

1829-041

SOUTHAMPTON COUNTY
CHANCERY PAPERS

SCARBOROUGH val VS.

BATTLE val VS.

6/1829

other surnames: Hott,
Grimes, Nicholson,
Scarboro', Ramsay,
Scarborough

Scalbro 3
as 3 Bill H.
Batter 3

Oct. 4th 1828 Bill fees &
was paid —

1829 June - dismissed

Tax charged

Cost of George's one & 3

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

Humbly complaining shew
unto your worship, your orator & oratrices, Elijah
Scarborough, Joel Holt and Fanny his wife, and
Benjamin Grimes and ~~Priscilla~~ ^{Priscilla} his wife
and ~~John~~ ^{John} ~~Nicholson~~ ^{Nicholson} & Margaret G. his wife, Es. of Boston Scarborough
that in the year 1824, Howell Scarboro departed
this life having first duly made and published
his last will and testament, which was duly
admitted to record by this worshipful Court,
and probate granted to your orator Elijah
Scarborough, as will appear by an attested
copy of the said will, hereto annexed and
prayed to be taken as a part of this bill.
That by one of its provisions, the negro slaves
Lucy, King, Violet, and Cecy with their increase
were loaned to Mary Ramsay, a widowed
daughter of the Testator, & provided she should
die leaving lawful heir of her own body, the
Testator, bequeathed, that the said slaves and
their increase, should return & be equally
divided between, his four children, Elijah
Boston, (who is since dead, and your oratrix, Mar-
garet G. Nicholson, now wife of ~~John~~ ^{John} Nicholson qualifies
as his Exr.) Fanny Holt, and Priscilla Grimes.
Your orator further states, that by virtue
of this bequest, your orator Elijah Scarborough
as Exr. of the Testator's will, delivered up to the
said Mary Ramsay, while she was a widow
summarised the said negro slaves, took

her receipt for them which is herewith also exhibited
and prayed to be taken as a part of this bill.
by which she acknowledged the terms on which
she was to hold the said slaves - That since
that time she has intermarried with one Stuart
Battle - who after treating her in the most cruel
profligate and inhuman manner, has pretended
to convey these negroes with their increase, as also
the negro slaves by name Claiton, Juley, Crecy, & Harry
which were drawn and allotted to the said Mary
Ramsey, as her fifth part of the residue of the negro
slaves, to which your Compts also contend they will
be entitled as heirs of the said Mary, if she shall
survive her, and she die without issue - that
this conveyance is said, & by your Compts
charged to have been made to one Henry
Battle, the brother of the said Stuart, who is
entirely innocent, and who, your Compts charge
is used only as an instrument, by whose aid,
the whole of this property is to be applied to the sole
use of the said Stuart, who your Compts
believe, will then abandon his unhappy wife
in poverty and wretchedness. Your Compts,
expressly charge, upon information which they
rely on, that the said Stuart & Henry Battle
have a scheme on foot, which will be very
soon executed unless restrained by your worship,
to carry the said negro slaves beyond the
limits of this state, and to sell and use them
or their proceeds, as their own property - And
thereby defeat your Compts of their rights as

remaindersmen - They also aver, that the said Mary
has ^{never} yet been delivered of a living child, and then
is but little prospect of her ever having issue -
That these proceedings are contrary to equity &
justice - In tender consideration whereof, and
forasmuch as your Compts are wholly remedied
- up at Law, and only relievable in Equity. To
the end that the said Stuart Battle & Mary
his wife, and Henry Battle may be made
Defendants hereto, and compelled to answer
the allegations heresof, they pray the Common
wealths writ of Sp. directed to commanding
that the said Stuart & wife, may be required
to execute a bond with good security in such
penalty as your worship shall think just to
have the said Negro slaves, with their increase
forthcoming at the death of the said Mary, to
be then divided amongst your Compts, ac-
- cording to their respective rights, and that until
such bond and security shall be executed,
they pray, that the Commonwealths writ of
the exact Republics, may be awarded them,
restraining the said Stuart Battle & wife, and
the said Henry Battle from removing the
said Negroes slaves, from the Commonwealth,
& and grant them such other and general relief
as may be consistent with equity and good
conscience and as in duty bound, they
will ever pray & -
Edward 2000. require in bond

Southampton County To wit:

This day Elejah Seaborn
one of the Plaintiffs in the within Bill in
Chancery, personally appeared before
us, Jos. J. Claiborne and Mr. L. E. Smith
two of the Commonwealth's justices of the peace
in and for the County aforesaid, and
made oath to the truth of the facts set
forth in the said Bill - The clerk of the
County Court of Southampton will award to
the Pltffs the Commonwealth's writ of Re-
pleas ^{in this behalf} upon the execution in his
office, of ~~bond~~ with good security, in the
penalty of \$1000 ^{thousand} Dollars
conditioned as the law directs. - Given
under our hand and seal at our County
afore^d. This 1st day of ^{Oct}~~Sept~~. 1828.

