

1828-023 SOUTHAMPTON COUNTY
CHANCERY PAPERS

GILLIAM, WIDOW VS. GILLIAM'S HEIRS

Gilliam's widow.

" 3 Bille. de. chq.
Gilliam's heirs.

1827 May decessed as per receipt
filed

Mama

To the worshipful the County Court of Southampton
sitting in Chancery sitting:

Humly complaining
sheweth to your worship, your Compt. Charlotte
Gillians widow & relict of Henry R. Gillians
decd. That her said Husband departed this life some
time in the year intestate, seized of two plan-
tations, one lying in the County of Super. and one
in the County of Southampton - and leaving your P^{ty}
his widow, and infant children, to wit

that of these first died, after the d^y. Henry,
then & then . so that your

Compt. has become interested in fee in so much of
the said lands, as were devised to each of the two last-
respectively, by descent from ~~them~~ ^{children} who died previously.

That by a special act of the Genl. Assembly of Eng^d
passed at its last session, power & authority are given
to this worshipful Court to receive your Compt. and
to render a decree for the sale of the plantations lying
in this County of Southampton. That the exercise
of the said Power would greatly promote the interests
of all the parties interested. But so it is, may it
please the Court no such sale can be had
without the interposition of this Court. In tender
consideration whereof, and inasmuch as y^r Compt
is remediless at Law - To the end that the said
Mary, who are infants,

by some fit person to protect their interests in this
behalf may be made Defendants hereto & compelled
to answer the allegations hereof, the pray, the Brit
of St^a directed & commanding sh. That your worship

will direct a sale of the said land, on such terms,
as may seem just to your Honors - and a division of
the proceeds in such manner as may seem just.
and grant the such other and good relief as may
comport with Equity & the nature of their cause, and
as in duty bound, they will ever pray &c.

The joint answer of Mary Gilliam,

infant children of Henry R. Gilliam dec'd by Henry Mann
their Guardian ad litem, to the foregoing bill of com-
plaint. These Respondents admit the allegations
thereof, and do not object to the sale & decree
prayed for, & having answered, pray to be hence
dismissed.

Gilliam ^{widow} Plff.
against
Gilliam's orphans by next friends. Defs.

3^d Ch.

This cause was this day docketed by consent of
parties with the absent of the Court, and came on
to be heard on the bill, answer, and exhibit, and
was argued by Counsel. On consideration whereof
the Court doth adjudge, order, and decree, that
Stuart Harris, James Myrick and Benjamin
Mann or any two of them, do after giving public
notice of the time of sale for 30 days, sell to the
highest bidder, on such credits as to them may

appear most advisable, the tract of land with the
appurtenances situate in this County, whereof
Henry R. Gilliam died seized. that they take from
the purchaser bonds with ample personal security
and a deed of Trust on the land, and return
them to this Court. that they make a deed to the
purchaser for the s^d premises - and report to
this Court, how they have ~~executed~~ executed the order
in order to a final decree -

Gilliams

as copy decree

Gilliams orphans

For Commissioners

1828 Aug: Rep: vet^d & final
decree by consent-

Southampton County Court May Term 1827.

Charlotte Gilliam Widow & relict of Henry R Gilliam dec^d Plaintiff
against } In Chancery

Gilliams Orphans by their next friend. Defendants

This cause was this day docketed by consent of parties with the assent of the Court and came on to be heard on the bill and answer and exhibit and was argued by Counsel. On consideration whereof the Court doth adjudge order and decree that Newell Harris, James Myrick and Benjamin Williamson or any two of them do after giving public notice of the time and place of sale for thirty days sell to the highest bidder on such credit as to them may appear most advisable, the tract of land with the appurtenances situate in this County whereof Henry R Gilliam dec^d seized. That they take from the purchaser bonds with ample ^{personal} security and a deed of trust on the land and return them to this Court. That they make a deed to the purchaser for the premises and report to this Court how they have executed this order in order to a final decree. -

