

1830-045

SOUTHAMPTON COUNTY
CHANCERY PAPERS

Edwards et al VS. COOK'S ADMINISTRATOR ^{val}
4/1830

other SURNAMES: Presson,
Williamson, Rochelle, Day
Turner, Fort, Pearce

(3)
Forte
Bill, Sur. Gen.
Cook's Bill

1828 January decreased as per decreased
filed

1830 Apr 28 act not 88

To the worshipping the County Court of Southampton sitting
in Chf. Humbly complaining shew to your worships your
complaint — Francis Edwards — Louisa Edwards — Mary
Cooks — Martha Williams — children & heirs of Mary
Edwards dec. formerly Cook — the two latter of whom altho
their names have been altered by intervening marriage
are now sole & all four are of lawful age —
Miles Cook, Willoughby Cook & Martha Cook which
last is an infant by the said Miles her guardian,
children & heirs of Jas. Cook dec. —
Nat. Rockelle & Frances his wife late Day, John Turner
infant grandchild & only issue their of Martha Turner for-
merly Day by the s^d. Rockelle his guardian, and which
s^d. Frances & Martha were the issue of Elizabeth Day
formerly Cook — and Isaac Pat admt^r of his
dec^d wife Eliza who was duly daughter of Joshua Pat &
Martha his wife formerly Cook — that Lazarus
Cook the father of the said Mary Cook — Isaac Cook
& Elizabeth Cook ^{& Martha Cook} died many years since intestate
leaving a widow Elizabeth Cook & six children
their to wit the four already enumerated as the
progenitors of your complaint — and Frances who has
intermarried with Rice B. Pearce — and Laurence
Cook who has lately died intestate ^{after his mother} unmarried — without
issue leaving no heirs other than his brothers & sisters
or their descendants as above detailed, and ~~the~~ ^{the} s^d. R. B. Pearce has duly qualified as admt^r
in this worshipping Court. that the real estate of the s^d.
Laurence has already been divided under a decree of this
Court — but that the said Laurence in his life time duly
qualified & acted as the guardian of the said Eliza
Pat daughter of the s^d. Joshua Pat wife — & the wife (Hester)
late of your orator Isaac Pat & died without ever
settling any account of his guardianship & is now as
they charge considerably indebted in that sense, that the
said Pearce his admt^r, refuses to settle the said dec^d
or to pay over any ascertained balance which may exist
except under the sanction & authority of a Court of Chancery
— that the proceedings here instituted for that effect involve
dismissal & questions in which all your complainters deem their

relatives interested. That for the purpose of presenting them they
 beg leave to detail the following summary of facts & to
 explain the order of the deaths of the parties above recited
 as having departed this life. That the 1st Elizabeth Cook
 as widow of the 1st Lazarus Cook held about 400 acres
 of land as dower in his real estate - That she survived
 the said Martha Fat wife of Lakuu Fat but died
before the said Eliza Fat her grand daughter wife of the
 said Isaac Fat - That the said Isaac Fat & Eliza his
 wife had issue a child which survived its said mother
 Eliza but died soon after an infant. That after the
 death of the said widow of Lazarus Cook - & during the
 life time of the said Eliza Fat but during her infancy &
 when the 1st Lawrence Cook was her guardian & before her
 marriage with the said Isaac Fat, a Decree was
 rendered by this honorable Court in a suit instituted for
 that purpose among all the reversioners as aforesaid for
 the sale of the said dower land & division of the proceeds
 among the parties respectively entitled, it being ascertained that
 from the quantity & value of the land (the shares being worth
 less than \$300 each) a division in kind was under our
 statutes impracticable. That reference is here made to a
 transcript of the record in that suit & prayed to be taken
 as a part of this Bill. That the said Lawrence Cook
 himself became the purchaser but that the purchase
 money to which his said ward was entitled money was
 paid by him - & is still due. That under these facts your
 orator Fat contends that it should now be settled in the
 said guardianship acct & that he as the trustee of his
 said de^d wife is entitled to receive that it, whereas
 your orator contends - That land decided under
 the act of assembly to be sold for the purpose of effecting
 a division, is still to be regarded as real but personal
 estate except pro tanto - & in all other respects for all
 other purposes, is still descendible as land. That on this
 ground as the wife of the said Isaac Fat - nor his infant
 issue by her ever rec^d the money for this land when & when
 until when its real character could change - that his said
 infant child rejoiced this interest tho' its said mother and
 dying itself before it attained legal age - that it now belongs

