1828-008 SOUTHAMPTON COUNTY CHANCERY PAPERS ROUNDTREE VS. PRINCE etal

12/1828

other SURNames: Porter, Wilson, Barnes, Austin, Barham

Roundtree
vs
Prince

Depositions

Came to hand enclosed under seal
19th August 1828.
1828 Nov. decreed as filed &c.

Clerks	$2.58
Sheff	.60
Law & Stone	6:00
Printer	9:50
	$18:68

James Roachell Esqr
Clerk of the County
Court of Southampton
Virginia

Roundtree

v 3 In Chy. Bill.

Prince &c. }

Fer. attd.

1828 July. Bill filed. Exhs. of Jos. Prince & Elizabeth Porter filed, resp: thereto. Order Pub: v. Prince's to Sep: Ct: to be published in the Old Dominion —

Mason

To the worshipfull the County Court of Southampton sitting in Chancery:

Humbly complaining shew unto your worships, your Orator A. H. Roundtree, a resident of Tarboro' in the State of North Carolina: that on the 22.d day of October in the year of our Lord, one thousand eight hundred & twenty seven, one Littleton Prince who is hereinafter called Defdt hereto, sold to your Orator in the said village of Tarboro' in the State of North Carolina, a negro man slave, whom he called Frank, at the price of three hundred & fifty dollars which your Orator paid him, and rec.d possession of the said Slave. That immediately after the said sale, and delivery, which is evidenced by the said Prince's bill of Sale, hereunto exhibited as a part of this bill, he, the s.d Prince left Tarboro' & has not, so far as your Orator is informed been since heard of, but there is every reason to believe that he has gone to one of the remote Southern or western States. Your Orator here begs leave to state, that the s.d Prince practiced the grossest fraud on y.r Orator in the said sale - that subsequent events have disclosed that the said slave was in truth named John, that he was the property of John Barham of Southampton County in Virginia, that he had absconded from his s.d Master, and was a run away in the woods, when the said Prince decoyed him into North Carolina, & there sold him to your Orator under a feigned name, and most falsely represenating that the s.d negro was his own property. Your Orator further states, that the s.d Barham has since the s.d Sale, proved the said Slave to be his property

and satisfied that such was the fact, yr Orator delivered him up - and is now advised that the said Prince is bound in Law and conscience to repay him the said sum of three hundred & fifty dollars with interest thereon - But as the said Prince has left the County and gone to parts unknown to your Orator, no process of Law can be served on him in person - That he is informed that he has an interest in reversion in certain property real & personal, now held by Mrs Elizabeth Porter, widow, also one Elizabeth Prince widow and relict of John Prince late of the County of Southampton, & father of the said Littleton Prince - That one Joel Prince is indebted to him the said Littleton in a sum of money, nearly if not quite sufficient to indemnify yr Orator against the fraud thus practised on him. That he is advised that the only mode in which he can obtain relief in this behalf, is by praying the aid of this worshipful Court sitting in Equity. In tender consideration whereof. Inasmuch as yr Orator is wholly remediless at Law, and only relievable in this Court. To the end that the said Littleton Prince may be made a Defdt hereto, he prays the usual order of publication against him, and that the said Elizabeth Porter late Prince, & the said Joel Prince may be made Defendants hereto, & compelled to answer on oath, what effects of the said Littleton Prince's they or either of them may have in their hands, & be restrained from disposing of them except in obedience to the order of this Court, & pray the Commonwealth's writ of Subpoena, directed & commanding &c. that your worships will compel the said Defendants to discover what money, property or effects of the said Littleton Princes, or in which he may be entitled, they, the said Defdts, or either of them, hold in their hands, and decree a repayment to your Orator of the said sum of $350. with Int. thereon, and grant him such other and gen.l relief as may be consistent with Equity and good conscience and as in duty bound he will ever pray &c.

Ponce
de Leon
Romadhee

The answer of Joel Prince to the bill filed in Accomack County Court against him by Littleton Prince & others by N. & R. Roundtree

This respondent saving to himself all benefit of exception to the completeness bill for answer to so much thereof as he is advised it is material he should make answer unto saith that as to the property & justice of the claim of the Complts he knows nothing but that he some time since purchased a small tract of Land of about sixty eight acres of the defendant Littleton Prince for which he executed his bond to the said Littleton for the sum of three hundred Dollars payable the 25th day of December next (1828) which bond was delivered to the said Littleton who still has it or may have traded it for all that is known to your respondent that your respondent honestly prays your worships to so decree the rights of the parties as that he may not be subjected to harrassed hereafter by the said bond in some future proceedings & saving & reserving unto his defence & answer he has no objection to the Complts recovering such amount of the costs expended in this cause & answer to the bill as to your worshipful Courts may seem meet & decree in the premises as may comport with equity the rights of the parties & the rules of this Court & having now answered as fully as he is advised he prays to be hence dismissed with his reasonable costs in this behalf sustained