Jos. J. Claiborne. *JP*
William L. Smith. *JP*

Scarboro' W.

N7

Battle W.

Went of

One. Great

Countermanded by the
^{High Scarborough}
self after Henry Battle
was arrested

Stephen Murrault by
of S. Summerville self

of the County Court of Southampton

The Commonwealth of Virginia to the Sheriff of Southampton
County greeting: Whereas it is represented to William S. Ewell &
Joseph T. Bland two justices of the peace for the county of
Southampton on the part of Elijah Seabrough, Joel Holt &
Fanny his wife & Benjamin Sumner & Priscilla his wife & John
Nicholson & Margaret S. his wife Esqs of Britton Seabrough sec^d.
in a suit instituted by them against Lewis Battle & Mary his
wife and Henry Battle Defendants, that the said Lewis & Henry
Battle designs quickly to leave this Commonwealth as by oath
made in their behalf appears which tend to the great prejudice
and damage of the said Elijah Seabrough, Joel Holt & Fanny
his wife & Benjamin Sumner & Priscilla his wife & John Nicholson
& Margaret S. his wife Esqs of Britton Seabrough sec^d. Therefore
in order to prevent this injustice, You are hereby commanded that
you do without delay cause the said Lewis Battle & Henry
Battle to come before you and give sufficient bail or security
in the sum of Two Thousand Dollars that they ^{nor either them} will not go, or
attempt or attempt to go out of the limits of the Commonwealth
or carry or cause to be carried out of the limits of the count.
The negro slaves in the complainants lices mentioned to wit,
Clairborne, Indigo, Greasy, & Harris Lucy, Amy, Violet & Greasy
(with their increase) without the leave of our said court, or perform-
-ing such deed as may be made in the suit aforesaid: And
in case the said Lewis Battle & Henry Battle shall refuse

to give such bail or Security then you are to commit them to
the jail of your county there to be kept in safe custody until
they shall do so of their own accord; and when you have
Taken such Security you are forthwith to make & return a
certificate thereof to the justices of our said county court of South-
ampton distinctly & plainly, under your seal, together with this
writ. Witness James Rochelle clerk of our said county court
of Southampton at his office the 4th day of October 1828.
and 53rd year of the Commonwealth -

James Rochelle Esq.
(S)

I know all men by these presents that we
Elijah Scarborough, and Benjamin Turner are held and
firmly bound, to Asmit Battle, & Henry Battle, in the sum
of ~~Two~~ Thousand Dollars of lawful money of Virginia
to be paid to the said Asmit Battle, & Henry Battle, their certain
attorney, heirs, admors or assigns, for the true payment thereof
We bind ourselves jointly and severally our joint, and several
heirs, heirs & assigns jointly by these presents, sealed with
our seals & dated this 1st day of Feb 1838

The intention of the above obligation is such that
whereas the above bound Elijah Scarborough, hath obtained
from Joseph T. Cloud, & W. L. Everett, two of the Justices
of the peace for the County of Southampton, a writ of
Writ of Habeas Corpus, to prevent the aforesaid Asmit
Battle & Henry Battle, from removing or causing, or
sent out of the limits of the Commonwealth of Virginia
certain property to wit, ~~some~~ negro Lucy, Amy, Violet,
Cree, Claiborn, July Cree, and Harry and their increase
now in possession Asmit Battle, and Henry Battle held by
life right of Mary Battle formerly Mary Ramsey
until the further order of the Court, now if the
said Elijah Scarborough shall stand to abide
and perform the fines & costs, which may
be made in the said case, then the above
obligation is to be void otherwise to remain
in full force and virtue.

Signed sealed & delivered Elijah Scarborough (Read)
in presence of

J. T. Cloud (Read)

Benjamin Turner (Read)

W. L. Everett (Read)

Polly Scarborough
to { Receipt-
Scarborough

December 22nd 1824, Then Ric^d. of Elijah Scarborough Exor. of
Howell Scarborough dec^d. four Negroes namely Claborn, July,
Breezy and Harry, which said Negroes were appraised to ~~eight~~
seven hundred and seventy dollars, which were loaned
to her and given to her issue and their heirs forever;

Witness,

Britain Scarborough

Mary & Barney
mark