

Nance et als. v. Cox

Transcription

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Nance et al v Cox & wife ----- Filed 29 June, 1848.

Continued June 1848.

Nance vs Cox } In the supreme court January term 1849 The plaintiffs in error assign for error in this court;

1st That the chancellor erred in refusing the prayer of the complainants to require the said William Cox to enter into bond with sufficient security, to secure the reversion any interest of complainants in the property and effects mentioned in the original and amended bill; as prayed for in said bills.

2^d That the Chancellor erred in refusing the prayer of complainants to have their rights in said property and effects ascertained and adjusted, as prayed for in the amended bill.

3^d That the Chancellor erred in refusing ~~refusing~~ the prayer of the complainants in their amended bill, to have the said William Cox enjoined from disposing of said property and effects, and from removing it beyond the jurisdiction of said Chancery Court.

4th That the chancellor erred refusing the prayers for relief contained in the original and amended bills of complainants.

5 - That the Chancellor erred in dismissing the original and amended bills of complainants.

6th That the decree of the chancellor is erroneous. W. E. Bird & J. W. Capsley for plffs in error.

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State of Alabama Middle Chancery Division 19th Chancery district Be it remembered that at a term of the Court of Chancery for said nineteenth Chancery district begun and holden at the Court House of Dallas County on the second monday after the fourth monday in May in the year of Our Lord One Thousand Eight hundred and forty Seven the same being the Seventh day of June in the year aforesaid the orders decrees and proceedings hereinafter mentioned were had before the Honorable David G Ligon Chancellor then and there presiding in and for this district and Division aforesaid to wit " " " " .

Bill Betsey M Nance et al by next friend - James Nance vs Williams Coxe } State of Alabama Dallas County Chancery Court To the Honorable Joshua L Martin the Chancellor of the nineteenth chancery district middle division Humbly complaining shew unto your honor your Orators Betsey Marshall, Helen Mary, Martha Ann, Cephas, Nancey, Sarah, Simon, Lunda & George Nance, infants under the age of Twenty One years, by their father and next friend James Nance of Pickens County of the State aforesaid, that some time in the year 1837 Lunda Lee the Grand father of your orators died being possessed of divers properties, that the said Lunda Lee was the father of two children viz Betsey M & Nancey H Lee, that some time in the year 1832 the said Betsey M, was lawfully married to William Cox then of the County of Sampson State of North Carolina, now of the County of Dallas State of Alabama: that Nancey the mother of your orators was lawfully married some time in the year 1819 to James Nance then of the County of Sampson State of North Carolina now of the County of Pickens State of Alabama together with Pleasant Ann who is now married to Nixon Cox who is of full age and is not joined in this Bill are the lawful issue of said marriage between James Nance and Nancey H Daughter of the aforesaid Lunda Lee: and that your orators who now sue by their father and next friend James Nance are the Only living ~~children~~ decedents of said -

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Lunda Lee save and except the wife of the said Williams Cox who is yet in life and Pleasant Ann before mentioned as the wife of Nixon Cox your orators would further shew unto your honor that sometime in the year 1832 and previous to the marriage of the aforesaid Williams Cox and Betsey his wife, that said Cox made a marriage Contract in which said Contract he secured to the heirs and decendants of said Lunda Lee all such properties as he should receive from the said Lunda Lee and the increase of said propertys, in Case his said wife Betsey should have no lawful issue from said marriage

Your orators would further shew unto your honor that at the same time the said Williams Cox did execute a bond in words and figures following viz " " " "

State of North Carolina Sampson County Know all men by these presents that I Williams Cox Junr of the State and County aforesaid are held and firmly bound unto Lunda Lee of the said State and County in the sum of Fifteen Hundred dollars lawful money of said State to which payment well and truly to be made and done I bind myself, my heirs executors and Administrators and assigns this 16th day of Febry 1832 The Condition of the above obligation is such that whereas Williams Cox Jur and Betsey M Lee has this day Consented to Marry and the said Williams Cox has executed a marriage Contract of this date for Six negroes and their increase - three Beds and furniture, One gigg and Harness and five stand of Bed Curtains valued at fifteen hundred dollars and it is the intention of this obligation that if the said Betsey M Lee should die without issue - then the said Williams Cox Junr is to return the aforesaid negroes and there ~~increase~~ issue & the property therein specified and the increase of the negroes to the said Lunda Lee his heirs and assigns But if the Bestey should have issue being at her death then the above property shall descend to them, Otherwise this bond shall remain in full force, power and effect Signed sealed & delivered in the presence of Tho^s Ward Nixon Cox Test W^{ms} Cox {LS}

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whereupon the said Lunda Lee did deliver into the possession of the said Williams Cox, the property therein mentioned

And your oratix would further shew unto your honor, that the aforesaid Six negroes and their increase are now of far greater value than the sum of fifteen Hundred dollars, that said negroes sofar as your orators Know, with their increase amount in number to some Ten or Twelve and are, so far as your orators have knowledge, of the following names viz: Dilcey Caroline Esther Milly and Tilly your orator being informed that One of the Six is

now ~~are~~ dead but the names of their increase your orator Knoweth not that your Orators believe that said negroes together with the other properties secured in said marriage Contract & bond amount in value to as much as the sum of four Thousand dollars and that the penalty of the said bond is wholly insufficient to Cover the value of the negroes and their increase together with the value of the other properties therein mentioned, at the present time: though at the time that said bond was executed for some time afterwards it may have been deemed altogether sufficient in amount

Your Orators would further shew unto your honor that On the 7th day of August of the year 1837 Lunda Lee aforesaid ~~die~~ did die leaving his last will and testament in the words & figures following to wit:

In the name of God Amen I Lunda Lee of the State of Alabama and County of Dallas being in good health and of perfect mind thanks be given unto God calling mind mortality of my body and Knowing that it is appointed for all men And to die do make and ordain this my last will and testament that is to say principally and first of all I give and recommend my soul in to the hands of Almighty God that gave it and my body I recommend to the earth to be buried in a decent Christian burial at the discretion of my friends and as Touching such worldly estate wherewith it has please god to bless me in this I give demise and dispose of the Same in the following manner and form to wit First I give unto my wife Pleasant Lee the following property to wit Thirteen negroes to wit namely Hanor, Kit, Larkin, Sam Martin, Silva, Fanny, Isam, Delsa Caroline,