Attest Teste James Roschelle c^d

Agreeable to an order of The Worshipfull Court of
Southampton to us directed and herewith annexed we
the undersigned Commissioners have sold the land
therein mentioned containing 267 _____ acres more
or less on a credit of twelve months. And James Cooper
became the purchaser at the price of Four Dollars &
Fifty Cents per acre making the total sum of twelve hundred
& one dollar⁰⁰ for which sum we have taken his bond
on demand the 25th Dec. 1828 which is herewith
transmitted to the Court. We do not deem it necessary
to take a deed in trust as directed by said order as
the estate of Henry R. Gilliam is to take a credit
for that amount with Joseph Harris (to whom it is
indebted) for the benefit of said Cooper - Respectfully
Submitted - Dec. 25/1827

James Myrick
Benjamin Williams Commrs.

1828. Dec. 16.th The bond named in this report
has been delivered to me as attorney for
Mr. Charlotte Williams & her children

J. Mason

Mr. Mason #1
Rec^d. payment
Geo. W. Munford 6882
P. W. D. Blair

Whereas, it is represented to the General Assembly, by Charlotte Gilliam widow and administratrix of Henry R Gilliam deceased, on behalf of herself, and the infant children of the said Henry, that the estate of the said deceased, consists of two valuable plantations with improvements, one in the County of Southampton, and the other in the County of Sussex, together with slaves, and some perishable property; that the principal value of the estate in Southampton consists in the buildings and Orchards, which will be greatly injured, if not destroyed, before the children, who are now of tender years, attain full age; that debts to a large amount exist against the estate, for the payment of which the administratrix will be compelled to sell a large portion of the slaves, and thus be deprived of the means of educating her children, unless the said plantation in Southampton can be sold, which, she is advised, the courts have not power to decree, the said Charlotte having by the deaths of some of the children, become interested in their portions of the estate: And she having, on behalf of her said children and of herself, petitioned that the Court of the said County of Southampton may be authorized to direct a sale of the said plantation, if in their judgment ^{such sale} is calculated to promote the interests of the, said

Said infants. —

Be it enacted by the General Assembly, that the Court of the said County of Southampton, shall be and they are authorized and empowered, upon the application of the said Charlotte Gilliam, if they shall be satisfied that a sale of the aforesaid plantation in that County, would promote the interests of the children of the said Henry R. Gilliam deceased, to direct a sale thereof in such manner and upon such terms as they shall think best calculated to ~~promote~~^{effect} that object: And they shall make such order or orders as shall be necessary for the preservation of the rights of the said infants. And the money arising from the sale of the said property shall be loaned out for the benefit of those interested in said estate according to their several proportions, upon such permanent security as shall be approved of by the said Court, and the interest arising therefrom, shall be annually paid for the use of those entitled as aforesaid, until the said infants shall severally attain the age of twenty one years; at which several periods of time, they shall respectively receive their proper proportions of the said principal fund with any interest which may have accrued, and then remain on hand — and in case of the death of any of the said infants under that age, the portions of those so dying shall descend as real estate and not as personality —

Provided

Provided nevertheless that nothing in this act contained shall be held to affect the rights of any other persons than those aforesaid, or to impair the claim, which any Creditor or Creditors of the said Henry R. Gilliam deceased, may have to the land aforesaid —

Be it further enacted, that the sixteenth section of the act entitled, "an act to reduce into one the several acts concerning Guardians, orphans, Curators, infants masters and apprentices shall be held and construed to extend as well to cases where more than one infant shall be interested in the land sought to be sold, as where any one or more of those interested shall be of full age — Provided that no such sale shall be decreed until all the directions of the above recited act shall have been complied with, and each adult interested shall have been first duly summoned to shew cause if any he can against such sale; and where any such adult shall reside without this Commonwealth the Court shall make an order of publication, which order being inserted in any public Newspaper to be designated by the Court in such order, for eight weeks successively, shall be considered as a summons.

This act shall be in force from its passage

The foregoing is a true copy of an act entitled an act extending the jurisdiction of the Superior Courts of Chancery in certain cases and for other other purposes

George W. Munford, C. H. D.