

1812-008

Chancery Causes: James Fowler v et vs Joseph Duck, admr of James Fowler

Isle of Wight County

Other SURNAMES: Johnson,
Griffin

May that your worships will decree that the said
Duck of ~~of~~ the estate of the said Fowler pay to them
the ballance due to them for each year with
legal interest thereon, or that the court will make
any other order or decree in the premises for their
relief as may seem just & may it please &

Rich^d. W. Byrd
p. 2

Fowles dicit }
" } Bill -
Duck adm^r }

May 1005

Bill filed

Jan^y 1005

bill taken as conf^o

To the justices of Isle of Wight county sitting in chancery, humbly complaining shew to the court, your orator and oratrix James Fowler and Tabitha his wife.

That James Fowler deceased was the guardian of your oratrix in the years 1776, 1777 and 1778, 1779 and ~~1780~~ 1780, as well as in the years 1773, 1774 & 1775. That the said James Fowler the elder never did account with your orator and oratrix in his life time for the estate of your oratrix which came to his hands as her guardian, nor as will in some measure appear by an attested copy of his account hereto annexed and prayed to be taken as a part of this bill. That a certain Joseph Duck since the death of the said James Fowler the guardian has taken letters of administration upon his estate and that he also has omitted to account with your complainants for the said balances due to them as aforesaid, and they alledge that the said Duck still refuses so to do. They add that your oratrix was the orphan of Arthur Fowler and that her said guardian fell in her debt from £5 to £6. 1. 3 per year.

In tender consideration whereof and for as much as your complainants can not recover the amount so due to them at law, on account of the loss of the guardians bond, they pray the aid of your worshipps.

To the end therefore they pray that the said Joseph Duck may be made dependant on this bill of complaint and that he may on oath affirm all and singular the foregoing allegations and that as fully as if the same were here repeated and be thereto particularly interpreted. They

I. Duck adm'd
ad.
Towler & wife

The answer of Joseph ^{of James Fowler} administrator, to the bill of
Complaints exhibited against him in the County Court of
Isle of Wight, by James Fowler and Tabitha his wife.

This respondent having and issuing to himself
now and at all times all and all manner of right
of exception to the Complainants said bill, for answer
therein, or to do much thereof, as he considers it necessary
or advisable to make answer unto, he answers
saith. - That it is true he administered on the estate
of James Fowler decd. and he believes it true that his
interest was the Guardian for several years, of the
Complainant Tabitha.

Wherefore this respondent prays hence to be dismissed
with his Costs, in this case to wrongfully sustained
and he, as in duty bound.

Richard for deft. -


Sworn to before me, a Justice of the Peace for said Co.
of Isle of Wight. - the day of 1825

Howler & Wey.

3 Sp. in Charge

as

Duck

July 1803

N. Sp. W.

Not Executed for want of time
John Blunt for
W Blunt for

THE Commonwealth of VIRGINIA to the Sheriff of *Isle of Wight* county,
greeting, We command you, that you summon *Joseph Duck*

to appear before our Justices of our county court of *Isle of Wight* at their courthouse
of said county, on the *first Monday in May* next, then and there
to answer a bill in Chancery against *him* exhibited by *James Fowler*
and *his wife*

And this *he* shall in no wise omit under the penalty of 100l. And have
then there this writ, WITNESS *Nathaniel Young* clerk of our
said court, the *2th* day of *April 1803* and in
the *27th* year of the commonwealth,

Nathaniel Young

Fowler Knives
" Sp. a. in. chg.
" Fowler Knives

Executed for Blunt & Co
William Blunt & Co -

THE Commonwealth of VIRGINIA to the Sheriff of *Isle of Wight* county,
greeting. We command you, that you summon *Joseph Duch Admors*
of *James Fowler Admors*

to appear before our Justices of our county court of *Isle of Wight* at their courthouse
of said county, on the *first Monday in August* next, then and there
to answer a bill in Chancery against *him* exhibited by *James Fowler*
& *Tabitha his wife*

And this *he* shall in no wise omit under the penalty of 100l. And have then
there also this writ. WITNESS *Nathaniel Young* clerk of our said court
the 20th day of May 1803 and in the
20th day year of the commonwealth.

Nath Young

Fowler
in
Duch

Executed in W. Blunt & Co
W. Blunt & Co

F.C.

