

1834-031 SOUTHAMPTON COUNTY
CHANCERY PAPERS

MERCHANT et al vs. COWPER et ux

10/1834

other SURNAMES: Dickerson,
Jordan, Cooper, Marchant

Jordan &

N 3

Couper &

To The Honorable The Judge of The Circuit Superior Court of Law and Chancery for The County of Southampton in Chancery sitting. Humbly complaining, shew unto your Honor your Orator and Oratrix, John Merchant, Stephen Merchant,

Dickenson and Marian his wife, and Jacob Jordan & Eliza his wife, That some time during The year 1826 John Merchant of The said County departed This life intestate, seized and possessed of a considerable real and personal estate. That The said John Merchant left a widow who entered upon and possessed herself of all the said estate of which The said John Merchant died seized & possessed, and retained possession thereof until her death, which happened some time in The month of March 1830. That in The month of November of The year last above mentioned your Orator Jacob Jordan qualified as The representative of The said John Merchant, as well more fully appear by reference to The Certificate of admⁿ (marked A.) herewith filed and prayed to be considered as a part of This bill. ^{That some time after The qualification of your Orator Jacob ~~Jordan~~ ^{Jordan} a decree was obtained to divide the said real and personal property among The children of The said John Merchant living at The time of his death, That is to say, your}

Orators John Merchant and Stephen Men-
chant, your orators Manian Dickerson, then
Manian Merchant, and Elizabeth Jordan, then
Elizabeth Merchant, and Henry Merchant,
which division was accordingly effected.
And your orators and oratrices further
show that soon after the death of the
said widow of John Merchant, and before
a division of the said property was effected,
the said Henry Merchant departed this
life, leaving a widow named Rebecca
Lane Merchant, since married to John
Cowher, and a son named John Henry
Merchant, and intestate - of whom your orators
Jacob Jordan qualified as admsr, or will
more fully appear by the certificate of
admsr (marked B) herewith filed and
prayed to be considered as a part of this
file. That soon after the death of the said
Henry Merchant the real & personal property
of which his father died seized and possessed
as aforesaid was divided and one fifth
thereof allotted to his representatives and
heirs at law, which was subsequently
sold pursuant to a decree of the County
Court of said County, and one ^{sixth} ~~fifth~~ of
the proceeds of such sale was set apart
to his widow in lieu of her right to
dower, and the other five eighths apportioned
to the guardian of his infant child the
said John Henry Merchant. That some
time after the division aforesaid, to wit,

some time in the month of in the
year 1833, the said infant child John Henry
departed this life, and soon after, to wit,
in the month of in the year last
aforesaid, the said Rebecca Lane, widow
of the said Henry Merchant, intermarried
with the said John Cowher. And your
orators and oratrices are advised that in
consequence of the death of the said John
Henry Merchant, intestate yet an infant, they
are entitled to all that portion of the pro-
ceeds arising from the sale of the real
estate, ^{under the decree aforesaid} to which he was entitled on the
death of his father. And they represent
that they have frequently made applica-
tions to the said John Cowher & Rebecca
Lane his wife, and urged them to accede
to their reasonable requests; and they well
knewed that they would have done so
without suit as in justice and equity
they ought to have done. But now so it
is the said John Cowher & Rebecca his
wife have hitherto wholly refused to com-
ply with such your orators' and oratrices'
reasonable requests. In view of the consideration
whereof, and for as much as your orators
and oratrices are without remedy in the
Municipal, except by the assistance of a
Court of Equity, where such matters are
properly cognizable: To the end therefore

That the said John Cowher and Rebecca
have his wife, ^{who appeared to be made dependant to this suit} ~~may, true and perfect answer~~
make to all the and singular the premises
herein contained, and that as fully and
particular as if the same were here again
repeated and interrogated; That the said
dependants John Cowher & Rebecca have his
wife may be ~~decreed~~ compelled by a decree
of this Honorable Court to yield up to your
oration & orations

Jordan &c.

Plff

Casper & wife

Defat.

L. Chy.

This cause was this day docketed by consent of parties with the
agent of the court, and came on to be heard on the Bill answer
and exhibits filed, ^{and by like consent} on consideration whereof, the court doth
adjudge order and decree, that the Defats. do settle before
the Commissioner of this Court, an account of the reasonable
charges for necessaries furnished, to John Henry Merchant in
his lifetime, by his mother, including a reasonable charge
~~for care & trouble in running & raising him, for~~ boarding, school
& medical attendance, charging her with, real or
thing, ~~and supporting, and~~ of any, personal estate of the said
John Henry, rec^d by his said mother, ~~and the proceeds of any~~ distinguishing between these
real estate, who will audit, state & the same to the Court
report, with any matters specially stated which he may deem
pertinent, or which either party may require to be stated.

Merchant & others

3 In Chancery

Casper & wife

1834 July - Answer by answer &c.

" Oct. 13th Docketed

To The Honorable Richard W. Baker, Judge of the Circuit
Superior Court of Law and Chancery for the County of South-
ampton, sitting in Chancery:

The joint ~~and several~~ answer
of John Cooper and Rebecca Jane his wife late Rebecca
Jane Merchant widow of Henry Merchant dec'd to a bill
of complaint exhibited to this Honorable Court against
them, by John Merchant and others.

