

1806-128

SOUTHAMPTON COUNTY
CHANCERY PAPERS

LUNDAY v. BASS & al

9/1806

other surnames: Lundy

To the worshipful court of Southampton county in chancery, sitting,
humbly complaining shew unto the court, your orator William Lunday of
the county aforesaid, That Burgess Baps of the aforesaid county, ^{and} by
indenture bearing date the eleventh day of May in the year 1804
make over and convey unto your orator a certain parcel or tract
of land containing twenty acres lying in the county of South-
ampton aforesaid, in trust, ^{of forty four dollars & seventy cents.} for to secure the payment of a bill
in the said indenture mentioned, which is made a part of this
and is ready to be proved as the court shall direct
bills & upon condition that if the said Burgess Baps shall fail
to pay unto the said William Lunday, nor the said sum of forty
dollars & seventy cents with interest cost &c. on or before
the 25 day of December next 1804, that then it should be law-
ful for the said William Lunday to enter into possession of
the said land premises and make sale thereof after giving
twenty days notice of the time & place of sale for ready money, &
the money arising from the sale of said land, in the first place to
pay and satisfy the said sum of forty ^{four} dollars & seventy cents
with legal interest thereon, and the expenses attending the trust
& surplus if any, to be paid unto the said Baps his executors
or admrs. Your orator further sheweth. That the aforesaid debt
was not paid at the time stipulated in said indenture, ^{the whole} but is now
owing & due to your orator. That the said B who has not yet
received the trust reposed in him, by selling the said land.

That the said Baps departed this life on the 9th day
of July last ^{Elizabeth} intestate, leaving his widow & one child
infant under the age of 21 years
Orsellan, ^{in whom the trust is now vested} who is now
under the tender consideration whereof, & for as much as the said
land cannot now be sold agreeable to the true intent & meaning
of the said indenture, without the aid and intervention of

Worshippful court, To the end therefore therefore that the
said Elizabeth, widow &c. & the said Priscilla may be made
defendants to this bill, & upon their corporal oath to be by
them taken upon the holy Evangelist, may full true & perfect
answer make to all, and singularly the allegations of the
same, as fully and as effectually as if the same were
herein again repeated and interrogated: And that this
court will appoint proper commissioners, lay off sell &
convey the same agreeable to the true intent & meaning of the
said indenture, or make such other & further order &
decrees in the premises as shall appear most consonant
to justice & equity. I pray Priscilla of defendants to give to

I pray *James Turner* *Attorney*
The Answer of Elizabeth &c. to the
above bill of Complaint. This defendant saving & reserving &c. saith
she believes the Complainants bill to be true as far as she knows
& hath no objections to the appointment of Commissioners to
carry the same into effect, if to this court it appears
equitable. I pray hence to be dismissed &c. Elizabeth the Bess
The several answer of Priscilla Bess infant by *L. Charles*
D. Richardson her Guardian. This defendant
saving & reserving &c. for answer saith That he believes the
the Complainants bill to be true as far as he knows & that
he hath no objection to the appointment of Commissioners to
carry the same into effect, if to this court it appears equitable
I pray to be dismissed &c.

Priscilla Bess
18th Nov 1782

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William Lundy - - - - - Comp. In
age

Ely Bap midaw of Barges Bap Dep Jch
and Rebecca Bap an infant child

This cause was ~~the~~ day heard on
the bill and answer, on constitution
whereof it is averred and prayed that
James Lundy James Morris Linton
Maran and Bery Plant Sen^r crasing
three of them make sale of twenty acres
of lands conveyed by Barges Bap et al
to secure a debt due J^r Lundy On giving
and of the ~~the~~ ^{ten} days notice to the defendants that
the J^r sale be made for ready money
aguable to the aid of that in the

Sam^r Lundy

William Mayhew