

1804-017

SOUTHAMPTON COUNTY
CHANCERY PAPERS

GEE et al vs

M A BRY, ADMINISTRATOR of
HARRISS & al

10/1804

other surnames: Harris,
M. B. 1

To the Justices of Ston County Court in Chancery sitting
Your Comptants James Gee & Simon Harris humbly
shew - that the latter having sundry affairs & busi-
ness to settle in this Comwth particularly in the
County of Ston that proper to agree with and appoint
the former as his agent and attorney in fact for the
purposes in the said power express & implied
which instrument is made a part of file - That
among other things the obtaining possession of a Negro
slave by the name of Jack was particularly contem-
- plated - To which slave your Comptant Simon con-
sidered himself exclusively entitled as heir at Law
to his Grand-father Simon Harris thro' the medium
and lineal descent of his father James Harris,
as being the eldest son of the S^r James who was the
eldest son of the S^r Simon - The Case was this - That
the S^r Simon lent to his Wife Ruth Harris a negro
woman slave by the name of Lucy during her Na-
- tural life - this Lucy had a Child by the
name of Jack as to whom the said Simon died
intestate as on reference to his last Will & Test^{ts}
made a part of this file will evidently appear -
James Harris his eldest son departed this life on the
day of previous to the death of Ruth
Harris his mother who continued to possess the S^r slave
as the issue of Lucy during her life - A Considerable
space of time to wit about Years having intervened

during which no possession of the s. slave came to the hands of the s. James; The right and title thereof on the death of Ruth Harris became vested in Your Compt Simon as heir at law ~~as stated~~ — that with this view, and under this impression, and by direction of Your Compt. Simon: Your Compt. James took possession of the s. slave, in virtue of his authority as before stated whereupon an action of detinue was instituted vs the s. James by & in the name of Robert Maby adm^r de bonis non with the Will annex'd of Simon Harris to whom the Adm^r was committed as sh^d, according to the laws in such Cases made ~~and provided~~. In this action Your Compt. James was cast owing to a deficiency of proof on his part as to Your Compt. Simon being the eldest son &c. as herein before stated, under whose authority the def^t acted — and the alternative value of the s. slave was set at dollars as by the record fully appears — Your Compt. state that the defect of proof as ~~as stated~~ was not only an unfortunate but an unforeseen thing; as he had relied on a person who was a witness in the Cause, whose recollection of the foregoing facts &c. had so recently forsaken him, of which circumstance could Your Compt. have been apprised, ~~had it in~~ ^{he} his power most amply to have supplied the proof, by the testimony of those whose memory in a critical moment have never been accused of abandoning a long habit of Recollection — Your Compt. further shew that even has awaited the adverse Judge

and what renders it still more hard & oppressive is, that Your Compt. have not the power specifically to compel them with: inasmuch as the s. slave ~~about the~~ ^{pursued to} time of the s. Judgt. being rendered made his elopement and is either dead, or if living cannot be found; a circumstance will worth the consideration of interposition of this honorable Court, as the same care & attention were paid to his welfare & protection as used and afforded in respect to other slaves; about whom no litigation subsisted — On the other hand, should it be objected by Maj^r Robt Maby adm^r &c. hereafter called ~~this def^t~~ (that admitting the fact of descent &c. as in the Will stated) the s. Simon Harris cannot exclusively be the heir, because his father James Harris made a will &c. and that the probable result will be that, ~~as the~~ ^{the} slave Jacky is embraced & passes by dissection thereof — Such a position as this, will yet strengthen the right of Your Compt. Simon in another point of view; & inculcate the expediency of calling in all necessary parties to this suit, in order that Justice & equity may be finally administered — indeed if it should appear that the slave Jacky under the then existing laws & circumstances was or is the property of James Harris the reason for enjoining the above Judge &c. will ~~obtain~~ ^{stop} ~~most strongly~~ for then, the proper right must devolve on the legal representative of James instead of the adm^r of Simon Harris — and coincident with that right, Your Compt. Simon will be entitled to his proportionable share of the value of the slave aforesaid.