These Respondents saving d. for answer to the said
bill, say, that they do not deny that by the death of
John Merchant, a distribution share of his real and
personal estate descended to Henry Merchant dec'd late
husband of your femal ^{Respondent} ~~compt.~~, who except that, left no
estate - they admit, that John Henry Merchant infant
child of the said Henry Merchant, after surviving
his said father two years & six months, at all times
infirm & sickly died - they admit, that on the said
Rebecca Jane, qualifying as adm^r of the said
dec'd son, the County Court of Southampton, ordered
a bond amounting to \$105. $\frac{44}{100}$ due 31st Oct. 1832,
to be delivered to her, as appts to defray the charges
and expences which she had incurred in the support,
clothing, and providing medical attendance to her said
dec'd infant, and that the said bond was the purchase
money of his proportion of the said father's interest in
the lands of his father - they herewith inhibit the
said order as a part of this answer - They claim that
if the same do not descend to the femal ~~Heff~~ as?

his mother, that she is at least entitled to a fair remuneration
for her trouble and expense out of the same for necessities
furnished her said infant, and she thinks it is obvious
that such a charge would more than absorb the whole
amount of the said bond over and above the small
share of personal estate derived from the same
source. Having answered, they pray that the said
bill may be dismissed &c.

Maria for Defat.

M^{rs} Cooper & wife

Southampton, Decr 12th 1834

My dear Lane made oath before me that
the within notice was acknowledged as legal
- by executed on John Cooper, and Rebecca his
wife on the 16th Instant

Jas. Colburn

Merchant &c

vs

3 Copies of

Cooper's Notice &c

These Notices Executed
by Myself

Noted - 11th 1834

We acknowledge the service of the within
Notice - John Xth Cooper
Rebecca Xth Cooper
(Made)

At a special session of the Circuit Superior Court
of Law & Chancery held for the county of Southampton
on the 11th day of July 1834

John Marchant, Stephen Marchant,

- Dickerson & Marican his wife and

Isaac Jordan & Eliza his wife Plaintiffs

against

} In Chancery

John Cooper & Rebecca Jane his wife late

Rebecca Marchant widow of Henry Marchant-deceased

This Cause was this day docketed by consent of
parties with the assent of the Court, and came on
to be heard on the bill, answer, and exhibits filed, on

consideration whereof, and by like consent, the Court

doth adjudge order and decree that the defen-

dants to settle before the commissioners of this

Court, an account of the reasonable charges
for necessaries furnished to John Henry Marchant

in his lifetime by his Mother, including a reason-

- able charge for boarding, clothing, & medical
attendance, charging her with any real or personal

- al estate of the said John Henry, received by
his said mother distinguishing between them,

who will audit & state, and the same to the Court

report with any matters specially stated deemed

pertinent by himself or which either party may
require to be so stated

At Test

J. R. Edwards J.C.

Clerk of the Court

I have appointed Monday the 29th of September
next to take up the accounts as above directed
at which time the parties are required to attend
with their vouchers & vouchers,
See Court Com

Comr's Office Jerusalem Aug^t 16th 1834

I have appointed ~~the~~ Monday the 29th day of September next to take up the accounts as above directed, at which time the parties are required to attend with their vouchers & evidence

Leut^{ant} Comr

Marchant & Co

2 Copy Bibles

Cooper wife

James Cobb.

Came to hand the 13th
day of Aug^t 1834

Comr's Office Jerusalem Sept 29th 1834 John Carter
and others the said parties agreeably to
Notice also the R. Gray Council for direct Jordan
who object to the whole account as untrue by which
except as not supported by evidence. The Comr
as also is contradictory

Special Session of the
At a Circuit Superior Court of Law and Chancery held for the County of Southampton
on the 11th day of July 1834.

John Marchant. Stephen Marchant. Dickerson and
Marian his wife and Sarah Jordan and Eliza his wife. Pliffs
against
John Cooper and Rebecca Jane his wife late Rebecca Jane
Marchant widow of Henry Marchant dec'd. Defts
In Chancery

This cause was this day docketed by consent of parties with the assent of the Court
and came on to be heard on the bill, answer and exhibit filed. On consideration
whereof and by like consent the Court doth adjudge, order and decree that the De-
fendants do settle before the Commissioner of this Court an account of the reasonable
charges for necessities furnished to John Henry Marchant in his lifetime by his
mother including a reasonable charge for boarding, clothing and medical attendance
charging her with any real or personal estate of the said John Henry received by
his said mother distinguishing between them, who will audit state and to the
Court report with any matters specially stated deemed pertinent by himself or either
either party may require to be so stated.

Attest Teste L.R. Edwards D.C.

