

1767-011

SOUTHAMPTON COUNTY
CHANCERY PAPERS

HOLLIMAN

vs.

HOLLIMAN'S EXECUTOR, 6/1767

1767

other SURNAMES: William son,
Halliman, Clayton

Ston.
Holliman } Bill in

or
Holliman } Chan

To Sept. 63. 44

Fid. & Co.

never proved the said Thomas Holliman's Will but will
keep this same till obliged by Law to deliver it,
Which being contrary to natural Justice & Equity
as well as the Will of the said Thomas Holliman &

entirely tending to the Ruin & Impairment of your
Orator unless relieved by this Court in its

Consideration whereof for that your Orator is
only relievable in a Court of Equity & not of Law
To the End therefore that the said Nathan
Holliman may on his Corporal Oath full true and
perfect Answer make to all & singular the

Allegations of this Bill as fully & particularly as
if herein again repeated & interrogated & more
especially that he may set forth & discover whether
the said Thos. Holliman died did not die & make
such Will as is herein mentioned and appoint
your Orator & the said Nathan Exr. & Adm. thereof?
did not the said Nathan prove the same? did he
inventory & appraise the same & return such
Inventory & Appraisment of Court? Did not he
deceit your Orator to pay for three £5. Legacies &
charged on the said Slave Peter & promise her

on her paying the said Legacies, that she should have
the Work & Labor of the said Peter in the same manner
as the other Estate was given her the use of during
her Widowhood? Did not your Orator have any
or shield of the said Legacies? Did he then pretend
to be poor? What did he sell for? did not your
Orator offer to let & out his house for the said Peter
& why did not he admit her bid? What did he
expect the said Peter for the same? Did he not
sell him up a second time? why did he then
make sham sales of him? What is become of the
Job your Orator had carried to the Wardship
the same for which he looked out in his own name?

And that he may be obliged to settle
the said Estate before persons appointed by his
Court & after the Funerals ~~of the said~~ deliver up
the same to your Orator for her use under the said
Mr. Holliman's Will - And that the said Peter
may be publicly sold the Legacies charged on
his said Estate Remainder delivered to your
Orator together with her ~~due~~ - already advanced
in part thereof Or the Legacies paid out of the
Estate & the Slave delivered up as the residue of

the Estate ought to be by the said Mr. Holliman's Will
to be to her in Labor & profit during her Widowhood
and that she may have such further or other
Relief in the premises as the Nature of Circumstances
afterwards shall & may require

May please your Worship to grant to your
Orator his Majesty's most gracious Writ of
Subpoena &c
Writs vary & Compt

To the Worshipful his Majesty's Justices
of the Peace for the County of Southampton
sitting in Chancery

Humbly complaining shew unto your Worships
your Oratrix Anne Holliman Widow & Relict of
Thos: Holliman died That M^{rs}. Thomas being in
his life Time & at the Time of his Death seized and
possessed of a considerable Estate both real & personal
in Lands Slaves & personal Chattels made his last
Will & Testament in Writing bearing Date about the
29th November 1760 in which he gave you Oratrix the
Plantation whereon he then lived during life also
four Slaves named Monour, Sarah, Papister & Kingo
during Widowhood — He also gave your Oratrix all
his Household Goods & Chattels during her life and
after her Death to be equally divided between
Arthur Holliman, Benj^m. Holliman, Nathⁿ
Holliman & J^{es}s Holliman He also by his said
Will desired that his Negro Man Peter should be
sold for ready money and out of that money he
gave to his Brother Josiah J^r. Holliman's eldest Daught-
er Lucy £5. Cash — To the s^r. J^{es}s J^r. Holliman's Daughter
Mary Bayton £5. Cash — To John Holliman's Son —