THE Commonwealth of VIRGINIA to the sheriff of *Ish of Wight* county,
greeting. We command you, that you summon *Joseph Duck*

to appear before our Justices of our county court of *Ish of Wight* at their courthouse
of said county, on the *first Monday in August* next, then and there
to answer a bill in Chancery against *him* exhibited by *James Fowler*
of his wife

And this _____ shall in no wise omit under the penalty of 100l. And have then
there also this writ. WITNESS *Nathaniel Young* clerk of our said court
the *2th* day of *July 1873* and in the
58 year of the commonwealth.

Nathaniel Young

The deposition of Willm. Johnson taken at
Francis Boyher's tavern, ^{on the 14 of March} in a suit now
pending in chancery in Isle of Wight County
between James Fowler, wife complainant
against Joseph Duck executor of ^{James Fowler} ~~James Fowler~~
deft. This deponent saith that the com-
plainant James Fowler and the defendants
testator came to his house for the testator to
give his bond to the James Fowler the com-
plainant. That the testator got intoxicated
and left the deponents house without giv-
ing his bond. That the testator told the
deponent that he was about to give this
bond for the part of his father's estate
which he as guardian owes to Tabitha
Fowler his sister, for he had paid her very

~~The deposition of~~
Little. That this deponent saith that he
was at the house of the defendants testator
a few weeks before he died, and he told
this deponent to call James Fowler the
complainant not to sue him, he would
come and give him his bond and further
this deponent saith not.

Willid Johnson

W. Johnson
Local American

Deposition

The deposition of Shadrach Griffin taken
at Francis Bay his Tavern, ^{on the 4 of March} pursuant to
a commission, in a suit now pending in
chancery, in Isle of Wight County between
James Fowler and wife complainants and
against Joseph Dusk executor of James
Fowler Defendant. This deponent saith,
That he was at the house of James Fowler
the testator of the defendant about a fort-
night before his death, and that in conver-
sation the testator said he owed the com-
plainants money, how much the deponent
did not hear him say, nor does this depo-
nent know. That the testator said he had
been over to give the complainants his
bond, but that getting into a fever he
neglected it. That the testator said he
hoped they would not sue him, till he got
well, that he might pay them. The defen-
dant asked the deponent if his testator
was not intoxicated. Answer. no quite
sober. And further the deponent will not

Wm. Johnson, S. D.
Leol. Johnson Jr.

Shadrach Griffin

The deposition of Lot Griffin taken at Fran-
cis Boylston's tavern ^{on the 4th of March} in a suit depending
in chancery in the County of Wight between
James Fowler & wife complainants
against Joseph Duck executor of James Fowler
defendant. This deponent saith that James
Fowler the defendant's testator said to him
the fall before he died, that he must go
and give James Fowler his bond for the
money he owed his wife as his guardian
because he feared if he did not the com-
plainant would sue him. In a subse-

quent conversation with the testator, he told
this deponent that he had been to James
Fowler's the complainant but that he got
into a pique and neglected to give bond.
The testator said that he must go again
if he lived and give him his bond, This de-
ponent saith this last conversation took
place about 2 months before he died
and further this deponent saith not.

Wm Johnson Esq Lot ^{his} & Griffith
Scribble Johnson Th Mark

The deposition of Arthur Fowler taken at
Francis Boyden's Tavern ^{on the 4th of March} pursuant to a
commission, in a suit now pending in
~~the~~ chancery in the County of
tween James Fowler & wife complainant,
against Joseph Dusk executor of James
Fowler, ^{defendant.} This deponent saith that he knows
not whether the defendant's testator ever
paid to the complainant or his wife whose
guardian he was, her estate or any part of
it. He the Testator James Fowler was in
possession of the estate of the defendant's
wife Sabitha Fowler, but what it amounted
to or whether he ever paid it to her he
is perfectly ignorant, and further this
deponent saith not.

