

**RESEARCH JOURNAL**  
*of*  
**WILLIAM and MARGARET BROWN**  
**FAMILY HISTORY<sup>1</sup>**

*Covering their ancestors, siblings, children and descendents<sup>2</sup>*

**Spring 2000, Vol. 1, No. 2**

**June 30, 2000**

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*Editor and Publisher*

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**2. Announcements and Suggestions**

1. **Brownhistory.org**: Remember to see and participate in our new family **Brown Library/Center** on the Internet at **<http://www.brownhistory.org>**. All issues of the Research Journal are permanently stored there for future reference.
2. **Erold Wiscombe's Book**: The first 60 pages of Erold Wiscombe's [The Brown Family, Daniel and Elizabeth Brown and Their Descendents](#), 700 pages, 1986, is now available in our **Brown Library** under **Histories**. In my opinion, this book is a classic reference regarding the Brown family. It took Erold 5 years to write it, and he did meticulous research. His first 60 pages deal with William and Margaret BROWN, their children and grandchildren. The balance of the 700 pages deals with the 4,740 plus descendents of Daniel and Elizabeth STEPHENS BROWN.

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<sup>1</sup> Published quarterly: March 31; June 30; September 30; December 31. Free subscriptions are available on the Internet. Mailed subscriptions are available at \$5.00 per issue, prepaid. Send all inquiries, Internet subscription requests, information, articles and manuscripts according to Journal Policies to O. James Brown Klein, Editor and Publisher, at [journaleditor@brownhistory.org](mailto:journaleditor@brownhistory.org). Sponsored by the **Klein Storrs Family Association**, O. James Brown Klein, President. Affiliated with the **William and Margaret Brown Family History Library and Center** on the Internet at <http://www.brownhistory.org>.

<sup>2</sup> William and Margaret BROWN lived in Rowan County, North Carolina in the mid-1700s, with most, if not all of their 9 children. William was of English and perhaps Scottish descent, and Margaret was of Portuguese descent. We do not yet know who are their ancestors or siblings, and we only have verified who are their descendents through one of their children, James BROWN.

<sup>3</sup> O. James Brown Klein (Jim Klein) is a direct descendent of William and Margaret BROWN. They are his maternal third great grand father and grand mother. Jim is an attorney and business man living in Mesa, Arizona.

3. **Your Inventory List:** Before it is too late, please write down a **list** of the items you have in your Brown family files and submit this **inventory list** to the Brown Library for publication in the **Special Collections** section. Help others you know to do the same. This is important way we can all begin to identify and share what each of us has inherited and researched regarding the family – by simply listing it. Remember, if you have any concerns about making copies of any thing available to others, you can always place any restrictions you decide on any or all of it. On this point, the Library staff would be happy to help you copy any thing you might choose to place in the Library, including letters, journals, histories, pictures, maps, documents or other information. That way, family members could access such items from the Library, without taking your time. But please at least share a list of what you have. Thank you!
4. **Journal Storage:** You may want to print each issue of the Journal, three-hole punch it at the left margin and keep it in a three-ring or other holder, or file it for future reference.

### 3. **Annotated 19 February 1772 Rowan County, NC, Will of William Brown**

*Annotated*  
**19 February 1772 Rowan County, NC,  
Will of William BROWN**

by O. James Brown Klein  
June 17, 2000

#### **Some Facts about the 1772 William BROWN Will**

**Will:** It is unknown if the original Will still exists. There are at least 3 “official” old copies of the Will in the North Carolina State Archives in Raleigh, NC. I believe, however, that the original Will may be the first one I identify below, as the Large Parchment *Complete* Will because the signatures of the three witnesses on this document appear to be different than the rest of the writing on that Will.

1. Large Parchment *Complete* Will: Rowan County Wills, 1743 – 1900, CR.085.801.4, William BROWN, 1772.
2. Will Book D *Complete* Will: Rowan County Record of Wills, 1762 – 1805, C.085.80001, Volume D, pages 118 – 119: Will of Willm. BROWN, 1772.
3. Will Book A *Incomplete* Will: Rowan County Record of Wills, 1762 – 1805, C.085.80001, Volume A, pages 19 – 20: Will of William BROWN, 1772.

Both Wills #1 and #2 above are almost exactly the same, with only one variation of substance. See Signed below.

**Signed:** 19 February 1772 by William BROWN with his “mark”, an “X”. The Will Book D *Complete* Will gives the date as the 9<sup>th</sup>, not 19<sup>th</sup>, but this probably incorrect because the Will Book A *Incomplete* Will shows that it is the “nineteenth”.

**Death:** William BROWN died some time between February 19, 1772, the day he signed his Will, and August 5, 1772, when his Will was filed for probate at Lexington, Rowan County, NC.

