

Carrier v Bowman: Response to Bill of Compliant 18 December 1816 Augusta County Chancery (File 1820-018)

The answer of George Bowman and John Bowman to a Bill of Compliant exhibited against them and others, by Richard Carrier and Catherine his wife, Conrad Miller and Mary his wife, and Peter Shaver and Barbara his wife in the Superior Court of Chancery holdin in Staunton.

These respondents saving to themselves all manner of exception to the said Bill, for answers thereto, or to as much as they are advised to answer, they answering say; that they admit John Bowman the father of the female Plaintiffs, departed this life, leaving a widow and six children and also a considerable real and personal estate.

The Defendants deny that the said John Bowman died intestate or the Plaintiffs are entitled to any part of his estate, other than that which is given to them by the will of their deceased father, herewith exhibited marked (A) and which they pray may be taken as part of this their answer.

The Defendants deny that they withhold from the Plaintiffs the share of the estate to which by the laws of the land they are entitled. As Executors of said will they took possession of the personal property of the decedent, and for their conduct as Executors they are at all times ready and willing to account.

These Defendants acknowledge they have set up (not a pretended will) the will above referred to marked (A), which they aver to be a correct and as they believe a valid will. They acknowledge they claim (and they think honestly) the property given to them by said will.

The Respondents state, that their father had but two sons; and that for many years it was his intention as they believe to give his lands to his sons. Hence it is that for a long time previous to his death his sons were each in possession of that part of the land which he finally gave to them by the will. He declared long before his death the land was for his sons.

The Testator was taken ill, of the sickness with which he died, on Friday. On Sunday evening he was talking of Rolers land, being about to be sold – This was the land of a neighbor who had recently died and whose land was to be sold. He observed that he expected the land would be bid too high for the boys (Roler's sons) to buy. The Defendant John then asked him if he had finished his business as he wished it to be in the event of his death. To which he replied, no. The last time I was in New Market I applied to Hinkel for some good paper. It was my intention to set things down in such a way, as to get my will drawn, but I have not done it yet. He further remarked that there is no person in this neighborhood that can draw a will – Smooker told me Mowry can not spell will. He further stated that Smith (a school master in the neighborhood) could not conveniently leave his school. It was then observed that Smith could be brought and returned to in the morning before school met. He approved of this plan and Smith was sent for. By his directions the will was drawn. During the time it was writing, at the time it was signed by himself, and marked by the witnesses, the testator was of sound disposing mind and memory. The witnesses were selected by himself; and by his direction they were sent for early on Monday morning, that Smith might return to his school. The Testator before and at least two days after

the execution of his will was in the perfect possession of his understanding. After this he became flighty and on Thursday he died.

The above is a true statement of all the influence ever employed by the Respondents to give character to the will of the their father; and in it is the only time they ever talked with him on the subject except and about two years before that the Testator mentioned the subject of his will to the Defendant John. The Defendants aver that the said will was executed by their father, they judge it was executed in the manner prescribed by law as they believe and that it was legally authenticated and they deny that there was any fraud done by them, or any other person to their knowledge, in obtaining said will. The Defendants regret that charges of so devious a nature as those contained in the Bill should be brought against them; and particularly when these charges are made by those who are so nicely connected with them. They could have hoped their characters would have protected them from such imputations. To have lived correctly it appears, is no shield from the assaults of avarice. They deny and they do it with a feeling of indignation, that the will was altered after it was made, whether by the said George or John Bowman or by any other person with their consent or by their direction or by any person whatever.

So far from this being the fact, the Defendant George swears that the will (which was left in his custody) was never opened or examined until he delivered it to (_____) to have it recorded. It would appear to these defendants that if the Plaintiffs believed what they have stated they would have good cause to lament the family connection which they have formed; for from their statements it would follow that their father in law died insane their Brothers in law are villains that would alter a will and their mother in law is crazy.

These respondents beg leave to state to the Plaintiff Carrier, that whatever credit he may be entitled to for his benevolence in becoming the next friend to their mother, that his kind interference will be dispensed with, as the Mother of Defendants has been left an abundance for her comfortable support by the will of her husband and that she now lives in ease and comfort. These Defendants at all events hope they will conduct themselves in such a manner towards their mother as not to organize the interposition of this business if this proves in her behalf to keep her from suffering. These can be the only "next friends" as your respondents are informed that would be authorized now to interfere to effect the will, if the statement in the Bill were correct in regard to their Mother. But it is not correct, she is not insane and an adequate provision has been made with which their mother is satisfied. It is true their mother is weak in understanding, but she does manage and capable of managing well her domestic concerns. [**These Defendants deny all fraud and combination and pray to _____ with their in this belief _____ and they will _____ as is duty bound.**]

Rockingham County to wit:

This day formally appeared before me a _____ or the _____ in and for said county George Bowman and John Bowman who made and oath that the above answer id true to the best of their knowledge and belief given under my hand this 16th of December 1816.

Harry Welch