Joel Prince

Lo. Antelope Dist

This day Joel Pearce personally appeared before me a justice of the Peace for the County aforesaid & made oath that the foregoing account is true so far as relates to his own knowledge & so far as relates to the knowledge of others he believes it to be true given under my hand & seal this 17th March 1828

William Briggs J.P. [seal]

Price Lothers

ats 3 ans. J

Rountree.

Eliz. M. Porter.

The separate answer of Elizabeth Porter, to the bill of Complaint exhibited by A. H. Rountree & the County Court of Southampton against Littleton Price, your Respondent & Joel Price —

This Respondent saving & for answer to the said Bill says, that she admits, that as widow of John Price the father of the defat Littleton, she holds as her dower in his estate, five hundred and ninty acres of land situate in this County and in Isaac, the County line intersecting it, that she also holds three negro men slaves, to wit, Tom, Bernard, and Davey, a negro woman slave, named Lucky & her two children Lucy and Solomon - that as one of the four children & heirs of the said John Price dec'd the said Littleton is entitled, at the termination of y' Respondents life estate, to 1/4 of this property real & personal, & is also entitled to 1/4 of 1/3 of the hire of a negro man slave named Abram, to 1/3 of whose hire, your Respondent is entitled — in manner afores'd. That she is not aware of holding any other property, in which the said Littleton has any interest & having answered, she prays to be hence dismissed &c —

Southampton County To wit:

This day Elizabeth Porter personally appeared before me, a Justice of the peace for the County afores'd and made oath to the truths of the facts set forth in the foregoing answer in Chy. Given under my hand at the County afores'd this 2 day of June 1828.

J. P.

The defendant Littleton Prince being out of this County and against whom the plaintiff appears to have proceeded in the mode prescribed by Law against absent defendants, and the said deft. still failing to appear and file his answer the plaintiffs bill is taken for confessed as to that defendant and the cause coming on to be heard upon the bill and answers of the other defendants depositions filed and was argued by Counsel. whereupon it is decreed & ordered that Joel Prince the Defd in this behalf, pay to the said Pltff the sum of $ 300. deducting his costs & expences in this behalf, with Interest thereon from and after the 25th Decr. next. as admitted in his answer, and * ~~and the costs of this suit~~ including $ 9 ~~inclusive~~ the costs of the order of publication & notice inserted in the newspaper

But the plaintiff is not to have the benefit of this decree until he shall give bond with sufficient security for abiding such future order as may be made, for restoring the estate of the defendt Littleton Prince upon his appearance & answering the Pltffs bill

* that Stephen Mundaugh do sell so much of the interest of the said Littleton Prince in the dower property held by the Deft Elizabeth Porter, as will be sufficient, in aid of that paid by the s.d Joel Prince, to pay to the said pltff, the sum of $ 350. with Int. thereon from the 22d day of October 1827, and the costs and expences of this suit,

At Rules holden in the Clerks Office of Southampton County Court on Monday the 7th day of July 1828.

N. H. Rountree . . . . . Plaintiff

against

In Chancery

Littleton Prince, Elizabeth Porter late Prince, and Joel Prince Defendants

The defendant Littleton Prince not having entered his appearance and given Security according to Law and the rules of this Court and it appearing by Satisfactory evidence that he is not an Inhabitant of this Commonwealth It is ordered that the said defendant Littleton Prince appear here and answer the Plaintiffs bill on the first day of September Court next, and that a copy of this order be forthwith inserted in the Old Dominion a newspaper published in the Town of Petersburg for two Months successively and posted at the front door of the Courthouse of this County -

A Copy Teste

L. R. Edwards DC

One copy portion at Sub. Court 1828—

Remitter

vs Sp. & Rest. order

Prince &c

1828 March Court

Executed, on Elizabeth
Peter & Joel Prince & Littleton
Prince no inhabitant
Stephen O Kendaugh D.S.
James Clayton Sheriff

To attach the money's debts and effects of the defendant Littleton Prince in the hands of the other defendants. Elizabeth Porteus and Joel Prince so that they be restrained from paying, conveying away or secreting the debts by them owing to, or the effects in their hands of the said Littleton Prince, until the further order of the Court

Mason for Pltf

James Rochelle C.C.

THE COMMONWEALTH OF VIRGINIA.