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Harrriet Minerva and Ruffin and also all of my Beds and furniture and I also lend unto my wife Pleasant Lee during her natural life time or widow hood the following property to wit Ben, David Richard Goliah Polinda Millia Irene Roberts July and Lit and also all of my Lands and stock of all description and crop and provisions now on hand and farming to wit Second it is my will after the death or marriage of my wife Pleasant Lee that all my property which I have Lent to my wife to be sold by my executors to wit Ten negroes and all of my lands & stock of all description the plantation tools and the Crop and all the provisions then on hand. the lands to be sold and Credit One half to fall due at the expiration One year and the other half at the expiration of Two years and the balance of the property to be sold and Credit of One year and it my will that the money arising from the Sale of the above named property Sold equally divided among all my grand Children when they arrive to the age of Twenty One years that is to say that I wish my Executors to ceep the money at interest in safe hands till the whole arrives to the age of Twenty One years at which time I wish that One to receive their part and the balance to remain in the hands of my Execcutors at interest as before until the second One arrives at the age of Twenty One years at which time that One to receive its part and in like manner till the hole arrives to the age of Twenty One years Third I give unto my daughter Elizabeth Cox fifty dollars in Cash and I also lend unto my daughter Elizabeth Cox during her natural life the following property to wit Two negroes to wit Tilly & Dilley and Gig & harness three Beds and furniture and one half dozen sitting chairs and if my daughter Elizabeth Cox should have heir or heirs born of her body to survive I give the above property to her heir or heirs as the case may be and if my daughter should have no heirs born of her body body then in that Case at her death the property to return to my Executors to be sold by them and the money divided equally

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among my Grand Children Fourth I give unto my daughter Nancey Nance the following property to wit four negroes to wit namely Hasty Jack Stepney & Ginney Three beds and furniture One half dozen sitting Chairs and also Fifty dollars in Cash Fifth it is my will that my executors should sell two of my negroes to wit Redick and Easter and pay all of my debts and all other just debts expences the balance of the money to be given unto my wife for her to dispose of agreeable to own will as pleases Sixth it is also my will that all of my property that I have not otherwise disposed of as also all moneys due and owing unto me as well as all moneys on hand I give

unto my wife Pleasant Lee. Seventh and I Constitute and appoint Eaton Lee and Samuel Moon sole executors of this my last will and testament and I do hereby utterly disallowe revoke and disannul - all & every other former will and Executors by me in any wise before named willed and bequeathed ratified & Confirmed this and are other to be my last will and testament In Witness whereof I have hereunto set my hand and seal this Twenty Seventh day of April in the year of Our Lord One Thousand Eight hundred and thirty five Lunda Lee {seal} Signed Sealed and delivered by the said Lunda Lee as his last will and testament in the presents of us, who in his presents and in the presents of each other have hereunto Subscribed Our names Allen Moore Nathl Kimbrough Bryant Fail Burwell Kimbrough The State of Alabama Dallas County Personally appeared in Open Court Nathaniel Kimbrough One of the Subscribing witnesses to the foregoing will who being duly Sworn deposeth and saith that he Saw Lunda Lee sign seal and duly execute said will as and for his last will and testament that said testator was of sound mind and disposing memory at the time of executing the same and that he this deponent Bryan Fail and Burwell Kimbrough and Allen Kimbrough Moore signed the same as witnesses in presents of and at the request of said testator and of each other Nathl Kimbrough Sworn to and in open Court before me 11th Sept 1837 James D Craig Clk The foregoing will was admitted to probate and ordered to be recorded

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see minutes D Page 149 Recorded 18th Sept 1838 James D Craig Clk.

Your Orators would further shew unto your honor that Pleasant Lee the Grand mother of your orators and wife of said Lunda Lee to whom was bequeathed the divers properties therein mentioned did also On the 15th day of August AD 1838 die leaving her last will and testament in the words and figures following viz; In the name of God amen I Pleasant Lee of the County of Dallas and State of Alabama labouring under bodily affliction but being perfectly sound and Competent in mind Knowing the Certainty of death and yet the uncertainty of the time when that solemn event may take place think it necessary for me to arrange my temporal Concerns at this time and as such do make and ordain this my last will and testament in manner and form following viz First I lend unto my daughter Elizabeth Cox during her natural life the following property to wit ~~Eleven~~ eleven negroes to wit Delsa, Harriet, Caroline Grace Violet Handy Sam Martin Isaac Bob and Lydia and also Two Beds and furniture and Two Bed steads and four stands of Curtains One large Chest One Tenarch One Brace Candlesticks and One Gig trunks and One Knife Box and if my daughter Elizabeth Cox should have ~~hi~~ a heir or heirs born of her body to live I give the above named property together with the increase to her Child or Children as the Case may be and if my daughter should have no heir or heirs born of her body to live to inherit the above property then in that case at her death I give the above named property together with the increase unto my Grand Children the Children of my daughter Nancey Nance and at my death I give unto my daughter Elizabeth Cox One Thousand dollars in Cash

Second I lend unto my daughter Nancey Nance during her natural life the following property to wit Eleven negroes to wit Munroe Ruffin Hahor Silva Fanny Sarah Luke Kitt Larkin Isam and Luke four Beds and

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three Bed steads and all bedding furniture not otherwise disposed of and One Trunk and at the death of my daughter Nancey Nance I give the above named property together with the increase unto my Grand Children the Children of Nancey Nance to be equally divided divided among them all. Third I give unto my daughter Nancey Nance after discharging all my debts all the money that is now on hand or may hereafter and all the money that is now duee or owing unto me or may hereafter be due or owing me or in anywise Coming to me and all my lands that I now have or may hereafter be possessed of and also the Crop that is or may be on hand at my death and also the stock of horses higs or cattle that I may be possessed of in my Sum rate at my death together with

all other property not otherwise disposed of by this will that is in anywise belonging to me or may be at my death I Constitute and appoint my friend James Nance Executor for the purpose of carrying this my last will and testament into effect hereby revoking all other wills heretofore by me made or instruments of writing purporting to or such in witness whereof I have hereunto set my hand and seal this 28th day of September 1839 Pleasant Lee {seal} Signed Sealed and acknowledged in presents of John M^cCondichio Jr John K Bogan Joseph Lee

The State of Alabama Dallas County Special orphans Court September 18th day AD 1843 This day personally appeared in open Court John K Bogan One of the Subscribing witnesses to the foregoing will who being duly Sworn deposed and saith that saw Pleasant Lee sign seal and execute the Same as and for her last will and testament and that the said testatrix was of sound mind & disposing memory at the time of executing the same and that he this deponent John M^cCondichio Jr and Joseph Lee all signed the Same as witnesses at the request of said and in the presence of the said Testatrix on the day and year therein named John R Boggan Sworn to and Subscribed before in open Court Before me this 18th September 1843 Sanford Blann Clerk Recorded 2^d day of October 1843 Sanford Blann Clk " " " " "