**Probate:** Started August 5, 1772. Ended November 3, 1772.

**Estate:** At the time he signed his Will, William owned “improvements” on a “plantation” with “plantation working tools”, at least 2 sterling shillings, and at least the following animals: 1 sorrel horse, 1 horse colt, work horses, 9 cattle, 5 cows, 1 heifer calf, sheep, 1 lamb, and hogs.

**Family:** At his death, William was survived by his wife, Margaret, and 9 children, 3 sons and 6 daughters, and at least one granddaughter, all named in his Will. His children in the order listed in his Will are: 1) daughter - Charity BROWN ROBSON or ROBISON; 2) daughter - Hannah BROWN ELLIOT or ELLIOTT or ELLIT; 3) son - William BROWN; 4) son – John BROWN; 5) son – James BROWN; 6) daughter – Constant BROWN WYNN or WINN; 7) daughter – Susannah BROWN; 8) Elizabeth BROWN HENDRIX or HEADRICK or HEDRICK; 9) daughter – Margaret BROWN. The name of his granddaughter is also Margaret BROWN.

**Footnotes:** Annotated footnotes are designated with numerals, which appear in [brackets] in the copy on the Internet Library, for example, [fn. 2].

### **The 1772 Will of William BROWN – (from the Large Parchment Complete Will)**

**Notes to the Will:** Spellings and capitalizations were kept as they appear in the original document, as best determined. [Bracketed] words are added for clarification and to reference footnotes. There were no spaces between lines or indentations in the original. There are broken dashes in the first part of the Will, after the word *following*, and after the word *distributed*. There is a solid line from the last word to the right edge of the paper, at the end of each sentence that begins *I give and bequeath*.

\* \* \* \* \*

#### **The Will:**

In the Name of god Amen I William Brown<sup>4</sup> of the County of Roann<sup>5</sup> in the province of North Carolina being of a perfect and sound memory tho of a Weak and frail body and Calling to mind that it is appointed for all men once to Die do Constitute and appoint this my last Will and testament

Revoking and disannulling all other heartofore made by me: Imprimis<sup>6</sup> I give my Body to the ground from Whence it was first taken and Recommend my Soul into the hands of almighty god Beseeching his most gracious acceptance of it: as to my Burial I desire it m[a]y be neat and Decent without pomp or pride according to the Discretion of my Executors hear after named and as to this Worldly Estate it hath Being [been] the almighty pleasure to bestow upon me I Will and Devise<sup>7</sup> in manner following - - - - -

<sup>4</sup> William BROWN was likely near death when he signed this Will with his mark, an “X”, on February 19, 1772. He died sometime between then and when his Executors filed the Will for probate on August 5, 1772.

<sup>5</sup> Rowan County

<sup>6</sup> “Imprimis” is a Latin word meaning, “In the first place; first of all.” Black’s Law Dictionary, Revised 4<sup>th</sup> Edition, West Publishing Co., page 889, 1968.

I will that all my Just Debts be Justly payd before my Estate be Distributed - - - - -

I give and bequeath to my well beloved wife margret<sup>8</sup> Brown my Improvement<sup>9</sup> where I now Live and all my household furniture and my sheep and my work horses and nine head of Cattle and my hogs and my plantation<sup>10</sup> working tools during her natural Life -----  
-

I give and bequeath to my daughter Charity Robson<sup>11</sup> one Shilling Sterling and that is all I will give her -----

I give and bequeath to my daughter hannah<sup>12</sup> Elliot<sup>13</sup> one Shilling Sterling and that is all I shall give her -----

I give and bequeath to my son William Brown<sup>14</sup> one Cow and that is all I shall give him -----

I give and bequeath to my son John Brown one sorrill hors and that is all I shall give him -----

I give and bequeath to my son James Brown<sup>15</sup> one horse Colt and that is all I shall give him -----

I give and bequeath to my daughter Constant wynn<sup>16</sup> one Cow and that is all I shall give her -----

I give and bequeath to my daughter Susannah Brown<sup>17</sup> one Cow and that is all I shall give her ---

---

<sup>7</sup> “Devise” means, “A testamentary disposition of land or realty; a gift of real property by the last will and testament of the donor.” Black’s Law Dictionary, Revised 4<sup>th</sup> Edition, West Publishing Co., page 539, 1968.

<sup>8</sup> Margret or Margaret. We know very little about Margaret. There is a Rowan County Will dated 1808 of a Widow BROWN who may, or may not, be this Margaret BROWN, or her daughter, Margaret BROWN. There is very little information on this Will. See Rowan County Original Estates, 1753-1929, CR.085.508.17, Brown, ----, 1808 (Widow Brown).

