Wm J. Tripp Exr
&c. for N. H. Tripp
vs
Nicholas H. Tripp

Bill of Complt

Filed 4th May 1857

Tripp

To the Hon. P. Hopper,
Judge of the Circuit Court for
Talbot County.-

The bill of William J. Tripp of Talbot County humbly shows that, Richard Tripp late of Talbot County deceased, made and executed his last will and testament, bearing date on the twelfth day of December, in the year eighteen hundred and forty six, in which among other clauses and devises, is the following, to wit

"Item. I give and bequeath unto my son William James Tripp, his executors and administrators, such of my negroes, as may fall to the share or portion of my son Nicholas Hammond, in the division of my personal estate, in trust and confidence that he will hire out, collect, and pay over to my son Nicholas Hammond, the hire of said negroes, as may be allotted to him in the division aforesaid, in such manner, and on such terms, as my said son William shall deem most advisable." a copy of which said last will and testament is herewith filed, marked exhibit A, and prayed to be taken as a part of this bill, as by reference thereto will more fully appear.-

And your orator further represents that, by said last will and testament, he was appointed sole executor to settle the Estate of the said Richard Tripp deceased; and was also appointed Trustee, under said will, for the benefit of said Nicholas H. Tripp, to carry out the intentions and purposes of his Testator, as expressed in said will.-

Your orator further represents that, in pursuance of the trust and confidence reposed in him by his testator, in the will aforesaid, he has paid over to the said Nicholas H. Tripp the hire of said negro slaves.-

And your orator further represents that, the said Nicholas H. Tripp, being desirous of leaving the County and State, applied to your orator to make sundry large advances to him, to enable him to carry out this object; which to grati-

by him your orator did, at great inconvenience to himself.—

Your orator further represents that, he permitted the said Nicholas H. Tripp to exceed largely his income, being a brother and those advances, and loans on the part of your orator, and other matters of account, have resulted in the creation of an account, by your orator against his said "Cestui que trust", Nicholas H. Tripp, amounting to the sum of eighteen hundred and seventy six dollars, and thirty two cents: which account is herewith filed, marked B, and prayed to be taken as a part of this bill, the same having been admitted by the said Nicholas H. Tripp, as true and correct; but which said account, the said Nicholas H. Tripp is wholly unable to pay, without the sale of the negroes, allotted to his share, to wit, Negro Man Isaac aged about 40 years. Negro man Samuel aged about twenty one years & girl Rachel aged about 14 years.

Your orator further makes known unto your Honor, that he is willing, and anxious, to purchase said negroes of said Nicholas H. Tripp, but is advised that he cannot do without the aid of this Honorable Court.—

Your orator further states, that the said Nicholas H. Tripp and himself have fully, and amicably, agreed upon the value and price of said negro slaves; and the said Nicholas H. Tripp is anxious, that the said negroes should remain with your orator and his family; as he fully believes, that it was the intention of his father, that they should so remain in the family.—

Your orator therefore prays your Honor, to take this trust under the cognizance of the Circuit Court, for Talbot County, on the Equity side thereof, to revoke the trust of your orator, and to appoint a new Trustee; and also to authorize said new Trustee to sell and dispose of said negroes at private sale, and to report said sale to this Honorable Court for its ratification; and also to authorize said Trustee to pay and allow the account of your orator, hereinbefore referred to.—

To the end therefore, that the said Nicholas H. Tripp may answer the several matters, and things, hereinbefore stated, as fully and particularly, as if they were herein again repeated, and he was thereunto specially interrogated; and that your orator may have such further relief, as the case may require.—

May it please your Honor to grant, unto your orator, the writ of subpoena, against the said Nicholas H. Tripp, commanding him to appear in this Court, (at some certain day to be therein named) to answer the premises, and abide by, and perform such decree, as may be passed therein, and as in duty &c.—

Wm. Hamilton
W Blake
Solrs for Mpl

allow him the claims which he has paid and to direct him to pay those which he has assumed to pay for the benefit of his cestui que trust, and to pass an order directing him to pay over the residue to the said Cestui que trust and be discharged from his trust, and to account for interest on the balance remaining in his hands from the month of August A.D. 1858 - at which time by the direction of your Honor he put the fund to use -

And as in duty bound he will ever pray &c

J. C. N. Powell
Trustee - Petitioner -

Petition of Powell Trustee
Filed Sept. 9 1865

To the Honorable R. B. Carmichael Judge of the Circuit Court for Talbot County in Equity

