

1849-025

SOUTHAMPTON COUNTY
CHANCERY PAPERS

GRIZZARD and Wife et al VS.
CLAUD, TRUSTEE et al

11/1849

Other surnames: Lundy,
Williamson, Prince

Griffard + wife

rs. } Bill

Williamsons. Exrs.

1849 Nov. Dec. 1/2

Letk.	\$ 2.49
	16.66
Saw. -	\$ 19.15

Let M. auto.

To The Honorable Richard H. Baker - Judge
of the Circuit Superior Court of Law and
Chancery for the County of Southampton.

Humbly complaining that unto yr.
Honor. your complainants John Gizzard jr.
and Martha, his wife - and Rebecca & Lundy
and Alfred Lundy infants of Lundy ward
by John Gizzard, their next friends. That
this said Benj. Williamson, on 22nd day of
October 1846. conveyed to E. B. Leland, a trustee
for the benefit of your complainants, with power
to settle and manage the property according
to his (the grantors wishes). The following appears
to Mr. Chas. Henry, Mary & Lucinda, The
conveyance herewith filed marked A, is prayed
to be considered as a part of this bill.

That by the direction of Benj. Williamson, the
said slaves except. Luanda were sold, and
all the purchase money paid over to your
complainants, except \$136.42, which is now
in the hands of said Williamson. Over. The
evidence of this is exhibited, by a paper, herewith
filed, in the handwriting of Benjamin Williamson
marked B.

Your complainants further state, that by an
arrangement between Wm. & Leland the negro
Lucinda, was kept by Wm. without
charge. although she was expensive.

That Benjamin Williamson has lately departed
this life after publishing his last Will and
Testament in writing, which has been admitted to
record by the County Court of Southampton.
and Joseph H. Prince, and E. B. Leland have qualified
as his Executors. That the Executors and have in
their possession assets more than sufficient to pay
and satisfy all the just debts of their Testator
Yours Compts. further state that as the
Executors found the slave Lucinda in the posses-
sion of their Testator, at the time of his death
- one of them, (J. H. Prince) who knew nothing
of the transactions, prefers the action of
this Court.

Yours Compts. Higginson & wife state that being
intoxicated, and the wife also being 21 years
old has a right to call on the Trustee - for her
portion of the slave Lucinda, and of the
balance due from Benjamin Williamson.

That there is no capacity for any act.
to be rendered, as there is but one thing
and a statement will be herewith filed
showing the amount to which each of
Yours Compts is entitled.

In answer consideration of all which
and in as much as Yours Compts. are
solicitous in the premises, except in a
court of Equity. To this end therefore that
Justice may be done - they pray your
Honor. to make E. B. Leland as Trustee and

and the said E. B. Leland and Joseph H.
Prince Executors of Benj. Williamson, may be
made defendants to this bill. and compel to
answer the allegations thereof.

That the ~~estate~~^{estate} of Benj. Williamson, may
be decreed to pay, to your Compts. Higginson
one third of the balance due on account of
the sale of negroes, mentioned. and the other
two be paid to the Trustee for the benefit of your
infant Compts. - That the Trustee. sell

the slave Lucinda - and pay over to your
Compts. Higginson & wife, one third of the
proceeds of sale.

That your Honor. will
grant such other and general relief in
the premises - as Equity may dictate.
As in duty bound they will ever
pray &c.

to the for Compts.

Geo. Haigward and Martha
his wife & others

Plffs.

vs.

Benjn. Williamson. Execs.

Defts.

This day this cause was settled
by consent, and came on to be heard on
The Bill - answers of The Defendants, replications
Trusts, and exhibits - and was argued by
counsel, On consideration whereof The Court
doth adjudge order and decree, That Joseph
H. Prince and E. B. Leland Execs. of Benjn.
Williamson decd. out of The assets of This Testa-
tor. pay to The plaintiffs Geo. Haigward and
Martha his wife - The sum of \$45. 00 with
interest thereon from September 1847. till paid.
To E. B. Leland Trustee for The benefit of Rebecca
A Lundy. The like sum with like interest, To
the same for The benefit of Alfred Lundy
The like sum with like interest -
and The Court doth further adjudge, order
and decree - That E. B. Leland, sell The above
Lundas - To the highest bidder - on a credit of
12 Months. after giving 10 days previous
public notice, by advertisement at two or
more places, of the time & place of sale - the
highest bidder to take of The purch-
aser 3 bonds of equal amount. and

pay one of said bonds, to the Plaintiffs
 Geo. Griggard & Martha his wife, and
 retain the other two bonds, for the
 benefit of Rebecca A. Lundy and Alfred
 Lundy. To be paid to them on their
 respectively attaining the age of 21 years
 or marrying. and the Court with
 further adjourn or as and when that
 the Hlpts. E. B. Deland and Joseph H.
 Prince Esors. of Benjamin Williamson
 ord. pay to the Plffs. their costs by
 them in this suit expended -

But the said Deland shall not sell the said slave until
 he receives bond & security in the clerk's office of this Court
~~conditioned~~ in the sum of \$300 - conditioned
 faithfully to perform the duties
 required of him -

Griggard

and
 Deere

Wm. J. Esor.

Nov. 7th 1849

To be entered

R. H. B. [unclear]
 Clerk Co.

Know all men by these presents that we, E. B. Claud and
Joseph H. Prince are held and firmly bound unto the
Commonwealth of Virginia in the sum of three hundred dollars, to the
payment whereof well and truly to be made we bind ourselves, our heirs, executors
and administrators jointly and severally firmly by these presents. Sealed with
our seals and dated this 17th day of December 1849

The condition of the above obligation is such that whereas by a decree
of the Circuit Superior Court of Law and Chancery for the County of Southampton
pronounced on the 8th day of November 1849 in a suit thereon depending
between John Briggs and Martha his wife and others plaintiffs and
E. B. Claud & Joseph H. Prince exors. of Benjamin Williamson de^d Defendants -
the above bound E. B. Claud was appointed Special Commissioner for the
purposes set forth in the said decree. NOW if the said E. B. Claud
shall faithfully discharge his duties as such Commissioner under the decree
aforesaid then the above obligation to be void or else to remain in full force and
virtue -

Witness

E. B. Claud (Seal)
Jos. H. Prince - (Seal)

In the Clerk's Office of the Circuit Superior Court of Law & Chancery for
the County of Southampton this 17th day of December 1849

This day the Joseph H. Prince the Security to the above
bond maketh oath & swears that his estate after the payment of all his
just debts is worth three hundred dollars the penalty of the said bond

Subscribed & sworn to
before me this day of
year above.

J. R. Edwards Clerk

Jos. H. Prince