

1818-006

SOUTHAMPTON COUNTY
CHANCERY PAPERS

COOK et al vs. COOK

12/1818

other SURNAMES: Fierce,
Rochelle, Day, TURNER, Presson,
Edwards, Fort, Kitchen

Laurence Cook bal

W^m Bill r

Eliza: Cook

Balser

January 1878 Int^d Decer

To the honorable Court of S^c Ampton County
in chancery setting Humbly Complaining shew unto
your worships your Orators and Oratrices Lawrence Cook
Miles Cook, Rice B. Peice and Frances his wife form-
erly Frances Cook, Nathl. Rockell and Frances his
wife, formerly Frances Day, Edwin Turner, Edmond Day,
John Day, Saml Pusey & Mary Jane his wife formerly
Mary Jane Edwards, John Edwards, Frances Edwards, Martha
E. Edwards and Louisa A. Edwards ~~which said~~ Collin Fletcher
admo^r of Joshua Fort dec^d which said Edmond Day
John Day, Frances Edwards, Martha E. Edwards and Louisa
A. Edwards are infants suing in the behalf by Law-
rence Cook by their next friend that some time in the
year eighteen hundred and nine Lazarus Cook late of the
County aforesaid, departed this life intestate seized and
possessed of a considerable estate both real and personal.

That after the death of the said Lazarus Cook as afores^d.
the slaves to which he was so as aforesaid entitled, were
divided under a decree of this honorable Court, by reason
of which said decree one equal third part of the said
slaves were allotted to Elizabeth Cook as widow and whol^e
of the said Lazarus Cook dec^d. your complainants state
the said Elizabeth Cook is still living, and by her the
following negro slaves, to wit, Willis, Aaron, Naim, Frank
Rachael, Babary & her child named Sallay and her
child named

Have been surrendered and delivered up to the parties entitled to the same in remission, among whom the said slaves are now sought to be divided or sold if no decision thereof can be made in kind - your Compt^s further state that by virtue of the laws of the country, the slaves aforesaid are subject to division as follows, that is to say, one sixth part thereof to each of your Orators, Laurence Cook, Miles Cook & Rice B. Price, one sixth part thereof to your Orator Collis Ketchum as admin^r. of Joshua Fort Esq^r, one sixth part thereof to Edmund Day, John Day, Nathl. Rockwell & Edwin Turner one sixth part thereof to them and them abates, and to John Edwards, Francis Edwards, Martha E. Edwards, Louisa A. Edwards and Sarah Puffer the remaining one sixth part thereof to them and them abates - your Compt^s further state they are advised that probably the said slaves cannot be divided without first making sale thereof, to do which the interposition of a court of equity is necessary & proper - In tender consideration thereof and for as much as your Compt^s are unable in the premises except by the interposition of this most helpful Court - To the end therefore that the said Elizabeth Cook (who is prayed to be made deft. hereto) may upon her corporal oath full & perfect answer make to all & singular the foregoing allegations & that as fully as if the same were here again repeated & she should more especially interrogated - that she may declare whether she has surrendered & delivered up the slaves aforesaid - whether the same are liable to division as herein before mentioned, & whether should it be impracticable to make division in kind of the slaves aforesaid she will consent to a sale for the purpose of effecting a division thereof.

Your Compt.^s Lastly, pray that your ^{wise} ~~compt.~~ will appoint
Comer.^t to make division of the S^d Slaves agreeably to the foregoing
premises, or if no division can be effected, to make sale thereof
so that the same may be divided among the parties entitled thereto.
That you will grant the aentl^s writ of subp^e com. & p^e & it
as in duty bound they will ever pray &c.

The Answer of Elizabeth Cook widow &
relict of Lazarus Cook decd. to a Bill of Compt. exhibited
against her by Lawrence Cook, Miles Cook & Co in the County
Court of S.^c Ampton - This respondent saving and reserving
to herself every benefit & advantage of exception to the manner
& insufficiencies in the said Bill contained for answer
thats to say that it is true she has received & holds
upon the slaves in the Bill mentioned as charged by the Compt.
She is willing that the said slaves may be sold or divided
as the Court may think proper & she follows the said slaves
and hath to division as in the s.^c Bill is set forth -
Your respondent denies all fraud & expense
to be her a dis misps with her reasonable costs in the
wholly most mercifully sustained -

Lawrence Cook
for
Elizabeth Cook

Laurence Cook Miles Cook & al
v. 3 In Chancery &
Elizabeth Cook.

This cause came this day to be heard upon
the bill & answer by consent of the parties and with the assent of
the court, whereupon the court with order adjudge & decree that
Richard Blunt, William Phillips, ^{Geo. B. Edwards, & Rich?} ~~Bartholomew & John Day~~
or any three of them do divide the s^laves, to wit, Willis, Aaron,
Nim, Frank, Rachael, Belay & her child named Ephraim -
Isley and her child named Matthew & ^{Emily} into six equal parts,
and allot the same as follows, that is to say, to Laurence Cook,
Miles Cook & Rich B. Pierce, each, one of the said parts: to
Collin Kitchen adm^t of Joshua Part dec^d one of the said parts:
to the said Geo^d Day, John Day, Nath^l Rockelle & Edwin Turner one
of the said parts, share & share alike, & to John Edwards,
Francis Edwards, Martha E. Edwards, Louisa A. Edwards and
Sam^l Prepon the remaining one sixth part share & share alike.

