1791 - 003
Southampton County

Chancery Papers : Boykin vs Williams

11/1791

other SURNames: Britt

Boykin
vs
Williams
Exo.

Novbr 1791. decree

To the worshipful the court of Southampton in chancery sitting humbly complaining sheweth unto your worships your orator Simon Bayk in that sometime in the year of our Lord 1798 a certain Jacob Williams of this county made a deed of conveyance to a certain Edward Britt dec.d of this s.d county therein & thereby conveying to the s.d Britt two negroes. to wit. Ben & Hagar & her increase in trust for the use & benefit of the s.d Jacob Williams for & during his life, & after his death to go to such children as he should have at the time of his death, to be to them conveyed by the s.d Britt; which s.d deed was duly proven in this court. And your orator further sheweth that since the executing the aforesaid deed, the s.d Edw.d Britt hath departed this life, having first made his last will & testament & thereof appointed Edward Britt & Johnson Britt his exors. And your orator also states that the s.d Edw.d Britt dec.d had only fulfilled & complied with deed aforesaid in part, & the exors aforesaid desirous to have nothing to do in the premises, have at the particular instance & request of the s.d Jacob Williams made over & relinquished all their right & interest to & in the aforesaid deed, to your orator; & your orator stipulated & agreed to accept the same, & perform the conditions so far they remained unperformed; according to the true intent & meaning of the s.d deed to which your orator refers your worships.

Your orator further sheweth to the court that one of the negroes - to wit, Hagar, hath since the trust conveyed to Edwd Britt decd. had an increase of children, which are still undisposed of.

But so it is may it please your worships that your orator acting as a trustee, he wd not wish to make sale of any of the slaves to him conveyed by the sd. Williams in the sd deed of trust, but by the decree of this.

In consideration whereof, & for as much as the matters of this cast are properly cognizable in a court of equity. To the end therefore that the sd. Williams may on oath answer, whether there was not a deed from him to Edwd Britt decd, did not he the sd Britt leave the negroes herein mentioned - how they not or some of them, consigned the interest of the sd Edwd Britt, to your orator - & has not he the sd Williams requested your or to take upon himself the burthen & execution of the sd deed, & is not the deed signed by the sd Williams - And that your worships may order & decree the sd Hagar & her increase to be sold, or one or more of them as your or may judge most expedient, & the money arising from such sale to be applied for the good of the sd Williams as is in the deed specified, or make such further or other decree as may appear just & reasonable in the premises & your orator &c

B. Dear Jr. pltff

At a court of quarter session continued and held for the county of Southampton on Friday the 11th. day of November 1791.

Simon Boykin trustee of Jacob Williams . Plff

against

Jacob Williams - - - - - - - - - - - - - - - - Deft. } In Chancery

This cause was this day heard on the bill &c on consideration whereof it is decreed and ordered that William Boykin, Micajah Holliman, and Arthur Boykin or any two of them make sale of the negro woman Hagar and her youngest child in the bill mentioned at publick auction to the highest bidder Fifteen pounds of the price to be ready money, and the balance to be paid in two equal payments to wit: the one half at six months and the other half at twelve months credit, taking bond with sufficient security from the purchaser, and pay the said money and bonds to the plaintiff for the benefit of the defendant and his family as aforesaid in a deed of trust from the said defendant to the plaintiff, and make report thereof to this court.

A Copy Test Jno. D. Hausmann D.C.

Agreeable to the within order to us directed from the Worshipful Court of Southampton County bearing date the 11th day Nov.r 1791. we have sold the Negro Wench Hagar & her youngest Child for the sum of fifty two Pounds ten Shillings and have also further complied w.th this order in its fullest extent; Witness our Hands & Seals this 7th day of Dec.r 1791.

Arthur Boykin (Seal)

William Boykin

Boykin
vs
Williams
Petty dower
Dedm. rpt. ord.