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and so may it please your honor your Orators being the Only Living representatives of the said Lunda Lee except Betsey M the wife of Williams Cox aforesaid and Pleasant Ann the wife of Nixon Cox aforesaid, are by virtue of the before mentioned Contracts and wills the duly lawful distributees of all the properties mentioned in said Contracts and wills and their increase: & that a large portion of said property is in the possession of the aforesaid Williams Cox by virtue of the said Contract and wills: that said Contract and wills provide that the said Williams Cox shall have and retain the said property during the life of the said Betsey M but that on the death of said Betsey M without lawful issue from said marriage said property & the proceeds arising from the Sale of the same shall go & descend to your orators. And may it please your honor the said Betsey M the wife of the said Williams Cox is a woman of delicate and infirm health and has been married to the ~~said~~ said Cox for the space of thirteen years and has now reached the age of forty three years that during the time of the said thirteen years of intermarriage the said Betsey M. hath never had any issue whatsoever nor is it at all probable that in the ordinary Course of events she ever will have any issue but that notwithstanding this the aforesaid Betsey M. will live yet many years that your Orators are all of them under the age of Twenty One years that they have no natural protector or guardian save and except their father J the said James Nance who is now about the age of forty seven years That under the state of facts above represented there is little doubt ~~that~~ whatever that your orators will be entitled ~~some day~~ at some future day to have and receive all the property mentioned in the foregoing part of this Bill And may it please your honor a large portion of said property to wit about Eighteen negroes and divers other properties which it would be too tedious here to enumerate: that the said Williams Cox is in no way related to your orators save by the intermarriage aforesaid but is a stranger to them both in

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Consanguinity and feeling and that your orators and that your orators have no security whatever for the delivery of said properties at any future day when they may become entitled to receive it by the ordinary and incorectable Course of events = that said property may become wasted or Transferred to other persons by some of the various means in which such transfers daily take place in relation to said property that at some future day when the events of which there is so great a probability may happen by which your orators would be entitled to demand said property: the said property may be scattered in divers places and your orators may have to search for the Same in distant States: that although the said Williams Cox at the present time may be in good Circumstances and Sufficently responsible, yet your orators have ~~not~~ no security that the said Cox will remain permanantly in this Country, but that said Cox may emigrate to some distant Country as many of Our citizens

daily do and that the possession of so large a property of which he might be deprived at any time at which it may please providence so to direct is a great inducement for the said Cox to Carry said property to some other and distant Country where he might Continue to enjoy the same unmolested for a long period of time before your orators, who are now infants and the youngest One not exceeding the age of five years, Could be able to ~~assent~~ assert their right to the same; to avoid which ~~cais~~ casualties, the Contingencies of which are neither remote or improbable, your Orators have no security save and except the bond before recited for the sum of Fifteen hundred dollars signed by the said Cox & without security & for a sum wholly inadequate; and the said Cox has threatened that in case he was interrupted or interfered with by Complainants in relation to said property he would pay the amount of said bond and so place the property as to be beyond the reach of your Orators.

And your orators would further shew unto your honor that ever since the death of Lunda Lee aforesaid, the said Williams Cox has been dissatisfied with the provisions of the said will of the

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said Lunda Lee & was desirous of defeating the operation of said will; that said Cox was likewise dissatisfied with the provisions of the aforesaid will of said Pleasant Lee, and took the neceasry legal steps to subvert the same, but upon discovering his inability to prosecute the same with success discontinued them: and that he hath ever been Contrary & vexatious in relation to the business of said estate & your orators are fully persuaded that he ~~bears~~ bears an account of the provisions of said will no good feelings towards them.

In tender Consideration whereof & for that your orators are remidiless in the premises at and by the strict rules of the Common law and are only relievable in a Court of equity where matters of this nature are properly Cognizable and relievable; to the end therefore that the said Williams Cox may full true direct & perfect answer make upon his Corporal Oath according to the best of his Knowledge information & belief to all & Singular the matters & charges aforesaid as fully in every respect as if the same were here again repeated & that he may be Compelled by a decree of this honorable Court to enter into a bond of such an amount & with such securities as unto your honor shall seem sufficient to secure the forthcoming & rendition of said property whenever your orators shall be entitled to demand and receive the same and furthermore that the said bond shall be renewable at such times as this honorable Court may think proper to demand it: and that your Orators may have such other and further relief in the premises as the nature of their case shall require and as to your honor may seem meet. And may it please your honor to Cause your writ of subpoena to be directed to said Williams Cox Commanding him at a Certain early day and on a certain pain therein to be inserted personally to be & appear in your honors Court & then & there full true direct & perfect answers make to all & singular the premises & further to stand to perform and abide such further order directions & decree therein as to your honor may seem meet ~~sp~~ and your orators as in duty bound

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will ever pray &c James Nance By Will E Bird Solr. " " " "

State of Alabama Dallas County } Personally appeared before me J W Lenoir an acting Justice of the peace in and for said County James Nance who being duly Sworn saith on oath that the matters and things stated in the foregoing Bill as of his own Knowledge are true and these stated from Information he believes to be true James Nance Sworn to & subscribed before me this 15th day of March 1845 } J W Lenoir J P D C Filed ~~in Office~~ 26th march 1845 J L Evans

Notice to file amended Bill Betsey M Nance et al minors by their next friend James Nance vs Williams Cox } In Chancery 19th Chancery District of middle chancery division of the State of Alabama at Cahawba To Williams Cox or Reuben Saffold Esqr his Solicitor of Record; Take notice that on monday next being the first

monday in April 1846 at the Office of the Register in Chancery at Cahawba shall apply in the above named Case for leave to file an amended Bill: which amended Bill will be then and there presented to said Register in vacation for his inspection and examination as well as of the parties Concerned and to have his order allowing the same to be filed and taken therein prayed and such amended Bill as is in sbs substance as follows it states the failings of our filing of original & incorporates the same therein as a part of the amended Bill and then by way of amendating matter, states that, the wife of Deft Cox, Betsey M Cox, hath an interest in this Controversy as disclosed by the answer of said Deft by virtue of the marriage settlement to his answer a copy of which is attached to such amended Bill and then makes Besey M Cox a party deft and prays that she may be so Taken & Considered - then it makes Nixon Cox and his wife Pleasant Ann parties Deft setting out their interest as being equally entitled with Complainants with prayer that they be taken as parties; then states further by way of amendment that Deft Williams Cox sets up an adverse title to the property in Controversy and

