1824-015 Chancery Causes: James Atkinson + wf, Morris Hatchell + wf vs Samuel Stott - John Stott's

Dale of Wright County

adams vol

other SURNAMES: WREN, Cocke, Goodson, Fulgham, Chalmers, Harmonson

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In the name of God Amen I Thomas Stott Junr. of the County of Isle of Wight being at present in low health but of sound judgment do make this my last will and testament — and at the same time annulling all Wills heretofore by me made — Item I give and bequeath to my loving Mother all my right title and Claim of all the land goods Chattles &c bequeathed to me by my dec.d Father during her natural life or widowhood except my bay horse One silver watch and two hundred dollars which I wish to dispose of hereafter — Item it is my wish and desire that the same time of payment may be allowed my Mother to make the payments to the Legatees of my Father as the time allowed me fully embracing every case that may be seen by reference to said Will — Item I give and bequeath to my Brother Sam.l Stott all the land bequeathed to me by my Father at My Mothers death provided the said Sam.l Stott pay or cause to be paid to my two sisters Nancy & Sally Stott the sum of four hundred dollars each also my bay horse saddle and bridle and my silver watch which I wish him to take in possession immediately after my death to him and his heirs forever — Item I give and bequeath to my sisters Nancy and Sally Stott ~~two hundred of four hundred dollars~~ all my personal estate to be equally divided between them. It is my desire that all the perishable property should be sold at My Mothers death and the money arising

therefore equally divided between them in like manner to them and their heirs forever — Item I give and bequeath to my uncle Thos. Stott one hundred and fifty dollars which money I request my Brother Saml. Stott to pay to him or his heirs within two years after he is in possession of the land bequeathed to him by me to him and his heirs forever — Item I give and bequeath to aunt Ann Wilson fifty dollars which money I wish to be raised and paid in like manner of the above legacy bequeathed to my Uncle Thos. Stott to her and her heirs forever — Item it is my wish and desire that in case my Mother should be deficient at her death in making the payment to the legatees that my Brother Samuel Stott shall pay such deficiency in like manner assigned to my Mother — Lastly I appoint my friend Josiah Wrenn my whole and sole executor to this my last will and testament. In Testimony whereof I have set my hand and affixed my seal this twentieth day of June One thousand eight hundred and fourteen.

Thomas Stott (Seal)

Signed and acknowledged
in presence of
John B.S. Backhurst
William Goodson
Jas. White

At a Court held for Isle of Wight County the 4th day of July 1814 the foregoing will was presented in Court by Josiah Wrenn the executor therein named who made oath thereto according to law and the same being proven in court by the oaths of Jno. B.S. Backhurst & Wm. Goodson two of the witnesses thereto was ordered to be recorded and on the motion of the said executor who together with Jas. Wheadon & Thos. Wrenn his securities entered into & acknowledged the above in the penalty of eight thousand dollars with condition as the law directs certificate is granted him for obtaining probat thereof in due form

In the name of God amen I John Stott of the county of Northampton being weak in body but of sound mind and memory thanks be to God, do make and ordain this my last will and testament in manner and form following (to wit) first I give and bequeath to my beloved wife Mary Stott a legacy sufficient to be obtained out of the portion assigned hereafter by me to Thos. Stott jr. in as much I will say that provided my wife Mary Stott and the above named Thomas should disagree relative to house hold affairs the above named Thos. is to remain in the bottom known and called by the name of Goodrons Inspecies I bequeath to my son Thomas Stott jr. the whole of land purchased by me of Thos. Hammerton John Goodron and Robt. T Fulgham except a piece of land which I shall hereafter bequeath to my son Saml. Stott and name the bounderies thereof also I give and bequeath to my son Thomas Stott all the casks Stands and Still belonging to the above named plantation ——
Secondly I give and bequeath unto my son Saml. Stott the River plantation cal'd and known by the name of Mechaels, also a piece of land containing about fifty acres bounded as follows from the Stage road down Capt. Jas. Atkinsons line to Cowpers Swamp & thence down Cowpers Swamp to a marked ash and then in a direct line to the Stage road to a marked pine up the Stage road to said Atkinsons line, also one bay mare and one Gray Horse, one yoke of Steers, two Beds & furniture 1 Square table, thirty barrels Corn, one thousand pounds pork, all the Stock of Sheep and any kind of property to the amt. of four hundred & fifty dollars including the above articles, (except the horses, and Sheep, that he may think proper to take, also two barrels of apple Brandy for five years annually to be furnished by Thos. Stott jr. I also lend unto my son Saml. Stott untill a final — division of negroes Pompey, Anna Ann Lucy Betty and Nat, and it is also my will and desire the said Saml. Shall have free and quiet possession on the first day of January next Thirdly I give and bequeath unto my daughter Nancy Stott four hundred and fifty pounds one feather Bed and furniture, half dozen table Spoons