<sup>9</sup> The word “Improvement” in this sentence and “plantation” in the second sentence following this one means William BROWN owned land with an improvement(s), or structure(s), on it. We now know this land with its improvement(s) were in what is now Davidson County, North Carolina, because of the listing of William BROWN’s name on the 1768 Rowan County, NC, Tax List of John Ford, which List area became Davidson County, and also because that List also names a number of men whose surnames match the surnames appearing on this Will who are married to William BROWN’s daughters. Also, James BROWN, a son of William BROWN, owned identifiable land in the Flat Swamp Creek and Lick Creek area of then Rowan County, now southeastern Davidson County, North Carolina. We also now know that all of these BROWNS are in the same family because of the 1819 Randolph County, NC, Estate Papers of Thomas STILLWELL.

<sup>10</sup> Ibid.

<sup>11</sup> ROBSON or ROBISON. The latter spelling of ROBISON appears as a surname in the 1768 Rowan County, NC, Tax List of John Ford.

<sup>12</sup> There is a Rowan County marriage bond for Hannah BROWN and James ELLIOTT dated June 4, 1767. A James ELLIT is also found on the same 1768 Rowan County, NC, Tax List of John Ford as is William BROWN.

<sup>13</sup> ELLIOT or ELLIOTT or ELLIT. The latter spelling of ELLIT appears as a surname in the 1768 Rowan County, NC, Tax List of John Ford.

<sup>14</sup> A William BROWN, probably this one, owns land very near James BROWN in the Flat Swamp Creek and Lick Creek area of then Rowan County, now southeastern Davidson County, North Carolina.

<sup>15</sup> James BROWN, who is the son of William BROWN, owned identifiable land in the Flat Swamp Creek and Lick Creek area of then Rowan County, now southeastern Davidson County, North Carolina. We know this James is William’s son because of the 1819 Randolph County, NC, Estate Papers of Thomas STILLWELL.

<sup>16</sup> WYNN may also be spelled WINN.

<sup>17</sup> Susannah BROWN has at least one daughter, Margret or Margaret BROWN, who is named in the third sentence down from this sentence. Susannah’s surname here of BROWN may have been because she was married to another BROWN.

I give and bequeath to my daughter Elizabeth Brown<sup>18</sup> one Cow and that is all I shall give her ---

I give and bequeath to my daughter Margret<sup>19</sup> Brown one Cow and one young lamb and that is all I shall give her -----

I give and bequeath to my granddaughter Margret<sup>20</sup> Brown the daughter of Susannah Brown one heifer Calf and that is all I shall give her -----

and the Remainder of my Estate If there be any Left I leave unto the disposal of my wife margret Brown -----

I do hearby through the Love and goodwill I Bear to my well beloved friend Henry Strange appoint him with my well beloved wife margret Brown as Executor and Executrix of this my Last will and testament Depending on their faithfull Discharge

In witness where of I have here unto set my hand and Seal this nineteenth<sup>21</sup> day of february In the year of our Lord one thousand seven hundred and seventy two

Sind Seald and acknowledged in the presence of us

John Bentley Inrat<sup>22</sup> [?]  
Abner Cotten<sup>23</sup>  
John Northen Inrat<sup>24</sup> [?]

his  
William X Brown Seal  
mark

Document Data

Notes: As stated above, and [bracketed comments].  
Sources: North Carolina State Archives in Raleigh, NC. There are 3 separate Wills identified as follows: 1) Large Parchment *Complete* Will: Rowan County Wills, 1743 – 1900, CR.085.801.4, William BROWN, 1772. 2) Will Book D *Complete* Will: Rowan County Record of Wills, 1762 – 1805, C.085.80001, Volume D, pages 118 – 119: Will of Willm. BROWN, 1772. 3) Will Book A *Incomplete* Will: Rowan County Record of Wills, 1762 – 1805, C.085.80001, Volume A, pages 19 – 20: Will of William BROWN, 1772.

<sup>18</sup> Elizabeth BROWN was apparently single in February 1772, at the time this Will was signed. We learn her married name is HENDRIX from the 1819 Randolph County, NC, Estate Papers of Thomas STILLWELL. Her correct married name, however, may be HEADRICKS, also spelled HEDRICKS, since there is an Elizabeth HEADRICKS appearing in the Tom’s Creek Baptist Church Minutes, along with our James BROWN, who would be her brother, and some of his family, were members.

<sup>19</sup> A common nickname for Martha, and perhaps Margret or Margaret, was “Patsy”, in this region during this time.

<sup>20</sup> A common nickname for Martha, and perhaps Margret or Margaret, was “Patsy”, in this region during this time.

