

1846-122 SOUTHAMPTON COUNTY
CHANCERY PAPERS

MASON

VS.

STONE

et al

4/1846

Mason

2 } Bill. Answer.
 } & decree

Stone.

1845 Nov. Deems filed

1846 March. Report.

" Apr. Final decree

(B2B)

To the worshipping County Court of Southampton
County sitting, in Chancery

Humbly complaining, sheweth your complainant John
By Mason of the County aforesaid, that sometime since Sarah Stone
deceased this life having, previously executed her last will & testament
and codicil thereto annexed in which after directing the payment
of her debts, and making certain specific bequests, she gives the balance
of her slaves to her four grand children, to wit: Eliza, Francis & John &
William, children of her deceased son William Stone, and Virginia the only
child of her son Joshua Stone, to be equally divided between them and
that if either should die, his or her interest, to the survivors, and
nominates your complainant her executor, all of which will appear from
a copy of said will herewith filed as part of this bill - That afterwards
your complainant qualified as her Executor, as will appear from the
proceedings of the County Court of said County - That as such he sold at
public auction four slaves, to wit: Mancela two children and Louisa, (and
became the purchaser himself at a price far beyond their real value,
the proceeds of which sale, he supposed at the time would be sufficient
to discharge all the debts of his testatrix, and delivered over to the guar-
dians of the infant legatees in the will the balance of the slaves, into
whose possession they still remains - That afterwards your complainant
ascertained that his testatrix was more indebted than he at first supposed,
and in the settlement of the estate paid debts more than the property sold for, by
the amt. of \$497.99/100 - as will appear by his account current, return made
to Oct Court 1845 and confirmed at the following, CT or Court, which is
herewith filed as part of this bill - Your complainant states his testatrix
left no other property except slaves, and some few chattles which she
specifically bequeathed in her will, and that since the execution of the
said will, one of the grand children of testatrix to wit: Eliza Stone, has died,
whose interest in the slaves, the three survivors take equally under the will
and codicil aforesaid - That previous to the death of the said Eliza, a division
of the slaves was made between Virginia the child of Joshua Stone, and
the three children of William Stone, and that since the death of the said
Eliza, no division of her interest has been made between her surviving
brother & sister and the said Virginia; and your complainant is advised
that the said slaves delivered over by him as executor, to the several guardians
of the infants as aforesaid, are bound for the payment of the balance due
on the account current above named - In consideration of the premises
your complainant prays that the said infants Virginia, Francis & John
and William Stone be made defendants to this bill by some fit and proper
person to defend them, and that the worshipping Court will decree a sale
of sufficient number of said slaves as will pay the balance due on said
account current: and he will as in duty bound ever pray &c.

Richard Goodwyn, Attest

The joint and separate answer of Virginia Francis Ston and William Stone infants by Liddleton & Edwards their guardian ad litem to a bill of complaint against them exhibited by John Y. Mason in the County Court of Southampton County -

The defendants saying, &c. say that they believe the allegations in the bill contained are true, but have no personal knowledge of all the facts therein set forth, and submitting their interest to the protection of the Court, pray leave to be dismissed the Court with their reasonable costs in this behalf expended.

Ridley, Grodwyd Attys

Mason }
i. }
Ston &c } Decree

This day this cause was docketed by leave of Court and consent of parties, and came on to be heard with like consent. On consideration whereof the Court doth adjudge, order and decree that James H. Sebrall, Benj- E. Pope and Lorthwest & Perkins, be and are hereby appointed commissioners of this Court that after giving at least thirty days previous notice of the time and place of sale at the Court House and other public places in the vicinity of the place appointed for the sale, they proceed first to divide the slaves of which Sarah Stone died possessed, and which were allotted to her three grand children Eliza, Francis Ston and William Stone, children of William Stone dead: into three equal parts - that they assign ^{two} parts to Francis Ston & Stone, ~~and to~~ William Stone, infants of William Stone dead: and the third part the said Commission are directed to sell at public auction to the highest bidder for cash, and out of the proceeds of such sale, after paying the expenses of this decree, they pay to John Y. Mason the sum of four hundred ninety seven dollars and 99/100 - with but on four hundred sixty dollars and 2/100 part thereof from the 6th September 1845 - ~~to the 10th of October 1845~~ till paid; and one third of the balance of the proceeds of said sale, if any remain, they pay to the guardian at law of Virginia Stone daughter of Joshua Stone, and the other two thirds to the ~~guardians~~ ^{guardian} at law of the said Francis Ston and William children of William Stone dead - that if said Commission cannot effect an equal division of the slaves into three parts, they are directed to sell ~~that part~~ which will bring the most money and out of the proceeds of sale, make up the deficiency in the two parts assigned to Francis Ston and William Stone, and distribute the balance equally between each of the said said infants - and report their proceedings to Court in order for a final decree.