To the Sheriff of Southampton County—Greeting:

WE command you to summon Littleton Prince, Joel Prince, and Elizabeth Porter, Porter widow of John Prince dec'd

to appear before the Justices of our County Court of Southampton at the Courthouse, on the first day of March term next, to ~~testify and the truth to speak on behalf of~~ answer a bill in Chancery exhibited against ~~in a certain matter of controversy, now depending and undetermined between~~ them by N. B. Rountree

~~Plaintiff~~ and

~~Defendant~~;

and this they shall in no wise omit, under the penalty of £100—And have then there this writ.

Witness, James Rochelle Clerk of our said Court, at his Office, the 22d day of January 1828, in the 52d year of the Commonwealth.

James Rochelle c c

The Commonwealth of Virginia to Richard Harrison and Robert Joyner — Gentlemen Justices of the peace for the County of Edgecombe in the State of North carolina Greeting: Know ye that we hareing to your fidelity and provident circumspection in diligently examining Lewis Wilson, David Barnes and Henry Austin . . . . . witness on behalf of N. H. Roundtree Complainant- as Littleton Prince, Elizabeth Prince & Lucy Prince Defendants in a Suit in chancery now depending and undetermined in the county court of Southampton command you or any two or more of you, that on Such certain days and at Such places as you Shall appoint, you assemble yourselves and the witness aforesaid before you, you call and cause to come, and diligently examine on the holy evangelist of Almighty God, and their examination into our said court distinctly and plainly without delay you send & certify, enclosed, returning this writ — Witness James Rochelle clerk of our said county court of Southampton at his office this 16th day of June 1828- and 52nd Year of the Commonwealth

James Rochelle C.S.C.C.

4

Mr. Littleton Prince,

SIR—

TAKE NOTICE, That by virtue of Commissions awarded me, from the Clerk's Office of Southampton County, Va. I shall, within the usual hours, on Friday the 8th day of August next, at the Hotel of Mrs. Gregory, in Tarborough, State of North Carolina, proceed to take the depositions of Lewis D. Wilson, David Barnes and others— all on Monday the 18th day of the same month, at the Tavern of George G. Gurley, in the town of Jerusalem, in the county of Southampton, in the Commonwealth of Virginia, I shall proceed to take the depositions of John Barham and Francis Clements; all which depositions are to be read as evidence in a certain suit in Chancery, now depending in the said county court, wherein I am Plaintiff and you and others are Defendants—when and where you may attend if you think proper, &c. Yours, &c.

July 4—1m N. H. ROUNDTREE.

Pondore
vs
Prince &c.

Comm. to take
Deposition

Pursuant to the annexed Commission to us directed, at the Tavern house of Mary Gregory in the Town of Tarborough and County of Edgecombe on the 8th day of August A.D. 1828 the Complainant Nathan H. Roundtree being present; We proceeded to take the following depositions of Louis D'Wolf, David Barnes, and Henry Austin. — — — — — —

all being of Lawful age, who having been first sworn upon the Holy Evangilists of Almighty God, to depose the truth, the whole truth, and nothing but the truth, between the parties named in the Commission, deposeth and saith as follows. Towit,

Louis D'Wolf's Testimony. - Nathan H. Roundtree and myself purchased two negro fellows from a man calling himself Littleton Prince who stated that he was from Surry County in the State of Virginia, I understood Mr. Roundtree was to give Prince the sum of three hundred and fifty dollars for the negroes - and I was called upon by Mr. Roundtree to witness the Bill of Sale executed to him by Prince for the negroes, and the Bill of Sale dated the 22d. of Oct. 1827 for a negro fellow called Frank with my Signature affixed thereto, as a witness was Signed or acknowledged in my presence.

Louis D'Wolf

Sworn to & Signed
before us -

R. Harrison (JP)

Robt Joyner (JP)

Question by Nathan H Roundtree
is the bill of sale here presented
the one refered to in Your depositions.

Answer It is the same.

Louis D'Wolf

Sworn to & Signed
before us.