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that he claims to hold the same as his own absolute property, as a further ground & reason establishing the necessity of now secureing the revisionary interest of Complainants. and then Concludes with prayer that it be taken as amended Bill and part and parcel of original Bill and also prays as is in original Bill prayed &c at such time and place you Can attend and take such steps as you deem proper Betsey Marshall Nance & others by their said next friend By Edwards Lapsley & Hunter Solrs for Complt. " " "

Shffs Ret Rec^d march 30th 1846 and Executed same day on R Saffold J F Conoley Shff " "

Order Betsey M Nance & al by their next friend vs Williams Coxe In vacation before the register On the 1st monday in april ad 1846 Came the Complainants by their Solicitors and for leave to file an amended Bill in this case which they present to the register - And it appearing to the register that the defendant has had due notice of this motion and it also appearing from the affidavit of James Nance the next friend made before the register (But which affidavit has been lost but its Contents all found to the satisfaction of the register) that the amended matter in the new Bill Contained Could not have been inserted in the original Bill have since been discovered and that it is proper under the Circumstances to permit said amended Bill to be filed to promote the ends of Justice and no One appearing to oppose this motion it is therefore ordered that said motion be granted and leave is given to file said amended Bill which is accordingly done J L Evans Reg

Amended Bill The State of Alabama Dallas County } In Chancery at Cahawba To the Hon Wiley W Mason
Chancellor of the middle Chancery division of said State sitting for the 19th District at Cahawba in the County
of Dallas aforesaid Humbly Complaining shew unto your honor your orators Betsey Marshall Helen Mary,
Martha Ann,

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Cephas Nancey Sarah, Simon Lunda and George Nance infants under the age of Twenty One years of the County of Pickens in said State by their father and next friend James Nance of the said County of Pickens that heretofore to wit on the 26th day of March AD 1845 they filed their original Bill of Complaint in your honors said Chan Chancery Court at Cahawba against One Williams Cox of the said County of Dallas in said state setting forth and stating in substance as follows, to wit: that some time in the year 1837 Lunda Lee the Grand father of your orators died being possessed of divers properties that the said Lunda Lee was the father of two children viz: Betsey M and Nancey H Lee that sometime in the year 1832 the said Betsey M was lawfully married to said Williams Cox then of the County of Sampson State of North Carolina now of the County of Dallas State of Alabama; that Nancey the mother of your Orators was lawfully married some time in the year 1819 to James Nance then of the County of Sampson State of North Carolina now of the County of Pickens

State of Alabama that your Orators together with Pleasant Ann who is now married to Nixon Cox who is of full age and is not joined in this Bill are the lawful issue of said marriage between James Nance & Nancey H daughter of the aforesaid Lunda Lee and that your Orators who now sue by their father and next friend James Nance are the Only living descendants of the said Lunda Lee save and except the wife of the said Williams Cox who is yet in life and Pleasant Ann before mentioned as the wife of Nixon Cox

Your Orators would further shew unto your honor that sometime in the year 1832 and previous to the marriage of the aforesaid Williams Cox and Betsey his wife that said Cox made a marriage Contract in which said Contract was secured to the heirs and descendants of the said Lunda Lee all such property as he should receive from the said Lunda Lee and their increase of said property in Case said wife Betsey should leave no lawful issue from said marriage.

Your Orators would further shew unto youe honor that at the same time the said Williams

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Cox did execute a bond in words and figures following viz " State of North Carolina Sampson County Know all men by these presents that I Williams Cox Junr of the state and County aforesaid are held and firmly bound unto Lunda Lee of the said State and County in the sum of ___ Fifteen Hundred dollars lawful money of said State which payment well and truly to be made and done I bind myself my heirs executors & Admrs assigns this the 6th day of Febry 1832 The Condition of the above obligation is such that whereas Williams Cox Junr & Betsey M Lee has this day Consented to marry and the said Williams Cox has executed a marriage Contract of this date for Six negroes and their increase - three beds and furniture One Gigg and Harness and five stand of bed Curtains valued at fifteen hundred dollars and it is the intention of this obligation that if the said Betsey M Lee should die without issue - then the said Williams Cox Junr is to return the aforesaid negroes and their issue and the property therein specified and the increase of the negroes - to the said Lunda Lee his heirs and assigns - but if the said Betsey should have issue ~~being an~~ living at her death then the above property shall decend to to ~~their~~ them - otherwise this bond shall remain in full force power and effect signed sealed and delivered in the presence of Tho^s Ward Nixon Cox Test William Cox {LS}

Whereupon the said Lunda Lee did deliver unto the possession of the said Williams Cox the property therein mentioned And your orators would further shew unto your honor that the aforesaid Six negroes and their increase are now of far greater value than Fifteen Hundred dollars that said negroes so far as your orators know with their increase amount in number to some ten or Twelve and are as far as your Orators have Knowledge of the following names viz Dilsey Caroline Esther Milly and Tilly your orator being informed that One of the Six negroes is now dead but the names of their increase your orator knoweth not - that your orators believe that said negroes together with the other properties secured in said marriage

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Contract and bond amount in value to as much as the sum of four Thousand dollars: and that the penalty of said bond is wholly in sufficient to Cover the value of the negroes and their increase together with the value of the other properties therein mentioned at the present time though at the time that said bond was executed and for some time after wards it may have been deemed altogether sufficient in amount

Your orators would further shew unto your Honor that on the 7th day of August of the year 1837 Lunda Lee aforesaid did die leaving his last will and testament in the words and figures following viz,, In the name of God amen I Lunda Lee of the State of Alabama and County of Dallas being in good health and of perfect mind thanks be given unto god. Calling mind mortality of my body and Knowing that it is appointed for all men Once to die do make and ordain this my last will and testament, that is to say, principally and first of all. I give and

recommend my soul with the hands of almighty God that gave it and my body I recommend to the earth to be buried in a decent Christian burial at the descretion of my friends and as touching my worldly estate - wherewith it has pleased God to bless me in this. I give demise and dispose of the same in the following manner and form to wit: I give unto my wife Pleasant Lee the following property to wit Thirteen negroes to wit namely Haner Kit Larkin Sam Martin Selia, Fanny, Isam, Delsy Caroline, Harriet, Minerva and Ruffin, and also all of my beds and furniture and I also lend unto my wife Pleasant Lee during her natural life time or widowhood the following property to wit Ben,, David, Richard, Goliah, Pelinda Millia Jane Roberts, July and Lit and also all of my lands and stock of all description and Crop and provisions now on hand and farming to wit,, Second it is my will after the death or marriage of my wife Pleasant Lee that all my property which I have lent to my wife to be sold by my Executors to wit Ten negroes, and all of my lands and stock of all description the plantation tools and the Crops and all the provisions then On hand, the lands to be sold and Credit, One half to fall due at the

