1856-033 SOUTHAMPTON COUNTY CHANCERY PAPERS

GRIZZARD and Wife vs. HARRIS & al

4/1856

N B. Sheets pasted together + folded.

Grizzard vs wife

& } Bill answer and
} decree

Harris guardian

1855 Dec. Decree as filed &c

1856 Ap. Decree as filed &c

To the worshipful County Court of Southampton County in Chancery sitting

Humbly complaining your complainants William H. Gizzard and Martha A. his wife who before her marriage was Harris shew unto your worships, That in the year 1852 Lewis Harris of the county of Southampton departed this life having first duly made his last will and testament (a copy of which is herewith filed marked exhibit A and prayed to be taken as a part of this bill) That by his said will he left his wife Sarah A. Harris, and his children Martha A. now married to Wm H. Gizzard Elvira F. George W, and Lewis C Harris his devisees and legatees, That the widow Sarah A. Harris accepts the provision made for her by her husband's will and the same has been alloted to her, That the said Lewis Harris after providing for his widow directed the rest of his estate to be kept together for the education and maintenance of his children and that the share of each was to be taken out and allotted to him or her as they came of age or married, Your complainants further shew that Martha A. Harris has intermarried with Wm H. Gizzard and That it now becomes necessary that her share should be alloted to them, and that the rest of the children are still under age, They further shew that there are only three negros bequeathed to them all under the age to wit George, Davy and Alexander and that a division in kind is impossible and that a sale is necessary in order to a division among them

In Tender consideration whereof and inasmuch as your complainants are without relief except in a court of equity where such matters are peculiarly cognizable They Therefore humbly pray, That Elvira F. George W, and Lewis C Harris who are infants of tender years by some fit and proper person their guardian ad litem appointed for that purpose may

be made parties defendant to this bill and compelled them as
fully and perfect answers make to the allegations herein
contained as if they had been thereto more fully and specially
interrogated, and that this honorable court would decree a
sale of the slaves aforenamed on such terms as to them
may seem best and divide the proceeds of the same
according to the rights of the parties and that the court
would grant such other and general relief the premises
considered as equity may dictate and the nature of this
case may require and as in duty bound your complainants
will ever pray &c

Shands p.q.

The answer of Elmira E. George H. and Lewis C Harris infants
by Gilbert C Edwards their guardian ad litem to the above
bill

This defendant for answer to the said bill or as
much thereof as he is advised it is material for him to
answer answering says, that he knows not any of the
allegations contained in the plaintiffs bill but submits
the interests of his wards to the care of this court whose
peculiar duty it is to protect infants and having fully
answered prays hence to be dismissed with his costs &c

Shands for deft

Gizzard and wife
vs
Harris' guardian

This day this cause by consent of parties
came on to be heard on the bill, answer and exhibit files
and was argued by counsel on the hearing whereof the
court doth adjudge, order and decree, that Thomas M Newsome
and Wm M Gizzard who are hereby appointed special commissioners
for that purpose shall after having given due notice of the
time and place of sale by public advertisement at the
public places in this county sell at public auction to
the highest bidder the slaves, George, Davy and Alexander
belonging to the children of Lewis Harris dec'd on the
following terms to wit, sufficient cash to defray expenses
of the sale and the costs of this suit and the balance
of the purchase money on a credit of six months taking
from the purchasers bonds with approved security carrying
interest from date, and the said commissioners on
directing after collecting the same to allot one fourth
part thereof to William M Gizzard and Martha A his
wife and to hold the residue subject to the order of this
court and the said commissioners are further directed
to report their proceeding to court in order to a further decree
But the commissioners above named shall not proceed
to act under this decree until they or some one for
them shall have executed a bond before the clerk of this
court in the penalty of $3000 conditioned as the law directs

Grigsby to wife
to 3 Deeds
Evans to als

1856 April Court

Grigsby v wife

vs 3 Decm

Harris v als

This day this cause came on again to be heard on the papers formerly read and the report of the commissioner Thomas M Newsome and Wm H Grigsby and to which no exceptions have been filed and was argued by counsel on the consideration the court confirming the said report doth adjudge order and decree that the commissioner aforesaid pay over the bonds in their hands to Thomas M Newsome guardian for Elmira E, George W, and Lewis C Harris the infants mentioned in the decree

Graggard Quiet

v. } Copy Decree

Harris

1836. Apl: 21st.

Southampton County Court. December the 17th 1855.

William H Grizzard & Martha A his wife who before her marriage was Harris. Pffs

against

Cherrie J Harris, George W. & Lewis C. Harris infants by Littleton R Edwards their guardian ad litem Defts. } In Chancery

This day this cause by consent of parties came on to be heard on the bill, answer and exhibit filed and was argued by Counsel, on the hearing whereof the Court doth adjudge, order and decree, that Thomas M Newsom and Wm H Grizzard who are hereby appointed Special Commissioners for that purpose shall after having given due notice of the time and place of sale by public advertisement at the public places in this County, sell at public auction to the highest bidder the Slaves George Davy, and Alexander belonging to the children of Lewis Harris dec'd on the following terms to wit. Sufficient cash to defray expenses of the Sale and the costs of this suit and the balance of the purchase money on a credit of six months taking from the purchaser bonds with approved Security carrying interest from date. and the said Commissioners are directed after collecting the same to allot one fourth part thereof to William H. Grizzard and Martha his wife and to hold the residue subject to the order of this Court - and the said Commissioners are further directed to report their proceedings to Court in order to a further decree.