exclusively to its maternal relations - with the exception that
regarding its real estate - of which his wife was seized at the
time of the death for the said division & the interest in which
whether it were converted into money or not she continued to be
seized of during the coverture - the said Isaac Fort is now entitled
to a tenancy by the curtesy in it - which under the facts
aforesaid can be practically avoided if only by his use
of the money during life, under such guarantee as the
Court may deem it proper to require to ensure the restitution
at his death of the principal without interest to the
maternal relations of his said wife as aforesaid - ^{the}
^{the Court is of opinion that his late wife should be required to pay to the said Isaac Fort the annual interest of}
^{the said real estate for the term of her natural life in the sum of \$1000 or a larger sum if the Court shall think proper}
That these maternal relations are the parties above enumerated
also are the collateral relations & their descendants of its grandmother
Marta Fort - its grand father Isaac Fort being dead before it
died under our Statute of Descent restricting the inheritance
to the grandmother, great uncle & aunts or such of them as there
may be at their issue. - That the parties refer their matter
to your worship I pray the settlement of the said guardianship
and inclusive or exclusive of this interest as may be
adjudged equitable & in the latter event at least so far
as regards all the guardianship transactions of the said
Laurence Cook. That these objects cannot be attained
except by the interposition of a Court of equity. & the
and therefore that the said Rice B. Pearce as Trustee
of the said Laurence Cook dec'd. and the said R. B. Pearce
& Francis his wife in their individual characters may
be made defendants hereto & required to answer the pre-
mises - That your worship shall see the settlement before
some proper Commissioner of the trust of the said guar-
-dianship - as well as of the interest of the said Eliza in
the said Dover lands or such principally as may be
deemed equitable - Moreover grant to your
court's general relief in the premises. May it
please &c. &c. R. B. Pearce

Produce P.E.

The Answer of Rice B. Pearce Administrator of Laurence Cook
dec'd. & of the s^d. R. B. Pearce & Frances his wife formerly Cook in
their individual characters to the foregoing Bill of Complaint.

These respondents answering to the foregoing de for
Answer to the said Bill say that they admit the facts
alleged by the Complaint to be true - that your respondent
in his administrative character, has no objection
to the settlement of the accounts of the guardianship of his
intestate with the said Eliza Fort, but that in right of his
said wife in their individual characters he contends that
the exhibition of the rights of the parties last offered by
the Complaint is the true one - that the Complaint Isaac
Fort is no further entitled to an interest in the proceeds of
the said dec'dor land than they have suggested.

Your respondent submitting that questions to your
Worships and proposing his appeal to such decree is
may be deemed inconsistent with the rights of the parties
& the principles of equity, prays to be hence dismissed
C. C. de R.

Fort vs
R. B. Pearce &
Frances his wife

Back's Court

This cause this day came on to be
heard by consent of parties on the Bill, Answer
and exhibits - and the Court on mature consideration
delt adjudge order & decree that the Complaint
Isaac Fort either as the adm^r of his dec'd wife Eliza
or in his individual character is entitled to no part
whatever of the proceeds of the tract of land sold by the widow
of Laurence Cook dec'd, or dec'dor in his real estate except
an estate for life analogous to a tenancy by the curtesy
in that proportion of it to which his s^d. dec'd wife would
now be entitled had she lived - & with the further exception
that in the adjustment of the accounts of the guardianship
of the s^d. Laurence Cook with the s^d. Eliza Fort, she should
be credited with the interest on her said proportion from the
time at which the credit expired until her death as an equi-

that commutation for the said property had the land been divided in kind. That the said Isaac Felt as Adm^r of his P^r dec^d wife, according to the principle aforesaid receive when ascertained the amount due for the proportions of his P^r dec^d wife in the sale of the S^t land, (except that part carried to the guardian's acct as before directed & to which he will be absolutely entitled) on his executing Spring in this cause Bond with such security as the Court shall approve in a penalty of double the amount thereof, conditioned to refund at his death the amount so received without interest to the parties respectively entitled, who are adjudged by the Court to be the allottees & stations of Mrs Martha Felt as enumerated in the Bill.

And it is further ordered that Master Edmund Call state & settle an account of the guardianship of the S^t Lawrence Coll dec^d with the said Eliza Felt dec^d according (so far as the interest in this land is involved it) to the foregoing principles - and that he also state another account showing the balance of the said debt for her proportions of the proceeds of the S^t Lower land ^{from the S^t Lawrence Coll's estate} still due, exclusive of that portion of interest transferred to the guardian's acct as aforesaid - and that he report both accounts to this Court in order to further proceedings.

L. Cook Esq.

with $\frac{2}{3}$ Cund.
Acid.
M. E. Sept.

8.

Isaac Forts Repts

for p 345:47.

18th August 1829

Filed April 28/1830.