R. Harrison JP

Robt Joyner JP

The testimony of David Barnes.

a man Calling himself Littleton Prince in the month of October Eighteen Hundred & Twenty seven Sold to Louis D. Wilson & Nathan A Roundtree two negroe men the one Roundtree bought he Called Frank, and sometime the latter part of November in the same Year Two young men Came to Tarborough one by the name of Barham the name of the other not recollected and Claimed said negroes as the property of a Mr Barham of Virginia & Calling said negroe by a different name from the one in the bill of Sale and immediately after the arrival of these young men they took possesion of said negroes the one bought by Roundtree being present he was put in Jail the one bought by Wilson was in the Country he was sent for & brought in and I as agent for Mr Wilson in his absence agreed that the negroe bought by him should be put in Jail until evidence should be produced from Virginia that the negroes were not the property of said Prince, they were Commited to jail

Question by the plaintiff

give a description as near as you can of the negroe I bought of Littleton Prince

Answer he was ~~dark Complected~~ a black negroe low and stout formed and I presume about Twenty Years old and about five feet six Inches high, ~~the negroe~~

Qr by the plaintiff

give as near as you can a description of the negroe purchased by Wilson of said Prince

Answer he was a dark mulatto Colour & both his Ears were Cut or croped & further this deponent sayeth not-

David Barnes

Sworn to & Subscribed before us.

R. Harrison (P)

Robt Joynt (P)

The Testimony of Henry Austin Esqr.

I was Called on in december last by Mr John Barham to prove before me that Two negroes in the public Jail of this County who had been sold by one Littleton Prince to Genl Louis D Wilson & Nathan A Roundtree of this place he proved the one sold to Roundtree was his property & the one sold to Genl Wilson belonged to some other person & the negroes were carried off by said Barham & the witnesses who Came with him, & further this deponent sayeth not-

Sworn to & Subscribed before us.

H. Austin

R. Harrison (P)

Robt Joynt (P)

3. 50
$5. 50.
$9. 00
N. N. Rountree

Wm. Lud. L. Marsh,

To Pleasants, dr

1828. Sept. 20 - To attendance of court, Rendition in Prince, 8 weeks $5:50

Rec'd Payment of Robt. Bissett, Jr. Esq. R.C.

$5:50

Pleasants.

November 24, 1828. Received of A. H. Roundtree, by Robert Bicheff, jr. the sum of three dollars and fifty-cents, for publishing in the Petersburg Intelligencer a notice to Littleton Prince—10 times

Field & Wilson

Personally appeared before me, M. D. S'Anson a justice of the Peace for the town of Petersburg Thomas L. Wilson, one of the Editors of the Petersburg Intelligencer, who made oath that the annexed advertisement, signed "A. H. Roundtree" was regularly inserted in the said paper for the space of one month.

Given under my hand this twenty-fourth day of November, 1828

Mackie D, S'Anson J.P.

4

Mr. Littleton Prince;

SIR—

TAKE NOTICE, That by virtue of Commissions awarded me, from the Clerk's Office of Southampton County, Va I shall, within the usual hours, on Friday the 8th day of August next, at the Hotel of Mrs. Gregory, in Tarborough, State of North Carolina, proceed to take the depositions of Louis D. Wilson and David Barnes—and on Monday the 18 h day of the same month, at the Tavern of George G. Gurley, in the town of Jerusalem, in the county of Southampton, in the Commonwealth of Virginia, I shall proceed to take the depositions of John Barham and Francis Clements; all which depositions are to be read as evidence in a certain suit in Chancery, now depending in the said county court, wherein I am Plaintiff and you and others are Defendants—when and where you may attend if you think proper, &c. Yours, &c.

July 4—1m A. H ROUNDTREE.

VIRGINIA:

At Rules, holden in the Clerk's Office of Southampton County Court, the 7th day of July, 1828.

N. B. Rountree, Pltff.

against

Littleton Prince, Elizabeth Porter, late Prince, & Joel Prince, Defendants.—In Chancery.

THE defendant Littleton Prince, not having entered his appearance, and given security according to the act of assembly, and the rules of this Court; and it appearing by satisfactory evidence, that he is not an inhabitant of this Commonwealth, *It is ordered*, that the said defendant, Littleton Prince, do appear here, and answer the plaintiff's bill, on or before the first day of September Court next; and that a copy of this order be forthwith inserted in the *Old Dominion*, a newspaper published in the town of Petersburg, for two months successively, and posted at the front door of the Court house of this County.

A copy, teste.

July 19. L. R. EDWARDS, D. C.

Publication Fee $5.00

Town of Petersby to wit:

Edwd Pescud this day appeard before me Thos Wallace an alderman of the Town aforesaid and made oath that the foregoing copy of a decree of Southampton court Rountree vs Prince, has been published two months in the "Old Dominion" newspaper.

Given under my hand this 22d of Nov. 1828.