<sup>21</sup> This Will was signed by William BROWN with his “mark”, an “X”, on 19 February 1772. The Will Book D *Complete* Will gives the date as the 9<sup>th</sup>, not 19<sup>th</sup>, but this probably incorrect because the Will Book A *Incomplete* Will shows that it is the “nineteenth”.

<sup>22</sup> This word or abbreviation “Inrat” is hard to read, and I do not know what it means. It does not appear in the other two copies of the Will.

<sup>23</sup> COTTON or COTTEN. See the other two copies of the Will.

<sup>24</sup> See footnote 19 above.

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#### 4. 1768 Rowan County Tax List of John Ford

### 1768 Rowan County Tax List Of John Ford

[CRX 244, Rowan County Tax Lists

North Carolina State Archives]

This list is legible and undamaged

(Area of Rowan County that became Davidson County)

352 taxables

William Hudgens	1	James Forsther	1
Willis Ellis	2	Jacob Poack [Beck]	1
James Macoy	3	Phillip Poack [Beck]	1
John Parker	2	John Evary	1
Michel Myers	1	Jacob Yoegley	1
Nicholas Sidrick	1	John Long	1
Henry Dowland Junr	1	Mathew Seliton	1
Joshuah Whitker	2	Linard Carons [Kern]	1
Pittir Whitker	1	Robart Simason	1
Eldad Reed	1	Jacob Ricker	3
<i>Edward Williams</i>	1	Pittir Figley	2
Henry Heagey	1	Henry Sloan	4
Christifer Siger	1	Phillip Club	1
George Heagey	1	Stephen Lick	1
John Oliver	1	Adam Groats [Crots]	1
Joseph Millsaps	1	Valentine Day	1
Barney Michel	1	Pittir Bedeker	1
Pittir Michel	1	<i>William Frank</i>	1
Phillip Sowers	1	Fredrick Smith	1
John Robarts	2	Henry Gardner	1
John Dancey	2	Tebold Peach [Beck]	2
John Lop	2	John Safetull	1
Adam Conroad	1	Nicholas White	1
Michel Yonger	1	<i>James William Sen.</i>	2
Ralfe Pickit	1	Hugh McCreney	3
John Pinkstone	1	Charles Willson	2
Zeerey Adams	2	Joseph McGlester	1
William Butrom	1	James Smith	1
William Giles	1	Fridrick Fridets	1
Joseph Gause	4	Henry Shofe	1
Thomas Ogle	3	John Luckebe	1
Pall Fisher	1	Jacob Byrer	3
Francis Taler Senar	1	Marttin Byrer	1
Moses Parish	2	Marttin Goldman	1
John Chirch	1	Palltis Capis	1
Robert Parker	1	Nicholas Procter	1

John Toler	1	Johnnithan Cud	1
Joseph Taler	1	Fredrick Sumece	3
Benjman Toler	1	Conroad Grave	1
William Lewes	2	Pittir Viant	$\frac{1}{59}$
Efrehain Gause	$\frac{1}{63}$		
	63		
Phillip Gardner	1	Fredrick Gause	2
		(cont.)	

1768 Rowan County Tax List of John Ford (cont.)

John Blankitpickler [Pickler]	1	Zeceriah Cross	1
Phillip Hopkins	1	John Kint	1
William Beatty	1	Isaac Carr	1
Thomas McCartney	3	Fances Mabrery	2
John Shiar	1	David Smith	2
		Benjiman Merriel [Merrill]	4
Jacob Lop	1		
Daniel Hunt	1	John Simons	1
Joseph Lawing	1	<i>Aquala Felps</i>	1
Stifel L[oe?]man	1	<i>John Felps</i>	1
Thomas Willis	1	Thomas Turner	1
Hannah Tucker	2	Samuel Lewes	2
Joseph Bockkast	1	Phillip Bause	1
Gosham Hunt	1		
Joseph Eriven [Erwin]	2	<i>Myrick Davies</i>	2
James Erivan [Erwin]	1	Samul Nothron	1
		Jacob Dansbe	3
Samuel Nicholuson	1	<i>Pittir Hedrick</i>	2
John Woods	1	George Miller	3
John Forgison	1	Samuel Freeman	1
Martin Wallin	1	<i>John Davis Constable</i>	3
Joseph Cuningham	1	John Knight	[no number]
Patrick Coyle	1		
Robert Moor	1	Daniel Hufmann	1
Barney Weaver	1	John Willson	1
Michel Miller Jr [?]	1	Robert Shipten	1
<i>Samuel Williams</i>	3	Mark Whitker	2
		John Ellis juner	2
Richard Beary	1	Fredrick Michel	1
James Simeson	1		
Jacob Cross	1	Joseph Bowan	1
George Crosley	1	James Morefeld	1
John Simons	1	<i>Hugh Davis</i>	1
Richard Barons	3	<b>William Brown</b>	<b>1</b>
Edward Parnel	1	<i>James Robison</i>	1
Richard Smith	1	John Green	1
Edward Turner	1	William Sillver	1
<i>Phillip Williams</i>	1	James Dimit	2
Thomas Donahoe	1	Zeeal [Aseal] Cross	1
John Hunt Prater	1	Mathias Carons	1
<i>Edward Hughes</i>	1	Thomas Forsther [Foster]	3
Hance Lycans	1	Frances Taler [Taylor]	1

