1794-024 SOUTHAMPTON COUNTY CHANCERY PAPERS

ADAMS by + al vs. LUNDY'S EXECUTORS 8/1794

See also Adams vs. Lundy's Executors, 1797-26
Adams vs Tillar, 1792-17
etc.

other surnames: Tiller, Morris

To the worshipfull court of Southampton County sitting in Chancery

Humbly complaining Sheweth unto your worships your orator Edwin Adams an infant by Henry Tiller his guardian and next friend That James Lundy late of this county being seized and possessed of a considerable estate real and personal made his last will and testament in writing bearing date the fourteenth day of March in the year of our lord one thousand seven hundred and eighty and after having devised many legacies proceeds therein in the following manner to wit The residue of my estate of what nature soever whether real or personal I desire may be sold and the money equally to be divided between the aforesaid three boys Darby Adams Your orator Edwin Adams and Collin Adams but should either of them die under the age of twenty one years I desire the shares and estate before given them should go to the survivor or survivors of them and should they all die under the age aforesaid then I give the same to James Lundy Molly Lundy and Sarah Lundy before mentioned equally to be divided between them or in case of their death the children either may leave to receive their parents portion and then appoints James Lundy and Thomas Morris his executors Your orator further sheweth that the said James Lundy on the death of the said James Lundy which happened about the [illegible] day of [illegible] 1781 took upon themselves the burthen of the executorship thereof & proved the same in this court & entered into bond with the said Thomas Morris & possessed themselves of all and singular the estate whereof the said James Lundy died possessed of and after having delivered to the several legatees their specific legacies sold the residue on nine months credit and on the bonds becoming due received in paper money when very much depreciated to the amount of forty thousand pounds being one half of the amount of the sales of the said Estate Your orator further sheweth that soon after the said James Lundy died departed this life that one of the residuary legatees viz Darby Adams also died whereby your orator became entitled to one half of the residuum so devised as aforesaid Your orator hath in consequence thereof made application by his said guardian to the executors aforesaid and requested them in a friendly manner to pay him

a moiety of the residuum aforesaid But now so it is That the said executors refuse to pay the value of the said legacy in specie pretending that they have not collected the debts due for the sales thereof & what they have collected & ~~so depreciated~~ in their hands ~~have~~ at the time the law passed for calling in & sperating the paper currency of this State and that they have sent the same to the treasury and taken out a receipt for the same under that law All which actings and doings of the said Executors are contrary to equity & good conscience and tend to the manifest injury and oppression of your orator In tender consideration whereof and for that your orator is remediless in the premises by the strict rules of the common law and only relievable in this worshipful court where matters of this nature are properly cognizable To the end therefore that the said executors may on their corporal oath fully true and perfect answer make to all and singular the allegations of this bill as fully and particularly as if the same were herein again repeated and interrogated And that your worships will decree & order the said executors to return a just account of their transactions and ordain them to pay to your orator the moiety of the legacy so as aforesaid devised to him or that you will make such further decree in the premises as shall be agreeable to Equity & good conscience

May it please the

The answer of Christo Morris ~~Landy~~ one of the executors of James Lurdy dead to the bile of complaint of Edwin Adams infant by Henry Tiller his guardian and next friend ~~to the bile of~~ complainant ~~Edw Adams~~

This defendant now and at all times hereafter saving and reserving to himself all advantage of exception to the manifold errors in the said complainants said bile of complaint contained For answer unto or to so much thereof as this defendant is advised is material for him to make answer unto he answereth and saith That as for as the said bile respects the will of James Lurdy his death the probate of his will the legacy and taking upon himself with the other executor the execution thereof he acknowledges to be true also that it is true that the complainant by his guardian hath made application for the ~~money~~ residuum of the residuum mentioned in the bile which this defendant was always willing to pay by assigning one half of the bonds & treasurers receipt due to the estate after payment of the funeral debts and debts agst the said estate were discharged This defendant saith that he bought at the sale of the said estate to the amount of £1800 2. 5. payable Dec. 25th 1781 & a barrel of brandy to the amount of £100 and other articles Amo to the sum the sum of 647. 12. 0 ready money 341. 18. 0 of which this deft paid in a demand against the estate That the residue of the money due from this defendant to the said estate ~~before~~ he presumed before he knew the money was not a lawful tender some of which he had before Christmas 1781 but how much he cannot ascertain ~~how much he owes~~ That he also agreed to pay for Samuel Davis who owed to the estate the sum of four thousand pounds which sum he also had together with the above mentioned sums due from this deft at the said time This Defendt further saith that he heard & it reported that a law to stop the paper money being a lawful tender was expected to pass & that in consequence thereof he collected all the money he could in order to avail himself of the benefit of discharging what he owed therewith ~~1000~~ ~~agreed proportion~~ 16,000 £ of which was due to the deft the ~~middle~~ 16th of ~~December~~ Nov. last 1781

