

1851-021 SOUTHAMPTON COUNTY
CHANCERY PAPERS

FELTS

VS. FELTS etc.

7/1851

Other SURNAMES: Bains,
Tatem, Griffin, Bain',
Hargrave

Fells

" } Bill Y. M. S.

Fells

1850 Feby. Deceit as filed

" Oct. Order for bill to receive bond

1851 Feby. Deceit amended

" June Report.

" July - " Confm."

Fells

" } Bill
Fells } Answer

To the worshipping County Court of Southampton
In Chancery

Humbly complaining sheweth unto your
worsships, your orator John W H Fells, That several
years since his sister Sally Fells of the said County
did intestate possessed of a considerable personal
estate consisting chiefly of slaves, That
she left as her sole distributees at law William
Fells and Susan Bains, a brother & sister of the half
blood, your orator and Patsy Fells a brother &
sister of the whole blood, and Elizabeth Tatum for-
merly Fells who has intermarried with Thos Tatum,
Frederick, Francis, Susan, and Henry Fells children
of Henry Fells decd who was a brother of the whole
blood. That the said Susan & Henry Fells are infants
of tender years, and that the said Patsy Fells is a deaf
and dumb lunatic, and at the Term 18 of the County
Court of Southampton Edwards Butler of the said County
was appointed her guardian. That the said Susan
Bains on the 14th of August 1848 took the oath of an
insolvent debtor at the suit of William Thornton
and John Owen, by which her interest in the estate of
Sally Fells became vested in Jesse Hargrave the Shff.
of the County of Sussex. Your orator further states
that the estate of the said Sally Fells, was, at the
Term of the County Court of Southampton com-
mitted to Benja Griffin Sheriff of said County for
administration, and that the said Benja Griffin
did in the year 1844 having first published
his last will & testament by which he appointed
Robert J Griffin his Executor which will was
admitted to probate at the Term of said
County Court, and the Executor therein named
having failed to take upon himself the ad-

administration of the estate of the said Sally Fells,
it was at the Term of said court committed
to the hands of Samuel B Hines Sheriff of said
court for further administration - Your
orator is informed that there are still con-
siderable debts outstanding against the
estate of the said Sally Fells and that there
is still a small amount in the hands of
the Executor of the said Benjaⁿ Griffin and
son. Your orator is satisfied that it would
be greatly to the interest of those entitled, that
the slaves should be sold, immediately, the
debts paid and the remainder divided.

In tender consideration of all which, and in
as much as your orator is without remedy
save in a court of equity &c he prays that
William Fells, Susan Bains, Patsy Fells, Thomas
Tatum & Elizabeth his wife, Frederick, Francis, Su-
san, & Henry Fells, Jesse Hargrave Shff of Super.
Edwards Buels committee of Patsy Fells, Sam-
uel B Hines committee of the estate of Sally
Fells, and Robert S Griffin Executor of Benjaⁿ
Griffin decd may be made parties defendant
to this bill and answer the allegations there-
of, that some fit & proper person may be ap-
pointed guardian ad litem to defend the in-
terest of the infant & lunatic defendants,
that the said slaves may be sold the debts dis-
charged, and the balance
divided among those entitled, and as in
and to be well ever may be may it please
your worships &c

Chambliss & Prosser
Attys for Complainant

The joint and several answer of William Fells
Susan Bains Thos Tatum & Elizabeth his wife
Frederick & Francis Fells Jesse Hargrave Shff.
of Super. Edwards Buels committee of Patsy
Fells, Samuel B Hines Shff & committee of
Sally Fells, & Robert S Griffin Exor of Benjaⁿ Grif-
fin decd, to the Bill of Complaint of John W H Fells.

These Defendants saying & answering &c, severally
answering say that they believe the allega-
tions of the said bill are true, and that they
have no objection to granting the relief pray-
ed for, and having answered they pray same
to be dismissed with their reasonable cost &c

Chambliss & Prosser

The joint & several answer of Susan & Henry
Fells, infants under the age of twenty-one, and
Patsy Fells a lunatic, three of the Defendants to
the Bill of Complaint of John W H Fells, by L B
Edwards their guardian ad litem

These Defendants saying & answering &c, severally
answering, say that they know nothing of
the allegations of the Bill, and presume them
to be true, and being under legal disabilities they
submit their rights to the protection of the
court, and having answered they pray same
to be dismissed with their reasonable cost &c

Chambliss & Prosser

Fells
i
Fells

This day this cause came on to be heard
by consent on the bill & answer, and was argued by
counsel, On consideration whereof the court

said Maffenberg shall have no authority under this
decree until he shall enter into bond with good security
in the Clerk's Office in the sum of \$1000 conditioned as follows and
doth adjudge order and decree that James D Maf-
senberg, who is hereby appointed a special com-
missioner for that purpose, shall after giving
due notice thereof by advertising, proceed to
sell the negroes in the bill mentioned to the high-
est bidder, reserving so much in cash as may
in his opinion be sufficient to defray the ex-
penses of this suit & satisfy the debts now out-
standing against the estate of the said Sally
Fells, and that of the balance ^{take the bond for} ~~he receives~~ one fourth
^{payable in nine months} ~~in cash~~, which he shall pay over to Edwards Butts
committee of Peter Fells, and for the other three
fourths, he take bonds with good security payable
in nine months, ^{changing into nine months} two for one fourth each, one of
which he shall assign to John W H Fells, and the
other return to the Clerk's Office of this court
for the benefit of Thos Faten & Elizabeth his wife,
Frederick Francis Susan & Henry Fells, Two for one
eighth each one of which he shall assign to Wm
Fells, and the other to Lope Hargrave Sheriff of
Superior. That he pay off the debts now outstanding
against the estate of Sally Fells and report to
this court in order for a final decree, that
Robert I Giffin settle an account of the trans-
actions of his testator as committee of Sally
Fells, and pay over the balance which may be
found due to the said James D Maffenberg. But
the said Edwards Butts, Wm Fells, Lope Hargrave, John W
H Fells, Thos Faten & Elizabeth his wife Frederick, Francis
Susan & Henry Fells shall not claim any benefit
from the provisions of this decree until each of them,
or some one for them, shall enter into bond in the sum
of \$100 payable to Saml B Hines, conditioned to refund
their proportion of any debt which may hereafter come
against the estate of the said Sally Fells, and that

Fells
i { Amended Jones
Fells

1857 Febry ~~1857~~

Feltz

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Feltz & Co

} Amended Decree

This day this cause came on again to be heard on the papers formerly read, and was argued by Counsel, On consideration whereof the Court doth ad judge order and decree, That so much of the order entered in this cause at the February Term 1850 as directed the Commissioner James S. Hapkenburg to return to the Clerk's Office of this Court a bond for the benefit of Thos. Tatum & Elizabeth his wife, Frederick, Frances, Susan & Henry Feltz, be revised, and that he pay the said bond to Charles F. Wagonhart who is hereby appointed a special Commissioner to collect the same and that the said Wagonhart after deducting expenses shall pay over one fifth of the proceeds of said bond to Thos. Tatum & Elizabeth his wife, and the balance in equal proportions to Frederick, Frances, Susan, and Henry Feltz, and report to this Court in order for a final decree.

Fells

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Fells

1851 June

Felt's

Felt's } Report of Commissioners

Your commissioners beg
leave to report that in pursuance of the
order of April Term 1851 he received from
Commissioner Haysbury the bond
against Newsom & collected the same
and paid out the funds as directed
all of which is respectfully represented.

67 Arguehol Com.