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experation One year and the other half at the expiration of two years and the balance of the property to be sold and Credit of One year and it my will that the money arising from the Sale of the above named property sold equally divided among all my Grand Children when they arrive to the age of Twenty One years that is to say that I wish my executors to Keep the money at interest in safe hands till the whole arrives to the age of Twenty One years at which time I wish that One to recover their part and the balance to remain in the hands of my Executors at interest as before until the second One arrives at the age of Twenty One years at which time that One to recover its part and in like manner till the whole arrives to the age of Twenty One years.

Third give unto my daughter Elizabeth Cox fifty dollars in Cash and I also Lend unto my daughter Elizabeth Cox during her natural life the following property to wit: Two negroes to wit Tilly & Delley One Gigg Chairs three Beds and furniture and One half dozen setting Chairs and if my daughter Elizabeth Cox should have heir or heirs born of her body to survive I give the above property to her heir or heirs as the case may be and if my daughter should have no heirs born of her body therein that Case at her death the property to return to my Executors to be sold by them and the money to be divided equally among my Grand children

Fourth I give unto my daughter Nancey Nance the following property to wit four negroes to wit namely, Hasty, Jack, Stepney and Ginney, three Beds and furniture One half dozen Setting Chairs and also fifty dollars in Cash. Fifth it is my will that my executors should sell two of my negroes to wit Redick and Esther and pay all of my debts and all other just debts expences the balance of the money to be given unto my wife for her to dispose of agreeable to her own will as purser

Sixth It is also my will that all of my property that I have not otherwise disposed of as also all moneys due and owing unto me as well as all moneys on hand I give unto my

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wife Pleasant Lee Seventh and I Constitute & appoint Eastin Lee and Samuel Moore sole Executors of this my last will and testament and I do hereby utterly disallow revoke and disannul all and every other former will and Executors by me in any wise before named willed and bequeathed and Confirming any are other to be my last will and testament In Witness whereof I have hereunto Set my hand and Seal this Twenty Seventh day of April in the year of Our Lord One Thousand Eight Hundred and thirty five " " Lunda Lee {seal} Signed Sealed and delivered and delivered by the said Lunda Lee as his last will and testament in the presence of us who in his presence and in the presence of each other, have hereunto Subscribed Our names Allen Moore Nath^l Kimbrough Bryant Fail Burwell Kimbrough The State of Alabama Dallas County Personally appeared in open Court Nathaniel Kimbrough one of the Subscribing witnesses to the foregoing will who being duly Sworn deposeth

and Saith that he saw Lunda Lee sign Seal and duly Execute said will as and for his last will and testament that said testator was of sound mind and disposing memory at the time of executing the Same and that he this deponent Bryan Fail and Burwell Kimbrough and Allen Moore Signed the Same as witnesses in presence and at the request of said testator and of each other Nathl Kimbrough Sworn to and Subscribed to in open Court before me 11th Sept 1837 James D Craig Clk The foregoing will was admitted to probate and Ordered to be recorded See minutes D page 149 recorded 18 Sept 1838 James D Craig Clk Your orators would futher shew unto your honor that Pleasant Lee the Grand mother of your Orators and wife of Lunda Lee to whom was bequeathed the divers properties therein mentioned did also On the 15th day of August AD 1843 die leaving her last will and testament in the words and figures following viz In the name of God Amen I Pleasant Lee of the County of Dallas and State of Alabama labouring under bodily affliction but being perfectly sound and Competent in mind,

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Knowing the Certainty of death and yet the uncertainty of the time, when that solemn event may take place think it necessary for me to arrange my temporal Concerns at this time and as such do make and ordain this my last will & testament in manner and form following viz First I lend unto my daughter Elizabeth Cox during her material life the following property to wit: Eleven Negroes to wit: Delsa, Harriet Caroline Grace, Violet, Handy, Sam, Martin Isaac Bob and Lydia and also two beds & furniture and Two bedsteads and four stands of Curtains One large Chest One Trunck One Brace CandleSticks and One Gigg Trunk and One Knife Box and if my daughter Elizabeth Cox should have no heir or heirs born of her body to live I Give the above named property together with the increase to her Child or Children as the case may be and if my daughter Should have no heir or heirs born of her body to live to inherit the above property then in that Case at her death I give the above named property together with increase unto my Grand Children the Children of my daughter Nancey Nance and at my death I give unto my daughter Elizabeth Cox One Thousand Dollars in Cash Second I Loan unto my daughter Nancey Nance during her natural life the following property to wit Eleven negroes to wit Munroe Ruffin, Habor Selia Fanny Sarah Luke Kitt Larkin Isam and Luke, four Beds & three Beadsteads and all bedding furniture not otherwise disposed of and One Trunk and at the death of my daughter Nancey Nance I Give the above named property together with the increase unto my Grand Children the Children of Nancey Nance to be equally divided among them all Third I give unto my daughter Nancey Nance after discharging all my debts all the money that is now on hand or may hereafter and all the money that is now due or owing unto me or in any wise Coming to me and all my land that I now have or may or may hereafter be possessed of and also the Crop that is or may be on hand at my death and also the stock of Horses hogs or Cattle

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that I may be possessed of in my Sum right at my death together with all other property not otherwise disposed of by this will that is in anywise belonging to me or may be at my death I constitute and appoint my friend James Nance Executor for the purpose of Carrying this my last will and testament into effect hereby revoking all other wills heretofore by me made or instruments of writing purporting to be such I Testimony whereof I have hereunto set my hand and Seal this 28th day of September 1839. Pleasant Lee {seal} Signed Sealed and acknowledged in presence of John M^cCondicheo Jr John K Boggan Joseph Lee The State of Alabama Dallas County Special Orphans Court September 18 day A D 1843 This day personally appeared in Open Court John K Boggan One of the Subscribing witnesses to the foregoing will who being duly Sworn deposeth and saith that he Saw Pleasant Lee Sign seal and execute the same as and for her last will and testament and that the said testatrix was of Sound mind & disposing memory at the time of ~~the~~ Executing the Same and that he this deponent John M^cCondicheo Jr & Joseph Lee all signed the same as witnesses at the request of and in the presence of the said testatrix on the day and year therein named John K Bogan Sworn to and Subscribed in

