

1817-010

SOUTHAMPTON COUNTY
CHANCERY PAPERS

JOHNSON

VS. JOHNSON'S ADMR & al 11/1817

other surnames: Luter
Crumpler

To the worshipped Court of Southampton County in Chancery
fitting - Humbly complaining sheweth unto your worships
your orator Pytha Johnson that on the day of in
the year 1807, as well as she recollects, her father James
Johnson departed this life having first duly made
and published his last will and testament in writing
in which among other devises and Requests is the following
Item. I give unto my daughter Pytha Johnson one still,
one ~~and~~ 50 2 red mare, one cow and yearling, two sheep,
two beds and furniture, one desk, one large pine chest
to her and her heirs forever - as will fully appear
by an attested copy of the said last will and testament
hereto annexed, to which your orator refers your
worships as a part of this her bill of complaint.
That the executor named in the said will refusing
to take upon himself the burden of the execution thereof
administration with the will annexed on the estate of
the said James Johnson deceased was in due and solemn
form of law granted by the Court of Southampton County
at their February term in the year 1808 to a certain
or her executor - That the said James Johnson at
the time of his death left a widow Christian Johnson,
three children, to wit, James Johnson, Olive Johnson
and your orator and a grandson named Wilkes
Johnson. That the said Christian Johnson died soon
after the said James Johnson - That the said Olive

Johnson, after the death of the said James Johnson, intermarried with a certain Matthew Luter and has lately departed this life leaving a daughter named Elizabeth Luter - all of whom, that is to say, the said John Lumpster adm^r with the will annexed of the said James Johnson deceased, the said James Johnson son of the said James Johnson deceased, the said Willis John son, the said Matthew Luter and the said Elizabeth Luter infant daughter of the said Matthew and his late wife Olive Luter, formerly Olive Johnson, your orators pray may be made defendants to this bill - Now your orator begs permission to state to the Court that the said James Johnson deceased, at the time of his death owed very few debts, not more than his credits would have discharged with ease - that the said John Lumpster adm^r with the will annexed of the said James Johnson deceased, well knowing that the payment of debts did not require it, proceeded, soon after his qualification, to sell all the personal estate of which his testator, the said James Johnson, died possessed, being the same property which is bequeathed to the said before named Christy for life, to the before named James Johnson son of said testator, to the before named Olive Luter and to your orator John Johnson; after and after the said sale - that your orator purchased at the said sale a property bequeathed and given to her as aforesaid

at the time of forty five pounds 11/9. for which she was compelled by the said John Lumpster adm^r with the will annexed as aforesaid to execute her bond or writing obligatory with security payable to him at the expiration of nine months as well as she recollects - that the said John Lumpster has received upon your orator's pay him ~~the~~ part of the amount of her said bond or writing obligatory, which she did before she understood he had transcended his powers as adm^r with the will annexed of her father - that the said John Lumpster administrator with the will annexed as aforesaid still pursuing the same system of oppression in which he commenced his administration has instituted suit on the common law side of this Court against your orator and a certain Samuel Barden her security upon her above mentioned bond or writing obligatory, wishing to extort the whole amount thereof from her, although in law and justice her legacy ought not to have been sold and of course no part of the said bond or writing obligatory to have been paid - which is contrary to Equity and good conscience Intends consideration whereof and because relief in the premises can only be found in a Court of Equity where matters of this sort are most properly cognizable, your orator prays that all the before named defendants may be compelled to answer upon their respective corporal oaths all singular the allegations of this bill as fully, perfectly, distinctly and unequivocally as though the same were herein again repeated and they and each of them were concerning each & every of them particularly & especially interrogated

that the said John Crompton adm^r with the will
annexed of the said James Johnson deceased, may par-
ticularly state and set forth whether he did not sell the
personal estate of his testator, being the legacies mentioned in
his will, in manner & person as is herein alleged. What
debts were owing by his testator & to whom? What debts he
has paid & to whom? What debts were owing to his testator and
by whom? What debts he has collated and from whom? And
that he be compelled to render before the commissioners of this
Court a full true and perfect account of all his doings
and doings as administrator with the will annexed of the said
James Johnson deceased - that your worship will enforce
the said John Crompton adm^r with the will annexed of the said James
Johnson deceased from proceeding further in his aforesaid suit
now depending against her & her security - that your worship
will decree that the said John Crompton adm^r with the will
annexed as aforesaid pay back to your worship the several
sums of money which she has paid & her as aforesaid
with such interest as may be thought right reasonable and
that her bond or writing obligatory on which suit has been
instituted be delivered up to be cancelled - that your
worships will grant any other & general relief in the
premises which may be most consistent with law &
Equity - And as in duty bound your oratrix will ever
beey &c

This day came James Johnson Matthew Lutter and
Bible Johnson before me and made oath to the truth
of the allegations herein contained, given under my hand
the 21st day of January 1811 James Jones

Southampton J.C.

This day appeared before me
Silas Sumner, a Justice of the Peace for the 2.
County of Southampton John Crampton who
is mentioned above and made oath to the
truth of the foregoing answer - Given
under my hand this Fourteenth Day of
November 1817 -

Silas Sumner J.P.
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Mr. Crampton
Answer to
Sub. Johnsons
Bill of Injunction.