half dozen Tea Spoons, also a negro Girl by the name of Aggey
Fourthly I Give and bequeath unto my daughter Sally Stott four
hundred and fifty pounds, one feather Bed and furniture half
dozen table Spoons, half dozen tea Spoons, and also a negro Girl
by the name of Hannah — fifthly it is my will and desire
the Mill Should be sold and money arising from the sale
thereof be appropriated to the Legacies above mentioned —
Sexthly I Give and bequeath unto my Son Thos Stott all the
property of every discription whatever, except such that have
in this Will been bequeathed except the negroes not already
disposed of and on the following Condetions that after the
money arising from the sale of the Mill is apply'd to the
use before mentioned, that the said Thomas Stott proceed
make good the deficiency if there Should be any out of
Legacies bequeathed him — Lastly I constitute & appoint
my freind Josiah Wrenn and my son Thos Stott my whole
and Sole executor to this my last will and testament hereby
revoking and annuling all other wills heretofore by me made
and vesting in the power of said Josiah Wrenn and Thomas
Stott the time the said money that is to be raised shall
be paid by Thos Stott Suitable to this convenance at any
time prior to their becoming of Lawful age meaning Nancy
and Sally my two Daughters which is to be Supported in
a genteel manner out of my estate bequeath to Thomas
Stott untill they become of age or marry. and Should
they both or either of them marry at the time of Sally's
arrival to twenty one it is my wish for all negroes not
already disposed of to be devided in the following manner
In case that my wife should be living when Sally becomes
of age the negroes are to be devided into five equal parts
the lot assigned to my wife it is my wish for my son Thos
to take in possession during her life & at her death for
that lot to be equally devided among my four chil-
dren — In testimony whereof I have hereunto set my
hand and affixed my seal this first day of May one
thousand Eight hundred and fourteen

Signed as my last will ....
and testament in presence
of .....
Nancy her + Powell
mark
JnoB S Backhurst
Nath Cocke
James Atkinson

John his X Stott (Seal)
Mark

Codicil

It is my with and desire that each legacy bequeathed by me
to my four children (to wit, Thos Samuel Nancy & Sally
shall be to them and their heirs forever

Signed and acknd
in presence of ....
JnoB S Backhurst
James Atkinson

John his X Stott
Mark

At a court held for Isle of wight county
the 4th day of July 1814 this will
was presented in court, and proved by the oath of James
Atkinson one of the witnesses thereto and continued
for further proof — and at a court held for the said county
the first day of August 1814 the said Will was fully
proved by John B S Backhurst and Nathaniel Cocke two
other witnesses thereto and ordered to be recorded

Teste Nath Young Cl. I.W.C.

John Stott's

Will

A Copy

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9.31/4

Is of Mg ht County, to wit,

Jamy Atkinson & Nancy his wife, Morris Hatchell & Sally his wife ..... Compts.

against

In Chancery

Samuel Stott (and Nath. Locke admor. de bonis non &c. of John Stott and Thomas Stott dec.) ..... Defts.

The defendants having failed to file their answer to the bill of the complainants exhibited against them by the complainants in this cause It is ordered that unless the said defendants appear here at January Court next and file their answer, that Judgment will be entered for the complainants against them agreeable to the prayer of the said bill.