Martha E. Fort-Orphan of Joshua Fort dec^d

In account with Lawrence Cook her Guardian

		Dr	Cr
1818.	By Rents House and Lot in Jerusalem	" "	60 00
"	do 3 Room in Old Tavern do	" "	40 00
"	do Cat Patch field on River plantation	" "	20 00
			120 00
	To Commissions on \$120 @ 5 p ^{ct}	6 00	
	" Amount disbursed this Year for sundries facet	24 57	30 57
Dec 31	By balance due the ward		89 43
1819	By Rent Small House to Thos R Gray	" "	12 00
"	do 3 ditto & Lot ground E. J. J. J. J.	" "	50 00
"	do 1 do Thos E. Cook	" "	25 00
"	do Old Tavern for Apt to C. W. Cain	" "	31 66
"	do River plantation James Barnes	" "	70 00
			278 19
	To Commissions on \$188.66 @ 5 p ^{ct}	9 43	
	" paid for board & sundries facet	77 62	
		87 05	
Dec 31	By Interest on last balance to this day	536	81 69
"	By balance due the ward		196 40
1820	By Rent Houses & Lots in Jerusalem facet	" "	120 00
"	do River plantation	" "	70
			386 40
	To paid for Board & repairs Lots &c	141 35	
Dec 31	By Interest on last balance	11 78	129 57
"	By balance due the ward	" "	256 83
1821	By Rent of Lots in Jerusalem	" "	73 00
"	do River plantation	" "	70 00
			399 83
	To p ^d for sundries last Year omitted	12 71	
	" your Board Section &c	58 57	
	" sundries merchandise repairs Lots &c	37 66	
		105 94	
	To Commissions on \$190. last year omitted	9 95	
	" ditto \$143. this yr.	7 15	
		123 04	399 83

1821	Amounts brought forward	125 04	399 83
Dec 31	By Interest on last balance	23 98	101 06
" "	By balance due the orphans		298 77
1822	By Rent River plantation	" "	70 00
	By do lots in Jerusalem	" "	105 00
			473 77
	To Commissions on \$175	8 75	
	" paid Doct. Maphenburg & sundries facet	16 00	
	" " Tuition & sundries	19 50	
	" " sundry articles clothing	8 05	
	" " ditto	39 39	
	" " Board & tuition at mumpresborough		
	and repairs lots Bricks &c	189 01	
	By Int on	280 76	
Dec 31	last balance to this day	2842 252 28	
" "	By balance due the orphan	" "	221 49
1823	By Rents dunghill at Boons Bridge	" "	25 00
	" do lots in Jerusalem	" "	89 00
	" " ditto Tho E Cosby 16.00 Insolvent	" "	
	" your proportion of dower land of Sagarum	" "	437 30
	Cooks estate of Comrs report	772 79	
	To Comms on \$551.30	27 56	
	" sundries, board tuition &c last yr	57 46	
	" ditto this year & part for last- do	115 03	
	" ditto this year & sundries facet	113 33	
		307 38	
Dec 31	By Interest on last balance to this day	1328 294 10	
" "	By balance due the orphans	" "	478 69
1824	By Rent Land at Boons Bridge	" "	50 00
	" do lots in Jerusalem	" "	73 79
	To Comms on \$123 79	6 18	
	" sundries facet	9 04	
	" ditto	5 31	
	" Geo. Selgray for Repairs Old Tavern	118 00	
	" paid Ins. ce. Harrison Judge	413 18	
	" " R. Cook for board tuition &c	84 90	
	amts car & for		636 61 602 48

1824	Amounts brought forward	636 61	602 48
	To sundry Merchandise in facet	36 83	
Dec 31	Balance due the orphans	" "	70 96
		673 44	673 44
	To balance brought down	70 96	
1825	By amount recd Sam Barham etc Allen		
	For (your proportion of Comrs report	" "	636 07
	To sundries last yr. omitted	23 86	
	" ditto repairs lots &c	119 74	
	By Rents of lots this yr	" "	49 00
	By Rents of Room to Doct. V. Butler and		
	Lodge Room to the Freemasons. not		
	apportioned		
	To sundries facet	165 17	
		37973 683 07	
	By Interest on \$636.07 from Dec 31/1823		
	to Dec 31/1824	66.57	
Dec 31	Int on 683.07 from Dec 31/1824 to this day	1820	84 772 94 96
	By balance due the orphans	" "	388 11
1826	By Rents this year	" "	63 00
	To Comms on ditto	63.00	428 11
	" do omitted last yr. 683.07	37 30	
	" Int on \$1.70 one yr	1 90	
	" sundries this yr facet	88 72	
		128 92	
	" Int on last balance	2328 105 64	
Dec 31	By balance due the orphans	\$345 47	
	with In from this day till paid		
	Comms 10 Hrs \$5.00		
	Charged to R. B. Pierce		
	adm ^r L. Cook		

Respectfully submitted to the Court
 Genl^l Comm^r

1829 August 18th. Received of Rice B. Davis admr. of
Samuel Cook ac^t. the within balance of Three Hundred
& forty five Dollars & forty seven cents in full of ~~the~~
being a Settlement of the Guardian account of my wife
Martha ~~Eliza~~, E. Fort -

Isaac Fort

L. Cook Esq.
with $\frac{2}{3}$ Guard
M. E. Fort. Acct.

&

Isaac Forts Receipt
for \$345.47.

18th August 1829

Filed April 28/1830