

1829-1835

SOUTHAMPTON COUNTY
CHANCERY PAPERS

PORTER & al VS. PORTER et al

3/1829

other surnames: Brantly,
Stephens, Pope, Cook,
Barnes, Peirce, Parten

1829
1829 March 10th
by order of the

Director of the

in 3 May

Director

Porter { Bill
Porter { and

&
Secord

To the worshipful the County Court of Southampton in law
sitting humbly complaining shew unto your worship your
orators Henry Potter Nathaniel Potter & Thomas Potter. who are in-
-ants & svs by their next friend William Potter who is also their
Common Law Guardian — That about the year 1824 Jacob
Potter died intestate leaving a widow Martha Potter since
married to Cordale Brantly and three children set w^m Potter —
John Potter — Jacob Potter — Olive Potter since married to
James Stephens — Fanny Potter — Lucy married to Eley Pope —
Nancy married to James Parton — James who has since died
an infant unmarried & intestate & your orators —

That your orators have been informed that that a
certain Lawrence Cook who is since dead leaving a certain
Niece B Pierce his adm^r & a certain Edwin Barnes have
purchased the interests of some of the parties — ~~the estate~~
of the said Jacob Potter which after paying all debts and
demands against it now consists of one negro Aaron and
the sum of dollars now in the hands of Thomas Rid-
ley Sheriff of the County of Southampton to whom the said estate
was committed no person offering to qualify as adm^r. That a
division of the slave is impossible without a sale. In answer
consideration of the premises it is prayed that the said w^m
Potter John Potter — Jacob Potter — James Stephens & Olive his
wife — Fanny Potter — Eley Pope & Lucy his wife — James
Parton & Nancy his wife ^{Cordale Brantly & Martha his wife} ^{Eley Pope & Edwin Barnes} & Niece B Pierce
do make duty heirs & that they give true & perfect answers
heirs. — that this worshipful Court decree a sale &c &
grant such other & general relief as may seem equitable
and just and as in duty &c. — Wm Potter for orators

The joint & separate answers of William Potter John Potter
Jacob Potter James Stephens & Olive Stephens Fanny Potter
^{Cordale Brantly & Martha his wife}
Eley Pope Lucy Pope James Parton Nancy Parton Edwin
Barnes & Niece B Pierce to the bill of complaint against them
in this worshipful Court exhibited. Their respondents answering

and unwillingly for answer. thereto admit the allegations in this bill contained and further state that the said Loney before she married sold her interest in the said slave to Edwin Barnes and the said Fanny Porter. James Pardon in right of his wife Nancy and James Stephens in right of his wife Olive sold their respective rights to Lawrence Cook in the said slave Aaron which sales took place in the year 1825. These respondents have no objection to a decree according to the prayer of the bill and the facts set out in the answers & having fully answered they pray to be dismissed. &c.

Fanny Porter Vice B Purcell
 Wm Porter Jacob Porter John Porter
 Edwin Barnes &c &c &c
 Cordell Brantly

Porter }
 Porter } Decree

This cause this day came on to be heard upon the bill answer & exhibits by consent of parties and was argued by counsel. whereupon the Court doth adjudge order and decree that Edward Butler after giving reasonable notice of the time & place, sell to the highest bidder for cash the negro man slave in the bill mentioned but if the said Butler should be of opinion that the said slave would not produce a fair price if sold for cash. then he may exercise his discretion in allowing a short credit except for so much as may be necessary for paying the costs of securing & executing this decree. taking bond with good security from the purchaser and report to this Court his proceedings in this behalf and the Court doth further adjudge order & decree that Thomas Dudley sendor an account of his actings as Commissioner of the estate of Jacob Porter dec'd before a Commr of this Court. which Commissioner is to take a separate account of such part of the funds in the hands of said party as proceeded from the hire of Aaron from 1825 inclusive and make his report to this Court in order to a final decree.

Porter }
 Porter } Final Decree

The reports of Commissioners to whom respectively were referred the settlement of the accounts of Thomas Dudley Shipp and Committee of the estate of Jacob Porter dec'd and the sale of the negro in the bill mentioned and the parties taking up the case upon the said reports. Consenting that they should not lie for accepting the Court doth adjudge order & decree that the joint fund arising from the sale of the negro and the hire of the same from the year 1825 inclusive be divided into ~~four~~ equal parts one of which is to be paid to Cordell Brantly in right of his wife & the other five are to be divided into ten equal parts. and three of these are to be paid to Vice B Purcell as adm^r of Lawrence Cook dec'd who purchased the property of Fanny Porter. James Pardon & James Stephens - one to be paid to Edwin Barnes. who purchased the share of Loney. - three to the Common Law executors of Nathan Porter Thomas Porter & Henry Porter. one share to William Porter. one to John Porter & one to Jacob Porter. -

and the the other fund ^{of these be any} being the money not arising from the hire of Aaron from 1825 inclusive shall be paid as the other fund. with this exception. that the four parts. allotted to Cook's representatives & Barns. shall (instead of being paid to them) be paid equally to Fanny Porter. Eliza Pope James Pardon & James Stephens.