And the court with further order adjudge & decree
that ~~the said~~ should the s^d comers or such of them as may act,
be unable to make equal & proper division of the s^d slaves, that
then they or such of them as may act, after giving at least
two days public notice of the time & place of sale, are
lawfully authorized & directed to sell by public auction,
the slaves afores^d & divide the proceeds by allotting ^{after a credit of nine months} one sixth
part to each of the compts^s Laurence Cook, Miles Cook
& Rich B. Pierce, one sixth part to Collin Kitchen
adm^t of Joshua Part dec^d, one sixth part to Geo^d Day,
John Day, Nath^l Rockelle & Edwin Turner share and
share alike, & the remaining one sixth part to

~~John Edwards, Francis Edwards, Martha E. Edwards, Louisa A. Edwards,~~
~~& Saml. Puffer shall & shall abide for all report to this~~
~~Court in accordance to a final decree~~ taking bonds for the
amount of the proceeds, with good & sufficient security, &
make report to this Court in accordance to a final decree.

Borhampton January Court 1818

Lawrence Cook, Miles Cook, Rice

B Pierce and Frances his wife, formerly
Frances Cook, Nathl Rochelle and Frances
his wife, formerly Frances Day, Edwin
Turner, Edmund Day, John Day, Saml
Purson and Mary Jane his wife, formerly
Mary Jane Edwards, John Edwards, Francis
Edwards, Martha E Edwards and Louisa A
Edwards and Collin Kitchen owner of
Joshua Fort decd the said Edmund
Day, Mr Day, Francis Edwards, Martha E
Edwards, and Louisa A Edwards, Infants by the said
Lawrence Cook their next friends. Complainants

vs
Elizabeth Cook widow and relict of
Lazarus Cook decd. Defendants

De Chancery

This Cause Came this day to be heard
upon the bill & answer by consent of the parties
and with the assent of the Court, whereupon the
Court doth adjudge, order and decree, that Richd
Blunt, William Phillips, Geo. B. Edwards & Richd
Day, or any three of them do divide the s^d slaves
with Mills, Aaron, Min, Frank, Rachael, Babany
& her child Ephraim ^{and her child named} ~~Sally~~ ^{as is also the same as follows, that is to say to give each one of the said parts}
~~Matthew & Emily, into two equal parts, to the said~~
Edm^d Day, John Day, Nathl Rochelle & Edwin
Turner one of the said parts, share & share alike,
and to John Edwards, Francis Edwards, Martha
E. Edwards, Louisa A. Edwards, and Saml Purson
the remaining one sixth part share & share alike
and the Court doth further order, adjudge and
decree that should the s^d Comrs or such of them
as may act be unable to make equal & proper
division of the s^d slaves, then they or such of them
as may act, after giving at least ten days public
notice of the time and place of sale, are hereby
authorised and directed to sell by public auction

upon a credit of nine months the slaves afore-
taking bonds for the amount of the proceeds,
with good & sufficient security ~~to make up~~ It is
~~to this Court the order of a final decree~~
~~Further orders are agreed - that in case the P. Commrs make sale of said slaves~~
That they pay to Laurens Cook, one sixth part of the
Amount of Sales, ^{thrust} to Miles. A copy
Cook, one sixth part. to Rice B. Cook.
one sixth part. in right of his wife Frances. C. M. J. D.leton. D.C.
formerly Cook. Nath. Rochelle, Edwin Luman.

Edmund Day, & John Day one sixth part. share and share alike to
To Laurens Cook, ~~John~~ of Martha C. Fort. one sixth part. To
Simeon Prepon, John Edwards Francis C. Edwards, & Laurens
Cook Guardian of Martha C. Edwards, & Louisa A. Edwards
one sixth part. share & share alike - I make Report
to this Court in order to a final Decree.

The foregoing amendment to the within
Decree was made Oct. Court 1818

N. Rochelle

Cook & ^{to} } copy
Cook & } decree

Report of the
division of the
Sale of Ten
Slaves. belonging
To the est of
Lazarus Looker

Decr 21st 1818 Apt. Recd
I Oliver final by Consensus

Agreeable to an Order of Southampton Court
to us directed. We the undersigned did sell to
the highest bidder on the 7th day of March
1818 at the Crook Keys in the aforesaid County
Ten Negroes belonging to the estate of Lazarus
Cook decd. on a Credit of Nine Months, Viz.

Emily	To Rice B Pierce	512 00
Willis	" Lawrence Cook	670 00
Marion	" do do	612 00
Nim	" Rice B Pierce	300 00
Rachelle	" do do	276 00
Barbary & Ephraim	" Lawrence Cook	671 "
Sukey & Jack	" Saml. Prepon	652 00
Frank	" Lawrence Cook	201 00
		\$ 3894 00

Agreeable to the Legates named in the Order
there is the sum of Six hundred and forty
nine Dollars due each one; the 7th day of
December next. Viz. Lawrence Cook, Miles
Cook, Rice B Pierce in right of his ^{wife} Frances,
Olisa Fort in right of her Mother Martha
Fort, formerly Martha Cook, Edwin Turner
in right of his Wife Martha, formerly Day
one hundred & Sixty Two Dollars and Twenty five
Cents, Edmund Day one hundred and sixty

Two Dollars & Twenty five cents. John M C
Day the same amt. & Nathl Rochelle in right
of his wife, ^{Frances} the same amt. the last named
four being the heirs of John Day dec^d whose
est. was entitled to the sum of \$649. in right
of his wife Elisabeth formerly Cook, also
the heirs of Nathl Edwards dec^d in right
of his wife Polly formerly Cook. will receive
one hundred and Twenty nine Dollars & eighty
cents each Vis John Edwards, Francis
Edwards, Martha Edwards, Louisa Edwards
& Saml Prepon in right of his wife
Polly, formerly Edwards. which will be an
equal proportion of all the money the 8^o
Slaves sold for amongst the Legates as
aforesaid stated. Given under our hands
this 2th day of Decr 1818

W^m Phillips
Geo^y W. Edmunds
Richard B Day