

Court of Equity

M=Junkin, et ux, et al

VS

Alexander, et al

No. 18

File 2

In Equity  
York District

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John L. McKim } Separate  
& wife and others } answers

vs } of  
Saml. D. Alexander } James  
& James Garrison } Garrison

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Debtors

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Filed in my office Feby  
1<sup>st</sup> 1825

J. G. Martin  
Clerk, D.

Bankhead, has since intermarried with William Bandy.  
 This defendand further states that he has always been ready  
 willing to account and settle, but was unable to do so, in any  
 manner to give the Complainants satisfaction, only as regard  
 his own transactions, which he never concealed, and which  
 they could always have access to in the office of the Clerk of  
 the Superior Court. And that the delay has been wholly  
 occasioned by the neglect and refusal of Paul D. Alexander.  
 This defendand therefore prays that he may be hence  
 discharged with his reasonable costs and charges &c

Shown to before me this 1<sup>st</sup> July 1875  
 Geo. H. King J. M.

Clendinning  
 Deputy for  
 J. J. Garrison

18-2-9

divided into six shares, making five hundred and sixty nine  
 Dollars and ten Cents to each share. This defendant further  
 states that he has found in the possession of the wife of the said  
 Samuel D. Alexander, amongst his papers, since his death, a  
 receipt in full from William Dandy and Judith his wife, and  
 also a receipt in full from George<sup>B</sup> Alexander, for their respective  
 shares of the said estate, which he has now in his possession.  
 The above statement of this defendant of the amount of the estate, and  
 share to which each one is entitled is not admitted by him to be correct  
 in its amount but only the result of the calculation made from the  
 defendants own transactions, and what he can ascertain of the transactions  
 of Samuel D. Alexander, but believes that the said Samuel D. did  
 lay out and pay money for the discharge of debts of the estate  
 for which this defendant can find no vouchers; this defendant here  
 suggests to the Court that Hugh Banthead is dead and that his widow, Judith

18-2-8a  
which time this defendant has been unable to learn where  
he is; that this defendant has applied to the wife of the said Samuel  
D., and has procured the vouchers as stated and set forth in the  
exhibit herewith filed marked (C) (except those above stated to be entered  
in his name by mistake) and did himself produce them to the said Court  
which were allowed, and contain all that have come to the knowledge  
of this defendant, which together with the vouchers of this defendant  
allowed by the said Court, amount "One thousand and ninety Dollars  
and ninety four Cents, which deducted from the whole amount  
of the estate, leaves two thousand four hundred and forty seven  
Dollars and seventy seven Cents, to which add the interest  
at six per cent for six years and seven months, five hundred  
and sixty six Dollars, eighty three Cents makes the sum of three  
thousand four hundred and fourteen Dollars and sixty Cents, as  
appears by the said exhibit marked (C) - which sum is to be  
divided into six shares, making five hundred and twenty

18-2-74

which he altogether refused; this defendant then requested him to leave the said notes in the hands of an agent or attorney in the state where the maker of the notes resided for collection, which he also refused; this defendant further states that he frequently insisted on the said Samuel D. Alexander to go to Newburgh and make returns and settle the estate which he would promise to do, but always deceived and disappointed this defendant, of all which facts the Complainants were informed long since by this defendant but which was disregarded.

This defendant further states that the said Samuel D. Alexander has never yet made any return of his transactions before the Court which granted the administration, and always refused to give this defendant any information or account of his proceedings, and has ~~totally~~ gone off privately, about the month of November last, just

6-2

day of January one thousand eight hundred and twenty four, for  
both of which sums the defendant has his receipts - that he paid  
to George B. Alexander one of the Complainants, at different times the  
sum of forty five Dollars, for which he has his receipts, making the  
sum of two hundred and fourteen Dollars and twenty five cents,  
thereby leaving in the hands of this defendant of the whole which  
ever came into his hands, only the trifling sum of one hundred  
and ninety two Dollars and five cents, although he is entitled  
to one sixth of the whole estate