The answer of James Lundy one of the Executors of James Lundy dec'd to the bill of complaint of Edwin Adams infant by Henry Tiller his guardian & next friend complainant

This defendant now and at all times hereafter saving and reserving to himself all advantage of exception to the manifold errors in the said complainants said bill of complaint contained For answer unto so much thereof as this defendant is advised is material for him to make answer unto he answereth and saith That as far as the said bill respects the wife of James Lundy his death the probate of his will the legacy and taking upon himself the execution thereof he acknowledges to be true And this defendant further saith that the complainant by his guardian hath made application for the money of the residuum mentioned in the bill which this defendant was always willing to pay by paying to him one half of the bonds due to the said estate & one half of the treasurers receipt obtained for what money was left after paying the debts This defendant bought at the sale of the estate to the amount of £6307.11.0 which sum except 3.396 £ this defendant applied to the discharge of debts due from the estate this last sum he did not procure of his own until after the law passed for emitting paper money & tender That the other executor purchased of the estate to the amount of £10,502.15. to the last sum 4016 £ & the former sum due 2d Defendant 1781 the latter sum to be ready money that 544.5.0 of the last sum was accordingly paid the residue is accounted for in the following manner This defendant proposed to the other ex.r to receive his bond for the amount of his purchase & offered him a bond for the amount of this defendants purchase thinking it the best way to adjust their transactions in case of the death of either that accordingly this deponent received a bond of the other ex.rs for the sum 17,369.13. supposing that to be the amount of what he bought but neglected to give bond agreeable to his proposal for what this defendant bought That nothing further passed on this subject between the other executor and this defendant till some time after the law passed for funding the paper money when this being informed that it was necessary for them to send to the Treasury Office what paper money they had on hand he spoke to the other executor concerning the same and a time was appointed by them to meet in order to count what they had of the estates money on hand That accordingly they met the other executor counted what he had belonging to the estate & of his own to the amount of 26,744.5. and this defendant had £19489.19.0 including the above mentioned sum of £3076 & Sale of which the last sum except was money received from the estates debtors That Jan.y 1782 the other executor

Juin Guardian to

Adams vs Lundys

ecr. Ch. J.

Bills Rets

Dec 1782

Int. Secrecy

Trin. 1783 Appl & Com

Appl Cont for report

June Cont.

March 1785 Cont.

ma. 1784

Comm. Summons

Aug. 1794 Dism.

Adams by Fillm
vs
Lundy &c. } Chy

Order to Sum.
Commissioners
&c

Executed
Sum. & summons

Southampton March Sessions 1791

Edwin Adams by Henry Fillar his next friend plt

vs

Chislon Morris & James Lundy exrs Jas Lundy dec'd Defts

Chancery

John Rogers Thos Tumer & John Myrick having been appointed formerly to examine state and settle the defendants account of their administration on the estate of the s[d] James Lundy dec'd & failing to report an account of their proceedings, & it is ordered that the sheriff summon the s[d] Jn[o] Rogers Thomas Tumer & John Myrick to appear before the court in May on the first day of their Session to shew Cause why they have not returned their report &c

J Rutherford

Account current of
Jas Lundy's estate

Copy for R.L.

Dr. The Estate of James Lundy decd in Acct. with James Lundy and Chiflon Morris Exrs. — Contra — Cr.

