

1766-002 SOUTHAMPTON COUNTY
CHANCERY PAPERS

TAZEWELL

vs. TAZEWELL'S ADMINISTRATOR, 9/1766

other surnames: Gray

1766-002 SOUTHAMPTON COUNTY
CHANCERY PAPERS

TAZEWELL

vs. TAZEWELL'S ADMINISTRATOR, 9/1766

To the most Hon^{ble} the Justices of Southham^{pton} County Court sitting in Chancery
Humbly sheweth unto your Hon^{rs} your Oator John Tagewell but William Tagewell
deceased of the County of Northampton father to your Oator departed this life sometime in the month of
July in the year of our Lord one thousand seven hundred and fifty two seized and possessed of a considerable
real and personal Estate after making his last Will and Testament in which among other things he
devised to your Oator a valuable Tract of Land containing five hundred Acres with many valuable Slaves
and considerable personal Estate the profits of which said Lands and other Estate devised as aforesaid to your
Oator by a subsequent clause in the said Will were devised to Littleton ^{Tagewell} your Oator's brother until your Oator
should arrive to the Age of twenty one Years provided he would maintain and educate your Oator for the sum
by which said Will remaining among the Records of Northampton County Court (and to which your Oator
has leave to refer) it may more fully appear And your Oator further sheweth unto your Hon^{rs} that your
Oator's mother Sophia Tagewell being also seized and possessed of a considerable real and personal Estate in her
own Right departed this life sometime in the year of our Lord one thousand seven hundred and fifty
after making her last will and Testament in which she devised to your Oator other five hundred Acres of
valuable Land and sundry Slaves with Stocks of Cattle Hogs and Sheep and other things the profits of
which said Lands Slaves and other Estate your Oator and Mother devised to your Oator's said Brother Littleton
Tagewell in the words following to wit whereas my husband by his Will gave the profits of my son John's Estate
to my son Littleton for his maintenance and Education and as I am willing and desirous that his will should
be complied with in his Education I also give the profits of the Estate hereby before given to my son John to
my son Littleton the better to enable him to give his brother a liberal Education and comply with his
Father's desire. And your Oator further sheweth that his distributive parts of his Father's and Mother's
Estates with some Legacies in their Wills amounted to about the sum of one hundred pounds to which
Wills and papers relating thereto your Oator doth refer for more certainty And your Oator further sheweth
unto your Hon^{rs} that after the Death of your Oator's said Father and Mother your Oator's said Brother Littleton
Tagewell took into his hands the Estate so as before given to your Oator in the Wills and the
Legacies and distributive parts of your Oator's Father's and Mother's Estate upon the promises and conditions therein
mentioned of maintaining and giving your Oator a liberal Education for the profits of the said Estate and in
consequence of accepting the said Estate so as aforesaid did leave the Lands Slaves and Stocks to John
Bowdoin of the County of Northampton gent for the Term of nine Years and for the sum of fifty
pounds per Annum and did for the space of four Years maintain and educate your Oator, but by your
Oator's said Brother's Death which happened sometime in the year of our Lord one thousand seven hundred
and fifty seven (to whose Estate Joseph Gray of the County of Southampton gent took out letters of
Administration) your Oator was under a necessity of choosing another Guardian and that your Oator's
Maintenance and Education being such as was agreeable to the Wills aforesaid did exceed the sum
of fifty pounds per Annum as may appear by an Account of such maintenance and Education hereto
annexed and referred to and that your Oator's Guardian never received any more than the aforesaid
fifty pounds per Annum the Rent aforesaid towards discharging the Expenses of your Oator's said Maintenance
and Education your Oator therefore humbly insists that the Estate of your Oator's said Brother ought to be
chargeable with whatever the fifty pounds per Annum so as before received by your Oator's said Guardian was
deficient of maintaining and educating your Oator since his Brother's Death which your Oator has often
in a friendly Manner requested the said Joseph Gray Administrator of his said Brother to adjust and settle
in the most amicable and least Expensive Method but now so it is may it please your Hon^{rs} that the said
Joseph Gray has delayed and refused so to do at sometimes pretending that the said Estate ought not to be chargeable
with more than the fifty pounds per Annum for your Oator's maintenance and Education and at other times
that he thought a Decree of this honorable Court was the necessary security for paying any more although
he well knows and so your Oator expressly charges that the sum that must be paid by the said Joseph Gray as
Administrator of your Oator's said Brother must answer and be a security for the sum of fifty pounds per
Annum your Oator cannot admit nor will he be bound to alledge other than the