Test Nath. Young Cl

Examined

Q. M. Barracks Dept

Nov 1st 1777

To all to whom these Presents shall come:
We Arthur Smith & Merit Jordan of the
County of Isle of Wight do send greeting:
Whereas there is a certain Chancery
suit now depending & undetermined in
the County Court of Isle of Wight between Jas
Atkinson and Tooney his wife & Morris Hatch
-ell and Sally his wife Compts! and Saml.
Stott and others Defts! and whereas for the
putting an end to the said suit they the said
James Atkinson, Morris Hatchell, and Saml.
Stott, by their several Bonds or obligations
bearing date the 1st. day of the present month
(June) are reciprocally become bound to
each other in the penal sum of Two
Thousand Dollars, to stand to, abide by, perform
& keep the award, order & final determination
of us the said Arthur Smith & Merit Jordan
relative to all matters in difference in the
said cause, between the said Parties, so as
the said award be made in writing and rea
-dy to be delivered to the Parties in differ-
-ence, or either of them, on or before the first
day of July A. D. 1824, as by the said ob-
-ligations & conditions thereof may ap-
-pear. Now Know Ye, that we the said
arbitrators whose names are hereunto
subscribed, taking upon us the burthen
of the said award & having fully ex-
-amined and duly considered the docu
-ments, proofs and allegations of both
the said Parties, do make & publish
this our award between the said Parties
in manner following, that is to say:

First) We do award & order, that the said Chancery suit be dismissed at the cost of the said Defts. Saml. Stott, and we also do award and order, that the said Saml. Stott do pay or cause to be paid on or before the first day of July next ensuing, unto James Chalmers Atkinson the sum of four hundred and seventy two dollars and seventy two cents, in full Payment of the balance of the legacy of £450, & bequeathed to Nancy Stott, now Nancy Atkinson, by her dec'd. father Jno. Stott, the said Saml. Stott having at the same time cancelled or delivered up to the said James Atkinson the agreement between them, bearing date 1st. July. 1821 and the Note or Bond therein referred to:

And further we do hereby award and order that the said Saml. Stott do pay or cause to be paid on or before the 1st. day of July next ensuing, unto the said Morrish Hatchill the sum of Two hundred and ninety nine dollars & fifty four cents, being in full of the balance of the legacy of £430 bequeathed to Sally Stott, now Sally Hatchill, by her dec'd. father, Jno. Stott;

And lastly, we do further award and order, ~~that~~ on the Payment of the several sums aforesaid, and the cancelling and delivering up the agreement and Note or Bond aforesaid, that the said James Atkinson and Morrish Hatchill do execute in due form of Law to the said Saml. Stott, an acquittance or receipt in full of the balance of the aforesaid legacies.

In witness whereof we have hereunto set our hands this 19th. day of June in the Year 1824.

Arthur Smith

Wm. Jordan

Award.

The commonwealth of Virginia to the sheriff of Isle of
Wight County greeting you are hereby commanded to
summon Samuel Stott, and Nathaniel Cocke adm.
de bonis non with the will annexed of John Stott
dec'd & the said Nath'l Cocke adm. de bonis non with
the will annexed of Thomas Stott dec'd
to appear before the Justices of our county court of Isle of
Wight at the courthouse of said county on the first
monday in August next to answer a bill in chancery
exhibited against them by James Atkinson &
Nancy his wife — and Morris Rathell and
Sally his wife
and this they shall in no wise omit under the
penalty of £100 each and have then there this
writ Witness Nathaniel Young clerk of our said
court at the courthouse the 5th day of June 1820
in the 44 year of the commonwealth

Nath'l Young

Before the County Court, this day came
before me a justice of the peace for the
said County, Josiah Holman who
made oath that he executed
the within deed upon Saml Stott

Given under my hand this day
of March 1821—

Josiah Holman

Recorded on January 8th
1822 and duly recorded
per D. Davis

Prince Jones

The commonwealth of Virginia to the sheriff of ~~Isle of Wight~~ ~~Prince Jones~~ County Greeting you are hereby commanded to summon Nathaniel Locke admor. de bonis non with the will annexed of Thomas Holt & ~~and admor. de bonis non~~ John Holt ~~Executor~~ to appear before the Justices of county court of Isle of Wight at the courthouse of said county on the first monday in August next to answer a bill in chancery exhibited against them by James Atkinson & Nancy his wife — Morris Hatchew Sally his Wife — and this they 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 courthouse the 5th day of June 1820 in the 44th year of the commonwealth

