

1819-034

SOUTHAMPTON COUNTY  
CHANCERY PAPERS

PORTER et al VS. PORTER'S EXTOR

1/1819

other SURNAMES, Barnes,  
Woodard

Thos. & Jesse Porter  
&c.

v  
Henry Porter Esq  
Thomas Porter Esq.

  
Will & answer

Dec<sup>r</sup> 1816 Deceid  
and order accordingly

To the worshipping court of Southampton county  
sitting in Chancery humbly complaining sheweth unto  
your worships your orators & oratrices Jesse Porter  
& Thomas <sup>Porter</sup> infant children of Thomas Porter dec. by  
Bolling H. Barnes their Guardian and next friend. —  
Richard Porter an infant son of Thomas Porter dec.  
by D. H. Barnes his next friend; — and Susan Porter  
and Mary Porter, also infants by their Guardian  
Anthony Woodard. —

That Thomas Porter now deceased departed this  
life in the year 1814 after duly making and  
publishing his last Will and Testament; which  
it is prayed may be taken and considered  
as a part of this bill; in which said Will  
he lends to his wife Charlotte Porter his whole  
Estate, real and personal. — That the said  
Charlotte his widow is now dead; and that  
according to the Will of the Testator Thomas  
Porter, at her death, his lands should go to  
his two sons Thomas and Jesse — and that  
the personal Estate should be divided between  
his other sons and Daughters to wit. Richard  
Porter, Benjamin Porter, Susan Porter, & Mary  
Porter; that some time before the death  
of the said Testator Benjamin, one of his  
sons departed this life, under the age of 21  
years, and intestate: never having received any  
part of his father's Estate. — That the  
provisions of the Will of the said Thomas

Porter's will cannot be carried into effect without the aid of a Court of equity where alone such matters are properly cognizable. To the end therefore it is prayed that Henry Porter who has qualified as Executor to the said Will, and has in possession the Estate of the said Thomas Porter, dec'd. be made Defendant to this Bill, may answer the allegations therein. And that the Court will order and decree that the said Land devised to Thomas and Jesse Porter be laid off in two equal parts, and allotted to them, being all that the Testator by his Will intended for them. — And that the Negroes and other personal Estate, after payment of Debts, be equally divided between your complainants Richard, Susan, and Mary Porter, they being now entitled since the said Benjamin is no more, to all the personal Estate on the death of the said Charlotte Porter, widow of the said Thos. Porter dec'd. which event has now happened. — That commissions be appointed to carry the prayer of this Bill into effect. — and your orators & attorneys as in duty bound shall forever pray &c

The answer of Henry Porter to a bill in Chancery exhibited against him by Thomas & Jesse Porter and others in the County Court of Southampton for answer thereto saith, that he admits the truth of the allegations set forth in the comp'ts bill. — that Thomas Porter has departed this life, leaving such a Will as is in the comp'ts bill stated. — That he, this respondent has qualified as Executor thereto. — and wishes not to withhold from the complainants the said Estate and shall therefore be satisfied with such Decree as the Court may think proper in the premises. — and prays hence to be Dismissed. —

Henry Porter

Wm. & Thos. John Charlotte  
Wm. & Thos. Harris & Co.  
Clerks Cam. —

1<sup>st</sup> Term Dec<sup>r</sup> Court 1816

Jep<sup>r</sup> Porter and Tho<sup>s</sup>. Porter infant children of Tho<sup>s</sup>.  
Porter dec<sup>d</sup> by Bolling H. Barnes their Guardian and  
next friends, Rich<sup>d</sup>. Porter an infant of Tho<sup>s</sup>. Porter dec<sup>d</sup>.  
by the s<sup>c</sup>. Barnes ~~their~~ <sup>their</sup> next friend, and Susan Porter and  
many Porter also infants by their Guardian Amey Woodard. Compt<sup>r</sup>  
age

Henry Porter

was ~~so~~ <sup>so</sup> ~~called~~ <sup>called</sup> ~~by~~ <sup>by</sup> ~~the~~ <sup>the</sup> ~~court~~ <sup>court</sup> ~~of~~ <sup>of</sup> ~~the~~ <sup>the</sup> ~~Porter~~ <sup>Porter</sup> ~~and~~ <sup>and</sup> ~~appears~~ <sup>appears</sup> ~~of~~ <sup>of</sup> ~~the~~ <sup>the</sup> ~~Court~~ <sup>Court</sup>.

Deft.