Howell Holliman £5. Cash and then gave the Remainder
of the Effects in Negro Man Peter to be equally divided
as the rest of his Estate. And of his said Will he
appointed your Oratrix Love Nathan Holliman
Ex. Exor. - Your Oratrix shews that being old & infirm
she did not prove the Will with the other Exor Nathan
Holliman who proved the same according to Law and
had it appraised & inventoried which are returned to
his Court & of Record - Your Oratrix shews that this
Nathan being thus possessed with the said Thos. Holliman's
Estate has given your Oratrix a great deal of Trouble
& perplexity by his Behaviour in the Management of
the said Estate - For he desired your Oratrix to pay off
the Legacies given out of the Money to be raised by the
Sale of the Negro Peter and promised your Oratrix
she should then have the Labor of the said Slave during
her Widowhood to her own Use instead of the Money
he might be sold for and a Sale prevented - Your
Oratrix shews that on such promise she consented
to do as the said Nathan had proposed & accordingly
confirmed the said Agreement. But so soon as your
Oratrix had paid John Clayton John and vns £5. ea.
in Right of their respective Wives Legacies claiming
under the said Thos. Holliman Will to be paid out of the
Money

arising from the Sale of the said Slave Peter and sent
the other £5. to John Holliman for his Son & how the
said Nathan then pretended to sell the said Slave Peter
and the ^{negro} no persons were present but Muley ates claiming
the Money. He should sell for after your Oratrix's
Death in Opposition to every Thing your Oratrix could
say or do to set the said Slave up for Sale nor would
he suffer your Oratrix to bid for him or take any
Notice after Bidding & had the Slave cried out to
at the sum of or

thereabouts - But your Oratrix relating the Sale the
same was looked on by every one as a sham then
the said Nathan let him as long time much in the
same Manner should not receive your Oratrix's
Bid for the said Slave. But took him Home & now
keeps him & has the Labor of him. Your Oratrix shews
that since the Death of her Husband and the W. made on
the Plantation or as prized & carried to the Warehouse
by your Oratrix but the said Nathan tho he never took
the left fare about it went down to the Warehouse
hooked the Vah in his own Name & has sold the
W. & converted the same to his own Use & now

paying the necessary ^{to} Charges on Acct. of the Estate
out of it or suffering your Oratrix to do it - Your
Oratrix shews That she hath applied to the said
Nathan to deliver up the said Slave Peter to her
according to his Agreement before mentioned and to
make up an Account of his Admors of the said Ind.
Hottiman's Estate as far as came to his Hands -
distinguishing the Debts paid & recd. by Nathan
what Acct. And That the said Slave being thus
delivered to your Oratrix she may have the
Use & Labor of him during her Widowhood or that
he may be publicly sold under the Will your Oratrix
out of the money he sells for unpaid mortgages &c.
paid on Acct. of the said Slave & receive the
Remainder to her Use for Life or Widowhood
as by her said Husband's Will is directed & appointed
But now so it is may it please your Worship that
the said Nathan Hotimian altogether refuses to comply
with such your Oratrix's reasonable Demands as
in Justice he ought But pretends & gives out in speech
That he is not obliged to deliver up the said Slave or
any part of the said Estate to your Oratrix as the

Halliman } And
Halliman } 304th

Filed July 1864

The answer of Nathan Holliman Defendant to the bill of
complaint of Ann Holliman complainant

This defendant now and at all times hereafter saving and
reserving to himself all advantages of exception to the manifold
incertainties and contrivances in the said complainant's said
bill contained for answer thereto or to so much thereof as this
defendant is advised is material for him to answer
unto he answers and saith that true it is that
Thomas Holliman died in the will named did make such
will did possess and appoint such executor as in the
bill is ~~alleged~~ ^{set forth} that this def. also proved the same but
denies that he ever made any such proposal to the
complainant of paying the three five pounds legacies
nor did he ever make any agreement with her concerning
the delivery of the negro Peter as in the bill is falsely
alleged This defendant denies that he ever knew that
the complainant intended to pay any of the said legacies
until he heard that she had paid those two mentioned
in the bill that the same were paid privately and without
consulting this defendant This defendant further answers
that he set up the negro Peter for sale pursuant to
the will aforesaid without advertising him judging
from the complainant's frequent declarations that she
would consent to such sale but that when this

Defendant ^{understood the} would not agree but intended to dispute
the sale he appointed a ~~very~~ second time advertised
the same and pursuant thereto let the slave Peter up
to the highest bidder without any fraud that the
complainant did bid for the same and the price she
bid was cried in the same manner as those bid by
other persons that this defendant was the last
and highest bidder when the person who ~~he~~ was
appointed to let the slave cried him out on this
defendant This defendant also saith that the tobacco
in the bill mentioned was carried to the warehouse
by him and that at the complainant's desire and
request he did take the note out in his own name
that he paid the necessary tobacco charges on all of
the estate out of the said tob. and the overplus
amounting to about four hundred pounds weight
this def. laid out on his own proper acct. but by
the express desire of the complainant This defendant
further saith that he always hath ^{been} and still is willing
to deliver up what estate he hath of the ^{sd} Thomas Stationer
to the said complainant but that he hath been advised
that she ought first to give ^{severally to} the residuary legatees one
of which is this def. ~~person~~ for the behoof of the ^{sd}
estate at her death or marriage the the complainant

not having taken the necessary care to keep the same
what part she hath in her possession together but
hath oftentimes said she would destroy it as fast as
she could and ~~thereby~~ also declared that she would thereby
ruin this def. if she could accomplish it by that means
without that, that ~~he~~ Nathaniel Coleman