This defendant further answering states that his Co-administrator  
Samuel D. Alexander, being a relation of the deceased by blood and  
this defendant only by Marriage, assumed to himself the chief  
direction and management of the estate, and took possession of all  
the various notes, and kept them and collected them, although  
this defendant often applied to him for at least an equal divide

except one note on which Alexander for eight years has been with interest, which when paid will be so much an offset against the estate of the deceased and which was forgotten by Alexander

18-2-64

that Settlement, herewith filed and marked (C) also the additional sum of Thirty two Dollars paid for Counsel fees by the defendant but which by mistake in the said settlement are put to the credit of Samuel D. Alexander, but which the defendant positively states were paid by him. Making the amount of money actually laid out and expended by the defendant Four hundred and twenty seven Dollars eighty eight Cents; after adding <sup>to</sup> this sum, the sum of Two hundred and sixteen Dollars and six eighths for Commissions as allowed by the said Court to the defendant; there then remains in the hands of the defendant only the sum of four hundred and six Dollars and thirty Cents and three fourths.

This defendant further states that ~~the whole~~ he has paid out of this sum to ~~Robert~~ L. McJunkin one of the Comptendants on the ninth day of February one thousand eight hundred and twenty four. One hundred Dollars for which he has his receipt; to Robert B. Walker, one of the Complainants Nineteen Dollars and twenty five Cents. May the clerk do one thousand eight hundred and eighteen; Also fifty Dollars the thirteenth



18-2-12  
that this defendant procured his friend Jacob Alexander Esquire as his  
Security, and Samuel D. Alexander gave Robert Parks as his Security,  
that they took upon themselves the administration of the said estate.  
A sale of the said estate was made under an order of the said Court,  
on the tenth day of June in the year of our Lord one thousand  
eight hundred and seventeen, which sale amounted to three thousand  
five hundred and thirty eight dollars and seventy three Cents, as appears  
by the full bill, a copy whereof is herewith filed and marked (A)

This defendant further states that of the whole estate this defendant  
never received into his hands or possession only the sum of one  
thousand and fifty dollars and twenty five Cents, a full account  
and statement whereof appears by exhibit (B) herewith filed; that he  
has expended and laid out for the said estate the sum of three  
hundred and ninety five dollars and eighty eight Cents, as appears  
by the said exhibit (B), and which is regularly vouched and settled  
before the said County Court of Middleburgh, as appears by the copy of  
that settlement, herewith filed and marked (C) also the additional

a suit in the County Court at <sup>Durham</sup>Charlotte, North Carolina, in which  
County the said Samuel died, that being the Court having jurisdiction  
of the probate of wills &c, with a view to set aside the said will;  
that after great expense and trouble and two successive trials  
in that Court, these defendants were defeated; that they appealed  
to <sup>the</sup> Superior Court, and changed the venue to Lincoln County  
that on that trial, the said will was declared void and  
set aside and the Executor mulct in the Court; that afterwards  
the Executor appealed to the Court of Equity, praying to be  
discharged from the payment of Costs, which was granted  
him; and decreed by that Court to be paid out of the estate.  
This defendant further states that after the said will was  
set aside, he and Samuel D. Alexander did obtain letters  
of Administration from the County Court of <sup>Durham</sup>Lincoln County.

18-2-5a  
In the Court of Equity, York District  
The State of South Carolina & the separate answer of James  
York District — James to the Bill of John T. Ashland  
and wife and others —

James Garrison one of the defendants to the Bill of Complaint of the  
said Complainants having answered to himself all and all manner  
of exceptions and advantages to the manifold errors, insufficiencies  
and uncertainties in the said Complainants Bill of Complaint  
contained, for answer thereto or to so much thereof as he is advised  
and believes it is necessary or material for him to meet &  
answer to, answering facts, that he admits that Samuel Dancy  
did depart this life at or about the time that Complainants  
have alleged, that he had executed a will, by which, amongst  
other things, he had made provision for the emancipation of all his  
Slaves; that this defendant did Samuel & Alexander institute,

of Samuel Davis Deceased with the Administrators. Do hereby  
certify that we have Examined the return and Vouchers of the  
Administrators and find that there is a Balance of principal and  
Interest due from the Administrators of Three thousand four  
hundred & fourteen Dollars & sixty cents - \$3414-60.

