

1849-018 SOUTHAMPTON COUNTY
CHANCERY PAPERS

BOWERS VS. GRIFFINS & CORBIT
1/1849

other surnames: Corbit

240

Carr Bures } Bures
B } }

Guffins & barrets & os

1849 Nov. Decree as filed
#

To the honorable Justices of the Court of South Hampton County
in chancery sitting; humbly complaining, represents and petitions
to your worship, your Petitioner Carr Bowes; that on the thirteenth day
of July 1841, one Samuel Corbit of the County of said, being
indebted to the said Carr Bowes in the sum of fifty dollars, on demand
on 28 Sept- of the same year, by bond bearing said sum, did
execute his indenture, or deed of trust, to one Benjamin Griffin trustee
bearing date the thirteenth day of July 1841, and of record in the Clerk
office of said County of So. Hampton, a certified copy of which is
here with filed and prayed to be regarded as a part of this file,
whereby was conveyed a certain tract of land belonging to the said Saml. Corbit,
supposed to contain about 37 acres, more or less, and for a more particular
description of which, reference is had to the said deed of trust, by him
the said Saml. Corbit, to the said Griffin trustee, to secure the pay-
ment of the said debt, therein more particularly described, to your orator
and petitioner, the said Carr Bowes, with power and authority to
sell the said land on the terms and conditions and objects specified
in said trust. Your petitioner represents that the said debt (with int.) is
still due and unpaid; that since the execution of said ^{the} trust-deed, that
the said Benjamin Griffin had departed this life; leaving as his heirs at law
Goodwin G. Griffin, Robert, ^{or wife} William, and Irvin Griffin, to whom he is advised
that the legal estate in said tract of land conveyed by said trust has
descended: That the said debtor, Samuel Corbit hath also since died,
after having made & published his last will & testament, by which your
orator is advised that he has devised the same to the said one Johnson
Corbit who thereby may be entitled to hold and use the same. Your
petitioner, that because of the deaths of the said trustee, Benjn. Griffin and
debtor, Saml. Corbit, that some difficulty is interposed to the execution of said,
and that to maintain and enforce the same according to the provisions
thereof, that it is essential that some other trustee be selected: Your petitioner
therefore prays, as he is without remedy save in this Court, that the Court
will grant a decree appointing some competent & fit person to act as trustee,
and as far as he is advised, the said Goodwin Griffin would be acceptable to
him - to act, and if necessary, and according to the terms of said trust, execute
the same: and grant, all other relief which may be meet and fit - in the premises -
as that the said, Robt. Griffin, Irvin & William Griffin, and Johnson Corbit be made parties
to said bill. - & be compelled to answer the same;
Carr Bowes.
By H. Walker

Griffins his } Aucus
Ats.

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The joint and separate Answer of Goodwin, Robert, William
and Irvin Griffin are
to a Bill filed against them & al. by Barr Bowers, of Hampton Co. Va.
Then said respondents saving and reservingth; for answer to so much
of said Bill as they are advised, it is material for them to answer,
say that they believe that it is true as is alleged in said Bill, that
a deed of trust executed as aforesaid set forth in said Bill, was
made by one David Corbit, to one Benjamin Griffin who was the father of
their respondents, and to whom they are heirs at law, that the said
Benjamin has since died; and though they, they have been advised
the legal title descended to his said heirs, yet they have & claim no interest
in the said land; and are willing to do hereby unite in the prayer of said
Bill, that the Court appoint some fit person to act as trustee in the
place of their said father; to enforce and execute the same according
to the terms of said Trust.

Robert Griffin
Wm H Griffin
Irvin Griffin

and

Johnson borbili 3 anene

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The answer of Johnson Corbit, to a Bill filed V. Lin & al. By Carr Brown
Southampton County. Court - Nov. 1849.

This respondent - for answer to so much of said Bill as he is advised it is
material for him to answer; says that it is true as is alleged in said Bill that
his said father ~~the said~~ said David Corbit, died on the thirteenth day of July 1841
did execute a Deed of Trust, conveying a tract of land in said said & Bill
Bills mentioned, to the said Benj: Griffin, to secure the payment of the said
Debt therein described to the said Carr Brown; and that as far as he is advised
the said Debt is still due; and that the trustee therein selected has since died;
and for the execution of said trust, according to the terms thereof, he has no objec-
- tion to the decree, or order of Court prayed for, to the appointing a trustee
(^{in some manner, way, or person,} Goodwin Griffin, can be appointed by the Court - or) - in the place of the
Deceased Benjamin Griffin; on whom shall devolve the same duties & re-
- sponsibilities; and he is also advised that he is the devisee as is alleged in said
Bill, of the said Land; and therefore entitled, on the enforcement of said
Deed, to receive whatever balance may be due after the payment of said Debt, interest,
and costs of the execution of said trust - & having availed himself hereof.

Witness
My hand & seal
at New York

Johnson ^{his} Corbit signed
mark

Bower: } scene in the : On motion,
 Corbett ^{vs} do } This cause ~~was~~ on this day was this day submitted by
 counsel of parties; and came on to be heard on the facts & issues, ~~and~~
 : and was argued by counsel, in consideration whereof, the court, do the
 order, ~~at~~ ~~the~~ and decree that,

Bower: }
 Corbett }
 vs }
 do }

1829 November

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^{M.}
Permitted also.

On motion this cause was this day docketed
by consent of parties, and assigned by ~~the~~ court to be heard
on the 11th of August, &c. and was argued by counsel: And it
appearing to the satisfaction of the court, that Benjamin Griffin
the trustee mentioned in the said deed of trust referred to in said Bill
&c., has departed this life; and that ^{there} is none therein mentioned
who can legally & properly execute said trust; it is therefore ordered
that Goodwin Griffin, and Leedlow Lawrence, &c. & they are
hereby appointed trustees in the place of said Benjamin Griffin
to execute the same, on these terms and according to the
requirements of ~~the~~ deed, as fully as if they had been originally
selected by the parties to the said trust; and the court further
directed & empowers ^{either} of the said appointed trustees in
the event of the death of the other to act in the premises, as
completely & fully as if said survivor only was hereby appointed;
and they or each of them is in the contingency aforesaid, empowered
to execute proper deed to the purchaser, and do all other acts
in the performance of said trust, which the said Benjamin
Griffin himself could of right have performed. ~~on~~
Report &c.