

1863-006 SOUTHAMPTON COUNTY
CHANCERY PAPERS

GRIZZARD VS. GRIZZARD + al
12/1863

other surnames: Richardson

Griggard

~ } Bill 1^o
 ~ }

Griggards ad 1^o

1862 Dec. Decree as filed

1863. Jan. Decree amended

" Apr. Report allotting donors.

" Aug. Decree amended.

" Dec. Report & Decree to Exe-
cute deed.

To the worshipful County Court of South-
ampton In Chancery

Humbly complaining sheweth unto
your worshipps your complainant Franklin
Briggard an infant of tender years by John
Chamberliffe his next friend that at that
time since his father William Briggard died
after making his last will & testament which
was duly admitted to probate of the 1st Term
1862 of the County Court of Southampton a
copy of which is herewith filed marked (A)
and prayed to be taken as a part of this
bill, and that Martin W Briggard his widow
qualified as administratrix with the will
annexed - That his father died seized of
considerable real estate and shares which
are not required for the payment of debts
and that he left his widow as executrix
and the following children his heirs
and distributees to wit, William J Briggard
Nose B Briggard Virginia Briggard who is
married with Mary Ann

~~Briggard~~

Briggard and your complainant all
in fact except the said Virginia that
the said widow has received the provision
made for her by the said will and has elected
to take such part of the estate as she is

entitled to as law, and that it would be to
the advantage of all parties that the dower
in the real estate & the part of the slaves
should be at once allotted to her and
the balance of said property divided
among those entitled. In known con-
sideration of all which and in as much
as your complainant is without remedy
in the premises except in a Court of
Equity to the end therefore that justice
may be done he prays that Martha W
Siggard in her own right & as the adminis-
tratrix as aforesaid, William T S, Rosa B, &
Mary Ann Siggard Richardson &
Virginia his wife may be made Depts to
this bill and answer the allegations
thereof, that some fit & proper person may
be appointed guardian as before to the in-
fant defendants and that one third in
value of the said land & slaves may be allotted
to the said widow to be held during her
life

The answer of Martha W Siggard in her own
right & as administratrix of William Siggard
Richardson & Virginia his wife
to the above bill of complaint is:-

These Depts saving & reserving as for an-
swer to the said bill say that they have
no objections to granting the prayer of the
bill and pray hence to be dismissed &c

C 2 Jm for Depts

The answer of the infant Depts William
T S, Rosa B and Mary Ann Siggard by L N
Edwards their guardian as before to the above
bill of complaint

These Depts saving & reserving as for an-
swer to the said bill say that they have
no objections to granting the prayer of
the bill & pray hence to be dismissed &c

C 2 Jm for Depts

Siggard
do
Siggard

This day this cause came on to be heard
on the bill & answer by consent and was
argued by counsel on considerations whereby
the court doth adjudge order and decree that
Jos E Pellets Nott Howard Wm Price Wm H
Bennet and Oliver M L Ykes who are hereby

appointed special commissioners for that
purpose with authority for any three of them
to act provided to allow to the widow Martha
W. Gizzard one third part in value of all
the real estate & stores of which William
Gizzard died seized and that they also allow
to John Richardson in right of his wife
Virginia and to Rosa B. Gizzard one fifth
each of the remainder of said real estate
and stores

1861 Dec 6th

11370

Franklin Grizzard &c

Martha Grizzard &c

This day this Cause came on again
to be heard, on the papers formerly
read & on the report of Commissioner
Mangrum made pursuant to
the Decree of August Term, 1863
and was argued by Counsel: on
Consideration whereof, the Court
doth adjudge, order and decree
that Commissioner Mangrum
do execute a Deed for the Land in
the proceedings mentioned with
Special Warranty to Wm Prince
and report to Court, in order to
a final decree.

Griggard

to J. Duro

Griggard p

1863 January

Grigg

is

Scam

Grigg 20

This day this cause came on again to be heard on the papers formerly read and was argued by counsel on considerations whereby the Court (being satisfied that the real estate of which William Grigg died seized is worth up there \$300 to the share) doth as by order of the Court that James H. Mangum who is hereby appointed a special commissioner for that purpose proceed after giving due notice to sell the said real estate at public auction on a credit of one and two years taking bonds with good security and that he pay over the said bonds in equal parts one fifth to John R. Richardson in right of his wife Virginia H. one fifth to Rosa Grigg and that he retain the other three fifths to this Court for the benefit of the other infant defendants. And this decree shall be suspended until the said J. H. Mangum execute bond with security in the clerk's office of this Court in the sum of \$1000 conditioned faithfully to perform the duties herein assigned him.

