

State of New York In Chancery

The separate Answer of Pierre Van Cortlandt one of the Executors of the last Will and Testament of Ann De Puyster to the Bill of Complaint of Philip Van Cortlandt —

This Defendant saving to himself all Benefit of Exception to the said Bill for answer therunto he saith that he doth admit that the said Ann De Puyster did make ^{such} her last Will and Testament ~~in~~ as is set forth in the said Bill and that on the Death of the said Testatrix he the Def^t and Cornelia De Puyster the Executrix of the said Will proved the same and took upon themselves the Execution thereof and possessed themselves

that he the Def^t and his said Co-executor have

of the personal Estate and sold the real Estate of the said Testatrix And this Defendant further answering saith certain Articles consisting chiefly in plate and household ^{furniture} ~~and~~ were in the Possession of the Testatrix at the time of her Death and were immediately thereafter claimed by other Persons of the Family of De Puyster and being persuaded and to the best of his belief and this Def^t and his Co-executor ~~being~~ ^{being also persuaded that} ~~the said Claim to be just~~ ^{was just then} did accordingly deliver up the said Articles to the

R that certain Articles of Plate and Household Furniture of the Personal Estate of the said Testatrix were by the Def^t and his Co-executor distributed and divided to and among the several Legatees according to their respective Shares and Proportions

said Claimants that shortly thereafter the Residue of the Personal Estate of the said Testatrix which hath ever come to the Knowledge and this Def^t further answering saith that this Def^t ~~further answering saith~~ that certain other Articles consisting also principally chiefly in Plate and Household Furniture

R to the Amount of
£52-6-4

in order to a
partition thereof

Consisting chiefly
in household furniture
of the personal
Estate of the said
Testatrix

of the Personal Estate of the said Testatrix
was shortly after her Death ~~by way of~~ sold at
Auction by the Def^t and his said
Co-executor with the Consent and
Approval of some of the residuary
Legatees named in the said Will ~~and~~
~~to the satisfaction of the Def^t and his said~~
~~Co-executor to and among~~
several of the said residuary
Legatees at which Sale
there was purchased by the Def^t to the
best of the Defendants Belief
purchased by the Complainant
and the Wife of his Brother one
other of the said residuary Legatees
to the amount of the aggregate of
their respective Proportions of the
said Articles & so sold at the said
Articles and this Defendant further
answering oath that there were two Houses
parcel of the certain of the said Articles
consisting in which
it did not suit the Convenience of
the said any of the said residuary
Legatees to take were sold by the
Defendant and his said Co-executor
and which Sales last mentioned
did amount to the Sum of Forty
nine Pounds sixteen shillings and
six ^{two} pence and which Sum the
Defendant doth admit was left
in the Hands of himself and his
said Co-executor and this Defendant
further answering oath that two
Houses parcel of the personal
Estate of the said Testatrix was with

X and that one other
Slave parcel of the
said personal Estate was
in like manner taken
and purchased by the
said Cornelius De Pogter
to her own Use at the
Price of Forty pounds

X and which sum
the Def^t doth also
admit was assets
in his hands

the Consent of some of the said
residuary Devisees and as ~~the~~
~~Defendant believes with the Consent~~
~~of the De Complainant~~ purchased
and taken by the Defendant to his
own Use at the Price ^{not exceeding eighty} of ~~sixty~~ pounds
and which sum the Defendant doth
admit ~~was~~ ^{was} assets in ~~his~~ ^{his} Hands of X
And this Defendant doth further
answering saith that ~~three~~ ^{one} ~~other~~
Slave parcel of the Estate of the
said Testatrix were sold by this
Defendant ~~and which sum~~ ^{sum} in the
~~whole did~~ ~~last mentioned~~ ~~and~~
~~the whole amount to one hundred~~
~~for the Price of Fifty~~ ^{and ten} pounds X And this Defendant
further saith that he hath received
a Sixty Bushels of Rye ~~or~~ of the
Value of Ten pounds ten shillings
and Monies in the Year one thousand
seven hundred and seventy seven
in Paper Currency to the Amount
of Forty three pounds sixteen
shillings and which two several
sums last mentioned this Defendant
doth admit were Assets in his
Hands And this Defendant further
answering saith that a ~~Mortgage~~ ^{Mortgage} an
equal undivided Mortgage of certain
Articles of Household furniture
~~was claimed as the Prop^y which were~~
in the Possession of the said Testatrix
at the time of her Death ~~was~~ was
claimed as the Property of a certain
Abraham De Pogter and the said
Claim being acquiesced in by the
Defendant and his said Co-executor

