1822-024 SOUTHAMPTON COUNTY CHANCERY PAPERS UNDERWOOD vs. UNDERWOOD & al 11/1822

other surnames: Foster

Underwood

vs

Underwoods

Bill & Answers

March 18th 1822 ~~Postf. during~~

Final ~~Decree~~

Repeated

To the worshipful Court of Southampton in Chancery sitting. Humbly complaining sheweth unto your worships your oratrix Nancy Underwood an infant by her guardian and next friend James C. & Foster. That Etheldred Underwood a minor the brother of your oratrix lately departed this life intestate and unmarried and without leaving a mother Elizabeth Underwood a brother Matthew Underwood and another sister Mary Underwood his next relations who alone are entitled under the act of Assembly in such cases made and provided to the personal estate of said Etheldred. That the said Etheldred died possessed of two slaves which constituted his personal estate. your oratrix is advised that she is entitled to one fourth in value of said slaves, but that her proportion cannot be recovered into possession without the aid of a Court of Equity. In tender consideration whereof and as no remedy is without your oratrix is without remedy in the premises save in a Court of Chancery she prays that the said Elizabeth Matthew and Mary Underwood may be made defendants hereto and be compelled to answer all and singular the allegations herein contained fully and precisely and the further prays that the said two slaves may be sold and the proceeds of the sale divided as between your oratrix and the defendants to their respective rights and as in duty bound the said &c will pray

To the worshipful Court of Southampton in Chancery sitting. The joint and seperate answers of Elizabeth Underwood, Matthew Underwood and Mary Underwood to the bill of complaint exhibited against them by Nancy Underwood by her guardian and next friend James C. F. Yates.

These respondent now and at all times saving and reserving to themselves, all benefit of exception to any errors or imperfections in the complainants bill contained for to so much thereof as they are advised is necessary or material for them to answer answering say. That they know nothing of the complainant in the bill are true and they are willing that the same Court should make such decree in the premises as may be right and proper and having answered they pray to be hence dismissed &c

Underwood Plff
v
Underwoods - Defts
In Chancery.

This cause was this day docketed by consent of parties and upon the bill and answers and heard on the bill and answers and arguments of Counsel. whereupon and after due consideration thereof had the Court doth adjudge order and decree that the two slaves whose names Ethelred Underwood be sold on a credit of nine months after having given twenty days public notice of the time and place of sale and that four seperate bonds in equal amount with approved security be taken to secure the payment of the amount of sales. one by each of the purchasers and are payable to each of the defts and delivered to them as their respective proportions of said slaves And it is moreover ordered that James W Parker Samuel Barham, William L Barksdale & Henry A Wellons or any three of them do carry the foregoing decree into effect and make report to this Court of their proceedings herein in order to a final decree.

Underwood &c.

vs

Int. Decree

Underwood &c.

ct Copy

Southampton March County court 1822

Nancy Underwood an Infant by James C.H. Foster her next friend ——— Compl.t

against

In Chancery

Elizabeth Underwood, Matthew Underwood and Mary Underwood ——— Defts

This cause was this day docked by consent of parties and agent of the court and was heard on the bills and answer and arguments of counsel, whereupon and after due consideration thereof had the court doth adjudge order and decree that the two Slaves whereof Ethelred I. Underwood died seised and possessed be sold on a credit of nine months, after having given twenty days public notice of the time and place of sale and that four seperate bonds in equal amount with approved security be taken to secure the payment of the amount of sale, one payable to the Guardian of the complainant and one payable to each of the defendants, and delivered to them as their respective proportions of said slaves, and it is moreover ordered that James W. Parker, Samuel Barham, William D. Rochelle and Henry Applewhite or any three of them do carry the foregoing decree into effect and make report to this court of their proceedings herein in order to a final decree ——

A Copy Teste James Rochelle C.S.

Commrs. Report of
E. I. Underwood Et.

