

1850-033

SOUTHAMPTON COUNTY
CHANCERY PAPERS

SPIVEY

vs.

GRIFFIN et al

2/1850

Spivey
 is 3 bills answered & done
 Griffin is also

1850 Feby. Dece as filed.

To the worshipful county court of Southampton in
chancery sitting

Humbly complaining your com-
plainant George W. Spivy sheweth unto your worships
That in the year 1848 Jesse Spivy executed a deed of
Trust to Godwin G. Griffin as Trustee for the benefit of
your complainant (to whom he was and is still
indebted) of record in the clerk's office of this county
conveying a certain tract of land lying in Southampton
County and some personal property such as furniture
clothes and sheep for the purpose of securing your
complainant the payment of the liabilities therein
mentioned. He further sheweth That the said Godwin
Griffin by virtue of the power given him in the
said deed proceeded to sell the same mentioned
in said deed of which your complainant became
the purchaser at public auction, That sometime
in the year 1849 the said Godwin G. Griffin
departed this life without having executed a deed
for the said land and without having carried
out all the trusts or executed all the powers vested
in him by the said deed of Trust and which is
necessary to be done to the benefit of your orator
and that by the death of the said Trustee it is
necessary that another should be appointed to
execute the trusts for which the said deed was
made, That Godwin G. Griffin the Trustee aforesaid
at his death left Caroline et. al. M. F. Griffin his
wife and Wm. J. Griffin his child his heirs and
assigns at law, and that by his death the legal
estate in the land conveyed by Jesse Spivy to Godwin
G. Griffin dec'd vests in Caroline his wife and Wm. J. Griffin
his son

For tender consideration whereof and inasmuch

as your complainant is without remedy at law and only
entitled to relief in a court of equity where such matters
are peculiarly cognizable he therefore humbly prays that
your worship would make Caroline et. al. F. Griffin widow
of Goodwin Griffin and Wm. T. Griffin an infant or
tender years by some person his guardian ad litem
appointed for that purpose parties defendant to
this bill and compel them as full and perfect answer
to the allegations herein set forth as if they had been
themselves more fully and specially interrogated and that
your worship would by a decree of this worshipful
court appoint some fit and proper person to act as
trustee to the deed of trust executed by Jesse Spivey
to Goodwin & Griffin as trustee for the benefit of
your orator in the place of the said Goodwin &
Griffin deceased with full power to do all acts and
deeds as fully and effectually as the said Griffin
could were he alive, and that your worship
would grant such other and general relief the
premises considered as equity may dictate and the
nature of his case may require and as in duty
bound your complainant will ever pray &c

Shawano

The joint answer of Caroline A. M. F. Griffin and
Wm. T. Griffin an infant by G. B. Edwards his guardian
ad litem to the bill exhibited by George W. Spivey
against them

These defendants for answer to the said
bill or as much thereof as they are advised it is
material for them to answer answering say that
Caroline Griffin has no objection to the prayer of the
plaintiffs and that G. B. Edwards guardian ad
litem of Wm. T. Griffin knows nothing of the facts
set forth in the plaintiff but places the interest

of this case under the care of this court whose
peculiar duty it is to protect the interests of minors
and having answered they pray hence to be dismissed
with their costs

George W. Spivey
vs. by Decree
Griffin and als

This day this cause came on
by consent of parties to be heard on bill and answer
and was argued by counsel on consideration whereof
the court doth signify order and decree, that
Caroline, A. M. F. Griffin be appointed and is hereby
appointed trustee to a certain deed of trust executed
by Jesse Spivey to Goodwin & Griffin trustee for
the benefit of George W. Spivey and of heirs in
the clerk's office of the county of Southampton
in place of Goodwin & Griffin deceased with
power to do all acts to execute all deeds necessary
for carrying out the trusts required by the said
deed of trust