Marchant & Co.
vs. 3 Comrs Report-
Cooper & Cliffe

Oct. 28th 1834

Oct. 2nd 1834

Court Office Jerusalem Sept 29th 1834

Marchant & others }
against } In Chancery
Cooper & wife de }

In obedience to the order and notice given the parties in this cause to attend the Court's office this day, came Thomas N. Gray Counsel for the plaintiffs, and John Cooper and Rebecca his wife defendants. - The counsel for the plaintiffs objects to the accounts exhibited by the defendants, because they are not supported by evidence; but the Court is of opinion that the board and necessary clothing, together with the nursing and burial expenses are charges which follow as a matter of course, and the said ^{son} Henry Marchant being an infant only two years three months & thirteen days old when it died, the charges for board, clothing nursing and the burial expenses are allowed. - The charge of twenty dollars paid the Physicians at sundry times is not supported by vouchers, and are therefore not extended - -

The defendants admit they received a bond by an order of the county Court of Southampton, which had been deposited in the clerk's office of the said county of Southampton by Edmund Thorp and Thomas D. Morrill Commissioners who were appointed by the said Court to sell certain real estate of which John Marchant died seized, amounting to one hundred and five dollars and forty four cents, which was the amount of the proportion to which Henry Marchant died was entitled as one of heirs and distributees of John Marchant dec'd (his father); this bond is due from La Fayette Browne and twenty dollars has been paid to the defendant Rebecca Cooper by John G. Mason her counsel - The Commissioners (as the said John Henry Marchant died in his infancy under the age of twenty one years, ^{is of opinion,} that this bond is real estate, but at the same time subject to the support and maintenance of the said John Henry during his life, and therefore thinks that the account of the plaintiff Rebecca Cooper for board clothing, nursing and burial expenses, are fair offsets, against this bond.

* Rebecca Cooper made oath that her son John Henry Marchant was born April the 22^d 1831 and died the 5th of August 1833.

Acct. continued forward

The Estate of

John Henry Marchant orphan of Henry Marchant-dec'd
In account with Rebecca Cooper Comr.

1832			Dr	Cr	Sub
April 22	To board clothing on one year to this day at \$4.00 of month	3	48 00		
1833					
April 22	To ditto ditto ditto		48 00		
	Interest on first balance one year	" "	" "	" "	2.88
Aug 5	To board on 3 months 13 days do		13 72		
	" burial expences		10 00		
	" paid Doctors bills \$20.00				
	" Interest on \$48. - 3 mos. 13 days	" "	" "	" "	.81
			119 72	" "	3.69
19	By L. Fayette Brown's bond due October 31 st 1832	3	105 44	" "	11.14
	" Interest on ditto to Aug 5 th 1834				
			14 28	" "	7.45
	By Interest account brought down		7 45		
" "	To balance due Rebecca Cooper thereon from this day till paid		6 73	with interest	

Respectfully Submitted

Comr. fee 29th Sept 1834 - 2 Hens { Sen. C. B. Comr.
Oct 2nd 1834 3.00 }

\$5.00
Shugars Lane for notices 2.00
\$7.00

Sampton County, Ga.

Sen C. B. made oath to the above be true before
this 29th day of October 1834 Carr 13aw 101

Marchant & S.

" { Exhibit

Cooper & Co.

July 10. 1884

Sachampten August County Court 1838.

Jacob Jordan and wife Elizabeth who was Elizabeth Marchant 12/13 }
against Mary Ann Marchant John Marchant, Stephen Marchant, Rebecca }
Jane Marchant, the widow and relict of Henry Marchant dec'd }
and John Henry Marchant only son of the said Henry Marchant }
by Rebecca Jane his mother and Guardian ad litem. Defendants }

On motion and for reasons appearing to the Court. Ordered that the Clerk
do deliver to the legal personal representative of John Henry Marchant the Bond
returned by the Commissioners with their report and to which the said John
Henry Marchant is entitled. A Copy. Teste James Rochelle Cg

$$\begin{array}{r}
 3 \overline{) 48} \\
 10 \overline{) 12.00} \\
 2 \overline{) 2.33} \\
 \underline{13} \\
 13.72
 \end{array}$$

$$\begin{array}{r}
 3 \overline{) 12.88} \\
 10 \overline{) 72} \\
 2 \overline{) 8} \\
 \underline{81}
 \end{array}$$

Enter

$$\begin{array}{r}
 11.11 \\
 8 \\
 8.51 \\
 3.6 \\
 23.7 \\
 \underline{9} \\
 105.44
 \end{array}$$

$$\begin{array}{r}
 1.5.1 \\
 32.10.31 \\
 \underline{34.8.5}
 \end{array}$$

John Henry Marchant - orphan of Henry
Stitchell Marchant - decd.

In account with Rebecca Marchant

1833
Aug 5th To board clothing nursing of the
same from the 22^d day of April 1831
to this day say 2 yrs 3 mos 13 days } \$110.00
at \$ four dollars of month
To Medical attendance paid in
Baltimore & Delaware 20.00

130.00

1833
Aug. 19th By one bond recd of Edmund
Thorp & Thomas B. Norrell
Comr. appointed to sell the
lands of John Marchant
due the 31st day of Octr 1832 } 105.44
To burial expenses due — } \$24.56

34.56

The above account was this day sworn
to by Rebecca Cooper comr of Jno Henry Marchant
before me

Leah J. Cooper
29th Sept 1834