Lee } High Spar
N
Mary ad Harris

Named

Edw Goodwin M^r

The Commonwealth of Virginia to the Sheriff of Sampson
County ~~County~~ Robert Mahy ad S. Harris his councillors attor-
-neys Solicitors and Agents and ~~any~~ of them greeting
Whereas it hath been represented unto the Court of our said
County of S.ampton in Chancery on the part James Gee
Who hath prayed that he may have our writ of writ
injunction Subpoena for stay of all further proceedings
at Common Law, until hearing of the Cause we thought
in consideration of the premises ~~advised~~ do Strittenger
and Command you the said Sheriff Rob Mahy ad Harris
and each and every the persons before mentioned that you
and every of you do absolutely desist from all further
proceedings against the said James Gee
on the Judgment and execution obtained in our said
County Court of S.ampton against him by the said
James Gee until the hearing of the
said Cause in Chancery under the Penalty of
500 dollars ————
Witness J. Kello Clerk of
our said Court this 2^d day of October 1844
in the 14th year of the Commonwealth —

J. Kello C

John J. Smith
Banc

Genl. Smith
Major & Capt.

Know all men by these presents that we James Geo and Saml Wells
are here and jointly bound unto ^{Maryes} ~~Robt~~ Maryes ad^r in the sum of
dollars to which payment well and truly
to be made to the said Maryes ad^r his heirs or
administrators or assigns, we bind our selves and each
of us our and each of our heirs or assigns and admin^rs jointly
and severally firmly by these presents sealed with our
hands and dated this 12th day of Oct. 1864 and in
the 29th year of the Commonwealth —

The Condition of the above obligation
is such that whereas the aforesaid Robt Maryes
hath obtained a Judgt at Common Law, against the
above bound James Geo for the sum
and Costs and the said James Geo hath obtained an
injunction to stay the execution of the said Judgt
until the matter in equity upon a bill for that purpose
filed can be heard, if therefore the said James Geo
shall satisfy and pay the said Judgt at Common
Law and also Costs and damages that shall be award-
ed to the said Robt Maryes in case the said
Injunction shall be dissolved, then the above obligation
to be void or else to remain in full force & virtue
Signed sealed and

Witnessed In presence of

B. C. Cobb

James Geo Seal
Saml Wells Seal

Simon Harris,

Wile

Copy

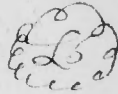
In the name of God Amen October 9th day 1767 I Simon Harris
of Southampton County being very sick and weak yet of perfect mind and
memory. First I recommend my soul to Almighty God that gave it &
then my body to be buried in a decent Christian manner & my estate I
give as followeth

Item I give and bequeath to my loving son William Harris the plantation
wherein I now live to him and his heirs forever and if the said William
Harris should die without heir then my desire is that my sons Simon
Harris & Jacob Harris should have the said land & plantation to them
their heirs forever

Item I lend to my loving wife Ruth Harris one negro woman Lucy during
her natural life and after her decease my desire is that the s^d negro
woman shall be sold and the money to be equally divided between
all my children

Item I lend to my loving wife all my household goods & stock of cattle sheep
& hogs her natural life and after her decease the personal estate to
be sold & the money to be divided between all my children and
I appoint my wife Ruth Harris and my sons Simon & Jacob Harris
my whole and sole executors to this my last will & testament at
my whole and sole executors to this my last will & testament
wills heretofore made and declaring this to be my last will In witness
whereof I ~~have~~ hereunto set my hand and seal the day & year above
written

Joseph Hannell
Priscilla ^{his} Rives
Baker White

Simon ^{his} Harris 
mark

It a court held for the County of Southampton 9th day
of May 1769 This will was presented in Court by Jacob Harris
one of the executors named therein proved by the oaths of Joseph Hannell
and Priscilla White two of the witnesses thereto & ordered to be recorded
And on the motion of the said executor who made oath according to law
certificate is granted him for obtaining a probat thereof in due form
giving security Whereupon R^d Foste Rich^d Kello &

A true copy Teste

Sam^l Kello B
(11)