

1825-001

Chancery Causes: Elizabeth Atkinson, widow of James Atkinson, Senior vs James

Isle of Wight County

Atkinson, Senior's admr

Other SURNAMES: Graves,  
Hardy

Altherton & Co

against <sup>3</sup>/<sub>4</sub> built  
in city  
Altherton & Co

Large Court 1820

February 1821 Interd.  
decree

January 1823 the marriage  
of Agnes C. Altherton one of the  
parties in this case with Philip  
Bart suggested on the record.

Mar. 1822. the commissioners rept.  
not. and ordered to lie for exceptions

December 5th 1825  
decree & report made final

Altherton & Co. Co. note about the  
at the Altherton & Co. or more upon about not appear  
the as the Court County to the & Co. decided to open for \$500  
decided to the for \$500  
decided to the for \$511  
decided to the for \$583  
Pete & Co. had upon decided to purchase for the same  
sold for  
\$1100  
\$800  
long of money for \$300 for the  
also a note

To the Honorable County of Allegheny County in chancery  
sitting, humbly complaining - she unto your worship your  
orator and oratrix Elizabeth Atkinson widow and relict  
of James Atkinson deceased. James Atkinson, William Atkinson,  
Thomas H. Atkinson, Joseph Atkinson and Agnes C. Atkinson  
the four latter infants of tender years being by James  
Atkinson their next friends that James Atkinson Senior  
the ~~husband~~ late husband of your oratrix Elizabeth, and  
father of your orator and oratrix James, Thomas H.,  
William, ~~and~~ Joseph and Agnes C. Atkinson departed this  
life over about the day of blank day of 1817, having  
first made and published his last will and testament  
a copy of which is hereto annexed, and prayed to be taken  
and considered as a part of this will wherein he devises  
to his wife Elizabeth <sup>real estate and</sup> five negroes, to wit Tom, Luda, Peg, Peta and Hall,  
his gig, harness and gig horse, four cows, two of the best feather  
hens and furniture, one side board twelve Windsor chairs,  
six sheep, two walnut tables, one desk, a half dozen silver  
table spoons of the smallest size and half dozen silver tea  
spoons - one tea table, one dozen plates, two pitchers, one  
cast iron kettle, one dozen cups and saucers - one dozen knives  
and forks, one dressing table and dressing glass - to be holden  
by the said Elizabeth Atkinson for and during the term of  
her natural life only - all which property herein before  
mentioned, <sup>except the land,</sup> to be divided equally between  
his daughter Agnes C. Atkinson, Thomas H. Atkinson and  
Joseph Atkinson, after the death of the said Elizabeth.  
He devises to his son Archibald Atkinson two negroes to wit  
Ellice and Nancy to him and his heirs forever - also to  
his son James Atkinson three negroes to wit Austin, Jack and  
Peggy to him and his heirs forever. He bequeaths to his  
son William Atkinson <sup>real estate and</sup> two negroes to wit, Isham and Susan.  
To his daughter Agnes C. Atkinson he devises two negroes,  
Coney and her child Aron to her and her heirs forever,  
provided she acknowledges her right in a tract of  
land which ~~she~~ <sup>he</sup> sold to Charles H. Gray, which land  
formerly belonged to Samuel Halsey, known by the name  
of Rock Port lying in Perry County, in case she refuses  
to acknowledge her right in said land the property null and  
to her share to return to Thomas and Joseph Atkinson to  
them and their heirs forever - He devises to his son Thomas

Mr. Atkinson, <sup>real estate, and</sup> one negro boy Beto to him and his heirs forever provided ~~he acknowledge~~ when he comes of age, ~~provided~~ he acknowledges his right in a tract of land which ~~is~~ sold to Charles Graves, which land formerly belonged to said ~~Charles~~ known by the name of Rock point - in case he will not make his right to said land, when he becomes of age, all the property ~~will~~ <sup>will</sup> then, to return to his daughter Agnes & Atkinson, William Atkinson, and Joseph Atkinson and their heirs forever. He devises to his son Joseph Atkinson real estate, and one negro boy called Beto to him and his heirs forever, provided he acknowledges his right to the said land, & sold to Charles Graves, and appoints and appoints his son Archibald Atkinson whole and sole executor to his said will and testament. - Your complainants allege that the said Archibald Atkinson qualified as administrator with the will annexed of the said James Atkinson deceased - whereby and by virtue whereof, he became possessed of all the personal estate of the said James Atkinson - that he kept together the family for that year and made a crop of corn, bransy &c. That in the course of the year 1817 the said representative had sales at different times of the chattel estate of his testator, except that part specifically devised. That at the end of the said year, he delivered over to the widow Elizabeth, agreeably to the will, the slaves and personal estate loaned to her for life; - ~~except the slaves~~ <sup>except the slaves, except the knives and forks</sup> and to James Atkinson one of your complainants in his own right Bay Austin - and as next friend to William Atkinson a negro boy called Iham and girl Susan. That the boy called Jack devised to James by the will was in his possession, at the death of the testator and the girl called Peggy also devised to him, died shortly after the death of the testator James. Your orator and oratrix further represent that on or about the day of <sup>in</sup> the year 1818, the said Archibald Atkinson as aforesaid informed your complainants Elizabeth, and James Atkinson who was acting as the next friend of William Atkinson, that the amount of debts due ~~from~~ from the estate of his testator was so considerable that it would become necessary to sell some of the slaves belonging to the estate, unless each distributee would pay his proportion of the debts remaining due, after the chattel estate not specifically devised, had been absorbed in

