1828-024 Chancery Causes: Elizabeth Duckhins, by v c vs Samuel Stott, trustee

Isle of Wight County

other surnames: Woodley

Jenkins & friend

vs.

Bill.

Stotts

January 1st. 1827

Bill filed

May 7th 1827

Answer filed

Sept. 3d 1827

Set for hearing on pleas. mot.

August 4th. 1828

Dismissed

and requests that he would vest the slaves &
dispose of the proceeds in such a way as might
prove advantageous to her but so it is may
it please your honours he hopes defendt does not
refuse so to do, urging that he has no right under
the power conferred upon him by the said deed
when it must be manifest to your worships
that to have merely the use in kind of the slaves
for life, expensive as are those, is to receive
no benefit under the deed - And it is surely
wrong that the trustee shall refuse to discharge
his trust agreeably to his undertaking - Interven
consideration whereof & for as much as your
oratrix is remediless in the premises save by
the aid of this Court of Equity, & the hope that
the said Jane Stott be made defendant
to this Bill she compelled to answer the
same and that your worships will decree
that the said trustee shall vest the slaves
aforesaid and apply the proceeds in such manner
as the Court may direct, according to her suit-
able maintenance, or that the Court will
order that some other person do the same &
otherwise that the Court will extend to her
their protection and grant any other or
further relief as to your worships may
seem expedient - And as in duty bound
she will ever pray &c -

A. Atkinson p.q

To the County Court of Bledsoe) in Chancery sitting

Humbly complaining, sheweth unto your honour
your oratrix Elizabeth Judkins who is a married woman
and the wife of one Rowland Judkins, who is joined
to sue by reason whereof he next friend;
that the aforesaid Rowland Judkins about the
3d day of October 1825 being about to leave the
Commonwealth of Virginia, did by a deed of
record in the County Court of Bledsoe, an
office copy of which is herewith ordered
prayed to be considered a part of this bill
convey to one Samuel Scott of the County of
Bledsoe in the character of trustee and for
in trust, two negro slaves Cherry and Rowena
with the future increase of her the said Cherry
to hold the slaves aforesaid subject to the especial
use, behoof and benefit of the said Elizabeth
the complainant wife of the said Rowland
Judkins for and during her natural life free
from the control of the said Rowland Judkins
and of the heir death for the same to ascend fee
simple to the heirs of the said Elizabeth Judkins
and to her legal representatives - thereby conveying
the slaves aforesaid exclusively to the use, benefit
and advantage of the said complainant
- And the said trustee on his part by the said
aforesaid deed covenant, promise & agree that
he would well and truly perform the duties of
his said trust by seeking the said negro slaves
and the future increase of her the said Cherry
subject to the use, behoof and sole benefit of
the the said Elizabeth wife of the said Rowland
Judkins and which said Elizabeth is now com-
-plainant - your oratrix hopes leave to shew the
Court that the slaves are of no sort of advantage to
her in their present state, not producing any hire,
and unless they are sold, the object of the trust,
which was to provide a maintenance for your
oratrix, is wholly defeated - your oratrix therefore
-truly called upon the said Samuel Scott (the trustee

way to Norfolk, where he intended to oppose them to. order, that upon respondent went on to Norfolk with them, and instituted an action against the said Edmund for the recovery of the negroes, which he executed in, I brought them back to this County where they now remain — He further states that he had to pay to the different Officers of the Court when the suit was brought out of his owne pocket, the sum of $9"46 — as will appear by receipts herewith filed, which he asks this Court to allow him out of the sale of said negroes, should the Court think proper to decree a sale.

Your respondent further states that he has never had any funds in his hands belonging to the said Edmund Lockley or Elizabeth Lockley, that he only agreed to act as Trustee between them out of friendly motives towards the said Elizabeth that he never received any compensation whatever for his services — he hopes [illegible] therefore to be dismissed with his costs [illegible]

[illegible]

[illegible] County to wit
This day [illegible] made oath to the within answer.
Given under my hand this 7th day of May 1824.
Jas. H. Jordan J.P.

Filed 7th May 1824

Mr. Forsaith for Complt

The answer of Saml. Stott, to a Bill of complaint against him exhibited in the County Court of Isle of Wight on the part of Elizabeth Jenkins, wife of one Ed: Jenkins, suing by Andrew Woodley her next friend.

His respondent now and at all times hereafter, saving and reserving to himself every benefit of exception to the many errors and imperfections in the Complts: Bill ent.d for answer thereto, or to so much as he is advised is material for him to answer, answereth and saith: that it is true and exact that Edmund Jenkins the husband of the said Elizabeth the Complt: executed to him (in the character of Trustee) a certain deed, which is recorded in the Clerk's Office of the County Court of Isle of Wight, conveying to him in trust the slaves named in the Complts: bill, and the future increase of the s.d Cherry, for the seperate use, behoof and benefit of the Complt: Elizabeth, for and during her natural life, and to pass to her heirs at law at her decease, your respondent believes that the said deed contains the usual restriction of such deeds, by which the control over the said slaves, but permitted the Complt: Elizabeth to use them as she thought proper – That he has been applied to, to sell the said slaves, and appropriate the money arising from such sale, to the support & maintenance of the said Complt: but this he refused to do, believing he had no right whatever, under the provisions of the deed aforesaid; if however a Court of Chancery should think proper to decree a sale of the slaves aforesaid for the support of the said Complt: this respondent has no sort of objection, and will carry it into effect whenever he may be ordered so to do – Your respondent begs leave here to state, that some short time before the institution of this suit, the said Ed: Jenkins got forcible & fraudulent possession of the said slaves without his knowledge and them on his

Judkins & Friend

vs

Spa. in Chy

Stoth

To December Cesset

1826.