Nath. Young

I ~~[illegible]~~ Nath[l] Cocke a Citizen of the town, now with the wife annexed of John Stott and ~~[illegible]~~ Thomas Stott deceased, acknowledge service hereof. —
20th day of June 1820 —

Nath: Cocke

Commonwealth of Virginia to wit
I Thomas Gibson Clerk
of Goochland county court do
hereby certify that the
foregoing acknowledgment
was taken before me
this 20th day of June 1820
Thomas Gibson for Goochland

The answer of Isaac Stott to the bill of complaint against himself & others exhibited in the County Court of Isle of Wight, on the part of James Atkinson and Nancy his wife, formerly Nancy Stott, & Thomas Hatchett and Sally his wife, formerly Sally Stott, Complts. - This respondt now and at all times hereafter, saving and reserving to himself all benefit of exception to the manifold & many errors & imperfections contained in the said bill, for answer thereunto saith:- It is true that the said John & Thomas Stott departed this life - having duly made their last wills & testaments & that the latter, as charged in the bill, have accordingly represented their estates. - It is also true that the said John & Thomas Stott's wills, such as the complts charge; but this respondt utterly denies the accuracy of the deductions, so favourably deduced therefrom on the part of the said complts, and all operations against Highfield & the complts. This respondt also denies the last as stated, that no payments have been made by them in virtue of the wills of John Stott. But states that the wills directed the negroes to be sold, & such negroes were sold, and as this respondt is informed, produced at least the sum of $1000. - & which was, or ought to have been by the proper representatives of the said John to have been applied forthwith to the payment of said legacies - besides this respondt is also informed that at least $4 or 5000 have also been so applied by the representatives of said Joseph Stott, the first representative of said John Stott - This respondt is also advised that the Entire estate of his mother is, in the first instance (under the direction of the said wills) accountable to the discharge of the said legacies, that under the devise of Thomas, to this respondt it never was contemplated that he was to make any payments whatever in order to effectuate the legacies left to

the female Compts of £500 each - untill the death of his Mother as fairly & fully as they? In which if correctly administered, Compt believes, would have been, - amply sufficient to have paid in full, the debt due on said legacies. - That Compt's brother knew it to have been the intention & desire of his Brother, Thomas under the divine of this land, to heir as one of his next relations - to have subjected both of his estate to the payment of any legacy of much amt accruing under Nelson Scott's will to his Sisters and, at the same time, to the payment to the same Sisters of the sum of £800. as his own legacy: which became as Compt's hopes, that the other provisions left by the said Thomas to his Sisters in his personal estate, was worth nearly - or quite the sum of £2000. & if by Brother in reasonably contemplated to do heir a benefit by the bequest of his land & incumbt, he the amt as charged by the Compts the object of his bounty, would come off badly indeed - Compt contends, that of his lands are to be thus doubly charged with the payment of both his Father & Brothers legacies - that they will not, in by estimation, sell for more money, than would be necessary to meet such demands - Never making an effort - the bounty of his Brother extend only to his Sisters - Thy respondt therefore contend - that a construction, thus unnatural & irrational, should not be considered by by the Courts & cannot be enforced by any court of Equity.

Thy respondt further says that under the belief, that he was only bound to pay from the funds devised him from his Brother as aforesaid, - (under the circumstances of the case) the £800. due his Sisters under the will of said Thomas Scott: they already done so - & can do more, believe, that he has done a ample justice

to the Compts and whom, on a full adjustment of the estate of the said Testator interested, - Compt they respondt contend, neither in law, or in Equity would have had right of action against him - & denyes all fraud & combination or means therein whereby Compts or his assets, most unreasonably or unjustly incurred

Worcester County &c

This day David Scott, the def came before me a Justice of the Peace for Worcester County and made oath that the matters, & at forth in the aforesaid answer so far as he knows them to be, are true: & so far as they depend on the information of others, he believes them to be true.

Given under my hand & seal.
this 3d March 1821.