			Paper Currency £	s	d	£	s	d
1791 March	To Fred. Davis for a Coffin	£	60	—	—			
	To Wm Andrews for a funeral Sermon		50	—	—			
	To Wm Morgan		612	19	—			
	To Wm Wilcs Sheriff		1556	5	4			
	To Wm Wentworth		502	13	—			
	To Thomas Peck		260	—	—			
	To Majr Tiller		728	—	—			
	To Doctr Ann. Randall		265	—	—			
	To Edward Ruffe Estate		300	—	—			
	To Thos Turner		225	—	—			
	To Doctr Wm Ridley		6262	10	—			
	To Franc. Branch & Mary his wife amount		474	4	—			
	To Do. for Band		100	7	—			
	To Thos Peck							
	To Bals of Guard. Acct. M Lundy Jr. £12..6..2 Aug. 79				0	17	6	
	To Danl Fisher for his Amount agt. Drury Lundy Dr.				—	11	2	
	To Attesting Pledge 2 Acts				1	10	—	
	To Daniel Fisher for his service and direction				—	15	6	
	To the Clerk of Southampton for his fees				2	8	—	
	To Drury Harris £2..8.. equil to				2	3	3	
	To James Harris				—	1	3	
	To William Richardson				—	5	7½	
	To Capt Jno Rogers				—	15	—	
	To Jolamon Harrison				—	17	9	
	To Phlb Lundy				—	17	6	
	To Walter Bailey				—	1	6	6
	To Edward Watrie				—	1	6	3
	To Abraham Jones		287	10	0			
	To William Epps						10	—
	To William Stark for the Estate of Wm Edwards					2	11	3
	To John Mason					1	5	2
	To Nath. Wicks Estate					1	17	—
	To William Wicks Shff 45 Tob.						13	3
	To the Clerk of Southampton 85 Tob.						5	7½
	To the Shff of Granville Co. Tob.						10	—
	To John Myrick for Jacobs clothing						7	6
			11684	8	4	21	19	6
	To James Lundy Exr. balance of Acct a 90/ pr.		1808	10	—			
	To Do. Do. for a land of £18..8. and 12 Years Interest equal in paper		5000	—	—			
	To Do. for Acct		350	—	—			
	To Chiflin Morris Exr.		372	10	—			
	To the treas. Remit. for many Recs. for Sales of Est. in part		34332	2	—			
	To paper money in Land returns by treasurer as bad		1059	—	—			
	To bonds due the est. for balance of Sales Princ. Sum		6515	9	2			
		£	120121	19	6	21	19	6
	To the Exrs for his Disbursments		1365	3	3	—	15	—
	the ball. of £1365..3..3 paper money, Issued by the Scale of Depreciation / day Dec. 1791 / is 1000 for		Specie £	1	7	3½		
	for Hacis Branch 107/8 Callis Adams 168/4584			13	9	4¼		
		£		14	16	7¾		

	By the Ns. of Sales Estate		119533	1	6			
	By Lewis Thorpe		40	13	—			
	By Cash found in the House		40	—	—			
	By Specie Do.					£	0	9 2
	By Martha Britt 4th equal to						—	13 —
	By John Rogers for Wm Nichols							15 —
	By Balc in specie due the Estate / Sett in Paper Contra						20	2 4
	By Interest Recd on the debts / Collected in part of amt of Sales		508	—	—			
			120121	19	6	21	19	6
	By Contra in the Vacant Lands Dft. Paper							15
	By Bonds Princ. sums amounting to	£	6515	9	2			
	By Treasurers receipt for		34332	2	—			
	By paper Money supposed bad		1059	0	0			
		£	108906	11	2			

In Obedience to an order of the Court of Southampton we the Subscribers have examined Ballanced and Settled an Account Current of the Estate of James Lundy Decd as above Stated

Jno Blunt
Jos. Turner
Jno. Myrick

11

At a Court held for the County of Southampton the 12th day of May 1795. This Account Current of the administration of the Estate of James Lundy decd was returned and ordered to be recorded

Wells. A.

A true copy Teste

Jno. D. Haufmann D. C.

Ballance of Interest supposed to be ——— £27. 8. 4.

1784 May 15th Recvd of James Lundy executor of James Lundy decd Bonds taken for the Sales of the estate to the amount of twenty seven thousand seven hundred and fifty one pounds five shillings on acct. of Edwin Adams and Darling Adams's proportin of that estate by

Witness
D. Fisher

{Guardian to Jr Orphans
Henry Tillar

Mem: There are two Bonds due from Ephraim Peoples which when collected to be accounted for with the said Henry Tillar on the same amount

Henry Tillar

Jno Lundy

Capt. Tillar has credit with me the above acct £119.6.4 he has also credit for £17.3.0 Int. which must be on the same acct Capt. Tillar was here last Monday for a certificate as to the first sum at which time I discovered the other he seems to think the 17.3.0 was on some other acct. but my Acct. which Capt. Tillar told me he had will shew & explain the whole

D. Fisher
Feb 24th 1792

Date of payment about Oct. 85

39. 5. 0
80. 1. 4

Benj Hicks	208
Jno Lundy	155
Henry Tillar	3586 " 10
Darling Adams	257
Jno Edmonds	2400
Jno Long	7360 " 16
Moses McKenny	1033
	23002 " 6
Reubin Chuck	332
	23334 6
many adams	4417
	27751 " 6
	10646
	38397 " 6

Ephraim Peebles 7206
Ephraim Peebles 3440
10646

No. 6.

7 43 | 6
7 28
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2 3
1 7
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27 6

Rec.d of James Lunday Ex.r of James Lunday Dec.d Bonas in
paper Currency the Sum of the Amount of nine Hund.d & seventy
three Shill.s
Seven Pounds, I say Rec.d p.r me

Henry Fuller

Dec.r 12.th 1783

Witness