

1840-003 SOUTHAMPTON COUNTY
CHANCERY PAPERS

ATKINSON'S EXECUTRIX VS. ATKINSON'S
CHILDREN

1/1840

14 24

Atkinson's Expt.

as 3

Atkinson's Child

Butt and Decan

1840 Jan. - Dec. as filed

Chamber

To the worshipful the county court of
D. accepted in Chancery sitting.

Humly explaining, sheweth
unto your worship, your orator Anne Atkinson. That
some years since, Eliza Atkinson, departed this life
having first made and published his last will and
testament, which has been admitted to Record in the
Clerk's Office of this Court. an authenticated copy
of which is herewith filed and prayed to be taken
as a part of this Bill. That by his will he gave
your orator, ^{now residing as a tenant} a life interest in his lands, with the
power of appointment and disposition, between
his children, Calphurnia S. and Joseph P. Atkinson
infants of the said testator. That among the
debtors is one by the name of Daniel, who is
an evil and vicious, intemperate, unmanageable, and
is now endeavoring to prevent his running off.
That he claims to have some of any share in
to your orator, That the debts, she and her
infant children owe, to the said Anne are consi-
derably his whole value, unless he should be
disposed of by this court.

In these considerations of all which are
in as much as your orator, is without
Remedy in the premises, except through the
interposition of this Court, To the End therefore
your orator, pray your worship, to make
Calphurnia S. and Joseph P. Atkinson
infants of an and your of E. Atkinson, heirs

limits. If sum of and person person. To appear
there. That your name is a case of the said
in your name, and grant such other and
general relief in the premises, as Equity may
decree, as in and by law, she will be paid.
Chambers for D.

As Mr. J. L. Edwards is guardian ad litem, to the
infants to the foregoing Bill.

This application being made for an order of the Court, that on
the representation of the facts stated, he came
notwithstanding the propriety of the action asked for
and having been moved for up to be heard in his own name
with his costs.

Atkinson's Exec^t

Atkinson's Exec^t

In the motion of the Plaintiff. L. R. Edwards is
appointed guardian ad litem to the infant. L. R.
When upon the case, was, this an objection
of course and of parties, and of course of the court
came on to be heard in the Bill, and now, under
the Bill. There was argument by counsel. On consideration
thereof. The court advised on an order of the court
that Anne Atkinson, who is only appointed
a guardian for that purpose. As seen to the highest
liabilities, in a case of Trusts made. After giving
15 days previous public notice of the time and place
of sale, a negro man named Daniel, belonging

to the estate of Elizabeth Atkinson, who? That she took
home with her security of the property. That she retained
the same. That she was a free woman, during her life. And
as she went to the infants, that she was a
report to court in order to a final decree, and
that the S^r Anne Atkinson, who was to this court
to return at her death, the funds there, obtained

So.ampton City to suit.

This day Benjamin Bunker appeared before me
a Justice of the Peace, for the County of Hampshire
and made ^{oath} that he knows the negro man
Daniel belonging to the estate of Elisha Atkinson
and from his statements, he believes that undoubtedly
he is sold, he will be a total loss to the estate.
And he recommended as the price of the persons
interested, that the court sell the said slave.

Given under my hand, this 27. day of January
1840.

L D Nicholson JP

Elisha Atkinson

Will
Atcopy

In The name of God. Amen I make this my last Will and Testament
Item. I leave unto my wife Ann Atkinson my whole estate to dispose of as she please
between my two children Calphurnia Sugars and Joseph Prince and she is also
at liberty to sell my land and purchase others if she chooses. Witness my hand
& seal this 10th day of January in the year of our Lord, 1836
Elisha Atkinson Seal

Teste

Richard Porter

Jno H Barnes

Robert H. Reese

At a Court held for the County of Southampton the 15th day of May 1837
This last will and Testament of Elisha Atkinson dec^d was proved by the oath of Richard Porter
and Jno H Barnes two of the witnesses thereto and ordered to be recorded. And there being no
executor named in said Will on the motion of Ann Atkinson who made oath and together
with David Prince and Richard Porter her securities entered into and acknowledged a bond
in the penalty of Ten thousand dollars conditioned as the Law directs Certificate is granted
her for obtaining letters of administration on the estate of the said Elisha Atkinson
with his said will annexed in due form.

Teste L R Edwards Ck

Attesty

Teste L R Edwards Ck

Owing to the improper Conduct of my Negro
Man Daniel it is my wish that the Court
of Southampton will make a decree that
the said negro may be sold

Ann^{her} X Atkinson
mark

Teste
Jos^s H Prince
January 18th 1840