Mason

to } Copy Decees

Stone

1826 March Term

Southampton County Court - November Term 1845.

John Y. Mason

Deft

In Chancery

against

Virginia, Frances Ann and William Stone infants by
Littleton R Edwards their guardian ad litem

Defts

This day this cause was docketed by leave of Court and consent of parties and came on to be heard with like consent. On consideration whereof the Court doth adjudge, order and decree that James St. Leger, Benjamin C. Pope and Guthrie B. Bankham be and hereby appointed commissioners of this Court that after giving at least thirty days previous notice of the time and place of sale at the Courthouse and other public places in the vicinity appointed for the place of sale, they proceed first to divide the slaves of which Sarah Stone died possessed and which were allotted to her three grand children Eliza, Frances Ann and William Stone children of William Stone dec'd into three equal parts: that they assign two parts to Frances Ann Stone and William Stone infants of William Stone dec'd and the third part the said Commissioners are directed to sell at public auction to the highest bidder for cash - and out of the proceeds of such sale after paying the expenses of this decree they pay to John Y. Mason the sum of four hundred and ninety seven dollars and ninety nine cents with interest on four hundred and sixty dollars and two cents part thereof from the 6th September 1845 till paid. and one third of the balance of the proceeds of said sale, if any remains, they pay to the guardian at Law of Virginia Stone daughter of Joshua Stone, and the other two thirds to the guardian at Law of the said Frances Ann and William children of William Stone dec'd. That if said Commissioners cannot effect an equal division of the slaves into three parts they are directed to sell that part which will bring the most money and out of the proceeds of sale make up the deficiency in the two parts assigned to Frances Ann & William Stone and distribute the balance equally between each of the said infants. And report their proceedings to Court in order to a final decree.

Colts Cots \$238.

Attest

Teste. L. R. Edwards clk

We the commissioners in pursuance of the decree have
 made division of the slaves which Sarah Stone died possessed and
 which were allotted to her three grand children Eliza, Francis
 Ann, and William Stone children of William Stone died as follows
 to wit: To the said Eliza Stone Elory valued at \$275.00
 James at \$375.00 and Lydia at \$175.00 = \$825.00
 This set to pay to Francis & William Stone \$75.00
750.00

and To the said Francis Ann, and William Stone,
 Scott valued at \$550.00 Nancy & two children at \$575 and Henry at \$300
Total \$1425.00

To receive from Eliza Stone 75.00
\$1500.00

We then proceeded to sell the slave allotted to Eliza Stone
 Elory sold for \$150.00

James \$241.00

Lydia \$155.00
\$546.00

Price of slaves

75
\$546.00
546.75

Deduct this amt. paid To Francis & William \$75.00

" " commissions 19.92

Clerks fee 2.38

Gross acct. 1.00

Lawyers fee 10.00
\$108.30

\$438.45

Paid To John W Mason's order the sum of four hundred
 and thirty eight Dollars and forty five cents being the
 net-proceeds of the sales

Jas. H. Webb.
 John E. Pope
 C. H. Parker

James H Sobrell & Co. Hope & Co. Barham & Co.
1846
19th

to the negroes belonging to Sarah
Stony, rec'd

To Hope & Co. Dr

To carrying negroes

\$100

Rec'd payment in full.

Hope & Co.
Dr

Feb 16th 1846

Received of Mr Schell one of the Comrs to
sell certain slaves belonging to the estate
of Mrs S Stone four hundred and forty ~~eight~~
dollars and forty five cents -

J. M. Mason
By - R. B. Ridley