Grizzard

is } Co. Dene

Grizzards adms

Southampton County Court. December Term 1862.

Franklin Grizzard and infant of tender years being by Jno R Chambliss his next friend

Beff

Jr Chancery

against
Martha W Grizzard in her own right and as administratrix of
William Grizzard Richardson & Virginia his wife William
J. D. Rosa B. & Mary Ann Grizzard by L R Edwards their
Guardian ad litem

Defts.

This day the cause came on to be heard on the bill and answer by consent and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that Jas. E Peters, Robert Rowland, Wm Price, Wm Drowry and Oliver M Sykes who are hereby appointed Special Commissioners for that purpose with authority for any three of them to act, proceed to allot to the widow Martha W Grizzard one third part in value of all the real estate & Slaves of which William Grizzard died seized. and that they also allot to John Richardson in right of his wife Virginia and to Rosa B Grizzard one fifth each of the remainder of said real estate and Slaves

A copy

Teste

L R Edwards Clk

Griggard

to } Co. Decree

Griggard.

1863 Aug. Decree amended

Southampton January Court 1863.
Franklin Grizzard an infant &
against

Martha W Grizzard &c.

Plff { In Chancery
Df.

This day this cause came on again to be heard on the papers formerly read and was argued by Counsel On consideration whereof the Court (being satisfied that the real estate of ^{which} William Grizzard died Seized, is worth less than \$300- to the share) doth adjudge order and decree that James H Mangum, who is hereby appointed a Special Commissioner for that purpose, proceed after giving due notice to sell the said real estate at public auction on a credit of one and two years taking bonds with good security, and that he pay one the said bonds in equal parts one fifth to Inc R Richardson in right of his wife Virginia H. one fifth to Rosa Grizzard and that he return the other three fifths to this Court for the benefit of three infant defendants -

But this decree shall be suspended until the said Jas H Mangum execute bond with security in the Clerks Office of this Court in the penalty of \$1,000 conditioned faithfully to perform the duties herein assigned him

At Copy

Teste

Grizzard &
Grizzard &

Declar August Term 1863 J R Edwards Clk

This day this cause came on again to be heard on the papers formerly read and was argued by Counsel On consideration whereof the Court doth adjudge order & decree that the order made in this cause at the January Term 1863 be amended so as to direct the Commissioner to sell the said land for cash and to pay to the several parties their respective shares and that he invest the moneys of the infant parties in interest bearing state or consolidated stock and make report to Court

Grizzard

v. J. Co. Deane

Grizzard

Southampton August Court 1863.

Franklin Grizzard &

against

Martha W Grizzard &

plffs

def.

In Chancery

This day this cause came on again to be heard on the papers formerly read and was argued by Counsel. On consideration whereof the Court doth adjudge, order & decree that the order made in this cause at the January Term 1863 be amended so as to direct the Commissioner to sell the said land for cash and to pay to the adult parties their respective shares and that he invest the shares of the infant parties in interest bearing State or Confederate Stock and make report to Court

A Copy

Teste

Chas Cook \$ 7.50

LR Edwards Clk.

1863 April 6th

In Obediance to the above decree we James
E Peters, Robert Rowland, William Prince and
Oliver M Sykes Commissioners accompanied by
Thomas B Warrell Surveyor proceeded to allot to
the widow of William Grizzard down in the land
of her deceased husband as directed, we allotted to
the widow 267 Acres including the buildings as
follows beginning at a point in the road east of
the gate thence N $16\frac{3}{4}$ E $33\frac{1}{2}$ poles, first to a cedar not
far from the road, thence to a sprout gum in a branch
north of the orchard thence a strait line to a post
oak in Joseph A Drevor's line. thence by a Drevor's
line to the three creeks up said creek to the lands
of the heirs of Joel Harris, thence on Harris line to
the road, thence to the beginning, which we consider
 $\frac{1}{3}$ of the value of all real Estate of which William Griz-
zard died seised.