Michel Miller	3	John Arowod	1
Barnhard Miller	<u>1</u>	Edward Roberts	2
	53	<i>Vencant William</i>	<u>1</u>
			70
Linard Miller	1	Samuel Garland	1
William Sparks	2	George Smith	2
Josiah Paine	1	John Conger	2
<i>Joseph Ellit</i>	<i>1</i>	Edward Nathan	1
Thomas Brisko	3	Thomas Murrey	2
William Warner	1		(cont.)

1768 Rowan County Tax List of John Ford (cont.)

<i>Thomas Felps</i>	6	James McDaniel	[torn]
Richard Smith	1	William Hannah	1
<i>Aventon Felps</i>	5	William Roberts	2
George Reed	1	Charles Barger	1
Joseph Barrons	3	Thomas Yealty	2
John Reed	1	Jonathan Conger	1
William Yong	2	John Gune [see footnote 1]	1
Thomas Fox	2	Robert Barley	1
Jeremiah Sullivan	1	Isaac Green	1
Conroad Connarly	2	John Hollis	1
Josuah Whithead	1	John Ford	<u>13</u>
Redam Busle	2		<u>63</u>
John Moor	[no number]		
<i>Edward Williams</i>	[no number]		
Benjamin Rounsavell	1		59
James Howel	1		53
Jacob Wiseman	1		70
Patrick Sillver	2		76
William Moor	1		<u>15</u>
Josiah Rounsavell	1		336
William Lynn	1		
Henry Dowland	1		More Taxes
Richard Green	2	Enack Tucker	1
Edward McGuire	2	James Ottery	3
John Turner	1	Allexander Ottery	1
Adam Butner	1	Abslam Camrion	1
Danil Claesy	2	John Freeman	1
Moses Cox	2	Gasper Smith	1
<i>John Davis, waver</i>	<i>1</i>	Andrew Smith	2
Isreal Cox	1	Cornelius Smith	1
Anderson Smith	1	William Nassery	3
Thomas Standfel	1	William Frohock &	2
Jacob Fisher	2	Negro Ben [see footnote 2]	
Moses Parks	3		
George Parks	1		
John Slone	1		
Edward James	1		
John Ellis Senur	6		
James McMachan	<u>1</u>		
	76		



1 John Coons [Koontz] entered 140 A on Weavers Creek adjoining his own land and that of Benjamin Hearn, Anthony Pealor, John Carson, and old Mark Whitaker on 5 Aug. 1778 [See Deed Book 9:220, Richard A. Enochs. *Rowan County Vacant Land Entries, 1778-1789*, p. 92, entry #1278].

2 The Frohocks can be identified in Bucks County, PA, prior to 1725 their arrival in Rowan County. William Frohock was Deputy Sheriff of Rowan and his brother John Forhock was Clerk of Court in Rowan during the Regulator Movement. John Frohock was surveyor for Henry Eustace McCulloh, and was probably the wealthiest and most influential person in Rowan County prior to his death in 1772.

End

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### Document Data

Notes: 1. Brackets are Jo White Linn's annotations. 2. *Italicized names* may be related to William BROWN. 3. William BROWN's name is bolded.

Sources: Linn, Jo White, Rowan County, North Carolina Tax Lists 1757 – 1800, Annotated Transcriptions, pages 76 – 78, 1995.

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## 5. Abstract of 1819 Randolph County, NC, Estate Papers of Thomas Stillwell

### *Abstract of 1819 Randolph County, NC, Estate Papers of Thomas STILLWELL*

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#### STILLWELL, Thomas - 1819

**Editor's note:** This was a large file. There were several copies of the same documents. This Thomas STILLWELL did not die in Randolph County. The file appears to have been compiled in the county because of the participation of Seth WADE in the court case. There is a great deal of genealogical material contained in the documents, so it is printed here. As with most court cases, the testimony is not always in agreement. You, dear reader, may judge. (FHS)

**Subpoena** for Philip RAIFORD & Ellender STILLWELL, Adm., 24 Nov. 1821.

**Bill of Complaint** (3 copies) [filed by plaintiffs] Jacob GOSS & Phebe his wife, David STILLWELL, James BROWN and Robert JACKSON, Adm. of Jemima JACKSON vs. Philip RAEFORD & Elender W. STILLWELL, Adm. Thomas STILLWELL. States that Thomas

STILLWELL late of the County of Johnston, departed this life intestate and without issue in the year 1819, letters of administration were granted by Johnston County Court to Philip RAIFORD and Ellender W. STILLWELL, Widow & Relict. Also that a large amount of money and many slaves were a part of the estate.

