

Probate, NC, Orange, Zebulon Alexander 1785

The answer of **HEZEKIAH ALEXANDER**, one of the defendants to the bill of complaint of **THOMAS STRAIN** and **JEAN**, his wife, wherein divers charges and complaints are exhibited against **PHINEAS ALEXANDER**, **JOHN MCREE** and him the said **HEZEKIAH** for answer here to see this defendant does say that he does admit **ZEBULON ALEXANDER**, in said bill named, in his last will and testament did bequeath a certain Negro wench named **BET** to his wife **JEAN** and that he believes the words of said will mentioned in the said bill is exact with the original. He does further admit that he was appointed one of the executors in said will.

With regard to the first charges made immediately brought against **PHINEAS ALEXANDER** and **JOHN MCREE**, he, this defendant, does say that he knows nothing concerning it. With regard to the second charge, this defendant does say that he knows nothing of it and concerning the third charge he also does say that he knows nothing respecting it less or more. The fourth charge, which is also principally against them, the said **PHINEAS** and **JOHN**, he, this defendant, say that nothing concerning it ever came to his knowledge unless by hearsay afterwards. With respect to the interrogations and said bill, he this defendant, for answer does say that he admits the said will was duly proved in the county court. With regard to the rest of the interrogations he, this defendant, of further answer that he knows nothing about them or either of them except one which is whether they, the said **PHINEAS** and **JOHN**, did not enter in into a confederacy with him, the said **HEZEKIAH**, to cheat your oratrix out of the said Negro wench to which this defendant does make the following answer to wit, that there never was any combination, confederacy or agreement between him and them, or either of them, either directly or indirectly for a such purposes without that.

HEZEKIAH ALEXANDER

Sworn to before me this
21st September 1786
JONATHAN WILLIAMS, JSC

Probate, NC, Orange, Zebulon Alexander 1785

State of North Carolina]
Hillsborough district]

To the Honorable the judges of the session court of law and equity.

Humbly complaining show up on to your honor your orator, **THOMAS STRAIN**, and your oratrix, **JEAN**, his wife, of the county of Orange in the district aforesaid, that your oratrix was formerly married to a certain **ZEBULON ALEXANDER** of the county of Mecklenburg who died on the fourth of March seventeen hundred and eighty five, being in his lifetime and in the time of his death ceased possessed of and interested in a very considerable estate, both real and personal, and being minded to settle and dispose of the same did, before his death on or about the day and year aforesaid, being of sound and disposing mind, memory and understanding, duly made and published his last will in writing, a copy of which is hereunto annexed which they prey may be taken for as part of this bill, in which will is a clause to bequest in the words and manner following to wit:

"I give and bequest unto **JANE ALEXANDER** my beloved wife one Negro wench named BET over and above the one third part of all my personal estate appointed by law"

which said will was duly signed, sealed and published by the said **ZEBULON** in the presence of the persons whose names are subscribed thereunto as witness in and by the said will. relation thereunto had it doth more fully appear.

Orator also sheweth that the said **ZEBULON ALEXANDER** appointed **HEZEKIAH ALEXANDER** and a certain **JOHN MCREE**, his son in law, and your oratrix executor to the said will, putting the said will into the possession of the said **JOHN MCREE**.

Your oratrix also charges that the day after the burial and interment of the said **ZEBULON**, her late husband, the said **JOHN MCREE** and a certain **PHINEAS ALEXANDER**, a son of the said **ZEBULON** by a former marriage, came to the house of your oratrix and there knowingly, falsely and fraudulently represented your oratrix that she took very little, or nothing, by the said will of her late husband that she was left with her child "devoid" without a necessary subsistence that the claimants on the estate once disposed to allow her one third of the personal estate that they were desirous to leave her in that matter and want give writings drawn to allege all parties interested to abide by such a division; your oratrix had never seen the will or heard it read or was otherwise acquainted with the contents thereof, that as it was then represented and requested that the said **JOHN MCREE** to show her the said will, but he then pretended that it was not in his power or position and assured her that they had truly informed her respecting the same. Your oratrix decided by their appearance of friendship and service, and being at that time in great distress, illiterate and little suspecting the guile and artifice of their conduct, she signed a paper or writing they produced without her knowing what was the purpose thereof.

Your oratrix further charges that in a few days afterwards the said **JOHN** and **PHINEAS** came again to her house and produced another writing which they said it was necessary for her to sign. Your oratrix at first refused, but being

Probate, NC, Orange, Zebulon Alexander 1785

threatened by the said **PHINEAS** that they would sue and harass her on the former writing which she had before signed, and being told that it would injure her interest and that it was even necessary by a certain **THOMAS GREER**, brother in law to the said **PHINEAS**, in whom they knew she had great confidence and whom, as your oratrix has been since informed, they brought with them for the express purpose of deceiving her. Your oratrix signed the second writing which she afterward understood was a hand drawn and the said **PHINEAS** in the final sum of 500 pounds conditioned to be paid on the condition that your oratrix should forever remain contented with one third of the personal estate, the said executor **JOHN MCREE** to show her the said will as she had understood he was possessed of it, he then denied that it was in his power or possession; and said it was no matter as she took nothing by it, and being further pressed by your oratrix to discover the said will, he pretended it was in the possession of the said **HEZEKIAH** or a certain **ABRAHAM ALEXANDER**, the whom your oratrix appealed and found that the **JOHN MCREE** had dealt deceitfully by her; for that the said will was at the time and had always been in the possession of the said **JOHN MCREE** from the time of the death of the said **ZEBULON**.

