

J826-149

SOUTHAMPTON COUNTY WHITFIELD et ux et al VS. WORRELL

CHANCERY PAPERS

8/1826

Other surnames: Forgason, Boon,
Edwards, Barden, Furgason,
Fargason

Whitfield Am. Cal.

vs. F. Bill &c

Lewis Howell.

Baker.

Dec. 1825 July D. 1000

Samuel Co. Co

To the worshipping Court of Exchequer in Chancery sitting
Humbly complaining shew unto your worship your Orators
and oratrix, George Whitfield & Polly his wife, William Fargason
and Mrs. Boon infant son of Stacey Boon formerly Stacey
Edward by the said William Fargason his guardian & friend,
that some years ago Joel Edwards, departed this life intestate, sign
proprietor of both real estate, after which down of the same was
assigned to his widow Mary Edwards, who has also lately departed
this life, leaving of the said down property to be divided among the owners
thereof, a certain tract of land containing about 60 acres, and the
following slaves, namely, Kinchen, Hannah, Maria, John ~~and~~
^{& viz. infant, child of J. S. Hannah married}
Reza: the said Joel Edwards, at the time of his death left seven
children, that is to say, your oratrix Polly & Peterose Edwards Ande-
son Edwards, Attkin Edwards, and Williamson Edwards: he left a
daughter named Sally who is now the wife of James Baird, & he
also left a daughter Stacey, who is dead leaving your oratrix Will-
iam her only son & heir at law: your oratrix George Whitfield since
the death of the said Joel Edwards, has purchased for a valuable
consideration & obtained a regular transfer by deed of the same, the share
of the said Peterose Anderson, & Attkin Edwards in the down property
aforesaid, which gives to your oratrix George Whitfield four shares of
the same, equal to $\frac{4}{7}$ of the whole thereof - your Oratrix William
Fargason since the death of the said Joel Edwards has purchased
for a valuable consideration & obtained a regular conveyance of the
same the share of the said James Baird & Sally his wife in the said
down property: and your orators & oratrix further state that they
have understood that since the death of the said Joel Edwards
a certain Lewis Worrell has acquired by purchase a bona fide
title to the share of the said Williamson Edwards in the aforesaid
down property - Upon this statement of facts your Orators and
oratrix are advised that the said down property, the same not
being susceptible of equal division among the parties, and the said
land part thereof, not being ^{equal} in value to \$100 & share should
be sold & divided, giving to your oratrix George Whitfield four
shares, equal to $\frac{4}{7}$, to your oratrix William Fargason one share, equal
to $\frac{1}{7}$: & to the guardian of your oratrix William Boon one share, equal
to $\frac{1}{7}$ & to the said Lewis Worrell the remaining one share, equal
also to $\frac{1}{7}$: But so it is, your orators & oratrix are advised that
they cannot in this behalf obtain their just rights without the
sanction of a court of equity - In Tender Consideration
whereof &c. To the End therefore that the said Lewis Worrell (who

is prayed to be made defendant hereto may upon his corporal oath
full & perfect answer make to all singular the said allegations
and that as perfectly as if the same were here again repeated
and interrogated: your orators & attorneys pray that your worths
will decree a sale & division of the said land & slaves according to
the principles herein before stated, & that the court will make such
other or further order or decree in the premises as may seem
consistent with the propriety of the case - May it please the
Court to grant &c. &c.

The answer of Lewis Worrell to the Bill of Complaint
submitted in this Court by George Whitfield's wife & others, Com-
plainants - This Respondent saving & reserving to himself the
right of exception to the said bill on account of the many
errors therein contained, for answer thereto saith, that the
allegations in the said bill contained are substantially true.

He has purchased the share of Williamson Edwards of the land
& slaves described by the complainants as charged in the said
bill, & admitting the manner in which the same should be
divided, he will consent to a decree for a sale & division
thereof accordingly - Without that &c. and this respondent denies
all fraud &c. charged against him prays to be hence dis-
missed with his reasonable costs in this behalf sustained &c.

(Signed)

Lewis Worrell

Whitfield vs. Sal - Plff

vs. Geo. C. W.

Lewis Worrell - def.