as just
And the said Articles being sold
the Sales did amount to Seven
pounds seventeen shillings and
no more and a Moiety thereof
that is to say the Sum of Three
pounds eighteen shillings and
six pence the Def^t doth admit
was to be considered as Assets in
the Hands of himself and his
said Co-executor And the Def^t
further answering saith that a
Wedge of Gold ^{of the weight of} two Ounces eighteen
penny weight and sixteen
Grains parcel of the Personal
Estate of the said Testatrix came
to the Hands of the Defendant
and his ~~Co-executor~~ said Co-executor
the Value of which the Defendant
doth admit was to be considered as
Assets in the Hands of himself
and his said Co-executor And
this Defendant further answering
saith that ^{the said Testatrix} died possessed of Monies
to the Amount of Six thousand
five hundred and ninety three
pounds nineteen shillings and
eight pence and no more which
came to the Hands of the Def^t
and his said Co-executor And this
Defendant further answering saith
that no other personal Estate except
what he the Def^t hath herein before
mentioned hath ever come to the

X
Hands or Knowledge of him the
Def: neither hath there any other
to his Knowledge or Belief come
to the Hands or Knowledge of his
Co-executor and this Def: further
answering with that except with
respect to the ~~£10-10~~ the amount
of Sum of £10-10-0 the Value
of the said Pye and except with
respect ~~with respect~~ to the Sum
of £43-16-0 received by this Def:
in continental Currency and except
with respect to the said Sum of Fifty pounds
the Price of a Slave sold by this Def: and
except with respect to the said Sum of
~~£10-10-0~~ ^{£43-16-0} the Price of two Slaves taken
by the Def: to his own Use and except with
respect to the said Sum of Three pounds
eighteen shillings and six pence and
except with respect to the Sum of Forty
pounds the Price of a Slave taken by
the said Cornelia De Ruyter to her own
Use

this Def: doth declare that he
doth verily believe that the Compt:
hath received ^{at least} his full Share and
Proportion of the ~~Net~~ Amount ~~of~~
of each of the Personal
Estate of the said ~~Testatrix~~ ^{Testatrix} as hath come to
the Knowledge or Belief of the said Def: and his
said Co-executor or either
of them
after paying the pecuniary
Legacies mentioned in the said
will and after paying ^{the} Def: owing from
the said Testatrix, and the charges
and incidental Expenses of
administering the ^{personal} Estate of the
Testatrix ~~of each~~ ^{the} aggregate of

such of the Personal Estate of the
Testatrix as did consist in the
said Monies of the said several Sums
of £52-8-4 £49-16-6 £85-0-0
£110-0-0 ~~£3-12-6 and~~ £65-9-198
herein before mentioned and this
Deft further answering saith
that except as to the said Sum
of £43-10-0 received ^{in continental currency} during the
late War he the Deft hath no
Reason to suppose that the
Complainant was not well
informed of the amount of the
said personal Estate so herein menti-
oned ^{and} as the Complainant did
receive whatever he did receive
either from the Deft ^{or} his said
Co-executor shortly after the Decese
of the said Testatrix and ^{as} near
two Years elapsed before the
Intercourse between the Complain-
ant and the Deft was ~~interrupted~~
prevented by the War and as
the Deft did not at any time
during the said two Years make
^{further} any Demand on the Deft nor to
his Knowledge or Belief on the
his said Co-executor ~~he~~ the Deft
hath always supposed that the
Complainant was himself
persuaded that he had received
his full Share or Proportion of
the said Personal Estate or that
the amount of any of which might

X respecting the said
Personal Estate

still be claim was too inconsiderable
 to be demanded of the Executors of
 the said Will to account for and
 this Def^t further answering saith
 he hath not neither to his knowledge
 or belief hath his Co-executor any
 Receipt Account or Voucher of
 whereby to prove the Answer or
 the specific Articles or any of them
 which he the Complainant hath
 received as and for his Share or
 Proportion or any part of his
 Share or Proportion of the said
 personal Estate - And this Def^t
 further answering saith that he
 and his said Co-executor have
 sold and disposed of the real
 Estate of the said Testatrix as
 follows to wit: A Messuage and
 Parcel of Land with the appurten-
 -ances in the Oak ward of the
 City of New York for £2000 a
 Messuage and Lot of Ground in
 Water Street in the said City for
 £1375 a Lot of Ground in Fletcher
 Street in the said City for £220
 a Messuage and Lot of Ground in
 De. Rutgers Street in the said City for £430 and
 an equal undivided Moiety of a Water
 Lot in the East Ward of the said City
 for the net amount whereof was
 £392-2-9 and the Def^t further
 answering saith the real Estate
 so sold and disposed of by them