Your oratrix also charges that the said **PHINEAS** well knowing that your oratrix was entitled by the above mentioned clause of the said will to the Negro wench called BET mentioned above the third part of all the personal estate of the said **ZEBULON** in a few weeks afterwards came to your oratrix and proposed to purchase her right to the third part of the value of the said Negro which he represented as being her whole right and claims; and threatened to bring suit on the above part if she did not comply with this proposition. Your oratrix being without a friend and without counsel and the contents of the said will being fraudulently concealed and falsely and shamefully misrepresented to her after many threats, persecutions and proposals, your oratrix went to lengths provided upon to take his note for thirty pounds and his assumption to pay twenty pounds to her child as a consideration for the third part of the value of the said Negro wench being induced to believe at that time it was her whole interest therein as the said **PHINEAS** and **JOHN MCREE** had before told her, and the said **PHINEAS** then prevailed upon her to sign some kind of a bill of sale, the contents of which as your oratrix cannot write, she does not remember, and took the said wench into his possession.

Your oratrix also charges that having now effected their design of cheating your oratrix thus shamefully and contrary to all equity and good conscience out of the only Negro left and intended by the testation as support to her and her infant, they then disclosed the contents of the will and notified your oratrix to attend the court of the county of Mecklenburg to prove the same as executrix.

Probate, NC, Orange, Zebulon Alexander 1785

Your orator and oratrix further shew that they inter married on nineteenth of August 1785 and that orator then remonstrated with the said **PHINEAS** and the said **JOHN** on the dishonest advantage they had taken of the said **JEAN** his wife respecting the said Negro & requested of the said **PHINEAS**, in a friendly manner, to deliver the said Negro to orator and offering at the same time to deliver to him his note aforesaid and release him from any promise that he had made to the said **JEAN**, which proposal your orator and oratrix well hoped they would have complied with. But now so it is notwithstanding they the said **PHINEAS** and said **JOHN** confessed that they had proved the said bonds and writings obligatory from your oratrix by false pretenses for the express purpose of frightening your oratrix into compliance with xxx and proposals yet they pretend they have a legal right to the said Negro and although the said **JOHN MCCREE** the executor then possessed of will entered into the above plan and confederacy to cheat and deceive your oratrix and betrayed and abused his trust as executor from the corrupted consideration of the said **PHINEAS** paying or promising to pay to him as his wife the sum of 20 pounds yet they pretend your orator and oratrix are not to let up any further to the said Negro BET. All which actings, doings and pretenses of the said **JOHN** and **PHINEAS** who confederated with the said **HEZEKIAH** and others at pretend unknown to your orator and oratrix and when discovered they pray may be made parties to this bill with apt words to charge them necessary as equity and good conscience and have greatly distressed injured your orator and oratrix.

TO TENDER consideration whereof and for as much as orator and oratrix are xxx in the premises without aid of the Honorable Court where matters of fraud are properly xxx and achievable. To the end therefore that the said **PHINEAS** the said **JOHN** and the said **HEZEKIAH** and others and their confederates when discovered may on their oaths true direct and perfect answers made the all and singular the xxx and that as fully and xxx as as if the same were herein again repeated and interrogated and more particularly that the said **PHINEAS** and the said **JOHN** may answer and set forth whether you're oratrix was not married to the the said **ZEBULON** and whether he did make his will in the manner and form herein set forth or have or otherwise and whether the said Negro woman BET was not bequeathed to your oratrix over and above one third part of all the personal estate of the said **ZEBULON** or if any other manner in what manner? And whether they with the said **HEZEKIAH** did not enter into a confederacy to cheat your oratrix out the said Negro wench or have or otherwise. Whether the said will was not from the time of the death or burial of the said **ZEBULON** in the power or possession of the said **JOHN MCCREE**. Whether they did not misrepresent the contents of the said will as your oratrix in manner and form before stated or have or otherwise. Whether they did not procure the said bonds from your oratrix for the express purpose of frightening her into their proposals and harassings and whether the said will was not duly proved in the County Court. And whether the said **PHINEAS** paid my consideration for the said wench except what is stated in this bill. Whether the said Negro wench has since born any children, which your oratrix charges she has, and if any, how many. And whether the said **PHINEAS** did not pay or promise to pay the said **JOHN MCCREE** or his wife a sum of money for the purpose herein mentioned, and what sum or sums and on what consideration. And what the said **PHINEAS** may be directed to give up unto your orator and oratrix the said Negro wench and her child, children or increase that your orator receive consideration for the

Probate, NC, Orange, Zebulon Alexander 1785

loss of her time and labor and that you're orator and oratrix may have such other and further relief as your honor shall seem just and equitable.

May it please your honor to grant a writ or writs of subpoena to be issued therein and thereby.

And your orator and Order shall ever pray.

WILLIAM R. DAVIE, [WILLIAM RICHARDSON DAVIE]
attorney for the complainant.

Probate, NC, Orange, Zebulon Alexander 1785

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