Open Court before me this 18 Sept 1843 Sanford Blann Clk. " " " Recorded 2^d October 1843 Sanford Blann Clk
And so may it please your honor your orators being the only living representatives of the said Lunda Lee,
except Betsey M the wife of Williams Cox ~~before~~ aforesaid and Pleasant Ann the wife of Nixon Cox aforesaid
are by virtue of the before mentioned Contracts and wills the Only legal distributees of all the properties
mentioned in said Contracts and wills and their increase and that a large portion of said property is in the
possession of the aforesaid Williams Cox by virtue of the said Contracts & wills and that said Contracts and
wills provide that the said Williams Cox shall have and retain the said property during the life of the said Betsey
M, but that on the death of the said Betsey M without lawful issue from said marriage said property and the
proceeds arising from the Sale of the same shall go and descend to your orators

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and may it please your honor the said Betsy M the wife of the said Williams Cox is a woman of delicate and
infirm health and has been married to the said Cox for the space of Thirteen years and has now reached the age
of Forty three years: That during the time of the said thirteen years of intermarriage the said Betsey M hath
never had any issue whatever nor is it all probable that in the ordinary Course of events she ever will have any
issue But that notwithstanding this the aforesaid Betsey M will live yet many years: that your Orators are all of
them under the age of Twenty One years, that they have no natural protector or Guardian Save & except their
father the said James Nance who is now about the age of Forty Seven years: that under the state of facts above
represented there is little doubt whatever that your orators will be entitled at some future day to have and
receive all the properties mentioned in the foregoing part of this Bill

And may it please your honor a large portion of said properties to wit: about Eighteen negroes and divers other
properties mentioned in said Contracts and wills are now in possession of said Cox that said negroes are worth
the Sum of between Seven & Eight Thousand dollars without mentioning divers other properties which it would
be too tedious here to enumerate: That the said Williams Cox is in no way related to your Orators save by the
intermarriage aforesaid but is a stranger to them both in Consanguinity and feeling & that your Orators have no
security whatever for the delivery of said property at any future day when they may become entitled to receive
it by the ordinary and inevitable Course of events that said property may become wasted or transfered to other
persons by some One of the various means in which such transfers take place in relation to said: that at some
future day when these events of which there is so great a probability may happen by which your orators would
be entitled to demand said property: the said property may be scattered in divers places and your orators may
have to search for the same in distant States; that although the

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said Williams Cox at the present time may be in good Circumstances and Sufficiently responsible yet your
Orators have no security that the said Cox will remain permanently in this Country but that said Cox may
emigrate to some distant Country as many of ~~your~~ Our Citizens daily do and that the possession of ~~the~~ so large a
property of which he might be deprived at any time at which it may please Providence so to direct is a great
inducement for the said Cox to Carry said property to some other and distant Country where he might Continue
to enjoy the same unmolested for a long period of time before your Orators who are now Infants and the
youngest One not exceeding the age of five years. Could be able to assert their rights to the same: to avoid
which Causalities the Contingencies of which are neither remote or improbable, Your Orators have no Security
save and except the Bond before recited for the Sum of Fifteen Hundred dollars Signed by the said Cox without
Security and for a Sum wholly inadequate; and the said Cox has threatened that in case he was interrupted or
interfered with by ~~the~~ Complainants in relation to said property he would pay the amount of said bond and so
place the property as to be beyond the reach of your Orators

And your Orators would further shew unto your honor that ever since the death of Lunda Lee aforesaid, the said Williams Cox has been dissatisfied with the provisions of the said will of the said Lunda Lee and was desirous of defeating the Operation of said will: that said Cox was likewise dissatisfied with the provisions of the aforesaid will of said Pleasant Lee and took the necessary legal Steps to Subvert the Same but upon discovering his inability to prosecute the Same with success discontinued them: and that he hath ever been Contrary and vexacious in relation to the business of said estate and your Orators are fully persuaded that he bears an account of the provisions of said will, no good feeling towards them.

In tender Consideration whereof and for that your orators are remediless in the premises at and by the strict rules of the Common law and are only relievable in a Court of equity where matters

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of this mature and properly cognizable relievable to the end therefore that the said Williams Cox may full true direct and perfect answers make upon the Corporal oath according to the best of his knowledge information and belief to all and singular the matters and charges aforesaid as fully in every respect as if the same were here again repeated and and that he may be Compelled by a decree of this Honorable Court to enter into a bond of such an amount and with such security as with your honor shall seem sufficient to secure the forthcoming & rendition of said property wherever your Orators shall be entitled to demand and receive the Same and furthermore that the said bond shall be renewable at such times as this Honorable Court may think proper to demand it, and that your orators may have such other and further relief in the premises as the nature of their Case shall require and as to your honor may seem meet.

And may it please your honor to Cause your writ of Subpoena to be directed to said Williams Cox Commanding him at a Certain early day and and certain pain therein be inserted personally to be and appear in your Honors Court and then and there full true, direct and perfect answer make to all and singular the premises and further stand to perform and abide such further order direction and decree therein as to your honor may seem meet and your Orators as in duty bound will ever pray &c James Nance By Will E Bird Solr. "

And orators shew that the foregoing is substantially a Copy of the bill filed as aforesaid with all the several allegations prayers for relief subpoena &c together with the exhibits thereunto attached - Orators further state that said defendant in the said Bill Williams Cox filed his answer to such original bill on the 19th June AD 1845 in the said Chancery Court having previously filed his demurrer to said Bill which demurrer was by leave of Court withdrawn at the time of filing such answer - In which attitude said case ~~was~~ now stands, & for a more full and perfect

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understanding of the Same orators pray a reference to the said original bill and answer and to the proceedings of record in said Cause and that the Same and each may be taken and Considered as a part of this their amended Bill

And now your orators after reciting the matters aforesaid in regard to said Original Bill answer and proceedings proceed in this their amended bill filed by the leave first had and obtained of your honors Court so to do proceed to state the following new matters by way of amendment to their said original Bill and as apart and parcel of the Same as follows

new matter To the answer of the said Cox above spoken he hath ~~applied~~ appended what purports to be the marriage Settlement spoken in said original Bill between said Cox & his wife and which Orators believe to be and charge is such marriage Settlement, and a Copy of which they hereto append marked (Exhibit C) which they

pray may be taken and Considered as a part of this Bill. Orators Charge that Such marriage Settlement was executed under the Circumstances Stated in their said Original and that the Same was entirely waived and the Slaves received and held by said Cox and wife not subject to the said marriage settlement but under and Subject to the bond aforesaid described and recited in said Original Bill and in this Bill by way of recital of the Contents of said Original but notwithstanding which Orators Orators are advised that said Betsey M Cox the wife of said Williams Cox hath such an interest in this Controversy and more especially in regard to said marriage Settlement as renders it necessary to make her a party defendant to the said original as well as this their amended Bill - Orators therefore pray that she accordingly be made ~~Such~~ held and taken to be a party defendant and that proper proceedings be had to effect that end.