Given under our hands this 29<sup>th</sup> of January 1825 -

Samuel Anderson J<sup>r</sup>

## State of N<sup>o</sup> Carolina

I Isaac Alexander Clerk of the Court of  
pleas & of certain Sessions held for the County of Rockingham  
in the State aforesaid Do hereby certify that the foregoing  
is a true & perfect copy of the Settlement of the Estate of  
Samuel Davis Deceased made by the Administrators  
by a Commission of the Court and filed in my  
Office.

In Testimony whereof there hereunto  
and signed the Seal of my Office  
the second day of March A.D. 1825.

Isaac Alexander Clerk

James Garrison & Samuel D. Alexander Administrators of Samuel  
Davis Dec'd in Acc<sup>t</sup> the Summary 12<sup>th</sup> 1825

To Amount of the Estate of Clark Condit			\$3538.79
Paid by the following Vouchers viz			
1 <sup>st</sup>	Isaac Alexander	\$	25
2 <sup>d</sup>	Amos & Alexander	8	50
3 <sup>d</sup>	James Cowen	20	81 $\frac{1}{4}$
4 <sup>th</sup>	James Wilson Shiff	4	30
5 <sup>th</sup>	James Wilson Ditto	155	93
6 <sup>th</sup>	Isaac Alexander	..	50
7 <sup>th</sup>	Isaac Alexander	2	..
8 <sup>th</sup>	James Garrison	192	65
9 <sup>th</sup>	Do Do	10	31 $\frac{1}{4}$
10 <sup>th</sup>	John Blake	3	..
11 <sup>th</sup>	Doct <sup>r</sup> Stephen Fox	6	12 $\frac{1}{2}$
12 <sup>th</sup>	James Cowen	23	50
13 <sup>th</sup>	Arch <sup>d</sup> Freeman	13	55
14 <sup>th</sup>	Isaac Alexander	1	..
15 <sup>th</sup>	Matthew & Alexander	1	445.72
16 <sup>th</sup>	Joseph Wilson Esquire	20	..
17 <sup>th</sup>	Thomas Alexander	15	10
18 <sup>th</sup>	Isaac Alexander	1	..
19 <sup>th</sup>	Thomas Williams	4	..
20 <sup>th</sup>	Joseph Wilson Esq <sup>r</sup>	20	..
21 <sup>st</sup>	David & David p	55	85
22 <sup>nd</sup>	Samuel D. Alexander	8	..
23 <sup>rd</sup>	John Davis	2	..
24 <sup>th</sup>	Matthew & Alexander	4	61 $\frac{1}{2}$
25 <sup>th</sup>	Arch <sup>d</sup> Freeman	30	..
26 <sup>th</sup>	Joseph Wilson	20	..
27 <sup>th</sup>	Edwin & Osborn	20	..
28 <sup>th</sup>	James Haver	27	37 $\frac{1}{2}$
29 <sup>th</sup>	Isaac Alexander	..	62 $\frac{1}{2}$
30 <sup>th</sup>	Sam <sup>l</sup> D. Alexander acc <sup>t</sup>	200	.. 428.56 $\frac{1}{2}$
Commissions allowed on receipts and disbursements		2	216.4 $\frac{1}{2}$
			\$1090.96
			2447.77
			966.83
Acc <sup>t</sup> of Interest Six Years & 7 Months			\$3414.60
			Bal <sup>l</sup> due -

State of N<sup>c</sup> Carolina  
 & Wake County. We the under signed being a Committee  
 of Court appointed to examine and settle the Estate

①

*fillament*

D<sup>r</sup> James Garrison & Sam<sup>l</sup> D. Alexander

To Com<sup>t</sup> of Estate as returned  
per Clarke Certificate ————— \$3528.73

