

1844-037 SOUTHAMPTON COUNTY
CHANCERY PAPERS

HANCOCK et al vs. HANCOCK et al (2)
2/1844

other surnames: Wright, Stephenson,
Gay

Hancock Jr

v. } Bill Jr

Hancock

1824

Feb. Deena as filed

Hancock
H. Hancock
H. Hancock

To the undersigned justices of the county court of Southampton
in chancery setting humbly complaining, sheweth unto your
wisheships. your wives & orphans, Martha Hancock, widow
of William Hancock dec. and Everitt, Henry Hancock
and Nicholas G. Knight and Rowanna his wife for Rowanna Hancock
Arch^d.^r Stephenson & Emma his wife, formerly Emma Hancock
and George Gay & Nancy his wife, formerly Nancy Hancock: That
the said Martha Hancock is the widow of William Hancock
dec. and that the 1st Everitt, and Henry Hancock, Rowanna Knight,
Emma Stephenson, and Nancy Gay, together with Amanda
Elijah, and Sally Ann Hancock the two last being infants
under the age of twenty one year - are the children & heirs at law
of the 1st William Hancock dec. who died in the county of said
some 12 or 16 years, since, seized of a considerable real estate: to wit -
a tract of land - &c. acres and worth about the sum of \$400.
That by his last will & testament - the 1st William Hancock, devised
for the life of the 1st Martha Hancock his widow, the 1st tract of
land - taken to the 1st Martha: That various causes, your
wisheships represent - that to prevent the said Depreciation which the 1st

land in hands of, are daily suffering, and a consequent loss
to the children of the 1st Hancock dec. who are entitled in common with
the 1st tract; with the concurrence of the 1st Martha, your wisheships
deem it - to the interest of all concerned, to sell the 1st tract
of land given as aforesaid, to the 1st Martha Hancock, being the same
where the 1st Hancock died.

That the interest of each will amount not to the sum of \$300 - nor
need much below that sum - and for this reason, as well as those
first above stated, have urged the propriety of a sale, and the most
sensible to proceed in a manner that will secure to the 1st Martha Hancock
an interest equal to that which she now enjoys in the land tenet -
and to promote the interests of those entitled, to the remainder -
but in consequence of the infancy of the 1st Amanda, and Sally Ann
Hancock, your wisheships are reminded that in a court of Equity
where matters of this sort are properly cognizable: They they therefore
pray that the 1st Amanda, and Sally Ann may be made parties
defendants before hereto, and by their 1st admission, be compelled to answer the
allegation of the bill - that perhaps be appointed to sell the 1st land
and invest the proceeds in a manner that will so render up the right of
all parties - and may be to satisfaction
R. Hooker

Maria Hancock sales

the
S. M. C. }
4 }

be over in Ch. 4.

Sally Ann Hancock

This cause, this day was docketed, by
consent of parties, came on to be heard on the Bill, annexed as
exhibits & was argued by counsel, on consideration whereof the
court with leave, and judge of decree, that Calvin S. Stephenson
and James B. Wargahart, or any one of them, who are hereby appointed
commissioners for such purpose, after being advertised the tract
of land in the Bill mentioned, proceed to sell at public auc-
tion to the highest bidder, the tract of land in the Bill
mentioned, after having given at least twenty days notice
by advertisement at 2 or more conspicuous places near the
premises; and for the proceeds of sale, after deducting
the expenses of purchase & sale which may be in cash, take
bonds with approved security, or the S. Commissioners are empowered
if the intent of the court will be promoted thereby to invest
the S. proceeds in the purchase of other land, in all respects regarding
the life intent of the said Martha Hancock, and securing to her
unless voluntarily relinquished, her right to receive and enjoy
the profits or interest of S. proceeds so long as she shall live, and report
to this court, for a final decree in the cause.