"Your Orators show that they are the next of kin of said Thomas, and entitled with the Widow Ellender W. aforesaid to all the personal estate remaining in the Hands of said administrators for Distribution - that your Orators James BROWN, Robert JACKSON, Jacob GOSS & Phebe his wife, reside in the county of Randolph, and your Orator David STILLWELL in the state of Indiana.

"That the said Thomas STILLWELL left your Orator David STILWELL, his Paternal Uncle; and he left a Paternal Aunt named Jemima STILWELL, who intermarried with Robert JACKSON, your Orator, and she hath lately died, and the administration of her estate hath been granted to your said Orator Robert JACKSON. His other Paternal Aunt was named Elizabeth STILWELL, who intermarried with Richard GILES, by which she had issue your Orator Phebe intermarried with your Orator Jacob GOSS; And the said Elizabeth & Richard both died in the lifetime of the said Thomas STILLWELL –

"And the said Thomas STILWELL left a Maternal Uncle, your Orator James BROWN [this is James BROWN (2) or Captain James BROWN], he being the Brother of Margaret STILWELL, Mother of the said Thomas STILWELL –

"And your Orator David STILWELL, and the aforesaid Jemima STILWELL and Elizabeth STILLWELL are brother and Sisters of Thomas STILWELL, Father of the said Thomas Deceased - . . . . .”

**Answer to the Bill of Complaint**, 2 April 1822, filed by B. LANG for the defendants [Philip RAIFORD & Ellender STILLWELL]. States that the administrators reside in Johnson County, but contrary to the complainants' claim, that they did not reside in Randolph County when the suit was filed. That Jacob GOSS & wife Phebe and James BROWN reside in Rowan County and David STILWELL and Robert JACKSON live in Indiana.

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Also with the answer to the complaint and the request that the suit be dismissed are **affidavits** signed by Ellender W. (her Mark) STILLWELL and Whi[?] ARNOLD stating that the complainants resided in Rowan County, NC and in Indiana.

**Bill of Complaint** (3 copies) Seth WADE vs Philip RAEFQRD & Ellender W. STILLWELL, Adm., October 1823. States the genealogical data as in the former complaint, but adds that the plaintiffs, “reach for a valuable consideration to him paid by your Orator hath bargained and sold, transferred and assigned to your Orator by Deed, duly executed, all the right, title, interest estate claim and Demand which each of them had of in and to the Estate of the said Thomas STILLWELL, Deceased, and by virtue of such Conveyance your Orator has become entitled to ask and receive two third parts of the estate . . . . . “He wants an accounting of the estate and the names of the slaves.

"And whereas divers witnesses to prove the facts herein before charged and more particularly to prove that the persons under whom your Orator claims were the next of kin to the

aforesaid Thomas STILLWELL the younger are very aged and some of them very infirm, without an order for taking their testimony immediately it is probable the benefit of their testimony may be lost to your Orator."

He wants subpoenas issued for the defendants to appear "Direct upon due notice being given to the said Phillip and Ellender W. he be permitted to take the Depositions forthwith of Nathan ELLIOTT of Randolph County & Brittain ROBERTS, and Ailse his wife; Benjamin STEVENS and Aley his wife - Joseph INGRAM and Nancy his wife of Johnston County, and of James BROWN, David COX, Thomas SERRATT, William GRIST, John REED, & David REED, of Davidson County, to be read in evidence, upon the trial . . . . ."

A **notice** to Henry BOYT & Polly BOYT to appear at the home of Stephen HOLLOWELL in Wayne County, 6 Dec. 1823, to present evidence on behalf of the defendants.

A **notice** to Abner PEOPLES, Simon PEARCE, Jr., & John GEORALD to appear at the house of Philip PEARCE in Johnston County, 13 Dec. 1823, to present evidence in the trial on behalf of the defendants.

The **answer** to the complaint of Seth WADE by the defendants. They affirm that Thomas STILLWELL died with no children and that they were appointed administrators. They list the following slaves: Leah, Jack, Britain, David, Abel, Little Jack, Daniel, Hilary, Cely, Sarah, Cherry, Maria, Dilly, & Betty, & two more that have been born since the death of Thomas STILLWELL, Jacob & Polly. The defendants report the sum of \$924.59 received and after the payment of debts have a balance of \$659.12.

