

1837-007 SOUTHAMPTON COUNTY
CHANCERY PAPERS

ATKINS and Wife VS. WASHINGTON etal

9/1837

To the County Court of S. C. aupton S. C. in ch.;
humbly complaining, shew to the Court your
complainants Thomas Atkinson and Sally
his wife who before her intermarriage
with him was Sally Washinton widow of
Benjamin Washinton of South aupton County.
That the said Benjamin Washinton spent
this life on or about the day of
1810. having made a will whereby
he gave to his wife the whole of his estate
during her single life - the said wife there-
after before the County Court of S. C. aupton
renounced all benefit under the said
of her husband and she, from that time
became entitled to 1/3 part of the estate
of the testator during her life - and the
testator gave to his children the ~~whole~~ whole
estate upon the death of his wife - The
testator left 4 children at his death, ~~three~~ ^{four}
~~persons~~ whose names were Stephen B.
Atkinson, Elizabeth Ann and Benjamin
Gugoy Washinton, and at the death of
the testator, his wife was pregnant of a
child thereafter born and who was called
John Archer Washinton. The testator left
an executor who did not qualify, where-
upon the estate was committed to the
hands of Silas Sweeney of S. C. of South
- aupton County for administration. He
is dead, having in his life placed the slaves,
to wit, Simon, Davy, May and child
Georgiana in the hands of the guardian
of the infants, ~~and~~ the debts all paid.
Your complainants charge that after the
death of the testator Benjamin Washinton
the said John Archer Washinton did an infant
intestate, unmarried and without issue, and
his part of the estate descended to his sister
betty to wit, the said mother Sally and
his 2 brothers and 2 sisters to wit, ~~William~~

Elizabeth Ann and Benjamin Gregory
Washington, equal slaves, and the said
John Atkinson was, not in debt, and no
administration was ever taken on his estate.
Afterward, the said Elizabeth Ann departed
this life intestate, unmarried and without
issue, and under the age of 24 years,
leaving as her distributees her said
mother Sally, and the said Stephen,
Elizabeth Ann and ^{Benjamin} Gregory Washington,
all equally entitled to her estate personal
and the said slaves, so as aforesaid
belonging have never been divided or
any part allotted to some or either of
widow of Benjamin Washington, all which is
contrary to equity. In tender considera-
tion whereof, they pray that the said
Stephen Washington, Elizabeth Ann Wash-
ington and Benjamin Gregory, the last
of tender years may be made heirs
to this bill and be required to answer
the same - that some will and trust Court who
may be appointed for that purpose, to allot
1/3 of the slaves belonging to the estate of Benjamin
Washington, to the said complainants, or
if a sale shall be made, such proportion
thereof, ~~as~~ absolutely or may be equal
or an equivalent to her share in the said
slaves, and then divide the balance
according to the rights of the parties
respectively, and make any other order
even in the premises, which may
comport with equity &c. and as in duty
bound they will pray &c. signed

A. Atkinson p. 5

Thomas Atkinson

The answer of Stephen B. Washington and
of Benjamin Gregory Washington and
Elizabeth Ann Washington the last infants
by George Gay their guardian and tutor
appointed to defend them, to the Bill of
complaint against them ~~and the~~ in
the County Court of Southampton county.
- filed by Thomas Atkinson and Sally his wife.
Their defendants say that the facts
as stated in the Bill are true and they
can't gain say the plaintiffs allegations
and they submit to the Court whether
upon such statement of facts, the property
personal and real, as the plffs.
believe and allege, and they
submit their rights to the protection
of the Court - without that &c.

(Signed,

Stephen B. Washington

Thomas Atkinson and Sally his wife, plffs.
Stephen B. Washington, Elizabeth Ann Wash-
ington and ~~Benjamin G.~~ Benjamin G.
Washington, the last 2 infants - &c.

On motion of the plffs. George Gay is
appointed guardian to defend the said
infants in this suit, and this case by
consent of parties came on to be heard
this day, on the Bill and answer filed
and was argued by counsel; On consid-
eration whereof the Court doth adjudge
order and decree that Benjamin L. Davis
and Joel Purson or either of them, who
are hereby appointed Court for that purpose,
after advertising the time and place of sale
at various publick places for at least three

Atkins and wife — left:

Washington D.C.