Thos Wallace Ald

Prince

to & Bill Sale

Rountree

The original sent by mail
to Jos. R Lloyd. at Tarbro:
N.C. 2d Jany 1829

State of North Carolina }
Edgecomb County } Know all men by these presents that I Littleton Prince of Sussex County State of Virginia, hath bargained, sold and delivered unto Nathan H Rountree of the County of Edgecomb and State of North Carolina, A negro fellow by the name of Frank about the age of twenty years. For and in consideration of the sum of three hundred and fifty dollars to me in hand paid by the said N. H. Rountree And I the said Littleton Prince Acknowledge myself fully paid and satisfyed. And do further covenant and forever defend all and singular title claim or interest from any other person or persons whatsoever

Signed Sealed & delivered in the presence of } 22nd October A.D. 1807

Littleton Prince (Seal)

Louis D. Wilson

Littleton Prince

Bill of Sale

State of N. Carolina
Edgecomb County

Know all men by these presents that I. Littleton Prince of Sussex County State of Virginia, Hath bargained sold and delivered unto Nathan H. Hunter of the County of Edgecomb and State of N. Carolina, A Negro fellow by the name of Frank about the age of Twenty years. For an consideration of the Sum of Three Hundred and fifty Dollars to me in hand paid by the said N.H. Hunter And I the said Littleton Prince. Acknowledge myself fully paid and satisfyed. And do further. Covenant and for ever defend. all wright title claim or interest from any other person or persons whatsoever.—

Signed sealed and delivered in the presence of 22nd October A.D. 1827.—

Louis D'Wilson

Littleton P. Prince (Seal)

350
Int $27.76
377.76

Rec'd $165.80-

To

John Y. Mason Esqr

Hicks Ford

Mail Va

Mr. Rochelle will please
retain a copy of the bill
of sale referred to in
the letter, and enclose the original
to Jos. R. Lloyd esq. at
Tarboro' N.C.

J. B. Mas[illegible]

My dear Friend

I am pleased that in the course of our worldly pursuits, it is occasionally in our power to renew our correspondence — I never undertake to write any of my juvenile associates but many pleasing reminiscences engage my mind and cause me for many hours together to review over past occurrences — I sometimes hear from you accidentally and am pleased to learn that your prospects for honorable promotion are so fair — My course has been one continued round of professional engagements, marked by no particular circumstances to attract public attention — Indeed I feel little disposition to appear on a public character; nothing but a desire to be useful can work a change in my present pursuits — It will afford me a pleasure to hear from you and to learn the many particulars of your situation and prospects, which so much delights a friend —

Mr Rountree has recd. yours advising him to pursue with the attachment in Halifax and applying the writ proceeds — I have obtained an interlocutory order for the sale of the negro and she has been sold; deducting the Sheriff. fees & costs of suits, the balance will be about $200 — I have to request you to forward me the Bill of Sale from Littleton Purnell to Rountree to enable me to obtain a final Judgt on the attachments — I shall likewise want evidence to prove the paramount title to said slave in the absent owner in Virginia — I will be indebted you if you can procure the attendance of some witness at Halifax on the third Monday of Feby. next to prove that fact — The person can accept service of the custom'd fee. to insure the payt of his expenses, at all events Rountree must see him paid — The suit is not in a situation to take depositions, but upon reflection under all the circumstances I will resign it & give notice to take Depositions on the 1 Monday in Feby next. you will please attend to the taking of

the same — I will send you a blank Commission as soon as I can procure one from Halifax —

Yours truly
J R Lloyd

Yarboro 21st Dec 1826.

P.S. I withdraw the enclosed Spa — 222.

Know all men by these presents that we John Y. Mason and James Rochelle — are held and firmly bound unto Littleton Prince in the just & full sum of seven hundred dollars To the payment whereof well & truly to be made to the said Littleton Prince his certain Attorney his Executors & Admors Jointly & We bind ourselves our heirs Executors & Admors Jointly & Severally firmly by these presents Sealed with our Seals & dated this 16th day of Dec — 1828

The condition of the above obligation is such that whereas in a Suit in Chancery depending in Southampton County Court between N. B. Rountree against the above bound Littleton Prince & others Defts It was decreed and ordered that the Defendant Jack Prince pay to the Pltff three hundred dolls deducting his costs in that behalf, with interest from the 25th Dec. 1828, and that so much of the interest of the said Littleton Prince in the slaves property of the said Elizabeth Porter, as in aid of that paid by the said Jack should make up the sum of three hundred & fifty dolls with int. from the 22d October 1829, til paid & the costs in that behalf —

Now if the said N. B. Rountree shall abide such future order as may be made for restoring to the said Littleton Prince whatever money they may receive under the said decree with interest therein upon the said Littleton Prince appearing within the time prescribed by Law and answering the bill in the said suit then this recognizance to be void or else to remain in full force & virtue.

J. Y. Mason (Seal)

James Rochelle (Seal)

(Seal)

Teste

Edwd. D. Butts