Deduct Com<sup>t</sup> of Debts & interest per Com<sup>t</sup> 1090.96

\$2447.77

Amount of Interest in four & 4 months ————— 966.83

Balance due. \$3414.60

We the undersigned a Committee of Court appointed  
to examine and certify the accounts of the Administrator  
with the Administrator, do hereby certify that we have  
the return and vouchers of the Administrator and  
find that there is a balance of principal & interest due  
from the Administrator of said Estate to said Com<sup>t</sup> in the sum  
of three thousand four hundred & 14 cents & 60

of our said Com<sup>t</sup> Bonds this 29<sup>th</sup> day of January 1845

Signed — Sam<sup>l</sup> D. Alexander J<sup>d</sup>

William Davidson J<sup>d</sup>

State of N<sup>c</sup> Carolina

I Isaac Alexander Clerk of the Court of  
pleas & Quarter Sessions held for County of Mecklenburg  
in the State of aforesaid do hereby certify that the foregoing is  
a true copy of said statement of the Estate of Samuel  
Davis Dec<sup>d</sup> by a Committee of Court —

In Testimony whereof I have hereunto set  
my hand and affixed the Seal of my Office  
This 29<sup>th</sup> day of January 1845

Isaac Alexander Clerk

James Garrison & Sam<sup>l</sup>. D. Alexander Adm<sup>s</sup> of Samuel Davis Du<sup>y</sup>  
 in Account of 6 January 12<sup>th</sup> 1825

To amt of the Est<sup>ts</sup> per Clerk's Certificate - - - \$3538-73

Credit by the following Vouchers Viz

✓ 1	Isaac Alexander Clerk	\$	25	
✓ 2	Amos Henderson		8-50	
✓ 3	James Cowan		20-8 1/4	
✓ 4	James Wilson Sup <sup>r</sup>		4-30	
✓ 5	James Wilson Dr.		155-93	
✓ 6	Isaac Alexander Clk		50	
✓ 9	Isaac Alexander		2	
✓ 7	James Garrison		192-65	
✓ 8	Ditto Clk		10-3 1/4	
✓ 10	John Black		3-00	
✓ 11	David Stephen Fox		6-12 1/2	
✓ 12	James Cowan		23-50	+
✓ 13	Arch <sup>d</sup> Fox		13-55	+
✓ 14	Isaac Alexander		1-00	
✓ 15	Isaac Alexander		5-25	+
✓ 16	Joseph Williams Dr		20-00	+
✓ 17	Francis Alexander		15-10	
✓ 18	Isaac Alexander		12-00	+
✓ 19	Wm <sup>s</sup> Williamson		4-00	+
✓ 20	James Wilson		20-00	+
✓ 21	David A. Dunlap		55-85	+
✓ 22	Sam <sup>l</sup> . D. Alexander		8-00	
✓ 23	John Davis		2-00	
✓ 24	Matthew Alexander		4-6 1/2	+
✓ 25	Archibald Henderson		30	
✓ 26	Joseph Wilson		20	
✓ 27	Edwin Estlin		20	
✓ 28	James Moore		27-3 1/2	
✓ 29	Isaac Alexander		11-62 1/2	
✓ 30	Sam <sup>l</sup> . D. Alexander - Amt		200	428-56 1/2

Commissions allowed on receipts to - - - 216-6 1/2  
 Disbursements - - - 216-6 1/2

Amount of Vouchers - \$1090-96

These vouchers bear date of  
 Jan 28, 1825, the date of the 1st of 1825 \*



Inventary of the Estate  
of  
Samuel Davis De<sup>d</sup>

a Copy

(A)