particular sum should be allowed and paid without any such account your oath and the oath of the said Joseph Gray and Mary to Equity and good conscience and tend to injure
all which premises of the said Joseph Gray and Mary to Equity and good conscience and tend to injure
your oath in tender consideration whereof and for as much as your Oath is only and properly relievable in a
Court of Equity To the End therefore that the said Joseph Gray may full true and perfect answer make to
all and singular the premises, that he may declare whether your Oath's father and Mother did not leave such
last wills and testaments as are herein partly recited? whether in consequence of those Wills Littleton
Tazewell your Oath's brother did not receive the Estates therein bequeathed to your Oath and leave the
same to John Dowdson gentleman for the sum of fifty pounds per Annum for nine years or to what
other person, for what other sum or Term? Whether he did not take out Letters of Administration to the
said Littleton Tazewell deceased? whether the said Littleton Tazewell did not during his Life receive the
Rents and profits of your Oath's Estate; did the Guardian of your Oath after his Oath's Death
receive more than fifty pounds per Annum for your Oath's Maintenance and Education, if so,
what more? that the said Joseph Gray may be decreed out of the Estate of the said Littleton Tazewell
to pay to your Oath whatever on a fair State of the Accounts and Expenses of your Oath is
Maintenance and Education the fifty pounds per Annum received as aforesaid since your Oath's
Brother's Death shall appear to be deficient of maintaining and educating your Oath
or that your Worship will make such other Decree therein as is agreeable to Equity and good
conscience. MAY it please your Worship to grant to your Oath his Majesty's Writ of Subpoena
commanding the said Joseph Gray to appear before your Worship and perform and abide by
such Decree as your Worship shall be pleased to make concerning the Premises. And your Oath to

Tazewell
Tazewell's Oath
1766
Dated

1766
Tazewell's Oath
1766
Dated

To the most Hon. the Justices of Southamp^{ton} County Court sitting in Chancery
 Humbly sheweth unto your Honors that your Orator John Tagwell late William Tagwell
 deceased of the County of Northampton Father to your Orator departed this life sometime in the month of
 July in the year of our Lord one thousand seven hundred and fifty two seized and possessed of a considerable
 real and personal Estate after making his last Will and Testament in which among other things he
 devised to your Orator a valuable Tract of Land containing five hundred Acres with many valuable Houses
 and considerable personal Estate the profits of which said Lands and other Estate devised as aforesaid to your
 Orator by a subsequent clause in the said Will were devised to Littleton your Orator's brother until your Orator
 should arrive to the Age of twenty one Years provided he would maintain and educate your Orator for the sum
 by which said Will remaining among the Records of Northampton County Court (and to which your Orator
 has leave to refer) it may more fully appear And your Orator further sheweth unto your Honors that your
 Orator's mother Sophia Tagwell being also seized and possessed of a considerable real and personal Estate in her
 own Right departed this life sometime in the year of our Lord one thousand seven hundred and fifty
 after making her last will and Testament in which she devised to your Orator other five hundred Acres of
 valuable Land and sundry Slaves with Stocks of cattle Hogs and Sheep and other things the profits of
 which said Lands places and other Estate your Orator's said Mother devised to your Orator's said Brother Littleton
 Tagwell in the words following to wit whereas my husband by his Will gave the profits of my son John's Estate
 to my son Littleton for his maintenance and Education and as I am willing and desirous that his will should
 be complied with in his Education I also give the profits of the Estate hereby before given to my son John to
 my son Littleton the better to enable him to give his brother a liberal Education and comply with his
 Father's desire. And your Orator further sheweth that his distributive parts of his Father's and Mother's
 Estates with some Legacies in their Wills amounted to about the sum of one hundred pounds to which
 Wills and papers relating thereto your Orator doth refer for more certainty And your Orator further sheweth
 unto your Honors that after the Death of your Orator's said Father and Mother your Orator's said Brother Littleton
 Tagwell took into his hands the said Estate as aforesaid given to your Orator in the said Wills and the
 Legacies and distributive parts of your Orator's Father's and Mother's Estates upon the provisions and conditions therein
 mentioned of maintaining and giving your Orator a liberal Education for the profits of the said Estate and in
 consequence of receiving the said Estate so as aforesaid did leave the Lands Slaves and Stocks to John
 Bowdoin of the County of Northampton gent. for the Term of nine Years and for the sum of fifty
 pounds per Annum and did for the space of four years maintain and educate your Orator, but by your
 Orator's said Brother's Death which happened sometime in the year of our Lord one thousand seven hundred
 and fifty seven (to whose Estate Joseph Gray of the County of Southamp^{ton} gent. took out letters of
 Administration) your Orator was under a necessity of choosing another Guardian and that your Orator's
 Maintenance and Education being such as was agreeable to the Wills aforesaid did exceed the sum
 of fifty pounds per Annum as may appear by an Account of such maintenance and Education hereto
 annexed and referred to and that your Orator's Guardian never received any more than the aforesaid
 fifty pounds per Annum the Rent aforesaid towards discharging the Expenses of your Orator's said Maintenance
 and Education your Orator therefore humbly insinuates that the Estate of your Orator's said Brother ought to be
 chargeable with whatever the fifty pounds per Annum so as before received by your Orator's said Guardian was
 deficient of maintaining and educating your Orator since his Brother's Death which your Orator has often
 in a friendly manner requested the said Joseph Gray Administrator of his said Brother to adjust and settle
 in the most amicable and least expensive method but now so it is may it please your Honors that the said
 Joseph Gray has delayed and refused so to do at sometimes protesting that the said Estate ought not to be chargeable
 with more than the fifty pounds per Annum for your Orator's maintenance and Education and at other times
 that he thought a Decree of this honorable Court was the necessary remedy for paying any more although
 he well knows and so your Orator expressly charges that the sum that must be paid by the said Joseph Gray as
 administrator of your Orator's said Brother must and can be made good by an Act out of the Charges of your
 Orator's Maintenance and Education and that they
 Annum your Orator cannot admit nor will he be
 to alledge only that the

