

Carrier v Bowman: Augusta County Chancery (File 1820 – 018) Bill of Complaint Filed 9 November 1816.

To the Honourable John Brown, Judge of the Stuanton Superior Court of Chancery.

Humbly complaining shew unto your honor, your orators Richard Carrier & Catherine his wife, Conrad Miller & Mary his wife, Peter Shaver & Barbara his wife, and Magdalen Bowman by her next friend Richard Carrier.

That sometime last spring, a certain John Bowman departed this life, leaving considerable real & personal property in the County of Rockingham, leaving also your oratrix Magdalen, his widow & six children, to wit, your oratrixes Catherine, Mary, & Barbara, George Bowman, John Bowman, & Elizabeth Roler, the wife of Casper Roler.

Your orators charge that the said John Bowman, decd., died intestate, & that they are entitled to distribution shares of his estate.

But notwithstanding the just rights of your orators under the laws of the land, the said George Bowman & John Bowman have taken possession of the whole of the estate of the said John Bowman, decd., & witheld from your orators the shares to which they are entitled as representatives of the said intestate.

The said George Bowman & John Bowman have set up a pretended will of the said John Bowman, decd., under which they claim the greater part of said estate. This will they pretend was executed by the said John Bowman, decd., shortly before his death. It makes a disposition of said estate very unequal, and very unfavorable to your orators.

Your orators charge that the said pretended will was never executed by the said John Bowman, decd. They further charge that if it was executed by him, it was not executed in the manner prescribed by law, & not legally authorized; & that it was obtained by fraud, at a time when the pretended testator was not of sound disposing mind & memory. Your orators charge that after the time when the said pretended will is pretended to have been made, the same was altered by the said George Bowman & John Bowman, or by some other person with their consent & by their direction. The said George Bowman & John Bowman are the executors named in the said pretended will. They have proved the administration thereof to record in the county court of Rockingham. A copy of the same is herewith exhibited as part of this bill.

Your orator Richard Carrier, as the next friend of your orator Magdalen Bowman, states that the said Magdalen is an insane person and hath been so for many years. By the said pretended will no adequate provision has been made for the said Magdalen. In consequence of her infirmity of mind, she is not able to disclaim the provision made for her in said pretended will, in the manner provided law, was if the said pretended will was to be considered valid.

In further consideration of these premises, and that your orators are without relief except in a court of equity, they pray that the said George Bowman and John Bowman, the said Casper Roler & Elizabeth his wife, may be made defts to this bill, & compelled to answer the same on oath; the said pretended will may be set aside & annulled, that the defts may account for the estate of the said John Bowman decd which has come to their possession; that the said estate man be distributed according to law, and dower in the real property be assigned to your oratrix Magdalen; & that such other & further relief may be granted as may be equitable.

Baldwin X Peyton