Orators further set forth and charge that Nixon Cox and his wife Pleasant Ann are equally interested in this Controversy with Complainants the said Pleasant Ann being a Sister of Complainants & daughter of Nancey H the mother of Complainants but the said Nixon & his said wife being unwilling to become parties Complainant herein & Orators being advised that under the Circumstances it

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would be proper to chane them herein as parties defendants which they accordingly now do and pray they may be may be made & held as parties defendant hereto by fit process & proceedings

Adverse title Orators further stating matters by way of amendment to their said original Bill, charge and State that the said Williams Cox defendant to the said original Bill doth set up an adverse title to the property and Slaves described in said original and doth claim to hold and have the Same as his own absolute property, and wholly denies that Complainants have any reversionary interets in and to the Same as set forth and alleged in said original Bill - or if he doth not hold it as his absolute property as they are informed Yet they Charge and say that he utterly denies - Orators said reversionary right and wholly disclaims the interest of orators and holds it now adversely to Orators

Orators Charge that such adverse holding and claim of said defendant and disclaimer of Orators reversionary ~~interest~~ estate is fraught with much danger to Orators said interest inasmuch as the said Cox Claims the perfect right through himself or his said wife or both of them to dispose of said property as he pleased to sell it dispose of it or remove it or use it in any other way and is now acting and using said property accordingly which Claim and action of said Williams Cox renders it absolutely necessary that the right of Orators in and to said property should at Once be legally ascertained adjusted and secured otherwise the said claim & conduct of said Cox may at a future day put it wholly out of their power to assert their rights On account of a laps of time or other difficulty naturally incident to and produced thereby and thus their said interest be wholly lost to them before they are of age to watch over and assert their rights, Orators therefore charge this claim and action of said Cox in regard to said property as a strong additional reason to show the necessity for the interference of this Court to secure the Same when the it shall accrue & Orators arrive at maturity " " " "

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Orators now therefore having stated and recited their said original bill and the proceedings therein prays that this Bill may be taken and had as an amended Bill as part and parcel of said original Bill and that this and said original may be taken and held as one and the Same Bill suit proceeding and action To that and therefore may it please your honor to grant unto your orators your honors writ of Subpoena to be directed to the said Williams Cox and Betsey M his said wife, Nixon Cox and Pleasant Ann his wife thereby Commanding them and each of them ~~ad~~ and each of them at a Certain day and under a Certain pain therein to be limited personally to be and appear before your honor in this Honorable Court and then and there full true direct and perfect answers make

to all and singular the premises and together to stand to perform and abide such further order direction and decree therein as to your honor shall seem - .

And Orators pray your honor upon a final decree to order and decree as is already prayed in their said original bill - and pray your honor that said Cox may be Compelled to enter into a bond of such an amount and with Such security as unto your honor shall seem sufficient to secure the forthcoming and rendition of said property whenever your orators shall be entitled to demand and receive the Same and further also orators would pray that said Cox be utterly restrained & enjoined from Selling in any disposing for putting said property out of his possession, or in anywise parting with the possession thereof or removing the same Out of the jurisdiction of this Court: and such other relief and decree as to your honor shall seem meet and proper under the facts & Circumstances and your Orators as in duty bound " " " Bird & Edwards Lapsley & Hunter Solrs for Complaint

Exhibit C This Indenture of these parties made this 16th day of February in the year of Our Lord 1832 between Williams Cox Junr of Sampson County and State of North Carolina of the One part and Betsey M Lee of said County and State of the other part

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and Abraham Hobbs of the said County and State of the third part witnesseth: that whereas the said Betsey M Lee is possessed in her own right of a Considerable estate in negroes and stock household and Kitchen furniture and other effects and whereas marriage intended shortly to be had solemnized ~~betw~~ between the said Williams Cox Junr and the said Betsey M Lee; in Consideration therefore of the intended marriage and for the purpose of vesting and securing the negroes and effects to the Sole and seperate use of the said Betsey M Lee free and clear from any debt or debts which the said Williams Cox Junr may now owe or may hereafter Contract and for the purpose of securing to issue of said intended marriage and sufficient maintenance and support should the said marriage take effect and should there be issue thereof and for such other use and purpose as hereinafter mentioned: Provided that the said Betsey M Lee should die intestate but should the said Betsey M Lee make and execute a last will in writing or by an writing ~~purp~~ purporting or intended to be her last will or any other writing signed with her hand or to which she should put her marke in the presence of One or more Creditable witness or witnesses by her verbal or nuncupative will declaired in the presence of one or more Creditable witnesses then and in that Case and immediately on the death of said Betsey M Lee for the purpose of securing of said negroes and effects to such and purposes as ~~of~~ the said Betsey M Lee shall and will by such last will and testament or other disposition declare and direct and declare the said Betsey M Lee doth by these presents and by and with the Consent of said Williams Cox Junr for and in Consideration of the premises bargain sell and deliver unto the said Abraham Hobbs all the following, negroes, property and effects, viz Delcey Harriet Caroline Tillah Esther Milly Three beds and furniture One Gig and harness five stands of Bed Curtains of which the said Betsey M Lee now possesses with the future increase of said negroes Slaves and stock; to have and to hold the said negroes stock and effect and their increase to him the said Abraham Hobbs his Executors and administrators in trust