This came on this day to be heard by
Consent upon the Bill & answer, and upon the argument of
Counsel. On consideration whereof the court doth order, adjudge
& decree that Clement Rochelle, John Barrott & Jacob Barnes
or any two of them, do sell at public auction the land and
slaves in the bill mentioned upon a credit of nine months
& accept a sum in cash sufficient to pay the costs of this suit
& also the expenses of sale which shall be applied accordingly,
& divide the proceeds of sale so as to give to George Whitfield
four shares, equal to $\frac{4}{7}$, to William Ferguson one share, equal
to $\frac{1}{7}$, to the said William Ferguson as guardian to the infant child
William Boon one share, equal to $\frac{1}{7}$ & to the def. Lewis Worrell
the remaining one share, equal also to $\frac{1}{7}$. The said Comrs. or
such of them as may act, first making division of the said
proceeds, and then by directed to take bonds with sufficient
security, payable to the several parties or ^{and deliver the said bonds accordingly} as aforesaid, and make
report to this court in order to a final decree -

Whitford H. } On the 10th
15. } day of
Lewis Howell } June

A copy

August 21st 1826 Rep^d at 8^o
Final Deed by consent

Southampton County December Court 1825

George Whitfield and Polly his wife William Furgason and
William Room infant son of Nancy Room formerly Nancy
Edwards by the said William Furgason her Guardian
and next friends

Complainants

against

Lewis Worrell

Defendant

Wm. Chancery

This Cause this day ^{came on} to be heard by consent
upon the bill and answer and upon the argument of Counsel on. Con-
sideration whereof the Court doth ^{order} adjudge and decree that Clements Rochelle
John Burrell and Jacob Burned or any two of them do sell at
publick Auction the Land and slaves in the bill mentioned upon an
credit of nine months (except a sum in cash sufficient to pay the
costs of this suit as also the expenses of sale which will be applied
accordingly and divide the proceeds of sale so as to give to George
Whitfield four Shares Equal to $\frac{4}{7}$ to William Furgason one share
equal to $\frac{1}{7}$ to the said William Furgason as Guardian to the inf-
-ant Complainant William Room one share equal to $\frac{1}{7}$ and to the
defendant Lewis Worrell the remaining one share equal also to $\frac{1}{7}$
The said Complainers or such of them as may act first making
divison of the said proceeds are hereby directed to take bond with
sufficient security ^{second} payable to the said parties as aforesaid and
deliver the said bond accordingly and make report to this Court on
order to a final decree

Wm. S. Middleton D.C.

Conformable to the foregoing decree we the undersigned have
Sold at auction on the 24th day of Dec. 1825 the Land and Slaves
formally the dower right of Mary Edwards De in manner
directed by said decree and Lewis Worrell finally became
purchaser of the said Land George Whitfield purchased negro
man Slave named Kinchen William Furgason purchased four
negroes Slaves named Hannah & three of her children named
John Elizabeth and Diego Benjamin Edwards purchased ^{negro} girl Slave
named Mariak the proceeds of which Sale we have disposed of
agreeable to said decree Given under our hands this 24th
day of July 1826

Jacob Barnes Comr.

Clements Rochelle do

John Burrell do

Mr. Worrell's
Mem.
for Sampson.

Clement, Richell
Mr. Barnett
&
Jacob Barnes
Covers or any
2 of them.

We the undersigned Heirs of the Estate
of Mary Edwards Dec. (By Purchase)
Wish to Obtain a Decree of the Court
of S^{am}pton for the Purpose of
Selling Said Estate, Consisting the Dower
Land of Said Decedent One Negro Man
Kinchen, one Negro Woman Hannah,
Negro girl Mariah, Boy John, and girl
Elixa, Viz^t George Whitfield four
Shares, his own in right of his Wife,
Peterson Edwards, Anderson Edwards
and Nathan Edwards —
William Forgason two Shares, Viz^t Jas
Barden in Right of his Wife, Sally —
and William Boon an infant ^{Heir} of Nancy
Boon formerly Nancy Edwards, —
Lewis Morrell one Share by Purchase
of ~~Wm~~ Edwards

George Whitfield

Lewis Morrell

Names of the Heirs of Joel & Mary
Edwards Dec. Sixth

Wm^r Edwards

Sally Barden — Wife of James Barden

Peteron Edwards

Nancy Boon — Wife of Byrd Boon

Nathan Edwards —

Polly Whitfield Wife of George Whitfield