Respectfully Submitted

James E. Peters

Wm Prince

Robt Rowland

Oliver M Sykes

Commissioners

In obedience to the above decree I
 did after advertising as directed I
 did sell at public auction on the
 premises on the 26th day of August 1863
 when ^{the farm mentioned in said decree} William Prince became the
 purchaser at twenty four hundred
 dollars (\$2400) \$2400.00

Comm. Commission

On \$300. at 5% cent 15.00

" 2100 " 2 " " 42.00

Deer 20.00

auctioneer 20.00

clerk's fee 7.50

Divide by

Each legatee share thereunto 10450
\$2295.50

And have paid over to Mrs R Richard
 one in right of his wife Clementine one
 fifth 1459.10
over

And to A Herzog one fifth in
right of his wife Rosa and have
obtained three fifths in my hands
for the three youngest children waiting
the future ^{order} of the court all of
which is most respectfully submitted
Jas H Mangum Clerk

1863 Decemb 21st

Come.

S. E. P. L. in

R. H. Rowland.

W. P. Prince

W. H. Denny

Oliver H. Lytle

Joseph H. Lytle

W. H. Denny

W. H. Denny

W. H. Denny

W. H. Denny

W. H. Denny

I William Giggard of the county of Northampton in the State of Virginia, do make this my last will testament in the manner following to Wit:

1st I wish my wife to keep my estate together for the purpose of raising & educating my children, she to manage it in such way as she thinks best for the interest of our children, in the event of her managing again, then I wish her to have only one third part of my estate, in addition to my woman Louisa & her future increase, the said woman & increase not to be estimated, allowing her her thirds.

3rd I wish the sum of Eight hundred dollars expended in the education of my son Franklin.

4th I wish the sum of Twelve hundred dollars to be expended in educating my son William J. Giggard

5th I give to my daughter Virginia H. Richardson the sum of five hundred dollars, the said sum to be paid her either at the death or marriage of my wife.

6th I give to my daughter Rosa B. the sum of four hundred dollars, to be paid at the same time mentioned in the preceding clause.

7th To my daughter Mary Ann four hundred dollars, to be paid at the time in Item the 6th.

8th I wish my Executor herein after named to sell the tract of land I own in the County of Sussex to the best advantage either publicly or privately, He devote the proceeds of sale to the purchase of tract of land of which I purchased of the estate of Joel Harris.

At the death of my wife I wish the whole of my property to be equally divided between my children, the legacies to my children, given in this will, to be first paid.

Lastly, I nominate S. W. Mason Executor to this my last Will, with the request that he will act.

In witness of all which, I hereunto set my hand & seal this 27th day of June eighteen hundred & fifty.

Witness,
Saml. Grogg
John W. Giggard

William Giggard (Seal)

At a court held for the County of Southampton on the 13th day of September,
1865.

This last will & testament of William Giggard, dec^d, was proved by the oath of John W. Giggard one of the subscribing witnesses thereof. Saml. Drew the other subscribing witness thereof being dead, the said John W. Giggard testified to that the said Saml. Drew signed the said Will as a witness in his presence & in the presence of the testator, & at his request, that he is well acquainted with the hand writing of the said Saml. Drew & truly believes that the name of the said Saml. Drew truly subscribed, is in the proper hand writing of the said Saml. Drew, whereupon the said will is ordered to be read. And S. W. Mason, the Executor therein named, having refused to take upon himself the burden of the execution thereof, on the motion of Martha W. Giggard who made oath together with John Richardson & William J. Harris her securities (who justified on oath as to their sufficiency) entered into & acknowledged a bond in the penalty of thirty thousand dollars, conditioned according to law, certificate is granted her for obtaining a probate of the said will in due form.

Attest

Teste

JR Edwards Clk

Know all Men by these Presents, That We *James H Mangum*
& *R. F. Dillard*

are held firmly bound unto the Commonwealth of Virginia, in the just and full sum of

One thousand

Dollars, current money of Virginia, to the payment

whereof well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this *20* day of

April

A. D., 18*63*

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound

*James H Mangum as Commissioner appointed by the County Court of
Southampton at January Court 1863 in the suit of Grigg and vs Griggard
JP*

shall faithfully discharge the duties of his said office or trust, according to law, then the above obligation to be void or else to remain in full force and virtue.

Signed, Sealed and delivered }
in the presence of ~~the Court~~ }

James H. Mangum { SEAL }
R. F. Dillard { SEAL }

{ SEAL }

{ SEAL }