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nevertheless for the sole and separate use of the said Betsey M Lee during her life and at her death to the use of the issue of said intended marriage, should the said intended marriage take effect and there should be issue thereof: Provided the said Betsey M Lee make and Execute a last will and testament in writing or by any writing intending to be her last will and testament or by any other writing signed with her hand or to which she should fix her make in the presence of One or more Creditable witness or witnesses or by her verbal or nuncupative will declaired in the presence of One of more Creditable witness or witnesses then to and for ~~which~~ such use and uses as the Betsey M Lee shall by her last will and testament or other writing declare direct and devise: And

it is hereby agreed by and between the parties aforesaid that if the said intended marriage should take effect then and in that Case the said Betsey M Lee shall and may during the said intended marriage make and Execute her last will and testament and thereby make such distribution of the above named negroes and effects as she the said Betsey M Lee might or could do were she the said Betsey M Lee at the time of making thereof single or married - And the said Williams Cox Junr will permit the said last will and testament thereof to be made by her the said Betsey M Lee and to be duly proved by her Executors appointed in said will and probate of such will to be had and taken as usual and person or persons to whom the said Betsey M Lee should give or dispose of any part of said negroes or property by her will or writing or any other writing executed in the presence of One or more Creditable witness or witnesses as aforesaid or by the verbal nuncupative will declared in the presence of or hearing of One or more Creditable witness or witnesses is as aforesaid shall and may lawfully peaceably and quietly have receive hold and enjoy the Same according to the true intent and meaning of such Gifts devise or appointment without any hinderance or interruptions of or by the said Williams Cox Junr his Executors administrators or assigns or any of them. In witness whereof the parties to those presence have hereunto set their hands and Seals, the day and year first above mentioned Betsey M Lee {seal} Wm Cox Junr {seal} " "

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Abraham Hobbs {seal} Signed Sealed and delivered in presence of us Test Thomas Ward Nixon Cox " " " " " "

North Carolina Sampson County } Court of Pleas & quarter Sessions February Term 1832 Then was the within marriage Contract duly ~~proved~~ proven in open Court by the Oath of Nixon Cox and ordered to be registered Thomas J Faison clerk Registered the 4th May 1832 W Faison Register

State of North Carolina Sampson County } I Certify that the foregoing marriage Contract to be a tue Copy from the Registers Books of Sampson County This 30th of Sepr 1837 W Rayal Repr -

Stae of North Carolina I Thomas J Faison clerk of the Court of Pleas and quarter Sessions of the County of Sampson do hereby Certify that Whitney Ryal whose signature appears to the foregoing Certificate is register for said County and was at the time of assigning the above Certificate and the signature purporting to be his genine and that full faith and credit are due his Official acts In Testimony whereof I have hereunto set my hand and affixed the Seal of Office at Clinton this 6th day of Novr A D 1837 & 62^d year of american Independence Thomas J Faison clerk {seal} Filed 6th April 1846 J L Evans Reg

Betsey M Nance et al vs Williams Cox } This Case is Submitted on a motion to dismiss the Bill for want of equity I do not think such a case of danger to the estate in reminder is made by the Bill and Supplemental and amended Bill as will authorise this Court to Take any action against the tenant for life. The motion will therefore be sustained. The Register will enroll the following Decree. It is ordered, adjudged and decreed that the "

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Complainants Bill be dismissed for want of equity without prejudice and that their next friend pay all costs to be taxed by the Register D G Ligon " " " " " " Chancellor

Bond for writ of Error The State of Alabama Middle Chancery Division 19th Chancery District Know all men by these presents that we James Nance and William E Bird are held and firmly bound unto Williams Cox the Penal sum of Two hundred dollars lawful money for the payment of which well and truly to be made we bind ourselves and each of us our, and each of Our heirs Executors & administrators jointly & severally firmly by these presents Witness our hands and Seals this 22^d day of June ad 1847.

Whereas lately at the June Term ad 1847 of the Court of Chancery at Cahawba in a Certain Cause then pending in said Court wherein Betsey M Nance, Helen M Nance Martha Ann Nance Cephas Nance Nancey Nance Sarah Nance Simeon Nance Lunda Nance and George Nance infants by their next friend the above bounden James Nance were the Complainants and Williams Cox was the defendant it was by said Court "ordered adjudged and decreed that the Complainants bill be dismissed for want of equity without prejudice and that their next friend pay all costs to be taxed by the register - " and whereas the said James Nance next friend of said infants as aforesaid has this day applied to the register of said Court of Chancery for a writ of error returnable before the Supreme Court of the State of Alabama at his Tuscaloosa on the second monday in December next (1847) to reverse said decree of said Court of Chancery - , and whereas the Collection of the Costs of said suit is stayed and Superceeded ~~and~~ until the judgement of said Supreme Court shall be rendered in the premises. Now the Condition of the foregoing obligation is such that if the said Complainants shall and do prosecute their said writ of error to effect and shall pay and satisfy the Judgement and decree which shall be rendered in the said Cause by the Supreme Court then this ~~above~~ obligation is to be void otherwise to remain in full force and virtue James Nance {seal} Will E Bird {seal} Attest J L Evans ~

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Citation To Pliff or Attorney The State of Alabama Middle Chancery Division 19th Chancery District To any Sheriff of the State of Alabama Greeting you are hereby required to Summon Williams Cox & wife or Joseph P Saffold Esqr Solicitor of record to be and appear before the Hon the Judges of the Supreme Court of the State of Alabama at a Term of said Court to be holden at Montgomery on the first monday in June next to hear the record and proceedings in a cause lately pending in Our said Court of Chancery between Bestey M Nance Helen M Nance Martha Ann Nance Cephas Nance Nancey Nance Sarah Nance Simeon Nance Lunda Nance and George Nance infants by their next friend James Nance Complts and said Williams Cox & wife defts - wherein at the June Term ad 1844 of said Court of Chancery a Decree was rendered dismissing the bill for want of equity at the costs of Complts next friend and to receive and preform whatsoever shall by said Supreme Court be adjudged and decreed in said Cause - said Complts next friend Having given bond with Will E Bird as Security and obtained this writ of Error returnable to said Supreme Court Witness James L Evans Register of said Court of Chancery at Office in Cahawba the Twenty Second day of May A D 1848 J L Evans Regt

Shffs Ret Rec^d 22^d May 1848 Executed 24 May 1848 A Jones Shff Pr R Lovill DS.

The State of Alabama Middle Chancery Division 19th Chancery district I James L Evans Register and master of the Court of Chancery in and for said 19th Chancery district do hereby Certify that the foregoing pages numbered from One to Thirty One Contain a Correct transcript of the original & amended Bills decree &c in the Case of Betsey M Nance et al by next friend vs Williams Cox & wife et al s the same appear of record & on file in my office Given under my hand and private seal having no Seal of Office at Office in Cahawba this 5th day of June ad 1848 James L Evans Reg {seal}

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Certiorari awarded

issued minutes page 109

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