X another Messuage
 and Lot of Ground
 in Water Street
 aforesaid for £720
 X a Lot of Ground
 in Wall Street, in
 the said City for
 £930
 X and this Def^t further
 answering saith that
 the expenses and charges
 of disposing and of the
 said real Estate do amount
 to £66-6-6-

Def^t and his Co-executor and ~~was~~
accounted for in this his Answer
is the whole of the real Estate of
the said Testatrix which hath
come to the Knowledge of him
the Def^t and as he believes to the
Knowledge of his said Co-executor
and this Defendant further answer-
ing doth admit that the Compt^y
hath not received from him the
Def^t nor as the Def^t doth believe
from ~~the~~ ^{his} said Co-executor ~~any~~
the whole or any part of ~~his~~
the Share or Proportion of him
the Complainant of the Monies
arising by the Sales of the said
real Estate And this Def^t further
answering doth admit that he
hath in his Hands of the ^{said} Monies
^{sufficient} to pay and satisfy to the Compt^y
his Share or Proportion ~~of~~ thereof
~~said~~ ~~the~~ and which the Def^t doth
retain in his Hands to secure and
indemnify himself for a Claim
and Demand which the Def^t hath
in his own right against the
Complainant ^{for that} ~~and arising under~~
~~a certain conveyance from the~~
the Def^t ~~for~~ ^{equally} his undivided Moiety
of certain Lands within this State
of New York to ^{his brother} Stephen Van
Cortlandt deceased ~~the brother~~
~~of him the Def^t and who was~~

X conveyed

seized of the other undivided Moiety
and which Conveyance was in Trust
that the said Stephen Van Cortlandt
should dispose of the said Lands
and apply the Monies thence arising
to the Payment of the Debts owing
from Philip Cortlandt deceased at
the time of his Death and which
Philip Van Cortlandt deceased was
the Father of the said Stephen Van
Cortlandt and this Defendant and
which Trust remained unexecuted
by the said Stephen Van Cortlandt
during his Life time and on his
Death the said Lands Premises so
conveyed by this Deft. descended
subject to the said Trust to the
Complainant as Son and Heir of
the said Stephen Van Cortlandt
and the Complainant hath since
the Decease of his Father as this
Deft. hath been informed and verily
believes sold and disposed of the
whole or the greater part of the
said Premises so conveyed in Trust
and hath applied the Monies thence
arising to his own proper Use and
which said Claim and Demand of
him the Deft. is more particularly
set forth in the Cross Bill of him
the Deft. against the Complainant
filed in this Court and this Deft. doth
say that he doth retain in his
Hands the Share and Proportion

of him the Complainant of the d.
Monies arising from the Sales of
the real Estate of the said Testatrix
solely with Intent to indemnify
and secure ~~himself~~ himself
^{the Deft} for such his Claim and Demand
against the Complainant as
aforesaid and with no other Intent
whatsoever and this Defendant is
ready and doth offer himself that
whenever he the Complainant will
duly account with ~~he~~ him the Deft.
for the Monies arising by the Sales
made by him the Complainant
of the Premises so conveyed by the
Deft. in Trust as aforesaid and
for the ~~Amount~~ ^{Amount} ~~thereof~~ ^{thereof}
which hath been appropriated
by him the Complainant to his
own proper Use and if on such
accounting it shall appear that
the Monies which he the Deft. doth
^{retain} in his Hands as and for the Share
and Proportion ^{of the Compt.} of the Monies arising
by the Sales of the real Estate
of the said Testatrix do exceed the
Amount of ~~the~~ a moiety of the
Monies arising from the said Sales
of the said Premises so conveyed
by the Deft. in Trust and which
hath been appropriated by the
De Complainant to his own Use
he the Deft. will immediately
on such accounting pay and
satisfy to the Complainant the
Amount of such Excess without that
that

that any other ^{in the Complainant's said Bill of Complaint contained} matter Cause or Thing material
or necessary for this Defendant to make answer
unto and not herein or hereby before well and
sufficiently answered unto confessed and avoided
traversed or denied is true: All which matters and
Things herein before contained this Defendant is
ready to aver maintain and Prove at this Honourable
Court shall award And therefore pray to be
hence dismissed with his costs and Charges ^{by him} in this
behalf sustained

Cur: Can:

Pierre Van Cortlandt } D?

W?
Philip Van Cortlandt } Answer

in an n or if poor