

Monday November 1st 1835

Present The Hon. Richard A. Baker Judge

Jelly Fells and Edward Bates Complainants of Martha Fells
against
John Bain

Deft.

App.

This Cause came on this day to be again heard on the proper form of writ and the Verdict of the jury found in the Circuit Superior Court of Law and Chancery for South Carolina County upon the issue ordered in this Cause on the day of April 1834 and was argued by counsel; On Consideration whereof the Court with judges, assessors and assessors that the deed filed in this Cause was marked as exhibit. D. purporting to be a bill of sale executed by Martha Fells and Jelly Fells to John Bain and bearing date the 2^d of February 1835 was founded on no valuable Consideration and that the same was obtained by fraud; and that the same therefore is null and void and in the Court with judges and assessors that the plaintiffs Benjamin Griffin Complainant of the estate of Jelly Fells Decedent of the defendants Bain slaves Jesse Minney and his child Caroline and Hannah were the increase of the said female since the second of February 1835 and that the plaintiff James P. Bates Complainant of Martha Fells Decedent of said defendant John Bain slaves Selig Bul 98 and the increase of the female since 2^d February 1835. And the Court with further Order that a Const. of this Court take an account of the hire of said slaves since the second of February 1835 stating the profits of each of said slaves and by whom they were held and make report to this Court with any matters deemed pertinent by himself or requested by the parties or either of them to be so stated.

Clarah Bailey

against

Afford P. Bailey, Peyton P. Bailey, Edward L. Bailey, Malissa L. Burt, Annand A. Bailey, Robert Poston, Benjamin and James M. Bailey, Edward M. Bailey, Sarah Bailey, Clara Bailey, the one part of whom are infants under the age of twenty one years, by Elizabeth R. Edwards their guardian ad litem

Deft.

App.

The subpoenas in this Cause having been executed and the original and amended bills filed more than two months and the defendants Peyton P. Bailey, Edward L. Bailey, Malissa L. Burt, Afford P. Bailey and Annand A. Bailey their wife Robert Poston who have failed to answer the bill is taken for confessed against them and the Cause came on to be heard on the original and amended bills the answer of the defendants Afford P. Bailey to the original bill and the answers of the infant defendants Edward M. Bailey, Sarah Bailey, Clara Bailey, Benjamin P. Bailey, James M. Bailey and Benjamin Bailey, replicating thereto, exhibits filed and was argued by counsel. On Consideration whereof the Court with judges, assessors and assessors that Benjamin White, Richard A. Nugent, John Baykin, Benjamin L. Dyer, Alexander James and Joel Prepper or any three of them with the aid of a surveyor or surveyors do proceed to set apart to this Complainant Clarah Bailey one just and equal third part of the real estate whereof of Edward Bailey at late of Southampton died seized as and estate of inheritance having regard to the quality and quantity and that they make report to this Court.