Edmund Pedin J.P. (Seal)

Weapon Note &c

Scott & Answer —

In the County Court of Rockbridge in Chy Vacation

The answer of Mathl Locke & Jas Mitchell & Wm Miller
of John Stott and adm with the will annexed
of Thomas Stott dec'd to a Bill of complaint
exhibited against him and Saml Stott in the County
Court of Rockbridge by James Atkinson and
Nancy his wife and by Morris Hatchell
and Sally his wife &c

This respondent saving and reserving to
himself now and at all times hereafter all
and every right and benefit of exception to the
manifold errors and imperfections in the complain-
-ants bill of complaint contained, for answer
thereunto or unto so much thereof as he is advised
it is material for him to answer - for answer
thereto says it is true that John and Thomas Stott
made such a will as is described in the complts
Bill - That a certain Jonah Mercer qualified as
exor or adm on the estate of the said Thomas and
John Stott - that he contracted for the sale of a
mill directed by John Stott to be sold by his exors
and did without having carried the said contr-
-act into effect - That your respondent after the death
of the said Jonah Mercer qualified as the adm with
the will annexed of the said John Stott and the
said Thomas Stott - That as the representative of
the said John Stott he sold the said Mill to a
certain Saml Wilson for the sum of $1003.
dollars - That of the said money paid by the said
Samuel Wilson for the said Mill he paid to James
Atkinson and in right of Nancy his wife,
the Sum of Four Hundred & seventy one Dollars & forty one cts
on the fifth day of February 1816
and on the fifth day of February 1816 he paid to
Morris Hatchell in right of Sally his wife the Sum
of Four hundred & seventy one Dollars & forty one Cts
which two sums on the Nett Proceeds of the sale of the Mill

All Available Text Successfully Captured

and which are the only moneys your Respondent conceives he was authorized
to have paid on account of the said Legacy
Your respondent from the time of his qualification
has believed that the sale of the Mills was to be
applied towards the payt. of Legacies directed by the
Testator to be paid to the said Nancy and Sally
and that Samuel Hall was bound for the payt.
of the balance of the said Legacies —
He denies all fraud, combination &c. and
prays Hence to be dismissed &c. and

Nath. Cocke adm.
dbonis non with the will annexed
of Colin & Thomas Hall dec.d

Princess Anne County March 26th 1821

Princess Anne County, to wit; This day came before
me Nath.l Cocke who made oath that the
foregoing answer contains the truth as far
as he knows and believes - given under my
hand as a Justice of the peace for the County
aforesaid this 26th day of March 1821

Jas. McKenzie J.P.

Stolly a bet:

ads. Mary Ann

Atkinson Hatcher

Attorney & Solicitor

against

Bill

In Chy

Stott & Stott exrs

4th Sept. 1870 Bill filed

April 1871 Ans. of Sam.

Stott filed

May 1871. Ans. of Stotts

exrs. filed

To the Worshipful the County Court of Bedford in
Chancery Sitting; Humbly complaining shew unto your
Worships your Orators Johnes Atkinson and Nancy his
wife formerly Nancy Stott, and Micajah Hatchell
and Sally his wife, formerly Sally Stott, That John Stott the
Father of your orators Nancy and Sally, being seized and
possessed of a very considerable real and personal estate,
died on or about the day of A Domini having
first made and published his last will and testament
in writing, a copy of which is hereto annexed and prayed
to be taken and considered as a part of this bill. That thereby
amongst other things he devised and bequeathed as follows
"I bequeath to my son Thomas Stott ye whole of land
"purchased by me of Thomas Harmonson, John Goodson
"and Robert Pulphus except a piece of land which I have
"herefter bequeathed to my son Samuel Stott and mans
"the boundaries thereof - also I give and bequeath to my
"son Thomas Stott the cattle, stock, and still belonging to the
"above named plantation. I give and bequeath
"I give and bequeath unto my daughter Nancy Stott,
"four hundred and fifty pounds, one feather Bed and
"furniture, half dozen table spoons, half dozen tea spoons,
"also a negro girl by the name of Peg." I give and
"bequeath unto my daughter Sally Stott four hundred
"and fifty pounds, one feather bed and furniture, half
"dozen table spoons, half dozen tea spoons, and also a
"negro girl by the name of Hannah. Fifthly, it is my
"will and desire the mill should be sold, and money arising
"from the sale thereof be appropriated to the purposes above
"mentioned. Sixthly, I give and bequeath unto my son Thomas
"Stott all the property of any description whatever, except
"such that have in this will been bequeathed except the
"negroes not already disposed of, and on the following
"condition, that after the money arising from the sale of the
"Mill is applied to the use before mentioned, that the said Thomas
"Stott ye should make good the deficiency if there should be