This above answers sworn to before me

Geo. Corby

Rough Seas

This cause was heard ^{again} on the bill and upon the arguments of the
counsel. On ^{the 11th day} of which of the Report resumed by the persons
appointed to settle the ^{accounts} administration of the estate of the testator
The Hallman died! It is deemed ~~ordered~~ that the said
Nathl Hallman do deliver up ~~to the~~ up to the Mt. The
had one on the sale of the Negro Peter. After deducting
the sum ~~received~~ changed the legacy charged on the
the him - that the S. Def. also deliver up to the S.
but the personal est. bequeathed to the pl. according to the
will of the S. The S. that ~~the~~ each party bear their
own costs

Holliman
Holliman

Sent 1763
knio to come bilt

Jan 1764
Cont

May
Atte. Dear
July
Atte. & time

Aug.
An. filed & time

Jan 1765
Sept Decr

March 67

Sept putt for
hearing

July 1766

Aug Cont for report

Sept cont

Aug 1766

Cont for up work

Sept cont

Oct Cont

Decr 1767

Jan 1767

Atte. Sept

March 1767

Cont

George the third by the grace of God of Great Britain etc
To the Sheriff of Southampton, we command you that you summon
Nathaniel Holliman Esq. of Thomas Holliman decd.
to appear before our Judges of our said County Court, in Chancery
at the Court House of the said County, on the second Thursday
in September next, to and a Bill in Chancery, exhibited against
him, by Ann Holliman, and this we shall in no wise
omit, under the penalty of £100. Witness R. Hutto &
of our said Court, at the Court House. the 18th Day of Aug. in
the third year of our Reign.

R. Hutto &
J. O. O.

Halliman } Att.
" }
Halliman & }
Co. }
per.

Exchanged

John Bull 28th

George the third by the grace of god of Great Britain
France and Ireland king defender of the faith to the sheriff
of Southampton county greeting. We command you that you
attach Nathan Halliman exor of Thomas Halliman decd
so that you have his body before our Justices of our said
county in chancery ~~at~~ the courthouse of our said county on
the second Thursday in June next. to answer us ~~of necessity~~
as well of a certain contempt by the said Nathan to us
offered as it is said as upon those things which to him then
otherwise shall be objected & further to do & receive what
our said court shall of him in this part consider. And
have then there this writ Witness Richard Kellogg
of our said court at the courthouse the seventh day of
May 1766. in the fourth year of our reign

Do not answering the bill of complaint
of Ann Halliman exor decd of her.

R. Kellogg
J. C.

Wallmanansup

ads

Wallman

May 7 67

with

Old
Notes

June
Purse of

///

George the Third by the grace of God of Great Britain King and Ireland
being defender of the faith To Joseph Gray His Majesty's Justice
Charles Corby - gent greeting, know ye that we to your fidelity
and provident circumspection indiligently exarnier to ever witness
as well on behalf of Nathan Wallernan as of Charles Wallernan -
being just as Aaron Wallernan then Command you or one or more of you
that at such certain days and places as you shall appoint you apoint
your selves and the witnesses aforesaid before you or one or more of you
you call and cause to come and diligently exarnier on the holy -
evangelist of Almighty god and their exarnier to our court of
our county of Southampton without delay you shall send of certifie
enclosed returning also to us this writ witness at the clerk of our said
court at the courthouse the seventh day of January in the fifth
year of our reign

R. Thellus
C. C.

Walliman
Walliman
Yak

L. d.

Henry Taylor M.