Copy 4 cont 70 ends

Amount Continued		\$	¢
Geo Apts — Cups & Saucers	-----	20	64½
Geo W Houston 11 Spoons	-----	90	
David Alexander - 1 lot of Crochery	-----	10	
Ignat Alexander 6 pewter plates	-----	5	25
Robert Darnum - 3 pewter Dishes	-----	3	31
William Moore 1 Trundle & Staps	-----	30	
John A Cox - 1 Home Razor & Strop	-----	55	
Cyrus Anderson 1 pine Chest	-----	1	
Nathan Hewitt 72½ lbs of Lard @ \$4.52 per lb	327	70	
Geo W Houston 4 Hags	-----	11	
James Walker 1 pair	-----	50	
Matthew Alexander 1 Basket	-----	12½	
Zephaniah Plummer 1 Cupboard	-----	2	15
John C Montgomery 1 Looking Glass	-----	82	
James Simmons 1 Bed Stead & Furniture	-----	18	95
John A Williams 1 Dish	-----	31	18
Laura Simmons 1 Bed Stead & Furniture	-----	8	44
Ditto - - - - Ditto	-----	9	2
Joseph Glenn - 1 Trunk	-----	56	
Williams Moore - Corn wheel & cats Gearing	40	1	
William Simmons wheel on J A Lard	19	70	
Francis Alexander 10 head of Sheep	15	31	
Amount -		\$	3538.73

State of N. Carolina

I Isaac Alexander Clerk of the Court of Pleas and General Sessions held for the County of Northampton at the Court house in Charlotte in the State of North Carolina do hereby certify that the above is a true copy of the Am<sup>t</sup> of the Sales of the Estate of Samuel Davis De<sup>d</sup> as returned to Court by the Administrators taken from the original filed in my office -

In Testimony whereof I have hereunto set my hand & affixed the seal of my office the 28<sup>th</sup> day of January A Dom 1825

Isaac Alexander Clerk

Amount Continued

\$ 56. 27

John Campbell	2 pair Chairs	2	45
Matthew Alexander	Big wheel	-	19
Walter Alexander	Washing Tub	1	-
Francis Alexander	1 Chair & Trunking	3	95
William Rudisile	3 chairs	2	57
Do	Do	1	50
Jane Alexander	1 Dough Tray	1	20
Robert Parks (B)	1 Spinning wheel	1	65
Ditto	Ditto	2	20
Isaac B Alexander	1 Scur	-	44
Adam A Springs	2 Bridles	1	37
Geo Houston C	1 Bramble Tea Kettle	1	-
Jane Alexander	2 Smooth Irons	-	87
Do	Alexander 1 Meal Bag	1	30
Jane Alexander	1 Cupboard	1	10
John A Orr	1 Big pot	1	-
Robert Linnwood	1 Oven Lids	-	60
James Henderson	1 Pot & Hooks	1	45
Thomas Beck	1 Skillet	-	51
William Alexander	1 Oven lid & Hooks	1	50
Almon A Ginty	1 Black Cow	15	.1
Yathon Ginty	1 Black Cow	10	90
Robert Johnston	1 Red Cow	16	.2
Robert Parks	1 Heifer	10	20
James Kirk	1 Bay Mare	18	50
Zephaniah Plummer	1 Bay mare	21	26
Marion T C Kennedy	1 Bee hive	2	45
Ditto	Ditto	2	60
James Garrison	Iron	461	-
Thomas G Palk	Book & chits	509	-
Samuel Parks	Prudy	505	-
Sam <sup>r</sup> Alexander Dr	Sally	600	-
Thomas G Palk	Army	265	30
Do	Do	212	-
James T Alexander	1 C. W.	10	-
James Simmons	1 Table	2	26
Jacob Sartin	1 Table	1	76
Do	2 Box & Steniers	-	75
John Davis	1 Arm Chair	1	-
Geo D. J.	5 Chairs	1	.2
Geo W Houston	1 Pot of old Pewter	1	-
William A. H.	1 Tea pot	-	37
James Simmons	4 Delph Plates	-	13

\$ 3047.64

The Amount of the Sales of Annual Dairs Dec<sup>r</sup> the 10<sup>th</sup> of June 1817