"any out of the legacies bequeathed to him". and the said
John Stott constitutes and appoints his friend Josiah
Meux and his son Thomas Stott executors to the said last will and Dale
executors to the said last will and by consent aforesaid
authorized the said executors to pay the said Sarah
Stott money to the said Sally and Nancy should be
paid by the said Thomas Stott, so that the conveni-
-ences, at any time prior to their becoming of lawful
age. Your complainant avers that soon after the death
of the said John Stott, to wit on the day of aforesaid
the said Josiah Meux one of the executors named
in the will having caused the same to be proved in the
County Court of Glos. Night, before the said Court took upon
himself the burthen and execution thereof; and by
virtue thereof possessed himself of the goods & chattels of the
said John Stott and made a contract for the sale of the
mill mentioned in the will aforesaid - but that previous
to the consummation thereof the said executor departed
this life intestate as your orators and orators believe;
and a certain Nathaniel Cooke qualified before the
County Court of Glos. Night, as administrator de bonis
non with the will annexed of the said John Stott and
and that at the death of the said Josiah Meux no part of
the said pecuniary legacies bequeathed to your orators
by their father the said John Stott was paid, but remain-
-ed at the qualification of the said Nathl Cooke wholly
due and unpaid; And the said Nathaniel Cooke
administrator as aforesaid soon after the death of the
said John Stott came to his hands to be administered,
converted the said mill to the purchaser and sometime
thereafter out of the proceeds of the said sale (as your orat
are informed) paid to the said complainants each the
sum of
in part of the legacy of four hundred and fifty pounds,
divided to each of your orators & your complainants.

are advised that under the will of the said John Stott the
said Thomas Stott was bound to pay the balance
of the said pecuniary legacies. - That the said Thomas
Stott departed this life, on or about the day of
aforesaid, having first made and published his last will
and testament a copy of which is hereunto annexed &
prayed to be taken and considered as a part of this
bill of complaint. That he among other things devises
as follows - "I give and bequeath unto my loving mother
"all my right, title, and claim of all the land, goods
"chattels &c. bequeathed to me by my deceased father during
"her natural life or widowhood except my bay horse,
"one silver watch and £200 which I wish to dispose of
"hereafter. It is my will and desire that the same time of
"payment may be allowed my mother to make the
"payments to the legatees of my father will as the time
"allowed me fully embracing every case that may be
"seen by reference to said will. Item I give and bequeath
"to my brother Samuel Stott all the land bequeathed
"to me by my father at my mother death provided the
"said Samuel Stott pay or cause to be paid to my two
"sisters Nancy and Sally Stott the sum of four hundred
"dollars each, also all my bay horse, saddle bridle &
"my silver watch which I wish him to take in preference immedi-
-ately after my death to him and his heirs forever. It is
"my will and desire that in case my mother should be
"deficient at her death in making the payments to the
"legatees that my brother Samuel Stott shall pay such deficie-
-ency in like manner assigned to him my brother" to which
will the testator appointed Josiah Meux his executor, who on
the 4th day of July 1814 before the County Court of Glos
"of Night qualified as executor to the said last will and testament
according to law. That the said Josiah Meux departed this
life, shortly after the said qualification without having paid to
your complainants or either of them, or any other proper person
the said four hundred and fifty pounds any part thereof
Nancy and Sally each by their father John Stott, which said
legacies were directed to be paid by the said Thomas Stott
whose property came to him by the said John Stott was liable

