

Probate, NC, Nash, ABRAHAM DEW 1774

This is a true inventory of the estate of **ABRAHAM DEW**, deceased.

{list, no names}

ELIZABETH F. DEW

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Edgecombe County, April Court 1774.

Exhibited on oath & ordered recorded.

Test **EDWARD HALL**, CC

A true copy.

Test **EDWARD HALL**, CC

Probate, NC, Nash, ABRAHAM DEW 1774

A just and true account of the sale of the estate of **ABRAHAM DEW**, deceased,
taken this 6th day of June, 1774.

{list, no names}

NOAH SUGG, sheriff

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Edgecombe County

Exhibited on oath & ordered to be recorded.

EDWARD HALL, CC

A true copy.

Test **EDWARD HALL**, CC

Probate, NC, Nash, ABRAHAM DEW 1774

Nash County

To the sheriff of said County, greeting.

You are hereby commanded to take the body of **ELIZABETH VIVERET**, administratrix of **ABRAHAM DEW** deceased if to be found in your bailiwick and her safely keep so that you have her before the justices of our County Court of pleas and quarter sessions at the next court to be held for said County at the courthouse on Peachtree on the second Monday in May next, then and there to answer **DUNCAN DEW, JOHN ROBBINS** executors of the last will and testament of **JOHN DEW** deceased of a plea of trespass on the case be damage three hundred pounds and have then & there this writ.

Witness **WILLIAM HALL** Clerk of said Court, XIst day of February Anno Domini 1794.

WILLIAM HALL, Clerk of Court

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The answer of **THOMAS VIVERET** and **ELIZABETH** his wife, defendants to the petition of **WILLIAM DEW** exhibited against them and Nash County Court.

The defendant having all legal advantage of option for answer thereto, or so much as they are advised to answer, they answer nay.

They admit that **ABRAHAM DEW**, the petitioners father, died intestate about eighteen years ago, but not in the year 1770 as alleged by the petitioner, possessed of a personal estate which appears, by the inventory thereof hereto annexed, which the defendants charge was returned by the defendant **ELIZABETH** after she was appointed administratrix of the estate, as set forth in the petition as and for the true inventory of the said estate.

And they deny that any article was omitted that ought to have been inserted therein. The defendants having intermarried with each other, sometime in April 1794, as well as they recollect, sold at public venue all the personal estate of the deceased as well as they can now recollect and they refer the petitioner to the account thereof hereto annexed amounting to £288.15.3, which the defendant **THOMAS VIVERET** returned to the said Court, after his intermarriage, as aforesaid and as well as he can recollect the same contains a just account of all the personal estate of the said **ABRAHAM DEW**, deceased, which was sold, as aforesaid, and that any part thereof was sold which could be found on the day of the sale and of there would appear difference between the inventory and amount of sale it may easily be accounted for by observing that considerable time elapsed between the taking of the inventory and the amount of sale in which time many of the articles would be necessarily consumed for support of the family and others would be destroyed by accident, or otherwise unavoidably, and the deficiency, if any, is in some manner compensated for by an increase of the number of cattle and perhaps of other part of the stock between the time of inventory and selling. The defendant **THOMAS**, soon after the sale aforesaid, returned an amount current with the estate to the court of Edgecombe County where the same was settled and allowed of by court, upon which account there is a balance of £264.14.9 due by the defendants to the estate which sum divided amongst the defendants and the children of the deceased, each child's share was £44.2.5½, there being then alive four children, the petitioners shareware of being £44.2.5½ as aforesaid the defendant **THOMAS** considers himself liable and answerable to him for as his guardian and is ready to settle & account with him for the sum in his Guardian account.

The defendants further answer that it is true that the defendant **ELIZABETH** did use the plantation, which was the estate's, about one year, or perhaps a bit more, before the defendants intermarried with each other, but not as long as the petitioner alleges, and also one half of the mill, the other half then belonging to **ARTHUR DEW** but the defendants do not concur that they might be accountable to the petitioners for anything on account of the plantation and mill during the time aforesaid, as during that time the defendant **ELIZABETH** had the whole family to maintain out of the estate and the children (among the rest, the petitioner) were very ... and helpless, so that if any thing was made by her out of the land and mill the she fully expended the same in maintaining the family previous to a sale of the estate, as aforesaid, and in part the profits of the said land and mill were very inconsiderable for the time

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aforesaid, the mail being in bad order and as great quantity of land being cleared, besides, in equity and good conscience, the defendants contend that they were entitled to a third part of the profits aforesaid by their right of dower, so that the remaining two-thirds of said profits being applied to maintain the children as aforesaid which the defendant concur were properly applied to that purpose, there being no other sufficient means of supporting them, then the defendant contend that nothing is due to the petitioner on this amount.

And as to the petitioners claim of a share of his sister **MILLICENT**'s estate, the defendants say that the defendant **THOMAS** was appointed her guardian long before her death and in consequence thereof held in his hands her share of the estate aforesaid, which thereupon being vested in her hand, and she having a few days previous to her death, to wit, on the day of __ day of 178__ being then upwards of twenty years of age, made and published her last will and testament, in writing, therein disposed of her estate in manner therein mention, but has part thereof, to the petitioner & the said **THOMAS**, being appointed executor of the said will, which has been duly proved in a court of Edgecombe County, and he qualified as executor thereof, the defendants contend that the petitioner is entitled to no part of the estate of his dead sister **MILLICENT**.

