1861-022 SOUTHAMPTON COUNTY CHANCERY PAPERS GRIZZARD and Wife VS. HARRIS et al

S/1861

Grizzard &c Wife

vs Bill &c

Harris Exor &c

1861 January Court. Decree as filed

" April. Report

May " Confm.

Grizzard &c Wife

vs Bill, &c

Harris &c

To The Worshipful County Court of Southampton
in Chancery sitting

Humbly complaining sheweth
unto your Worships your Complainants Joseph
Grizzard and Martha I Grizzard, that Howell
Harris of this County departed this life in the
year after having first duly made
and published his last will and testament
which has been properly admitted to probat
in the County Court of Southampton, That by
the provisions of said will, (a copy of which is
herewith filed) he directs that his Estate, except a
sheriff legacies shall remain with his widow during her
widowhood. That his said widow has renounced the
will before this Court. That the Slaves are directed by
the will to be divided between the f. Julius C. Nannie
J. Sarah E. Martha I. who has intermarried with Joseph
Grizzard, Mapoura N. Fabian L Harris. Jas E. Mary E
and Rosa W Harris. That portions of Julius C. and
Nannie J Harris, have been assigned them by a decree
of this Court, That the said Joseph Grizzard an Martha
I. Grizzard desire to have their portion allotted to
them

In tender consideration whereof, and forasmuch as
your Complainants are remediless in the premises
save by the aid of a Court of Equity, where matters of the
kind are alone and properly cognizable, your Complts
pray that the said Julius C Harris Mary Harris
and Nannie J. Harris and the infants Sarah E. Fabian L,
Mapoura N. Jas E. Mary E. and Rosa W Harris may be
made parties defendants to this bill. That a proper Guardian
ad litem be assigned the infant defendants, to defend
their interests in this suit. That the said slaves may be

divided into seven equal parts, and one portion allotted to your Complts, according to the will of the testator, Howell Harris - and that such other relief may be afforded your Orator and Orators as the nature of the case may require, and they will ever pray &c.

The answer of Sarah E, Fabian L. Missouri N. James E. Mary E. and Rosa W Harris.

infants under the 21 years by Julius C Harris their Guardian ad litem apigned them in this suit, to a bill exhibited against them and others by Joseph Gryzzard and wife in the County Court of Southampton. admits the allegations of the bill and have no objection to the decree prayed for

The joint answer of Julius C. Mary, and Nannie Harris to the foregoing bill, admit its allegations and have no objection to the decree prayed for and having answered pray hence to be dismissed.

Grizzard & wife
vs
Harris and others

This day came the plaintiffs, and filed their bill, and on their motion Julius C Harris is assigned Guardian ad litem to the infant defendants Sarah E, Fabian L, Missouri N, James E, Mary E. and Rosa W Harris to defend their interests in this suit, an thereupon the said Guardian ad litem filed the answer of the said infants, to the bill of the plaintiffs, and the defendants Julius C Harris. Mary Harris. Nannie J. Harris filed their answer, to which answers the plaintiffs replied generally, and the cause coming on to be heard upon the bill, the said answers, general replications thereto, and exhibits filed, was argued by Counsel On consideration whereof the Court doth adjudge order and decree that Wm A Jones, Jas Rhoney, Jos W Claud, Saml Rhoney, and Wm S. Adams who are hereby appointed Commissioners for that purpose, any three of whom may act, divide the Slaves of which Howell Harris died possessed, and now undivided between the infants named in the bill, into seven equal parts, and allot to Joseph Grizzard in right of his wife Martha J Grizzard one seventh part thereof in value. and the Report made and how they shall have acted in the premises, make report to this Court in order to a final decree.

Greizzard & Ulrich

v } Copy Decree

Harris

Southampton County Court January Term 1861

Joseph Grizzard and Martha J Grizzard Pffs

against } In Chancery

Sarah E. Fabian L., Missouri W., Jas. E., Mary E. and Rosa W Harris infants &c and others Defts

This day came the plaintiffs and filed their bill, and on their motion Julius C. Harris is assigned guardian ad litem to the infant defendants Sarah E. Fabian L. Missouri W. James E. Mary E. and Rosa W Harris to defend their interest in this suit, and thereupon the said guardian ad litem filed the answer of the said infants to the bill of the plaintiffs, and the defendants Julius C Harris. Mary Harris. Nannie F Harris filed their answers, to which answers the plaintiffs replied generally and the cause coming on to be heard upon the bill, the said answers, general replication thereto, and exhibit filed and was argued by Counsel: On consideration whereof the Court doth adjudge, order and decree that Wm A. Jones, Jas. Drewry, Jos. W. Bland, Saml Drewry and Wm T. Adams, who are hereby appointed Commissioners for that purpose, any three of whom may act, divide the slaves of which Howell Harris died possessed and now undivided between the infants named in the bill into seven equal parts, and allot to Joseph Grizzard in right of his wife Martha J Grizzard one seventh part thereof in value and the rest remain undivided. And how they shall have acted in the premises make report to this Court in order to a final decree—