to the payment thereof. - That after the death of the said Testator Thomas Stott jr. a certain Nathaniel Cooke, before the County Court of Isle of Wight, qualified as administrator de bonis non with the will annexed of the said Thomas Stott jr. deceased, and by virtue thereof possessed himself of the goods, chattels &c. of the said Testator, unadministered by the said Josiah Mercer - and that the said Stott died on the 1st day of [illegible] Anno Domini 1818 and the said Sally on the [illegible] day of [illegible] Anno Domini 1820 arrived to the age of twenty one years - Your complainant further represent that the said Samuel Stott hath possessed himself of the land, and personal estate devised to him by the said Thomas Stott jr. deceased which property is of great value and which the said estate is justly subject to the payment of so much of the said pecuniary legacies as still remain due and unpaid, because it is by the will of Thomas Stott expressly required, that in case his mother should be deficient at her death in making the payments to the legatees, that his brother the said Samuel Stott should pay such deficiency and no part of the said legacies has paid by the said - nother of the said Thomas Stott neither have the same been paid by any other proper person - either by the said Testator Mercer, executor of Thomas Stott jr. deceased, by the said Thomas Stott in his lifetime, or by the said Nathl. Cooke admr. as aforesaid, or by the said Saml. Stott, to the manifest injury of your complainants. Your orators and orators since the said Sally and Mercy have arrived to the age of twenty one years, several times applied to the said Nathaniel Cooke and the said Samuel Stott to have the same paid or secured for their benefit, and hoped that the said Nathl. Cooke and Saml. Stott would have complied therewith, without suit or in compliance and equity they ought to have done. But so it is may it please your worships, that the said Nathaniel Cooke executor as aforesaid, and the said Saml. Stott combining and confederating together to and with divers other persons as yet to your orators and orators unknown, whose names when discovered, your complainants pray may be herein inserted as defendants, and they made parties hereto, with all manner to whose true intent and purpose your complainants, the said confederates respectively do absolutely refuse to pay or secure the payment of the said legacies - all which actings and doings of the said confederates are contrary to equity and good conscience, and tend to the manifest injury and oppression of your orators and orators. In tender consideration whereof, for that your complainants are remediless in the premises by the rules of the common law, and are only relievable in a court of equity, where matters of this nature are properly cognizable; To the end therefore that justice be done, they pray that the said Samuel Stott and the said Nathaniel Cooke administrator de bonis non with the will annexed of John Stott and Thomas Stott deceased, may be made defendants to this Bill, and that they be compelled upon their corporal oaths, full true, and perfect and direct answer to make, according to the best of their respective knowledge, information and belief, to all and singular the matters and things aforesaid, as fully in every respect as if the same were here again repeated, and they severally interrogated - and that they may respectively set forth and discover according to the best of their knowledge, information and belief whether the said testator Thomas Stott and John Stott duly made and executed such last wills and testaments in writing, of such date and to such purport and effect as aforesaid, and whether they regarded to your orators such legacies as aforesaid, or any other, and what they set forth whether the complainants have not been the said legacies now payable applied to them to have the same paid, or secured for their benefit, or to that effect, and what they or either of them refused to comply with such request; whether the estate of the said John and Thomas Stott are not fully competent to the payment of said legacies, that the said Samuel Stott particularly set forth whether he hath not possessed himself of the land and other property devised to him by his brother Thomas Stott jr. and whether the same is not worth more than the pecuniary - any legacies therein alluded to - and that they or the one responsible, may be compelled by a decree of this Honourable Court, to pay your complainants the said legacies

of £450 or so much thereof as remains due together to
with legal interest thereon from the day of
the said - and that your orators & orators
may have such further and other relief in the premises
as the nature of this case shall require, and as to your
worships shall seem meet - May it please your worships
&c

Irezyant & Atkinson for complainants -

Atkinson & Hatchell

vs

Ch.

Stott & Stott advs.

March 1821 The answer of Tho:
Stott filed and Nisi decree vs
Nathl Cocke as admor: &c: of John
and Tho: Stott -

April 1821 the answer of
N. Cocke filed -

November 1824 award made be-
tween the parties (by consent) returned
& ordered to be made final - & the cause
discharged by consent

Atkinson p. q.