the payment of debts. That on this representation being made the said Elizabeth put into the possession of the said agent two of the negro boys, Peter and Balle before mentioned, and your orator James delivered over to the said Archibald, boy Iham devised to William Atkinson and which said negro had been delivered over to him by the administrator. Your complainants represent that the said Archibald Atkinson administrator as aforesaid on or about the day of Sept. in the year 1818 sold several of the slaves, specifically devised to wit Peter and Balle for eleven hundred dollars, ~~among~~ which said Peter and Balle were devised to the said Elizabeth for and during the term of her natural life. Among and child Aaron ~~for~~ devised to Agnes Catherine, for five hundred and twenty five dollars. Beto devised to Thomas H. Atkinson, for five hundred and eleven dollars. Balle devised to Joseph Atkinson, for the sum of three hundred and eighty three dollars and Bay Iham devised to William Atkinson for the sum of seven hundred and twenty five dollars. making in the whole the sum of three thousand two hundred and forty four dollars. They are informed however and believe it to be true that the said boys Peter and Balle were purchased and by the widow to whom they were devised for life, and that the said agent received only the sum of 800 dollars from the said Elizabeth the widow in cash, but they are informed he hath taken an obligation of ~~the~~ her by which she hath bound herself her heirs, ex. &c. to pay at her death to them in remainder to wit Thomas, Joseph & Agnes C. Atkinson the sum of three hundred dollars - but it may please your worship, that notwithstanding ~~and~~ <sup>and</sup> the said testator hath been dead for a considerable period, and considerable property sold with the approved

person of paying the debts, some of your complainants  
have not received of the said administrator the slaves  
specifically bequeathed to them by their father, and altho  
they are very desirous that a final settlement of  
the estate shall be had, the said administrator hath  
hitherto failed to do so, to the manifest injury of  
your orator and oratrices. To the end therefore  
they pray that this Honorable Court, in which  
they are advised such matters are properly and  
alone cognizable - may compel the said administrator  
who is prayed to be made a defendant to this Bill,  
~~to be compelled~~ full, true and perfect answer to  
take to all and singular the allegations aforesaid  
as fully as if the same were here again repeated,  
he thereto may particularly interrogated. That the  
said adm<sup>r</sup> be required to lay before one of the com-  
missioners of this Court an account of his acting and  
doing in relation to the estate of his testator - and that  
your Honors may make any decree or order in the  
premises for their relief which may be consistent with  
equity and the nature of the case - and as in duty  
bound they will ever pray &c.

James Atkinson is his own  
next and next friend to William  
Atkinson

of New York  
Elizabeth Atkinson

To the County Court of Wiltshire in Chancery sitting. The answer of  
Archibald Atkinson administrator with the will annexed of James  
Atkinson, <sup>and in his own right</sup> to a Bill of complaint exhibited against him in the  
said Court by Elizabeth Atkinson, James Atkinson, William Atkinson  
Thomas & Atkinson, Agnes C. Atkinson and Joseph Atkinson, the  
four latter, infants being by James Atkinson their next friend.  
The respondent saying and receiving to himself now and  
at all times hereafter all and every benefit and advantage  
of exemption to the manifold errors and imperfections in  
the complainants Bill contained, for answer thereto or  
so much thereof as he is advised in any way, notes  
written to make answer unto - answering. Says the  
principal allegation in the Bill are true. That he has  
paid all the debts which were due by his testator at the  
time of his death ~~which~~ <sup>that</sup> have come to his knowledge  
that with the view of discharging debts, he has sold some  
slaves as charged in the Bill - is willing that the Court should  
decree that a commissioner make up his administration  
account. and proportion ~~the debts~~ <sup>the amount</sup> which  
each legatee ought to contribute towards a final adjustment  
of the estate - or that the Court should make any decree in the  
premises which shall seem just and equitable. That if  
any more be proposed he will be dismissed with his costs  
in his behalf sustained.

Archd. Atkinson  
ad. with the will annexed  
of James Atkinson decd.  


Atkinson ad. <sup>11</sup>

as  $\frac{1}{2}$  answer

Atkinson <sup>11</sup>

January 1820

Elizabeth Attwood, James Attwood, Mr. Attwood  
The Bittington, Joseph Attwood & Co. But as it was  
not a. attwood as it appears to be this day  
his case came on again

upon the paper formerly read and the report  
of the Com. made in pursuance of the order  
of the day of July. a.d. 1811, to which report  
no exception have been filed, and was  
argued by Counsel, on consideration whereof  
the Court doth approve, order and decree  
that the said report be confirmed, and that  
the costs of this suit be mutually borne by  
the parties.

Atkinson

~ 3 ch.

Atkinson

order to be entered

at Dr. Court

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These are

Atkinson & Co

Relly Court

3<sup>rd</sup> Mch  
Atkinson

My counsel of parties with the assent of  
the Court this cause having been docketed, came  
on this day to be heard upon the bill, answer &  
exhibits filed and was argued by Counsel;  
whereupon, after mature deliberation, the Court doth  
adjudge, decree and order that Archd. Atkinson  
the defendant adv. do with the will annexed of  
James Atkinson d. d. do lay before Martin  
Coun? Smelby an account of his acting and doing  
concerning the estate of the said James Atkinson, and  
the said Coun? is directed to make up the said up;  
it is also decreed that the said Commissioner proceed  
to ascertain how much is due from the estate of James  
Atkinson deceased to each of the legates <sup>or</sup> heirs  
have not been paid over by the admor. and that he  
also ascertain and report how much is due to  
the said Archd. Atkinson ~~and~~ by those legates  
to whom the admor. has paid over the property  
devised by his testator. It is furthermore ordered  
that he make up the same to this Court, together  
with any remarks deemed pertinent by himself  
or required by the parties or either of them to be made  
in order to a final decree —

Admission  
Admission

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