In

Chancery

This day this Cause <sup>came</sup> on to be heard upon the bill of the Compt<sup>r</sup>.

answer of the defendant and argument of Counsel, Whereupon His  
Hon<sup>r</sup> the Court ordered and adjudged, that Bely<sup>a</sup>. Blunt, Jas<sup>s</sup>. Sanctoth, Amey  
Harris and Miles Cook, or any three of them, to be attested with the  
Surveyor of this County if necessary, do lay off and divide into two  
equal parts the tract of land whereof the said Tho<sup>s</sup>. Porter dec<sup>d</sup> Leases and  
Jesse, and assign and let a part by proper moles and corners one of the  
said parts of land into the Compt<sup>r</sup>. Jep<sup>r</sup> Porter and the other part to the  
Porter the Compt<sup>r</sup>. Tho<sup>s</sup>. Porter, having regard to quality as well as quantity, and  
that the said Compt<sup>r</sup> or such of them as may act do lay off into three  
equal parts <sup>all</sup> the <sup>Leases belonging to the</sup> ~~Personal~~ estate of the said decedent, and allot and assign

one the said parts to the Complainants <sup>Richard Porter</sup> ~~Belling W. Barnes~~, in right of his said  
 wife ~~Richd C Porter and other parts~~ <sup>Susan and Mary</sup> and the remaining two  
 parts to ~~Anthony~~ <sup>Woodward</sup> in right of his said wife ~~Susan Porter~~  
 and Mary Porter, having regard to the value thereof and it is ~~also~~  
 further ordered that the said Commt. make a report ~~of their~~ <sup>of their</sup> acting  
 and doings in this behalf to the Court in order to a final Decree.

Report of the  
division of those  
Porters Land & Slaves

January 18<sup>th</sup> 1819 Rept. with  
to R. by Consul

Agreeable to an Order of the County Court of Southampton to us directed bearing date December Court 1816 We the undersigned Commissioners have gone on the Land of Thomas Porter dec<sup>d</sup> attended by the Surveyor of Southampton County as by the Order we were requested and have ran out the same and find there to be five hundred and One Acres in the whole Tract; and we have divided the same in the manner and form following (To Wit) Lot No 1. drawn by Thomas Porter Containing Two hundred & Fifty & a half acres and bounded as follows. Beginning at a Sweet Gum a new Corner made in John T Vaughans line and in the dividing line of Thomas and Jesse Porter thence along the new line S. 17. E 240 Pole to a Post just below the house; thence S 50 E 96 Pole to a Pine a new Corner made in the out bounds of the said Land. thence along all the out boundary lines to the deep branch and thence along the run of the deep branch to the first Station, being Thomas Porters proportionable part of all the Lands of his deceased Father;

also Lot No 2. which Lot was drawn by Jesse J. Porter Containing Two hundred and Fifty & a half acres and bounded as follows (To Wit) Beginning at a Sweet Gum a new Corner made in the dividing <sup>line</sup> on the side of the Deep Branch.

thence along the deep Branch to the run of the Millpond, thence along the run of the Millpond to a Sweet Gum a Corner of James Morris, line thence along Morris out Lines to the Myry Branch, thence along the Myry Branch to a black Gum a Corner of John T. Vaughans line, thence along Vaughans marked line to the pine a new Corner in the dividing line thence along that dividing line to the first Station, being his full proportion of all the Lands of Thomas Porter dec<sup>d</sup>.

Also further in obedience to the same Order of Court bearing date as aforesaid, We have divided the slaves of the said dec<sup>d</sup> in manner and form following (To wit) Lot No 1 in the Slaves, say Mark \$500, Penny & Anthony \$600. Lewis \$150. drawn by Susan Porter amounting to Twelve hundred & Fifty Dollars. her proportionable part of all the Slaves of Thomas Porter dec<sup>d</sup> after paying to Rich<sup>d</sup> Porter Lot No 2 the sum of five Dollars which taken from \$1250 leaves \$1245 her full proportion of all the Slaves of Thomas Porter dec<sup>d</sup>.

also Lot No 2 drawn by Richard Porter say Peter valued at \$500 Judd \$400 Grace & Sarah \$200, and Jacob @ \$100 making \$1200. his proportion of said Slaves after receiving from Susan Porter Lot No 1 the sum of Five Dollars and from Mary Porters Lot No 3 the sum of Forty Dollars making \$1245

it being his full proportion of all the Slaves of his dec<sup>d</sup> Father

also Lot No 3 drawn by Mary Porter say Kate valued at \$300 Austin \$375 Clampha \$400 & Lucy at \$210 amounting to \$1285. her part of said Slaves after paying to Richard Porters Lot No 2 the sum of Forty dollars. which taken from \$1285 leaves Twelve hundred and forty five dollars. which is her full proportion of the Slaves of Thomas Porter deceased.

Given under our hands this 25<sup>th</sup> day of March 1817

Wm. L. Oak

Benjamin Blunk Jr

Neill Harris