They say that they have no knowledge of the purchase by the complaint of David STILLWELL, James BROWN, Robert JACKSON and his wife Jemima, & Jacob GOSS & Phebe his wife of their interest, and they do not admit, nor do they believe, that he had made a purchase at all.

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The Defendants say they do not admit or believe, that the said David STILLWELL, BROWN, Phebe & Jemima, were the next of kin of to the said Thomas STILLWELL deceased, or that they are related to him at all; or that if they be at all related; that they have any right or title of any portion of the Estate of the said Decd. ". . . . The said Eleanor showeth that according to the best information she has been able to obtain, the said Thomas STILLWELL & his mother came to the County of Johnson during the Revolutionary War, & several years before its termination, the said Thomas at the time being a small boy from three to five years of age: The said Thomas was always reported & believed to be an illegitimate Child; and after his mother settled in Johnson and married a man by the name of ROBERTS, it was after stated by her and always so understood, that the said Thomas was illegitimate.

"The defendants further saith, that since the Bill in this case has been filed they have endeavored to ascertain whether the mother of the said Thomas STILLWELL deceased, was related to the said James BROWN, of whom it is alleged the Complaint purchased, & whose sister she was; and the result of the inquiry has been, that the mother of their intestate could not have been, or as they are persuaded, his sister; for they show, that upon inquiry of old and respected persons, now living in Davidson County, it appears that William BROWN, / father of James, / and the wife of William were colored people, that they had the following children Wm. BROWN, James BROWN, Charity BROWN, Betty BROWN, Hannah BROWN, Pepper(?)

[Patsy or Margaret] BROWN, Susanna BROWN, & Constant BROWN; the latter of whom is said to dead, but which of the others are dead it is not known, but all of them, or most of them are believed still to be living, or to have had children who are living, but who live as they are informed in distant parts of the United States, but where is unknown to any persons from whom information has been obtained; but all of whom are colored persons, & from their appearance & complexion, afforded evidence to every body, that they were of mixed blood; and that Pepper(?) ROBERTS, the mother of their intestate, was known to be a woman of fair complexion & never suspected by her neighbors in Johnson County to be mixed blood.

"The defendants further say, that having inquiry after the family of STILLWELLS who resided formerly in Rowan County, they understood that old STILLWELL the father of David STILLWELL under whom Complaint claims, had the following children, all or some of whom, or their children are still living, but removed to distant parts; to wit - John STILLWELL, Elizabeth STILLWELL, / charged to be the mother of Phebe GOSS / , Polly STILLWELL, Jemima STILLWELL / charged to be the wife of Robert JACKSON / David STILLWELL, Phebe STILLWELL & Tho. STILLWELL; and so they saith that they are advised, that if their intestate was related to the said David STILLWELL as charged in the Bill, that his other

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brothers & sisters are equally entitled to a (smudge) share of his estate, which however they do not admit." 1 Oct 1823.

A **letter** from Seth WADE of Randolph County, NC, dated 15 Oct. 1823, Which begins:

"Dear Sir until the day before yesterday I thought that their existed a contract between David STILLWELL of Gibson County, State of Indiana and myself respecting the Estate of Thomas STILLWELL of Johnston County North Carolina which was in the Following words except the date to wit . . . ."

The articles of agreement are stated which include . . . . "David STILLWELL has by these presents Sold transferred and set over unto the said Seth WADE all his right, title claim interest and demand to the Estate of Thomas STILLWELL late of Johnston County . . . ."

By this contract Seth WADE was to commence suit against the administrators, and if he made a recovery he was to pay over to the said STILLWELL one hundred and fifty dollars at the "expiration of said Suit."

Seth WADE says that such an instrument in writing was assigned by him and he exacted a proper deed of conveyance of David STILLWELL to enable him to prosecute the suit, and a blank was sent back to him signed by David STILLWELL and witnessed by Arthur RASS and Andrew PEW.A.

Seth WADE continues his letter: "I did expect that you had the articles of agreement as wrote on the other side until I saw Mr. John DAVIS who informed me that you Wrote him to apply to me to know if I would Purchase. I can inform you that if I had had anything to do in the business that I never would have any anything to do in it. I have expended of about \$700 besides all my trouble and I do not seem any nearer bringing the business to a close than I did when I first began - the suit has been once dismissed at my cost and will be again . . . . if you have no articles of agreement between me and David STILLWELL..." He thinks the deed sent him by

BASS must have been a forgery, that BASS was supposed to have been living in Washington County Indiana, but he knows not where he is now, nor does he know PEW. He goes on to quote the testimony of the administrators denying the facts in the complaint, and the amount he thinks the estate would bring. He continues:

“ . . . . I have been shamefully imposed on in purchasing James BROWN informed that he was all the heir on the BROWN side and I never heard that John STILLWELL had any heir until our last Court and it was represented to me that the families of ISAACS and SLUDER was extinct but it is now stated that Mary ISAACS Phebe SLUDER and John STILLWELL all have heirs and that there was a William BROWN, Hannah BROWN, Susanna BROWN and two other whose names I don't recollect that is said to have heir but where those people are I don't know . . . . “

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There are two more pages of the letter with more reference to the Contract "between me and your Father" and the continuing of the suit. He ends by saying, "One reason why I feel reluctant in commencing Suit is that my health is such and has been for near two years past that I am unable to do anything unless it is to ride about and that I have to do moderately. please on the receipt of this letter to make search if no such paper as the articles on the first page is amongst your fathers papers I am with due esteem your very respectfully

[Signed by] Seth Wade

A paper with the following notes: (No date)

Questions to put to John DAVIS Stepson of David STILLWELL.

1st Have you had a letter from William STILLWELL son of David STILLWELL since Seth WADE was hear (if he answers yes then put the following)

2<sup>nd</sup> Does he write you that he has found amongst his Fathers papers Articles of Agreement between Seth WADE and his Father respecting Thomas STILLWELLS Estate of Johnston County (Then if he answers yes or no)

present to him the Deed made by David STILLWELL and ask him if he believes the Signature to be David STILLWELLS  
if he answers yes

Ask him if he would be willing to swear that he Believes it to be the hand Writing of David STILLWELL

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The names of the STILLWELL Family

John STILLWELL  
Thomas  
David

Names of old William BROWNs Children

Constant  
Hannah  
Margaret

Mary  
Phebe  
Elizabeth  
Jemimah

Susannah  
Elizabeth HENDRIX  
William And  
James

---

**Supplemental Bill & Bill of Review** ---- Jesse HARPER vs Philip RAEFORD, Admr. & Ellender W. STILLWELL, Admr. of Thomas STILLWELL Decd. The early part of the bill repeats that filed by Seth WADE in 1823, after which is:

"And your Orator shows that before the case was set for hearing, to wit, in the summer of 1824, the said Seth WADE died intestate and insolvent in the County of Randolph aforesaid, where he

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had resided ..... That previous to his death, to wit, on or about the third day of June A.D. 1824, he being indebted to your Orator Jesse HARPER, in the sum of one thousand Dollars, for the purpose of securing the payment thereof, conveyed to Alexander GRAY a tract of land lying in the Western District of Tennessee, and also all his right..... to the Estate of Thomas STILLWELL....." and that if the debt was not paid "on or before the first day of January 1825 the said Alexander GRAY should at your orator's request expose to public sale in the Town of Ashebrough in Randolph County..... the Tract of Land aforesaid, and the right.....of the said Seth WADE,..... to the estate of Said Thomas STILLWELL, Decd....."

The bill goes on to state that Seth WADE failed to pay the debt by January first 1825 and that when the land and interest in the STILLWELL estate was put up for sale on the 12th day of March A.D. 1825....." your Orator became the highest Bidder and purchaser, of the Lands aforesaid at the price of three hundred and twenty Dollars and of the estate of said STILLWELL, Decd. at the price of six hundred and eighty Six Dollars....."

He pleas the court for summons to the STILLWELL administrators to appear in Randolph County to answer this supplemental Bill. September Term 1825.

**Subpoena** to Philip RAEFORD and Eleander STILLWELL of Johnston County to appear to answer the supplement bill of Jesse HARPER.

**Two subpoena blanks**, no names, 2 Sept. 1825.

**Bill for court costs**, Spring 1826.

(There was no judgment for the case in the folder. FHS)

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There is also this entry on page 15 for David STILLWELL:

## STILLWELL, David - 1824

Administrator's Bond for Seth WADE, 4 Aug. 1824. This document is in very poor condition.  
(laminated)

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### Document Data

Notes: Some format changes, including adding bolded and underlined words, [bracketed comments], nominal spelling changes, and deleting "(continued)" on each page.

Sources: The Genealogical Journal by the Randolph County Genealogical Society of the Randolph County Historical Society, North Carolina, Vol. 13, No. 3, Summer, 1989, Randolph County Estates S's Steele – Stout, STILLWILL, Thomas – 1819, pages 15 - 20.

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### **6. Family Research Projects**

Please let all of us know what research projects you are working on so we can coordinate and share our information. Your research projects and their status should be published here.

### **7. Family Research Ideas and Theories**

Please let all of us know what research ideas and theories you are thinking about so we can coordinate and share our information. Your research ideas and theories should be published here.

### **8. Next Journal Issue: Summer 2000 to be published September 30, 2000**

We look forward to receiving your contributions for the Summer issue, which will be electronically published on the Internet on September 30, 2000. Thank you.