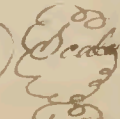


Arthur Fowler

W. P. Johnson S. D.

Jacob Thurman

Southampton County Court

Accordingly to an Order of the Honorable
-the Court of Isle of Wight County, bearing date on
the fourth day of November 1811, and herewith annexed:
It is directed. We the Undersigned Commissioners have
this present day met at the House of Jesse Bankers
in the said County of Southampton; and having heard the
evidence on the part of James Fowler and Tabitha
his wife Complainants; as also the evidence of Joseph
Duck executor of James Fowler deceased dependant;
We Joseph W. Ballan and Josiah Vick Commissioners
named in the said Order, could not agree; and by Vir-
tue of the said Order of Court, ^{we the said Commissioners} made choice of Carr
Bowers for the third man or Umpire: and all of us
having duly considered and weighed the evidence
on both sides: do hereby award and give as our opini-
ons, that the said Joseph Duck as executor of James
Fowler deceased, pay unto the said James Fowler
and Tabitha his wife the sum of six pounds sixteen
shillings and ten pence half penny for debt, with
interest thereon from this present day till paid; and
as to the Costs in the said Suit we have in no wise
awarded upon it. Given under our hands and seals
this fifteenth day of February 1812.

Joseph W. Ballan 
J. Vick 
Carr Bowers 

Isle of Wight County Court November 14th 1811

James Fowler and Tabitha his wife Complainants

against

Joseph Duck executor of James Fowler decd. Dependants

In Chancery

The parties by their attorneys mutually, submit all
matters in difference between them in this suit to the final
determination of Joseph W. Ballan and Josiah Vick, and their
award or the award of any such persons as they shall choose for
an umpire thereupon is to be made the Judgment of the court,
and the same is ordered accordingly

Attest Testes David Dick D.C.

Fowler's wife

24 ²/₃ Papers

Fowler's adms

May 1817

Report ret. ^{to} H. G. accordingly

The within is the amt. of costs up
to the order of refer. ~~sent~~

18
8
8
10
26
10
10
26
18
10
26
10
10
10
72
18
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26
26
26

4,68 dus

43

5.11

November 22^d 1811 Rec^d of Nathaniel Young clerk
of Sebecwight County the following paper in a writ
in habeas corpus depending in said court between James
Fowler & Sabitha his wife Compt^{rs} vs Joseph Dick
Comor. of James Fowler dec^d. to wit, the subpoena
in law - four depositions to wit, Lot Griffins, Miles Johnson
Arthur Fowlers & Shadrach Griffins, a guardian ad l^{it}.
The bill which we promise & oblige ourselves to return
so soon as the arbitration of the business takes place
that is to say in three or four weeks -

Teste
David Dick

Miles Johnson

Tabitha Fowler Orphan of Arthur Fowler dec'd in
Account with James Fowler her Guardian

1780	By the Principal of her estate is	£ 5 - 15 - 0
	By the Interest on d ^o . 1 Year	" - 5 - 9
		<u>£ 5 - 4 - 9</u>

E. C. James Fowler

At a Court held for Isle of Wight County the 7th day
of September 1780 This Account was examined and
allowed by the Court sworn to by Guardian and
ordered to be Recorded

Copy sent to the County Clerk

Fowler
as
Fowler's Orphan
Copy of Acc^t

8 6
1-18

for 4 Copies & for
charging for Acc^t current

6.13.102 15.7.17 112

James Fowler and the
is Joseph Buck exec^r of James
Fowler - 1721 and in 1727

Tabitha Fowler Orphan of Arthur Fowler ~~decd.~~ in Account
with James Fowler his Guardian for the years '73. '74. '75.
and 1776

To cash paid Joseph Scott in part of a Bonnet £ 0. 3. 0
To schooling of To 1 Handkerchief of " 12. 0
£ 0. 15. 0

6th
By her part of her Fathers Estate £ 5. 4. 2
By 4 years Interest on £ " 1. 0
£ 6. 5. 2

Ballance due the Orphan £ 5. 10. 2

E. E. of James Fowler
Acopy Nathl. Young Clk

1777
Tabitha Fowler Orphan of Arthur Fowler ~~decd.~~ James
Fowler her Guardian

By the Interest on £ 5. 10. 0 one year £ 0. 3. 0
5. 10. 0

Bad: due the Orphan £ 5. 13. 0

E. E. of James Fowler
Acopy Nathl. Young Clk

1778
Tabitha Fowler Orphan of Arthur Fowler ~~decd.~~ in A/c.
with James Fowler her Guardian

To the amount of her Estate £ 5. 15. 0

To the Interest on £ 5. 15. 0 one year 0. 5. 9

due the Orphan £ 6. 1. 3

E. E. of James Fowler
Acopy Nathl. Young Clk