The Estate of Ethelred J. Underwood dec'd in Account Current with James W. Parker, Samuel Parham, William L. Rochelle and Henry Applewhite (Commrs.)

		cts
To Commissions on $500 @ 5 per cent	$25	"
" Paid Elizabeth Underwood as per. receipt	118	75
" " Matthew Underwood as per. do.	118	75
" " Mary Underwood as per. do.	118	75
" " Jamuel H. Foster Guar.d to Nancy Underwood	118	75
	$500	00

	$	cents
Amount of Sale of Slaves	500	00

Agreeable to an Order of the Worshipful Court of Southampton to us directed, bearing date March Court 1822 (and hereto annexed) We the undersigned have acted in Conformity with the same and report as above to your worships

Given under our hands and seals this day of 1822

James W. Parker
Saml. Parham
Harry Applewhite
William L. Rochelle

Matthew Linderwood

Receipt

Received this 16th day of August 1822 from James W. Parker Samuel Barham William L. Rochelle & Henry Applewhite, Commissioners appointed by the Court of Southampton to carry into effect a decree of said court by selling the two slaves belonging to Ethelred & Underwood decd & making distribution of the proceeds of such sale amongst the distributees the sum of One Hundred & Eighteen Dollars & 75 cents, being my full proportion (or one fourth part) of the amount of the sale of the slaves of the said Ethelred & Underwood decd, which is the whole amount that I am entitled to receive from them as distributees under the decree of said court as will fully appear by reference to said decree & their report thereon, & I do hereby acquit & discharge them from all other & further claims on them as Commissioners aforesaid for the sale and distribution of said estate

Matthew Underwood

Witness

Jno Carr

Received this 18th day of September 1822 from James M Parker Sam'l Barham Williams & Rochelle & Henry Ashburnham commissioners appointed by the court of Southampton to carry into effect a decree of said court by selling the two slaves belonging to Ethelred J. Underwood dec'd & making distribution of the proceeds of such sale amongst the distributees the sum of One Hundred & Eighteen dollars & 75 cts being my full proportion (or one fourth part) of the amount of the sale of the said slaves of the said Ethelred J Underwood dec'd which is the whole amount that I am entitled to receive from them as distributee under the decree of said court as will fully appear by reference to said decree & their report thereon & I do hereby acquit & discharge them from all other & further claims & demands as commissioners aforesaid for the sale & distribution of said estate

Witness

Jas M Fowler

Mary Underwood

Received this 5th day of October 1822 from James M. Parker —
Saml Barham William L. Rochelle and Henry Applewhite Commissioners
appointed by the Court of Southampton to carry into effect a
decree of said Court by Selling the two slaves belonging to
Ethelred D Underwood dec'd and making distribution of
the proceeds of such sale amongst distributees the sum of
One hundred and Eighteen Dollars and seventy five Cents being my
full proportion or one fourth part of the amount of the Sale
of the said slaves of the said Ethelred D Underwood dec'd which
is the whole amount that I am entitled to receive from them
as distributees under the decree of said Court as more fully
appear by reference to said decree and their report thereon
and I do hereby acquit and discharge them from all other
and further Claim on them as Commissioners aforesaid for
the sale and distributees of said Estate

Witness

Isaac M. Foster Guar'n for
Nancy Underwood

Underwood &c. Repl.
vs
Underwood &c. &c.

Nov. 1822 Ind. & Ord.
to be heard

~~Feby 15th 1823 Dismissed~~

Receive this 16th day of September 1822 from Samuel Barker
Sam'l Barkham William L Mobley & Henry Shepherd
Commissioners appointed by the Court of Southampton to carry
into effect a decree of said Court by selling the two slaves
belonging to Ethelred J Underwood dec'd & making distribu-
tion of the proceeds of such sale amongst the distributees the
sum of One Hundred & Eighteen Dollars & 75 cents being my
full proportion (or one fourth part) of the amount of the
sale of the said slaves of the said Ethelred J Underwood
dec'd which I hereby acknowledge to be in full
from them as distributees agreeable the decree of said Court
as will fully appear by reference to said decree & their report
thereon) & I do hereby acquit & discharge them from all other
& further claims or demands commissioners aforesaid for the sale
& distribution of said estate
Test
Jas Whitehurst

her
Elizabeth X Underwood
mark