Atkinson pq

Exits

Attachment for $ 1000

Oct 1 1825

The Commonwealth of Virginia to the Sheriff of Isle of Wight County, greeting: You are hereby commanded to summon Samuel Stott to appear before the Justices of our county court at the courthouse on the first Monday in December next to answer a bill in Chancery exhibited against him by Elizabeth Jenkins suing by Andrew Woodley her next friend.

And have then there this writ. Witness Nathaniel Young clerk of our said court at the courthouse the 27th day of November 1826 in the 51st Year of the Commonwealth.

Nath'l Young

Indian

~~Treaty~~ Wabash

Elizabeth Judkins vs. by Andrew Woodyard &c.

Samuel Cobb 3 chy

This cause came on this day to be heard upon the bill of the complt and the answer of the defend and was argued by counsel, On consideration whereof, the Court doth adjudge, order and decree that Andrew Woodyard do sell to the highest bidder upon a credit of six months

the slave Cherry and her children in the bill of the complt mentioned

and that the said Com'rs do ~~take bond with~~ security to ~~the said Commissioners~~ ~~for the purchase money~~ ~~and deliver the~~ the said Elizabeth the amt of sales of the said slaves, after deducting the expenses of the sale that the said Lyster and Woodyard do out of the proceeds of the sale pay and guard & costs in this cause on the first day of September 1827, the sum of $25.

wife of the said Edward Judkins — In Witness whereof the said parties to these presents have here unto set their hands and affixed their seals the day and years first above Written —

Signed, Sealed & acknd and
delivd in presence of

Edmund Judkins Seal
Elizabeth her Judkins Seal
mark
Samuel Scott Seal

Chs Mrnn
Michael S Wilson
James Mrnn

At a Court held for the County of Isle of Wight 2d day of Octr. 1826 —
Charles Mrnn a subscribing witness to the within deed in open Court made oath that he saw the parties sign, seal, and deliver the within deed as and for their act and deed, that he also saw Michael S Wilson attest this deed at the request of the parties that the said Michael Wilson is dead that he hath seen the said Wilson write, that he believes the name of said Wilson to the within deed is the hand writing of the said Wilson, the said deed was. thereupon continued for the proof of James Mrnn another subscribing witness —

Teste. Nath. Young C

[illegible]

This Indenture of three parts made this third day of October in the year of our Lord one thousand eight hundred and twenty five by and betwee=n Edmund Judkins of the first part Elizabeth his wife of the second part, and Samuel Stott mutually chosen by the other parties as their Trustee of the other part and all of the county of Isle of Wight & State of Virginia, Whereas the said Edmund Judkins is anxious & desirous to make some certain provisions for the support and maintainance of his said wife of which she cannot be deprived by the casualties of his own fortune; Now this Indenture Witnesseth that for and in consideratio=n of the premises and for the further consideration of one dollar to him in hand paid by the said Samuel Stott (Trustee) at and before the ensealing and delivery of these presents, the receipt whereof the said party of the first part doth hereby acknowledge he the said Judkins party of the first part, hath granted, bargained, sold, aliened & conveyed, and by these presents doth bargain, sell alien and convey unto him the said Samuel Stott Trustee, as aforesaid the two hereinafter named negro slaves to wit; Cherry and Edmund with the future increase of her the said Cherry, To have and to hold the aforesaid slaves, with the future inc=rease of her the said Cherry to him the said Samuel Stott, (Trustee) as aforesaid his heirs and assigns forever to the only proper use and behoof of him the said Samuel Stott Trustee as aforesaid his heirs and assigns forever, Upon Trust, nevertheless and with this distinct and perfect agreement, and understanding; that he the said Samuel Stott Trustee, as aforesaid shall hold the said negro slaves, with the future incre=ase of the said Cherry, subject to the separate use, behoof and benefit of her the said Elizabeth, wife of the said Edward for and during her natural life free from the controle of him the said Edward Judkins and that after her death the same shall descend and pass to her heirs and legal representatives, And the said Samuel Stott Trustee as aforesaid for himself his heirs &c doth covenant that he will well and truly perform the duties of his said trust by holding the said negro slaves and the future increase of her the said Cherry subject to the use, behoof and sole benefit of her the said Elizabeth

Mr. Samd. Stott

Norfolk Decr 9th 1826

To N. Currier Jailor D.

To Jail fees for Mr. Judkins at your suit
com.d for want of Special bail from 8th
to 9th Decr 2 days @ 33⅓ cts pr day ₰ .. 66⅔
entering do — — — " 42

To fees for Negro woman Cherry 2 days .. " 66⅔
entering do — — — — " 42

To fees for Cherrys oldest child at half price — 54

Rec.d payment ₰ 2 " 71⅓

N Currier

2.71
5.85
1.00
₰3.46

Norfolk Bom: Court

Samuel Trott for the benefit of Eliza.m Sustens

vs

Edmund Sustens

Bill of costs

Clerks fees including dismission	1.72
Attorneys fees and writ Tax	3:50
Sergt	63
	$5.85

S. Whitehead D.S.

Feby 5th 1827. Recd of W. Saml Stott one dollar for the
Passage of negro woman Cherry & two children from
Norfolk to Smithfield

In. R. Jones