A. M. S. S. S.

Received 15th 1817
Answer filed

To the worshipfull Court of Southampton County sitting
in Chancery. The answer of John Causton answer
with the Will annexed of James Johnson dec'd to a Bill of
Injunction exhibited against him in the sd. Court of
Southampton by Salitha Johnson and others. - That
known thereto, or so much thereof as he is advised is
material for him to answer saving to himself all
right of exception to the many errors, omissions, and
misrepresentations contained in the said Bill of
complaint. Saith, that true it is as set forth in
the said Bill, this respondent did qualify and take
upon himself the administration with the Will
annexed of the said James Johnsons Estate. - That
finding as this respondent did that many debts
were due from the said James Johnsons Estate &
that no provision whatever had been made by
him the said James Johnson in his will to pay
and discharge his said debts, by reason whereof
it became the duty of this respondent to sell
so much of the sd. James's Estate as would
pay the said debts and first expenses accruing.
The whole Estate having been lent for life to the
said Widow of James Johnson. and at her death
to the several Legacies in the sd. Will mentioned.
there was nothing whatever under the provisions of
the sd. Will the legacies excepted out of which to
raise the sums necessary to pay the sd. debts. - In
consequence of which it was agreed on by all the

parties interested in any manner in personal
Estate that the whole thing should be sold by
this respondent; since none of the Legates
were willing their legacy should be taken to
be sold unless all the Estate should be
disposed of when each person could purchase
such property as had been bequeathed to him
or her under the will giving bond & security
to the s^d. Adm^r. for the same, and hold them
self responsible, each for his proportion towards
discharging the said James Johnson's debts.
That the said ~~Tatitha~~ Johnson did purchase
at the sale of her s^d. Father's Estate a consider-
able proportion thereof to the amount of
£45:11:9 for which as it had been agreed on she
gave her bond with security for the payment.
That the said James Johnson's personal Estate
was all sold under the said agreement of
the parties and all bot. by the s^d. Widow &
Legates excepting only the sum of £5:0:4
That of the few credits of small debts
due to the s^d. Estate there was collected only £4:13:4
and it will be seen by reference to the
Account current returned of the s^d. Estate
that the necessary disbursements for payment
of debts and expenses amounted to £142:11: as
will appear on the s^d. Acct. Current which is prayed

may be taken and considered as a part of this
Answer. That this respondent did as is stated
in the s^d. bill institute suit against the s^d.
Tatitha Johnson to recover of her on her s^d.
bond in order to enable him to discharge
the various claims due to the said James
Johnson Estate, and also on the express direction
of Samuel Barber her the s^d. Tatitha's security
on the said bond - he being unwilling to remain
longer her security - And finally as to the sum
of money due by this respondent which were due
to the s^d. Estate; - and the various sums
which were due from the s^d. Estate and paid
by this respondent, he can in no way better
show a ~~better manner~~ correct statement
than appears on the said Account Current
above mentioned, on the s^d. James Johnson's
Estate, referred to the Master Commissioner
by and on the prayer of her the s^d. Compt^r.
Bill - acted on and report made thereon
And having answered prayer here to be
dismissed -

Johnston N^o 262 (info)
201 } Long
Crampton } Bang

Apr 1811 Begun &
Lillo filed rule to answer

May Rule to answer

June do

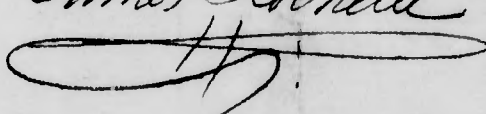
1817 Nov: answer filed

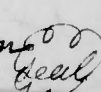
rep 28

Know all men by these presents that we Tabitha Johnson
and Benjamin Wilson - are help and firmly bound unto
John Crumpler adm^r with the wife annexed of Id. Johnson
in the sum of One hundred & twenty dollars —
to which payment well and truly to be made unto the said
John Crumpler adm^r as aforesaid his heirs & assigns
we bind ourselves our heirs, executors & administrators, jointly & severally,
firmly by these presents sealed with our seals, and dated this 15th
day of April — 1811—

The condition of this obligation is such that whereas the said
John Crumpler ^{instituted a suit} ~~with~~ ~~the~~ ~~said~~ ~~Tabitha Johnson~~
at common law against the said Tabitha Johnson &
Saml Barden for the sum of — and ~~and~~
whereas the above bound Tabitha Johnson —
has obtained an Injunction to stay the proceedings on the said
Suit ~~and~~ ~~the~~ ~~said~~ ~~Tabitha Johnson~~ until the matter thereof in equity on a bill filed
for that purpose can be heard now if the said Tabitha
Johnson ~~shall~~ ~~well~~ ~~&~~ ~~truly~~ ~~pay~~
or cause to be paid unto the said John Crumpler
all ~~the~~ ~~said~~ ~~damages~~ ~~&~~ ~~costs~~ ~~that~~ ~~can~~
or may arise in case the said Injunction shall be dissolved
and also the amount of the debt & costs on which ~~it~~ ~~is~~ ~~instituted~~ ~~after~~
judg^t & then this obligation to be void or else to remain in full

force and virtue
Signed Sealed & Ack^d
in presence of

James Richella


her
Tabitha Johnson
marks 

Benjamin Wilson 