

1852-016

SOUTHAMPTON COUNTY
CHANCERY PAPERS

CRUMP, Pal

VS. WILLIAMSON'S EXECUTORS

12/1852

other surnames: Urquhart, Prince,
Clau d

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by - and -

Bill, Anna & Deem

To the worshipping county court of Southampton in chancery
sitting

Humly complaining your complainants Elizabeth
I Comr. a married woman and Mary A. Martha W. and
Walter W Comr. infants the wife and children of John I
Comr. who are by Thomas St Urquhart their next friend
shew unto your worships that Benjamin Williamson
of this county in the year ¹⁸³⁷ departed this life having
first duly made his last will and Testament and leaving
considerable estate both real and personal, that by his
will he gave and devised to his executors upon trust for
the only proper use of your complainants the following
negroes to wit Stephen, Edmund, Jim, Alfred, Leazar,
Ann, and Dick to be managed by the said executors as
they might think best for the interest of your complainants
and at the death of the said Elizabeth Comr. the
property to go to the children or the survivors of them
to them and their heirs forever

Your complainants further shew unto your
worships that soon after the death of Benjn Wmson
a controversy arose between John I Comr. and the
executors of the said Williamson both as to the title to
the above mentioned slaves and other property not herein
named, that suits were instituted by John I Comr.
as Williamsons exors and by Williamsons executors as
Comr. for the aforesaid slaves and others, that at
the November Term 1837 a certain agreement in writing
settling all matters in controversy between the parties in ^{these} suits
was produced and ordered to be entered of record that
among other things it was agreed that Joseph St Pomeroy
and Edwin B. Glaua executors of Benjamin Williamson
should receive from John I Comr. and hold the slaves
Jim, Edward, Leazar, Ann, Alfred and Dick to be held

for the benefit of your complainants according to the provisions of Benjamin Williamsons will above cited. It was also further agreed between the parties that the county court of Southampton might by decree remove the executors as trustees for your complainants under the will of Benjamin Williamson and appoint another trustee in their stead, all of which will soon fully appear by a certified copy of the said agreement from the record herewith filed Marked A and prayed to be taken as a part of this record. Your complainants further shew that John I Cornish is their husband and father and that they believe no one has their interest more at heart than he that interest, policy and affection all would prompt him to take a keener interest in their welfare and to manage their property with more care and profit than those who are strangers to them in blood and interest.

For tender consideration whereof and inasmuch as your complainants are without remedy at law and only entitled to relief in equity where such matters are judicially cognizable they therefore humbly pray that your worship would make Joseph H Prince and Edwin B. Clance trustees parties defendants to this bill and compel them as full and perfect answer make to the allegations therein contained as if they had been themselves more fully and specially interrogated and that your worship would appoint John I Cornish trustee for your complainants in the place of Jos H Prince and Edwin B. Clance and that the court would grant such other and general relief the premises considered as equity may dictate and the nature of their case may require and as in duty bound your complainants will ever pray we.

Sheweth J. G.

The answer of Joseph H Prince and Edwin B. Clance to a bill in chancery in the county court of Southampton by Elizabeth Cornish & als who sue by next friend as their

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 they have no objection to the prayer of the bill ~~xxx~~ that they are anxious that the court should appoint some other trustee and having fully answered pray hence to be dismissed with their costs &c.

Cornish by us
as } Deane
Prince & Clance

By consent of parties this cause came on this day to be heard on the bill answer and exhibits filed and was argued by counsel on consideration whereof the court doth advise order and decree that John I Cornish be appointed trustee in place of Joseph H Prince and Edwin B. Clance who are hereby removed and that the said John I Cornish is to take possession of the slaves Jim Caloosa, Ceasar, Ann, Alfred and Dick and hold them in trust for the benefit of his wife Elizabeth Cornish and her children according to the provisions of the will of Benjamin Williamson Dec.

Williamson's Cove

~ { Co. agreement

Group

In Southampton County Court at Newmarket 10th Decr 1851
 vs. H. Prince & B. W. Blund exors. of Bnjamin Williamson dec^d vs. J. J. Crump
 against them in damages and costs at Newmarket 10th Decr 1851
 John J. Crump
 John J. Crump
 against them in damages and costs at Newmarket 10th Decr 1851
 E. D. Blund & J. J. Crump Executors of Bnjamin Williamson dec^d vs. J. J. Crump
 against them in damages and costs at Newmarket 10th Decr 1851

This day the parties by their attorneys and the jury sworn to try the issue in the first named case appeared in court admitting to their agreement and by consent of the parties with the report of the Court. J. J. Blund one of the jurors aforesaid was withdrawn and the rest of the jury from rendering their verdict discharged and by their consent a certain agreement in writing settling all matters in controversy between the parties in these suits was produced and ordered to be entered of record. and the same is as follows - "The parties in these suits agree that the plaintiffs in the first named suit and the defendants in the second named suit shall recover and hold the slaves Jim, Edward, Caesar, Ann, Alfred, and Dick in the declaration mentioned to be held for the benefit of Mrs. Elizabeth Crump and her children according to the provisions of the will of Benjamin Williamson dec^d and it being admitted that the hires of the slaves in the possession of J. J. Crump have been appropriated to the support and maintenance of the said Elizabeth Crump and her children no recovery is had by the Exors for such hires. nor are the Exors liable for the hires of the slave Dick who has been in their possession, he being a small boy and has brought no hires. And the parties further agree that the slaves Sucky and her children Moses, Bet. and Susannah in the first named suit and Janny in the second suit mentioned shall be sold, and the proceeds equally divided between the Exors of Benjamin Williamson and J. J. Crump the one half of the sales of Janny to be received by the said Exors to be paid by them to Ann Joy specific legatee under the will of said Benjamin Williamson dec^d and that the said slaves shall be sold by the Executors for cash and the proceeds divided as aforesaid. and that each party shall pay his own costs in both suits. And the parties further agree that the County Court of Southampton County may by decree remove the Executors as trustees for Elizabeth Crump and her children under the will of Benjamin Williamson dec^d and appoint

another trustee in their third according to law. And upon request of both parties the Judge of this Court doth certify that having heard the evidence and the question twice argued, he considers the above agreement and compromise between the parties just and prudent.

J. B. Mason }
 H. J. Goodwyn }
 The S. Adams }
 C. R. Schmitt }
 J. B. Mason }
 H. J. Goodwyn }
 The S. Adams }
 C. R. Schmitt }

And in pursuance of the above stipulated terms, it is ordered by the Court that the suits be dismissed and that each party pay his own costs in both suits.

Teste J. R. Edwards C. J.

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