To the Hon^{ble} & Right Hon^{ble} Justices of the County Court of South Hampshire
County, in Chancery, being humbly Complaining Sheweth unto yr. Worships
your orators & oratrices - Martha Hancock widow of William Hancock dec^d and
Everett & Henry Hancock, and Nicholas S. Wright & Rivanna his wife formerly Hancock
Arch^d Stephen & Emma his wife (formerly Hancock) and George Jay & Nancy his
wife, formerly Stanger Hancock. That she the 1st Martha as aforesaid is the widow,
and they the 1st Everett & Henry Hancock, and Rivanna Wright, Emma Stephen,
and Nancy Jay, wives as aforesaid of N. S. Wright, Arch^d Stephen & George Jay - are
the adult heirs at law and children of the 1st William Hancock, dec^d. who
together with Ann and a Eliza and Sally Ann Hancock, the two last being
infants of the 1st Wm Hancock dec^d. who departed this life sometime in the
year 1829 - seized of a considerable real & personal estate. after having made
his last will & Testament - herewith filed, marked, &c. & prayed to be considered
as a part of this Bill Amended Bill. That the 1st William Hancock, as by the
1st Will will appear devised, for the education & maintenance of ^{his} children
and for other purposes in the 1st will mentioned - all the lands & other estate &
property to him belonging, to his 1st wife, Martha one of yr. orators, with a
power, given by her execution, to dispose of any of the 1st property, she, for the objects
of 1st will, could the best spare. Your orators, further represent - That, the 1st
Martha, for the objects of the 1st will, ~~and~~ has subjected herself to liabilities & debts, for
the liquidation of which, the personal estate in her possession must be taken
& sold, and leaving in her possession the tract of land, devised to her, as aforesaid
by her 1st husband, which is valued at about £400. not being affording to have
entitled as heirs at law of 1st William Hancock &c. a portion in any wise ap-
proaching to the sum of £300. and which is daily diminishing in value.
Your orators, therefore, the 1st Martha, and the other the ~~adult~~ heirs of the
1st William Hancock, deeming it best for the interest of all concerned
for the purpose of paying the debts aforesaid - to dispose of the 1st tract of
land, being the same wherein the 1st Hancock lived & died - rather than
to sell the negroes which are increasing in value &c. That believing that
from a fair construction of the will, full power and authority best in the 1st Martha
Hancock to effect such sale, yet to remove all doubt, application is made to the
Honorable Court, where matters of this sort is properly cognizable: to this end your
orators pray, that the 1st Eliza & Sally Ann Hancock the two infant heirs
of the 1st Wm Hancock dec^d. may be made parties defendant, & unto, be compelled

to answer fully the interrogatories & several parts of the amended bill: and
your w^{ts} pray that your w^{ships} will decree a sale of the land, and the
proceeds apply in payment of the debt aforesaid - and grant all other &
proper relief as in the premises may be necessary & proper. - Grant -

R. H. Whitehead PR

The answer (Joint & Several) of Amanda E. & Sally Ann
Hancock, infants of Mr Hancock dec^d P. Littleton R Edward their
s^t ad litem in law purpose, by the Court appointed, to the amended
bill filed to them by Martha Hancock & others - - Their
responses, by their s^t ad litem, the P. Littleton R Edward, appointed by the Court
of Mr. Hancock &c - answering & saying &c: and aver & say that they
have no objection to the prayer of complainants in 1st bill - But as they are
of tender years, & lack proper discretion they beg permission to submit
their interests, joint & separate, in the premises, to the discretion & protection
of the Court; and having answered pray leave to be dismissed with their costs
&c -

Martha Hancock & alia }
Hancock & Hancock } DECREE in Chancery

This Cause, this day, came on again to be
heard, on the papers, Amended bill & other papers filed; and was argued by counsel
on consideration whereof the Court doth order, adjudge & decree, that -

who hereby appointed commissioners for such purpose, proceed to sell
at public auction to the highest bidder

the tract of land in the 1st Bill mentioned.

Hancock } The answer, writ & service of Amanda
Hancock. Sale } and Sally Ann Hancock, by Littleton R
Edwards their ex^{or} and Littleton R
appointed by the Court of So. Hampton County, to answer to
J^r infants, to a Bill filed th^{er}in, by Martha Hancock
& others - at the July term of County Court of So. Hampton -
Their respondents, by them ex^{or} & Littleton, answering & a -
answer & say that they are of ^{their} ~~between~~ years, not yet of age -
to any ~~of~~ ^{the} ~~infants~~, and by leave to submit, themselves & their
joint & separate interests to the protection of the Court -

L R Edwards

(2)

Stumpach

3 Locky Decem.
7.

My dear mother

Southampton February Court 1844.

Martha Hancock widow of William Hancock dec^d and Everett & Henry Hancock
and Nicholas G Wright & Rowanna his wife formerly Rowanna Hancock, et al^s
Stephenson & Emma his wife formerly Emma Hancock & George Gay & Nancy his
wife formerly Nancy Hancock.

against
Amanda & Sally Ann Hancock

Plffs
} In Chancery
Dfts }

On the motion of the plaintiffs by Counsel Sillerton & Edwards is assigned
guardian ad litem to the defendants to defend them in this suit. This cause this
day was docketed by consent of parties, came on to be heard on the bill, answer
& exhibits and was argued by Counsel. On consideration whereof the Court doth
order adjudge and decree, that Calvin I Stephenson and James B Uryghart
or any one of them, who are hereby appointed Commissioners for the purpose, proceed
to sell at public auction to the highest bidder the tract of land in the said
bill mentioned, after having given at least twenty days notice by advertise-
ment at two or more conspicuous places near the premises, and for the proceeds
of sale after deducting the expenses of this suit & sale which may be in cash,
take bonds with approved security, or the Commissioners are authorized if the
interest of all concerned will be promoted thereby to invest the said proceeds in
the purchase of other lands, in all respects regarding the life interest of the said
Martha Hancock, and securing to her unless voluntarily relinquished, her right
to receive and enjoy the profits or interest of said proceeds so long as she shall
live, and report to this Court for a final decree in the cause -

Cells look \$2.38.

A Copy

Teste. J R Edwards