Gray }
 Tagwell }
 13.11.

Tagwell }
 Gray }
 13.11.

526 - year 1752 - 1753 - 1754 - 1755

NOT DECIDED 1/15/52

Model enough nature of the Court in the
 Act of God for the said Court
 could not show any Guardian
 who an account man in receiving his debt
 inflexible & would be - dare.

Joseph Gray
 John Tagwell

Townsend's Ad.

Townsend's Ad. } Answer.

The answer of Joseph Gray, Adm^r of S^t. Littleton
Taywell dec^d to the bill of compts. of John Taywell
compt^r.

This defend^t now & at all times saving & reserving to himself all
full manner of advantages of exception to the many incertain
inconsistencies in the compts. said bill of complaint contained
for answer thereto or to so much thereof as this defend^t is advised
is material for him to answer unto he answereth to wit^h that
he believes it may be true that William Taywell & Sophia
Taywell in the bill named might make such wills & therein
otherwise devise & dispose of the estates therein
mentioned in the manner as in the said bill is particularly
set forth, that he believes his intestate S^t. Taywell did in
virtue of such appointment in the said wills take & receive
the profits of the estates devised to the complainant & also
the guardianship & tuition of him & that he believes the said
S^t. Taywell did from the time he entered upon such
guardianship until the time of his death which happened
about 4 years after duly & carefully maintain & educate
the said compt^r in a proper manner & suitable to his ^{condition}
character & fortune. That he hath heard & believes it is true
that the S^t. Littleton Taywell did leave the lands & places
devised to the compt^r to one John Bowdoin for the term of nine
years for the yearly rent of £40. - four years of which rent
he believes the S^t. Littleton might receive. tho' there several
transactions this S^t. dec^d cannot expressly declare only from
what he hath heard. & from what appeared by his intestate's
papers at his death. This S^t. further answering saith. that
as his intestate was very regular & accurate in keep^{ing} his
business - & not having left but an imperfect account on his
books of his transactions concerning the profits & disbursements
of the said compt^r's estate he therefore is inclined to believe
that the said S^t. did not ^{himself} think obliged to render such
account further ^{than} by properly maintaining & educating
the said Compt^r. On this S^t. conceives & is advised ^{as}
thereby by the tenor & purpose of the several clauses in
the wills of the said Will & Sophia Taywell was the said
Littleton to be accountable for such profits & therefore this
S^t. humbly submits himself to this worshipful court
whether ^{as Compt^r of the S^t. Littleton} he be obliged in any manner to answer
for the same he having already accounted for paid & delivered

all the rest of the estate of the compts. John that came to the
possession of his said intestate is one Lett Eyre. the guardian
chosen by the compts. after the death of the said Lett Eyre will
& hath obtained proper Discharges for the same - & therefore
hopes to be hence Dismissed with his costs in this but all
sustained without that that he

Jarvis's Ad.
Jarvis } Answer.
Jarvis }

In obedience to a Secretal order of the county court of Southampton bearing date the eleventh day of September 1766. I have examined stated & settled the accounts of the profits and disbursements of the Plaintiff John Tazewell's estate as follows.

Dⁿ Mr John Tazewell in account with Littleton Tazewell decess'd his guardian.

1758. To the amount ^{changed} for sundry ~~fees~~ ^{paid} for him during four years. as appears from Little Tazewell's books of accounts. £ 87. 15. 4.

Bad. due to John Tazewell. to be paid by ~~the~~ Administrator of L^d Tazewell 102. 0. 0.
£ 190. 4. 0

1758. By rents of Lands & slaves from the year 1754. £ 190. 4. 0

B

R. Kello