But the Commissioners above named shall not proceed to act under this decree until they or some one for them shall have executed a bond before the Clerk of this Court in the penalty of $3.000 conditioned as the law directs -

Clks Costs $4.10

A Copy

Teste. L R Edwards Clk

In obedience to the above Order, we the undersigned proceeded to sell at public auction on the 7th day of January 1856, in Hicksford the following Slaves Ellie, George & Davy as below Stated Viz;

Ellie	to	Newett Harris	$ 1277.00
George	"	John A. Persons	1272.00
Davy	"	Edmond C. Baily	1080.00
			3629.00

Expenses

Commissions	$81.58	
paid Clerk Southampton	4.10	
" Wm B. Shands	10.00	
" R. H. Hammons Auctioneer	3.00	
" for Advertizing in S. Side Democrat	1.25	99.83
		$3529.17
1/4 of which we paid to Wm H Grizzard in right of his wife Jemally Harris		882.29
		$2646.88

This amt. of $2646.88 is in our hands subject to the further direction of the Court.

Respectfully Submitted

April 21st 1856

Thos. M. Newsom (Comrs.)
Wm H. Grizzard

Grizzard Lewis

vs } Exhibit

Harris & Co

In the name of God, Amen. I Lewis Harris of the County of Southampton and State of Virginia being of a sound and perfect mind and memory do make and ordain this my last Will and Testament in manner and form following. to wit.

Item 1st. I desire all my just debts and funeral expences paid.

Item 2nd. I give my wife Sarah E Harris seven hundred dollars in cash. I also loan her during her life or widowhood the plantation whereon I live but in event that she should marry, then in that case, she have allotted to her one third part of said land in valuation as though I were to die intestate, and the other two thirds to be rented out yearly for the benefit of all my children, namely Martha Ann Harris. Cherrie T Harris, George W Harris and Lewis C Harris to be equally divided between them all - I also loan to my wife Sarah E Harris the following Slaves, Simon Edmund Wilson woman Silvy and girl Priscilla during her life, and at her death then the said Slaves and their increase if any to be valued, and equally divided between all my above named children -

Item 3rd. It is my desire that at the death of my wife, the plantation which I have loaned to her be Sold on a credit of twelve months and the money arising therefrom to be divided in the following manner Viz. Martha A Harris to receive three hundred dollars less than my two youngest children George and Lewis. Cherrie T Harris to receive three hundred dollars less, and the balance to be equally divided between George W Harris and Lewis C. Harris, my two daughters having the advantage in board and tuition.

Item 4th. It is my desire that all my personal estate except my Slaves be sold on a credit of nine months, and the money arising from such Sale, and all the moneys due me from all other sources, shall by my executor be kept at interest on good Security, the Seven hundred given to my wife; my debts and funeral expences being first paid, the balance to be equally divided among my children Martha Ann Harris, Cherrie T Harris, George W Harris and Lewis C Harris to be paid to them as they marry or arrive to lawful age, my children to be well clothed and educated -

Item 5th. I also desire that my executor hire out yearly the balance of my Slaves and their increase which is not loaned to my wife for the benefit of all my children above named, to be equally divided between them all as they marry or arrive to lawful age, the slaves to be equally divided also as above directed between my children.

Item 6th. If either of my children should die before they arrive to lawful age or marrys and has Lawful issue, then in that case the part which I have given to that Shall be equally divided between my surviving children -

Item 7th If all my said children should die without lawful issue and under the age of twenty one years. then I give the property herein given to all them, to the children of brother James Harris.

Item 8th I nominate, constitute and appoint brother James Harris executor to this my last will and testament hereby revoking all other wills heretofore made by me.

In Witness where of I have hereunto set my hand and affixed my seal this 25th day of March in the year of our Lord one thousand eight hundred and fifty two.

Signed, sealed, published and acknowledged as my last Will and testament in the presence of the witnesses.

Lewis Harris (Seal)

David Prince
Henry Grizzard
Wm Grizzard

At a Court held for the County of Southampton the 25th day of December 1852

This last Will and Testament of Lewis Harris dec'd was this day proved by the oaths of David Prince & Henry Grizzard two of the Subscribing witnesses thereto and ordered to be recorded. And on the motion of James Harris the executor therein named who made oath and gave bond and security according to law, in the penalty of twenty five thousand dollars certificate is granted him for obtaining a probat of the said will in due form

Teste

L R Edwards clk

A Copy

Teste L R Edwards clk

KNOW ALL MEN BY THESE PRESENTS, That we Thomas M Newsom Wm H Grizzard, David Prince & Wm Francis

are held and firmly bound unto the Commonwealth of Virginia, in the just and full sum of three thousand Dollars, for the payment of which, well and truly to be made, we bind ourselves, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated this 17th day of December, 1855

The Condition of the above Obligation is such, That whereas the above bound Thomas M Newsom & Wm H. Grizzard have

~~has~~ by a Decree of the County Court of Southampton pronounced on the 17th day of December 1855, in a cause therein pending wherein Grizzard & Wife are Plaintiffs and Harris's Defendants, been appointed Commissioners to make sale of certain Harris ~~Estate~~ in the said cause described.—Now if the said Newsom & Grizzard shall faithfully discharge their duties as such Commissioners under said decree, then this obligation to be void, else to remain in full force and virtue.

Signed, Sealed, and delivered in presence of

Thos. M. Newsom L.S.

Wm. S. Francis

David Prince L.S.

Wm H Grizzard L.S.

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