

1816-006

SOUTHAMPTON COUNTY
CHANCERY PAPERS

FELTS VS. FELTS - al

12/1816

other surnames: Jelks,
Pope

To the worshipful Court of Southampton in Chancery
sitting - Humbly complaining sheweth unto your worship
your orator Richard Fells an infant child of Randall
Fells dec'd and his late wife Hannah formerly
Hannah Fells also deceased by his next friend
Keton Pope

That Kinchin Fells the maternal grandfather of
your orator departed this life some few years
^{past} ~~intestate~~, ~~leaving~~ of land and personalty of slaves
in this County. The mother of your orator being
at that time dead and having left your ora-
tor and two other children who are yet infants
to wit, Polly and Lucy Fells. That in the division
of the real and personal estate of the said
Kinchin Fells due fifty acres of land and
~~allotted~~ one negro boy called Harry were
allotted to your orator and his two sisters
Polly and Lucy in common, and have ^{been} ~~been~~
held by them ever since in that way. That
it is expedient that a partition of said
land and negro should be made, which
~~cannot be effected~~ without a sale of both
the land being worth less than one hundred
dollars, to each of the parties interested, and it
being impossible to divide the negro from
the nature of the property without a sale
That your orator is advised that he is without
remedy in this behalf save in a Court of Equity
In tender and anxious concern whereof he prays that

the aforesaid Polly and Lucy Fells infants by
some next friend who appointed by this Court
to defend them in this behalf, be made dispo-
sitions and be compelled to answer all and
singular the allegations herein contained
fully and unequivocally and he further prays
that this Court would decree the aforesaid
fifty acres of land and negro boy Davy should
be sold on such credit as may seem expedient
and the proceeds of the sale equally divided
among your orator and the said defendants
Polly and Lucy and your orator finally
prays that your wisdom would make any
other or further decree or order in the premises
which may comport with principles of
Justice and equity. And he will rest
C -

Keton Pope

To the honorable Court of Southampton in Chancery
sitting. The joint and separate answers of Polly
and Lucy Fells infant children of Randall Fells
and Hannah his late wife formerly Hannah
by their next friend Henry Fells - ^{apparently the last to appear}
Fells also dees to the bill of Complaint exhibited
against them by Richard Fells an infant
child of Randall Fells and his late wife
Hannah formerly Hannah Fells also dees
by their next friend Keton Pope

These respondents saving and reserving to

themselves all benefit of exemption to any and
imperfections or misstatements in the Complainant's
bill contained for answer to so much thereof
as they are advised is material and necessary
for them to answer, answering say. That they
cannot deny the Complainant's allegations
and are willing that this Court should
pronounce such a decree in the premises
as may be right and just. These respondents
having answered pray the heard dismissed

Fells - - - - -
his
Henry + Fells
mark

Fells - - - - - Pttf

(11) } In Chancery -
Fells - - - - - Defts }

This cause was this day docketed by consent of parties
and agent of the Court and was heard in the bill
answers and arguments of Counsel, whereupon and
upon due consideration thereof had the Court
adjudge order and decree that Wm Fells Esq, Jace
Lee and James Mellen Lowery ^{as apprs} after giving three weeks
public notice of the time and place of sale expose
to public auction in a tract of 12 months the
fifty acres of land and negro boy Davy which
descend to the complainant and defendants in

common by the death of their maternal grandfather
that they divide the proceeds of the sale into three
equal parts and take bonds with approved
security for each separate part payable to the
Guardian of the ~~defendant~~ complainants and the
Guardian of each of the defendants and deliver
the same accordingly. That they make a proper
conveyance to the purchaser of the land and
finally that they make a report to their Coverts
in order to a final decree -

Sett in the Chancery
1819
Sett in the Chancery

Decr 1816 Decreed and
ordered accordingly

Felt's } Intestocutary
as } Decree
Felt's }

March 1817 Rep^t Ret^d 8
Final Decree by consent

Southampton December Court 1816

Richard Felts an infant child of Ransall
Felts decd. and his late wife Hannah formerly
Hannah Felts also decd. by his next friend Ketou Pope - Comptt.
agt.

Polly Felts and Lucy Felts infant children of Ransall Felts
and Hannah his late wife formerly Hannah Felts also decd. by
their next friend Henry Felts appointed by the Court to defend
them in this behalf - - - - - Defendants.

In
Chancery

This Cause was this day docketed by Consent of the Parties and adjourned
of the Court, and was heard on the bill answer and arguments of Counsel
Whereupon and upon, due Consideration thereof has the Court with advice order
and decree that Thomas Fitzhugh, Job Lee and James Miller or any
two of them after giving three weeks Public Notice of the time and place
of Sale expose to Public Sale on a credit of Twelve Months the fifty acres
of Land and negro boy Dary which descended to the Comptant and
Defendants in Common, by the death of their maternal Grandfather, that
they divide the Proceeds of the Sale into three equal Parts and take bonds
with approved Security - - - for each separate Part, Payable to the Guardian
of the Comptant and the guardian of each of the Defendants and deliver
the Same accordingly, That they make a proper conveyance to the purchaser
of the land and finally that they make a report to the Court in order to a final
Decree

Teste James Rochelle CC

Report of the Sale
and auction of the Est.
of Randall Fells by
the Commissioners —

By virtue of a decree of the Court of Southampton bearing date Decem^r
 1816. we the undersigned Commissioners therein named, have sold
 the property therein decreed to be sold, belonging to the Estate of
 Randall Fetter dec^d and awarded the proceeds, into three equal parts
 To wit $\frac{1}{3}$ to Lucy Fetter, $\frac{1}{3}$ to Richard Fetter, & the other $\frac{1}{3}$ to Polly Fetter,
 agreeably to the afores^d decree, taking Bonds for the Same, and delivered
 them over to Henry Fetter Guar^t, as decreed in the said decree, with
 his rec^t which is herewith inserted —

Am^t of Sale of Randall Fetter Negro Boy Davy, and fifty Acres Land
 sold by us James Mullan & Joel Lee Com^r this 17th day of Feb^r 1817 —

Negro Boy Davy To Josiah Munday	\$404.00
50 Acres Land to Benj ^m Munn	202.00
Am ^t of Sale	<u>\$606.00</u>
$\frac{1}{3}$ as allotted to ~~and~~ ^{Clammant} Polly Fetter	\$228.66 $\frac{2}{3}$
$\frac{1}{3}$ as allotted to Lucy Fetter	228.66 $\frac{2}{3}$
$\frac{1}{3}$ as allotted to ^{Rich^d} ~~Henry~~ Fetter	228.66 $\frac{2}{3}$
	<u>\$686.00</u>

14th March 1817 Rec^d of James Mullan & Joel Lee Com^r for selling the above property of
 Randall Fetter dec^d. Bonds to the full am^t of the respective propor-
 -tions of Polly Fetter, Lucy Fetter, & ^{Rich^d} ~~Henry~~ Fetter each \$228.66 $\frac{2}{3}$ Cents
 as above stated Rec^d by me
 Henry Moore
 Given under our hands, this 14th day March 1817

~~Henry Fetter~~
 Guar^t of Polly, Lucy, & ^{Rich^d} ~~Henry~~ Fetter

James Mullan
 Joel Lee
 Com^r