 -

Pursuant to an order of the Court of Isle of Wight
County, Joseph B. Whithead to whom the estate of Elizabeth Bed-
good, a lunatic, hath been committed, laid before me papers and
Vouchers, relative to his transactions on the estate of said Elizabeth
Bedgood, which I have carefully examined and stated, shewing the
sum of two hundred and seven dollars and eleven cents, due from
the said J. B. Whithead to the said Elizabeth Bedgood, two hundred
and ninety five dollars and twenty cents part thereof is principal
and to carry interest from the 31st of Decr. 1828 till paid - all of
which is submitted to the Court.

Barth. Lightfoot comr.

At a court held for Isle of Wight county the 1st day of March 1829
the foregoing acct: was returned and ordered to lie for exceptions
and at another court held for the said county on the 4th
of May 1829 the same having been returned more than two
months and no exceptions filed thereto, was confirmed by court
and ordered to be recorded.

a copy to be

Teste

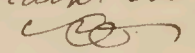
Wm. J. Young
1829

Nathl. Young

Whitman
w. 3 acct. as
Bedford D. committee

(C)

At a Court held at Iselofwright County the second day of November
in the year eighteen hundred thirty five; On motion of Joseph B.
Whitehead who made oath, and together with Willis W. Woodley his security
entered into and acknowledged a bond in the penalty of Two thousand
dollars conditioned as the Law directs, certificate is granted the said Joseph
B. Whitehead for obtaining letters of Administration on the estate of
Elizabeth Bridgood deceased in due form.

Attest Nath. Gearing C. J. W. C.


Cert. of J. B. Whitehead's
admⁿ on E. Bidgood's est.

(S)

216.36

AUDITOR'S OFFICE, No. 2 to

1829

Received of

Joseph B. Whitehead Committee of Estate
Elizabeth Bedford the Treasurer's receipt for

Two hundred
and sixteen dollars and fifty five Cents —

on account of the Maintenance of said Lunatic at the
Hospital in Williamsburg

Pro Rata

depositor

to $\frac{1}{2}$ Regt.
Regt. 000.
Committee

Exhibit at

Regt. 000
Regt. 000 adv.

And lastly
to $\frac{1}{2}$ Regt.
to $\frac{1}{2}$ Regt.
Committee to
Chgo. Regt. 000
1879

Isle of Wight County (ss)

I certify that at the time Matthew Wells
was appointed a committee for Elizabeth Bidgood (a woman who was
insane and confined in the Lunatic Hospital at Williamsburg, there
was no order made fixing any allowance out of her estate for her
annual support, or for paying the expenses of her removal to said
Hospital, nor was there any such order made during the life of
the said Wells ~~of~~
May Court 1822. Wells was app^d
a committee

Teste Nathl. Young C.S. I.W.C.

Isle of Wight County (25)

I certify that at the time Joseph B. Whitehead was appointed a committee for Elizabeth Biggins (a woman who was insane and confined in the Lunatic hospital at Williamsburg) there was no order made fixing any allowance out of her estate for her annual support, or for paying the expenses of her removal to said Hospital, nor was there any such order made during the time the said Whitehead acted as her committee.

Teste Nathl. Young, C. J. W. C.

Jan 5. Court 1827 Whitehead was
a sup^r committee

Know all men by these presents that we Joseph B. Whitehead and
Arthur Smith are held and firmly bound unto Benjamin Ridgood his
heirs, executors, and Administrators, the just sum of Four hundred and
fourteen dollars and Twenty two Cents —
to the true payment whereof well and truly to be made we bind ourselves
our heirs, executors, Administrators, jointly, and severally firmly by these
presents, sealed with our seals, and dated, this 26th day of April
1838 —

The condition of the above obligation is such that whereas the above
bound Joseph B. Whitehead hath sued out of ^{the} Court of Appeals of the
State of Virginia a Writ of Supersedeas to a Judgment of the Circuit
Superior Court of Law and Chancery for the county of Isleswight
recovered against him by the above named Benjamin Ridgood the

Tenth — day of October 1838 — for Two hundred and seven
dollars and seven cents with interest on one hundred and ninety
seven dollars and eleven cents part thereof from the thirty first day
of December eighteen hundred and Twenty eight till paid —

Now if the said Joseph B. Whitehead shall prosecute the said Writ
with effect, or shall well and truly pay the amount of the Judgment
aforesaid, of the said Circuit Superior Court of Law and Chancery
for the said county of Isleswight, and all such damages and
costs as shall be awarded against him by the said Circuit

Superior Court of Law and Chancery, in case the said Judgment
shall be affirmed, then the above obligation to be void, otherwise
to remain in full force & virtue —

Signed, Sealed, and Acknowledged,
in the presence of —

Wm. Young

Joseph B. Whitehead
Arthur Smith

Whitehead V.
to 2 Bond on
Bigood 2a Superceder.