A Copy

Teste LR Edwards Cc

We the commissioners have in accordance to the within decree divided the slaves belonging to the minors of Hovel Harris decd and have allotted to Joseph Grigg and in right of his wife a negro woman Mary & child James valued at eight hundreads and fifty dollars and said Grigg and shall pay to the remaining minors one hundread and twenty nine dollars given under our hands and seals this 26 day of Feb. 1861

Wm. A. Jones
J. M. Clanton
William J. Adams

1861 appd Grand

Howell Harris

Will

Abstract

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I Howell Harris considering the uncertainty of life and the duty of being prepared for death, do make and ordain this my last will and testament, hereby revoking all former Wills by me at any time made.

Item 1st After paying my just debts I give to T. F. Harris my Cream horse

Item 2d I loan to my wife and children all the remaining part of my estate, during her natural life or widowhood, my children to be clothed and well educated, out of the proceeds arising therefrom if sufficient: and if not my executors shall sell such species of property as they may think proper for that purpose and in case my wife should marry, in that event it is my will and desire for her to have, one third part of my estate as the Law directs, allotted to her in dower as if there had been no will.

Item 3. At the death or marriage of my wife my will and desire is that my son Theophilus F. Harris shall have his choice of one the following negro boys Henry, William or Watt either one of them which he may think proper to take.

Item 4. At the death or marriage of my wife I give to my son Millard F. Harris my house tract of land including the land lying on the West side of the Mill pond, and in case he should die without lawfull issue, then and in that case I give the above named tracts of land to my next youngest son James E Harris and in case he should die without lawful issue I then give it to the next youngest surviving son in like manner as before mentioned to them and their heirs forever, my main object for so disposing of the above named tract of land is to be kept in my family.

Item 5th At the death or marriage of my wife. I leave all the balance of my real estate not yet named to be sold and the money arising therefrom to be equally divided between all of my children except Theophilus F. and Millard F. Harris who have Specific Legacies above named.

Item 6th My desire is that my son Theophilus F. Harris shall have his education completed out of the proceeds of my estate either by Sale of property or otherwise, my object for doing this is to make him equal with the balance of my children. as my intention is not to give him any thing more than what I have already expressed above in the first and third clauses.

Item 7th My wish is that at the death or marriage of my Wife or in case of either or both events, to have the balance of my negro property not yet disposed of equally divided between all of my children except Theophilus F and Millard F Harris, whom I have given Specific Legacies.

Item 8th At the ~~death~~ or death or marriage of my Wife my wish is to have all of the perishable property sold and after paying all expenses, debts &c I give to my youngest Son Millard F Harris One thousand dollars. my reason for doing so is because Millard F Harris will have no legal title to his land unless he shall have a lawful issure and in case of his death without Lawfull issure, the next youngest surviving Son shall have his legacy land &c by giving up first his proration of my estate which he is entitled to draw from the purport of my will and if he should not be willing to give up his interest for that of Millard F. Harris then I extend the right to the next youngest son in like manner and in case he should not be willing to give up his legacy for that of Millard F Harris then my desire is that it shall be sold and equally divided between all of my children except Theophilus F. Harris and the Sons to whom the right has been already extended.

Item I constitute and appoint my brother James Harris and Son Theophilus F Harris the Executors to this my last Will and Testament. Given under my hand and seal this the eleventh day of January one thousand eight hundred and fifty four

Howell Harris (Seal)

In presence of
Wm. A. Jones
J W. Cloud
Thos. B Powell
G N Musgrave

At a Court held for the County of Southampton the 17th day of April 1854
This last Will and Testament of Howell Harris dec was proved by the oaths of Jos W Cloud & Geo. N. Musgrave two of the subscribing witnesses thereto and thereupon ordered to be recorded and on the motion of James Harris & Theophilus F. Harris the executors therein named who made oath and together with Joseph W Cloud Robert S Jones & W. E Ryland his securities (who justified on oath as to their sufficiency) entered into and acknowledged a bond in the penalty of thirty five thousand dollars conditioned according to law Certificate is granted them for obtaining a probat of the said Will in due form

Test

P R Edwards Clk

A Copy

Test P R Edwards Clk