This cause came on this day
to be again heard on the papers
formally Read, and was argued by
Counsel; On consideration whereof
the Court with adjourn, and ordered
that Benjamin L. Brown and Joel
Pryor or either of them, who are duly
appointed Com. for that purpose (after
advertising the time and place of
sale at various ~~public~~ places
for at least ten days before the sale,
do sell to the highest bidder on a
credit of 12 months (except so much
as will be required to pay the costs
of suit and of the sale (which will
he in Cash and to be paid over by the
Com. to those entitled thereto) the slave,
Lemuel, Mary, Mary and her ~~infant~~
child Georgiana in the Bill mentioned,
taking from the purchaser or purchasers
bonds with good security, and in such
way as to be able to distribute the
proceeds as herein after directed;

Atkins and wife

W. Brown

Washington

1837 June

that the Com. who may act, pay over
to the said Thomas Atkins, Hally
his wife $\frac{1}{6}$ part of the nett amount
of sales, to be held by them absolutely
in lieu of her life estate in the
said slaves - Secondly - divide
the balance into 5 equal shares
and allot and pay over $\frac{1}{5}$ to Stephen
Washington, $\frac{1}{5}$ to the Guardian of
Elizabeth Ann Washington, $\frac{1}{5}$
to the son of Benjamin Gregory Washington
& $\frac{1}{5}$ to be divided equally between
said Stephen, Elizabeth Ann, Benja-
min Gregory Washington & the said
Thos. Atkins his wife fully;
and the Com. are directed to
make report in order to a final
account - Liberty is reserved to
the infant expts. to leave care of
they can within one year after they
arrive to 21 years of age -

Bye was by the last order. 5 children. evidence
- widow removed the child -
2 children were under age & could not
without improper testimony - mother &
3 brothers & sisters -

Atkins & Wife

Washington &c

} Deceit

Atkins

On motion of the de-
fendant, counsel
ordered that
the interlocutory de-
cree rendered in this
case be set aside,
and a rehearing of
the case be granted
to the parties, and
continued to the
next term.

Southampton County ^{January} ~~November~~ Court 1837-

Thomas Atkins & Sally his Wife

against

Stephen H. Washington, Elizabeth Ann Washington and Benjamin G. Washington the last two infants

Pliffs

In Chancery

Defts

On motion of the plaintiffs, George Gay is appointed guardian to defend the said infants in this suit, and this cause, by consent of parties came on to be heard this day on the bill & answer filed and was argued by counsel; on consideration whereof the Court doth adjudge order and decree that Benjamin G. Drew and Joel Preston or either of them, who are hereby appointed commissioners for that purpose after advertising the time and place of sale at various publick places for at least twenty days before the sale, sell to the highest bidder on a credit of 12 months, except for so much as will be required to pay the expenses of this suit and of the sale (which will be for costs, and to be paid over by the commissioners to those entitled), the Slaves Leanus, Lory, Mary and her child Georgianna in the bill mentioned, taking from the purchaser bonds with good security and in such a way as to be able to distribute the proceeds as hereinafter directed - that they pay over to the said Thomas Atkins and Sally his Wife one sixth part of the nett amount of sale to be held by them in absolutely in lieu of her dower in the said Slaves - secondly, divide the balance into five equal shares and allot & pay over one fifth to Stephen H. Washington, $\frac{1}{5}$ to ~~the~~ guardian - Elizabeth Ann Washington, $\frac{1}{5}$ to the guardian of Benjamin Gregory Washington & $\frac{2}{3}$ equally between the said Stephen, Elizabeth Ann, Benjamin Gregory and the said Thomas Atkins & his Wife Sally, and make report to this Court in order to a final decree &c

elks. costs \$2.32

Laws fees - 10.00
\$ 12.32

add. costs 72
\$ 13.04

Teste J.R. Edwards clp.