The petition of J. C. N. Powell Trustee for the sale of the negroes of N. H. Tippe, humbly sheweth

That upon the bill of Complaint of W. J. Tippe Trustee for N. H. Tippe, answer and other proceedings, your petitioner was by a decree of the Circuit Court aforesaid appointed trustee to make sale of certain negroes therein mentioned, and to allow the account of the former trustee against his cestui que trust and also to pay the Counsel fees of N. H. Tippe -

That your petitioner was further ordered by the said decree to hold and retain the residue of the fund subject to the further order of the said Court -

That in pursuance of the terms of the decree your petitioner gave bond, made sale of the negroes, settled the account with W. J. Tippe trustee and executed a release to him, paid the fee of one of the Counsel (having been himself the other Counsel) and made report of his proceedings and of the residue of the fund to the Court, as will appear by the proceedings filed in the said Cause -

Your petitioner further states that the whole proceeding was one of consent between the parties and the bill was filed and your petitioner appointed trustee for the sole purpose of making a legal settlement with the former trustee and releasing him

from his trust - that it was the purpose and intent of all the parties, that as soon as the proceedings could be completed in due course of Chancery the entire residue should be paid over to the cestui que trust and the trustee discharged from his trust -

That in the mean time, with the approbation of Judge Hopper then presiding as judge of this Court your petitioner as trustee paid to Col. Hambleton cash advanced by him to the cestui que trust and assumed to pay bills for board, medicine medical attendance, clothing and other necessaries - and on two occasions furnished him money to visit his wife and child then residing in Baltimore - Your petitioner further states that at the October term of Caroline Court A.D. 1857 he carried the papers in the cause for the purpose of obtaining the order for final ratification from judge Hopper and an order for the allowance of the bill, so paid and assumed to be paid - Your petitioner further represents that his Honor being at that time very unwell requested him to hold the papers until the November Term of the Court in Talbot then ensuing, and in the mean time to provide all necessaries for his cestui que trust, promising to review the papers and accounts at that time and to make the allowance of all just claims and to pass an order for a final settlement with the cestui que trust and a discharge from the further performance of the trust - That the indisposition of Judge Hopper increased from that time - that he was unable to attend Court in Talbot in November and at the times afterward to which the Court was by his order adjourned - and that he soon after died - thereby preventing the fulfilment of his promise and authority to your petitioner -

Your petitioner further shows that he has with his best judgment and in good faith provided for his cestui que trust to the period when your Honor was elevated to the Bench that as soon thereafter as in his power he called your Honor's attention to the case and since then has not paid any other bills -

Your petitioner further states that his cestui que trust has in every case received the full benefit and advantage of all monies Expended and all account assumed, as his own orders on your petitioner as his trustee will show and that ~~all parties~~ the said cestui que trust and his family friends as well as your petitioner are desirous that these claims should be paid and the trustee released on final settlement with his cestui que trust -

Your petitioner therefore prays your Honor to

No 5 Chancery
Petition of Wm. J. Tripp

Filed 11th June 1860

Edward Hayward Clerk

To the Honorable R. B. Carmichael
Judge of the Circuit Court for Talbot County

The Petition of William J. Tripp of Talbot County humbly represents unto your Honor that Richard Tripp late of the County aforesaid deceased, who was the Father of your Petitioner made and executed his last will & testament bearing date on the twelfth day of December in the year Eighteen hundred & forty six in which among other Clauses and devises is the following to wit "Item I give and bequeath unto my son William James Tripp his Executors and Administrators such of my negroes as may fall to the share or portion of my son Nicholas Hammond in the division of my personal Estate in trust & confidence that he will hire out, collect & pay over to my son Nicholas Hammond, the hire of said negroes as may be allotted to him in the division aforesaid, in such manner and on such terms as my said son William shall deem most advisable" as by reference to a copy of said last will & testament herewith filed will more fully appear.

Your Petitioner further represents unto your Honor that by virtue of said last will & testament he acted as Executor of said Richard Tripp, and also in the capacity of Trustee of the said Nicholas Hammond Tripp until the Seventh day of May in the year Eighteen hundred and fifty-seven when J. C. M. Powell was appointed ~~trustee~~ by the Honorable Judge Hospers then Judge of said Court, Trustee of the said Nicholas Hammond Tripp as will appear by the record of proceedings in the case of William H. Tripp, Trustee of N. H. Tripp, versus Nicholas H.