George the third by the grace of god of Great Britain France & Ireland
King defender of the faith &c To the Sheriff of Southampton county
greeting we command you attach Nathan Wallman esq of
Thomas Wallman deceased if he be found within your bailiwick so
that you have his body before our justices of our said county in
chancery at the court house of our said county on the second Thursday
in February next to answer us as well of a certain contempt by the said
Nathan to us offered as it is said as upon those things which to him
then and there shall be objected and further to do and answer what our
said court shall of him in this part consider and have then &c
This writ witness Richard Telle etc of our said court at the court
house the 12th Day of January in the 11th year of our reign
For not returning an account of his admⁿ of
the said Thomas Wallmans estate

R Telle &
Clerk

Defos

14
20

400
30

Med. Nov 68

Southampton

By virtue of a commission issuing from the county court of Southampton in chancery in a suit there depending wherein Ann Halliman is Plaintiff and Nathan Halliman exor de of Thomas Halliman dect^d def.^t we have diligently examined the following witnesses to wit Burwell Williamson of full age being first sworn on the holy evangelists deposeth & saith, That he was at the second sale of the negro Peter, that he believes ~~where~~ the sale had been ~~advertising~~ advertised, that most of the neighbours were at the same. That during the time the sale was ~~the~~ he thinks that nobody but the ptt, dect^d & one William Atkinson were bidders that the ptt's bids were cryed as she bid, that ~~there~~ on some dispute arising between the ptt. & some persons present. The ptt. went to the house for some writing ~~express~~ paper that whilst she was gone the cryer asked if every body had done bidding. & receiving no answer he finished the sale to the defend^t. That on the return of the Plaintiff to the company she expressed a good deal of uneasiness & declared that she would have given more, & offered the dect^d £10 for his bargain. and further he saith not

Burwell Williamson

J. G. G. G.

Chas. Carby

William Halliman of full age being duly sworn deposeth and saith that he wrote & dispersed advertisements for the second sale of the negro ^{formerly named} Peter, that he was the cryer that that the chief of the neighbours attended the sale, that the ptt. bid as far as £60. 1. ~~that the ptt. bid~~ which he cryed & the defend^t bidding one shilling more, the said parties being then very near each other, which he also cryed sometime that then the ptt. went ^{out} of company to the house & this deponent then asked if every body had done bidding & receiving no answer from any ~~body~~ present & apprehending by the absence of the ptt. that she was done also he finished the sale to the defend^t. That depon^t further deposeth that he knows not nor was he privy to any fraud in the sale but that the same was openly & fairly done as far as he knows. That the ptt. on her return to the company he heard that she expressed an uneasiness at the sale & that she said she would have given £10. more for him and further he ~~saith~~ ~~that~~ and being further interrogated he saith that he is Overseer for the ptt. that he doth ^{not} know that the ptt. either wastes or embezzles any part of the estate left by

testator Thomas Hallman & further he saith not
Inwrit before us this 1st day
of July 1765.

William Hallman

J. Gray

Chas. Cooby

Defors

14
20
—
300
30

Nov^r 1765

Capt Holliman's

Wm

Ston

In the name of God amen. ~~you~~

I give to my loving wife Ann Holliman my Plantation
and Tract of Land whereon I now live, During life the Use
Thereof I also give to my wife Ann four Negroes, Honour, Sarah
Jupiter and Mingo. During Widowhood and I give the said
four Negroes after the Death of my wife or Day of Marriage
to be equally Divided Between Arthur Holliman, Benja^t
Holliman, Nathan Holliman and Jesse Holliman and to them
and their heirs for ever. I give to my wife Ann Holliman
all my Household goods and Chattles during her life
and after her death my desire is it should be equally
divided between the afore said Arthur, Benjamin, Nathan
& Jesse Holliman my desire is that my Negro man
Peter should be sold for ready Money and out of that money
I give to my Brother Josiah ~~for~~ ^{to} Holliman's Eldest Daugh-
ter Lucy Holliman £500.00. Cash. I give to my afore
said Brother's Daughter Mary Clayton £500.00. Cash.
I give to John Holliman son of ~~Benja^t~~ ^{Arthur} Holliman £500.00.
Cash. I give the Remainder of the Effects my Negro Peter to
be equally Divided as the rest of my Estate. I give my Planta-
tion and tract of Land after the Death of my wife Ann
Holliman to William Holliman son of my Brother
William to him and his heirs for ever. I appoint my
wife Ann Holliman and Nathan Holliman my Exors.
to this my last will and Testament Revoking all other
wills heretofore made by me as Witness my hand and seal
this 29th Day of November 1760