Agreeably to a Decree of the County Court of
 Southampton bearing date January Court 1837,
 and herewith annexed, after having advertised at
 sundry places in the County for at least twenty
 days previous to the sale as well as at many
 places out of the County, we have sold at
 public auction on a Credit of Twelve Months,
 from the 17th day of February 1837, except
 enough to meet the expenses of Clerk and Lawyers fees
 and the sale; the Slaves Simms, Dany, Mary and her
 Child Georgiana, belonging to the Heirs of Benjamin
 Washington Dec. and John Cannon become the purcha-
 -ser of Mary and Child Georgiana for the sum of
 \$74.00 and Joel Prepson become the purchaser of Dany
 for the sum of \$95.00 and Stephen, H, Washington
 become the purchaser of Simms for the sum of
 \$250.00 Amounting to in all \$1947.00 We have
 in the first place deducted from the amt. of Sales
 fifteen dollars to pay the Clerk and Lawyers fees,
 and the further sum of \$55.17, for Commissions
 for advertising, &c, leaving a net Balance
 due the Heirs of \$1875.83, for which Balance
 we have taken Bonds for the following Amts,
 for the following persons, to wit, -
 one Bond for Thomas Atkins for ————— \$468.95 ³/₄
 one other Bond for George Gay Guardian
 to Elizabeth, Wm, Washington for ————— 468.95 ³/₄
~~Two~~ other Bonds for Stephen, H, Washington for ————— 468.95 ³/₄
~~Two~~ other Bonds for George Gay Guardian
 to Benj. G. Washington for ————— 468.95 ³/₄
 \$1875.83 -

We have paid over the above mentioned Bonds to
 the ~~above~~ persons entitled to receive them, and
 taken their receipts for the same as will appear
 on the other side of this report Given under
 our hands this 14th day of March 1837.

Benj. G. Drew
 Joel Prepson

We and each of us do hereby acknowledge
ourselves, to have received of Benjamin, L. Dawson
and Joel Prefson Commissioners who were
appointed by the Court of Southampton County,
to sell the negroes belonging to the Est. of
Benjamin Washington dec'd. Names corresponding
with the list in the within report in full
for our proportions of said negroes, agreeably to
the Decree for the sale of the same, as
hereunto annexed, Given under our hands
this 14th day of March - 1837. -

Witness

Sam^l C. Hart

Sam^l C. Hart

Stephen B. Washington
George Gay

Thomas Atkins

Commissioners Report
of the sale of the
Slaves belonging to
the Heirs of Benjaⁿ
Washington Dec'd.

1837 Sept.

Beyla L Drew

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Love prof on

Southampton County January Court 1837

Thomas Atkins and Sally his wife
stepson ^{or} was knight, Ben^d Washington &c

This cause came on this day to be
again heard on the papers formerly
made and was argued by Counsel,
on consideration whereof, the Court
both judges, do hereby order
that Benjamin Lorus and of full
power on any one of them hereby
appointed a Com^r for that purpose,
after consulting the time and place
of sale at various places for at least
10 days before the sale, & sold to the
highest bidder on a credit of twelve
months (except so much as will be
necessary to pay the expenses of this
suit and of the decree which
will be for Costs, and to be paid over
by the Com^r to those entitled, the slave
Lisner, Davy, Mary and her child
Georgiana in the bill mentioned taking
from the purchaser, bond with
good security and in such way as
to be able to ~~pay the proceeds of~~
~~to enable them to comply with the~~
herein after directed - That the Com^r

who may act, pay over to the said
Thomas Atkins and wife Sally one
sixth part of the net amount of
sales, to be held by them absolutely
in lieu of her life estate in the
said slave. Secondly, divide
the balance into 5 equal shares,
and allot and pay over one
fifth to Stephen H Washington
one fifth to the guardian of Benjamin
Gregory Washington, one fifth to
the guardian of Elizabeth Ann
Washington, and two fifths to
be divided equally between the
said Stephen, Elizabeth Ann, Benjamin
Gregory Washington and the said
Thomas Atkins and Sally his wife
and the Court are directed to make
report in order to a final decree.
Liberty is removed to the infant
defendants, to show cause against
this order if any they can, at our
next after they shall respectively
arrive to 21 years of age —

Teste L. D. Ederman Clerk

The Court have reconsidered the decree
of Nov. Ct. and have decided that
one sixth is proper and that
this decree ought to be carried
into effect — A. Atkins
July 10. 1837

as written at
one —