Trippe, now on file in the office of this court-
Your petitioner further represents, that the said N. C. W. Powell has acted as Trustee for the said Nicholas H. Trippe by virtue of the decree passed in the premises aforesaid, and still continues to act in said capacity.
Your petitioner for divers reasons prays your Honor to reappoint him Trustee, and herewith files the written consent and agreement of the said N. C. W. Powell desiring to be relieved and removed of the trust aforesaid.
Your petitioner therefore prays your Honor to revoke the trust of the said N. C. W. Powell, Trustee as aforesaid, and to reappoint your petitioner Trustee of the said Nicholas H. Trippe, and as in duty bound he will ever pray &c.---

Jno. H. Hambleton.
Wm. B. Claud
Attorneys for Petitioner

I agree to the revocation of my trust in the above cause upon the allowance of the usual commission to me as trustee and the reappointment of Wm. K. Trippe as trustee—

N. C. W. Powell
Trustee

The foregoing Petition having been read and considered it is thereupon this 11th day of June in the Year Eighteen hundred & sixty- by this Court ordered and adjudged that N. C. W. Powell pay over to William J. Trippe who is hereby appointed Trustee for Nicholas H Trippe, the sum of seven hundred and ninety two dollars being amount of unexpended fund remaining in the hands of said N. C. W Powell Trustee as aforesaid upon condition that the said William J. Trippe with the Clerk of this Court shall first file a bond to the State of Maryland in the penalty of two thousand dollars with security approved by this Court for the faithful performance of the trust reposed in him by this order, or by any future order or decree in regard to the trust

Nich. H. Carmichael

To the Honorable [illegible] Judge of
the Circuit Court of Talbot County, Equity sitting.
The petition of Samuel Hambleton of Talbot County
respectfully represents unto your Honor that at the
June 185 , of Circuit Court for Talbot County
Nicholas Hammond Tippie was indicted for an assault
with intent to kill and murder Orsin Gore of said County
and also for an assault and battery on said Gore - and your
petitioner and William M Clark Esq were his Counsel.
Your petitioner further makes known unto your Honor that
at the June 185 , of said Court said N. H.
Tippie removed the said indictment upon affidavit to the
Circuit Court of Dorchester County; and that your petitioner
and said William M Clark followed his said case and tried
the same in the Circuit Court in said County. And that upon
full trial thereof the Jury acquitted said Tippie of the assault
with intent to murder said Gore, but convicted him of an assault
and battery upon him. Whereupon the Honble. [illegible] A Stewart
Judge of said Court imposed a fine of fifty dollars and costs
upon said N. H. Tippie; and he being in a strange County
and from home was about to be placed in prison when your
petitioner and said William M Clark became his securities
for said fine and fees, as will appear by a copy of the record
of said trial and sentence, from the Circuit Court of said
County, herewith filed and marked Exhibit A and prayed
to be taken as part of this petition.

27 Number 16

In the matter of the
Trust of N. H. Tippie
[illegible]

Petition of
Wm: H Hambleton.

Filed January 27th 1857.
and Ordered that
the petitioner have
leave &c.
John Leeds Bozman

Your Petitioner further makes known unto your Honor that he has been compelled to pay said Note and fees amounting to the sum of Eighty Eight dollars, nine cents, and on the tenth day of August 1859 did pay the same as will appear by the Certificate of Thomas M Flood Deputy Clk. of Dorchester County, appended to said Record hereto prayed to marked A. Your Petitioner further makes known unto your Honor that the property and effects of said N. N Keppie are in the hands of H W. Powell Esq. his Trustee under the Orders of this Court. Your Petitioner therefore prays your Honor to order and direct said Trustee to pay the said sum of Eighty Eight dollars and nine cents with Interest from the 10th of August 1859 to your Petitioner. and as in duty bound &c.

John: Hambleton.

The above petition being read and considered it is thereupon this 2d day of Febry 1861 by the authority of this Court ordered, adjudged and decreed that H W. Powell Trustee of Nicholas N Keppie pay to Samuel Hambleton the sum of Eighty Eight dollars, nine cents, with Interest from the tenth of August 1859 pursuant to the prayer of above petition and that the same be allowed said Trustee in any future audit or adjustment of said Trust fund.

Rich. H. Jas Carmichael