Matthew Alexander two barrels	-	25
Matthew Orr two Kegs. 2 guns	-	8
Sam <sup>l</sup> Parks one Churn	1	1
Cyrus Henderson one Picus	-	20
William & More one old Box	-	7
John A Orr one Rye & Cradle	1	-
Josiah Gallaway two Drawing knives	-	50
James Montgomery four planes	-	12 <sup>1</sup> / <sub>2</sub>
William Davidson one Paper cut	-	33
William Parks by one Lot of Tools.	-	10
Alexander Milner. Chisels & Gimblet	-	50
Thomas Hunter - old Irons	-	50
William Leuker - old Augers	-	80
Matthew Orr two 1 Lot of Turning tools	-	26
William Leuker 2 Hammers one Iron	1	15
John Johnston Foot Adz, Wedge, & Nail rings	1	25
William Davidson Vice & pitch fork	-	50
John A Orr Glue pot. Steel yard & Brush	-	70
Jack Buchanan hand saw, Lantern	-	75
Joseph Flinn one Box of old Irons	1	1
Robert Parks one Candle Stick & Stand	-	32
James Orr 13 one drop cut Saw	3	-
John A Orr one Ax	1	92
John A Orr two old Axes	-	50
Joseph Flinn - old big Specks.	-	43
Hugh Gallaway one Shot Gun	4	82
William Johnston one Shot Gun	15	5
Robert Johnston - one Skyeer Dish.	-	50
John A Orr one Pickle.	2	37 <sup>1</sup> / <sub>2</sub>
Geo W Houston one Lot of Books.	2	60
Joseph Flinn one Lot of Books	1	-
Matthew Wallis J. one Lot of Books	1	50
Sam <sup>l</sup> C Caldwell one Bar shan plane	2	50
Wallis Alexander one Shovel plane 2 hours	1	5
James T. Alexander - Shovel plane	1	1
Adam & Spence one pair Double bars	1	-
Do - Do - Sprouting bar, 2 Chisels	1	9
James Simmons Cart wheels	-	68
John Campbell cutting bar & knife	1	90
Adam A. Hering's 1 Riding chair	1	50
William Alexander, Barre, Rub. wheel	-	50

\$56 27<sup>1</sup>/<sub>2</sub>

28 James Stone. } H. C. G.  
 " " " "  
 29 Isaac Alexander. " 82 1/2  
 30 I. D. Alexander

Ans. P. H. H. H. H. H.

Mr Walker -	\$ 19.25
50 00	<u>50.00</u>
Bandy wife -	200.00
rest in full -	100.00
J. J. de Spun King	100.00
G. Alexander	
full amt. -	
<u>to Legates.</u>	

York 8<sup>th</sup>

J. J. M. Franklin del. Reference  
 vs  
 J. D. Alexander & } 20<sup>th</sup> Sept.  
 James Garrison admr. } 1825.

Am't of Sale Bill — \$3538.73.  
 Int. from 10<sup>th</sup> of June 1818.  
 at 6 percent — }

Evidence for Deft.

Or	\$	cts
1 James Alexander —	"	25.
2 And. Alexander —	8.	50
3 J. Cowan —	20.	81 $\frac{1}{2}$
4 Willson Hff —	4.	30
5 Willson ?	155.	93
6 Sam Alexander.		50
7 J. Garrison		
8 20 20		
9 Jas Alexander —	2	00
10 John Black —	3	00
11 J. Stept. Fox —	6	12 $\frac{1}{2}$
12 J. Cowan		
13 Arch. Frew.	13.	55
14 J. Alexander.	1.	00
15 Matthew Alexander.	3.	29
16 J. Willson —	20.	00
17 Francis Alexander.	15.	10
18 H. Alexander	1.	00
19 Wm. Willson	4.	00
20 J. Willson —	20.	00
21 W. Dunlap	55.	88
22 J. D. Alexander.		
23 John David.	5.	00
24 Matthew Hff.	4.	61 $\frac{1}{2}$
25 Arch. Hudson.	30.	00
26 J. Willson	20.	00
27 E. J. O'Brien	20.	00