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The estate of **ABRAHAM DEW** in ... with **THOMAS VIVERET** administrator

Paid

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JESSE PITTMAN for schooling
EDWARD MOORE by bond
The clerk administrator
DAVID CORNWELL Sheriff
JOHN HALL for copy inventory
WILLIAM WHITEHEAD Bond and account
ARCHIBALD WHITE and account
NOAH SUGG selling estate
JEREMIAH CONEY and account
The clerk Guardian bond
NOAH SUGG for the sale
ARTHUR DEW on note of land
JAMES GLASGOW 4 advice
DR. BOYKIN
NOAH SUGG
THOMAS HALL

Received

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DUNCAN SAMON

Test Edward **HALL** cc

Probate, NC, Nash, ABRAHAM DEW 1774

Nash County

To the sheriff of said County greeting.

Whereas as a County Court of pleas and quarter sessions held for the said County at the courthouse on Peachtree on the second Monday of February 1797.

Whereas **JOHN DEW** executor recovered a judgment against **ELIZABETH VIVERET** administratrix of **ABRAHAM DEW** deceased for the sum of £75 as also the other sum of £3.10.3 being taxed in our said court for cost in said suit expended and whereas the said **ELIZABETH VIVERET**, as aforesaid, is xxx as to us appears of record, but the said judgment having remained dormant for a longer time than a year and a day, as the law of the land required under such circumstances before the plaintiff shall be entitled to your execution upon such dormant judgment that a writ of FIERI FACIAS be awarded against, and made known to the said defendant. We therefore command you that of a good and lawful men of your bailiwick you cause to be made known to the said **ELIZABETH VIVERET**, as aforesaid, that she appear at the court to be held for the said County at the courthouse on Peachtree on the second Monday of May next then and there to show cause, if any she can, why the executor of **JOHN DEW** ought not to have execution against her own goods and chattels, land and tenements, and to satisfy the aforesaid judgment and court costs according to the form and effect of the said judgment & have you then and there the names by whom & c. together with this writ.

Witness **WILLIAM HALL** Clerk of aforesaid Court the 12th day of May Anno Domini 1798.

WILLIAM HALL, Clerk of Court

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State of North Carolina

The honorable **JAMES GLASGOW** Esquire secretary to the worshipful the justices of Nash County greeting.

Whereas his Excellency the governor has certified that on complaint of **BENJAMIN COBB** he has suspended the execution of a grant to **JOHN DEW** for a tract of land in the county aforesaid containing two hundred acres on both sides of Fosnot swamp, joining the lines of **THOMAS VIVERET** and **MICHAEL HORN** and **ABRAHAM DEW**, deceased, and has required me to certify the suspension of the grant to you the said trustees, to the end the controversy be determined according to law.

I do, therefore, pursuant thereto hereby certify the suspension of said Grant accordingly.

Given under my hand at the secretary's office this 8th day of June 1790.

J. GLASGOW

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State of North Carolina]
Nash County]

To the sheriff of said County greeting.

Whereas at a County Court of pleas and quarter sessions held for the county aforesaid at the courthouse on Peachtree the second Monday of February 1797.

Whereas **JOHN DEW** executor received a judgment against **ABRAHAM DEW's** administrators for the sum of £75 as also the sum of £3.11.7 xxx in our said court for cost in said suit expended and then of the said adverts are costed as to us appear of record but they jury being xxx XX XX in the hands of the administrators ordered that a FIERI FACIAS issued against **WILLIAM DEW**, the widow of **ABRAHAM DEW** & the rest of the heirs of **ABRAHAM DEW**, deceased, any to subject them to the ... by **JOHN DEW**, executor vs. the Administrators of **ABRAHAM DEW**, as aforesaid.

We therefore command you that of a good and lawful men of your bailiwick you cause to be made known to **WILLIAM DEW**, as aforesaid, that appear at the next court to be held for the said county the courthouse on Peachtree on the second Monday of August next, then and there to show cause, if any he can, why the executor of **JOHN DEW** ought not have execution against him as heir at law for the debt & costs aforesaid, according to the form & effect of the said judgment.

And have then & there the names by whom & together with this writ.

Witness **WILLIAM HALL**, clerk of aforesaid court the 14th day of May, Anno Domini 1798.

WILLIAM HALL, CC

Probate, NC, Nash, ABRAHAM DEW 1774

Nash County

To the sheriff of said County greeting.

Whereas had a County Court of pleas and quarter sessions held for the same county at the courthouse on Peachtree on the 2nd Monday of February Anno Domini 1797.

Whereas **JOHN DEW** Executives obtained a judgment against **ABRAHAM DEW** administrators for the sum of £75 as also the sum of £3.11.7 being taxed in our said cord for the costs and said suit expended and where of the said administrators are counted as to us to appear of no ... ordered that a writ of FIERI FACIAS if they should be awarded against **ELIZABETH VIVERET** administratrix of **ABRAHAM DEW** deceased and then he in debt and **WILLIAM DEW** The heirs at law of said **ABRAHAM DEW**.

We therefore command you that have good and lawful men of your bailiwick you cause to be made known to the set **ELIZABETH** and **WILLIAM** as aforesaid that they appear at the next court to be held for the said County at the courthouse on Peachtree on the second Monday of November next then and there to show cause if any they can buy **DUNCAN DEW** executor of **JOHN DEW** deceased ought not to have his execution against them for the debt and or divorce said according to the form and effect of the said judgment had to have them there this trip.

Witness **WILLIAM HALL** work of our said Court the 14th day of August and odometer 1797.

WILLIAM HALL, CC

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