

1830-018 SOUTHAMPTON COUNTY
CHANCERY PAPERS

PORTER & al VS. EDMUNDS et al 12/1836

other surnames: ATKINSON,
Beal, Beale, ATKINS

Porter

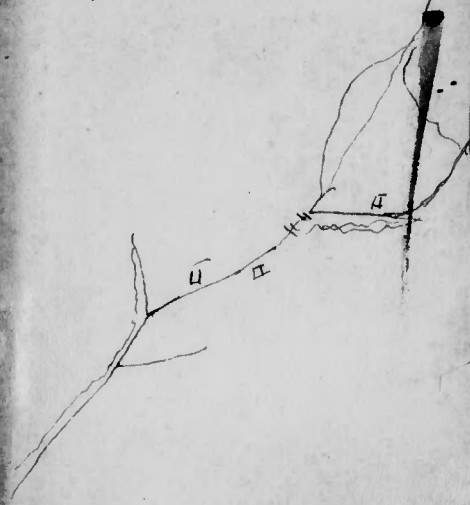
29

Edmunds & al

Price & answer

Made 1821. Two decrees
1830. Octo. Com^o to be sum^d to
report.

+ Dec^r rep^t not^d of conf^m by
Consent R.



To the undersigned Court of Lenthampton in Chancery
sitting - Humbly complaining shew unto your worship
your complainants Henry Porter and Thomas Porter that
their father ^{Thomas Porter} many years ago died leaving a last
will and testament which has been admitted to
record an attested copy of which is hereto annexed as a
part of this bill that among other things in his said
last will and testament he bequeathed the whole
of his personal estate to his wife Julia during her
life or widowhood and at her death to your complai-
-nants and another son Nevil Porter. That the said
Julia Porter hath lately expired this life having
in her possession at the time of her death nine slaves
to wit, Sal, Selah, George, Jim, Bailey, Bridget
Mary, Charles and Hark all of which were a part
of the personal estate as aforesaid bequeathed to her
or their increase, and to which your complainants
are now entitled under the will of their said father
Your complainants beg leave further to represent
that their brother Nevil Porter who under the said
will was equally entitled with your complainants
to said slaves, died some years past intestate
unmarried and without issue, leaving your complainants
his nearest relations of the whole blood ~~one~~ brother
and sister, Jonas Edmunds and Jane Atkinson of the
half blood on the part of the mother. They ^{further shew}
that there was another ~~brother~~ brother of the half blood on
the part of the father - Solomon Porter who died leaving
a son Henry Porter and a daughter Sally who inter-
-married with a certain Jacob Neal and is since
deceased. Your complainants are advised that they
are entitled to two thirds of the whole of the aforesaid
slaves under the will of their father and to ^{one} third
sevenths of the remaining third as heirs at law
said Nevil Porter and the said Jonas &

and Sally Atkinson are entitled to two sevenths
and the said Henry Porter to 1/14th and the
said Jacob Beale to 1/14th. In tender considera-
tion whereof and in as much as your complainants
are without remedy in the premises save in a Court of
Equity they, Pray that the said Jonas Edmunds,
~~John~~ ^{James} Atkinson, Henry Porter and Jacob Beale
maybe made defendants hitherto and be compelled
to answer all and singular the allegations herein
contained fully and unreservedly. They further
pray that the several slaves maybe decreed to
be divided between your complainants and
defendants according to their respective rights
and that this Court would make any other or
further order or decree in the premises which may
conform with principles of Justice and Equity,
and as in duty bound they will ever pray &c

Henry Porter

To the honorable Court of Southampton in Chancery
sitting. The joint and separate answers of
Jonas Edmunds, ^{James} Atkinson, Henry Porter and
Jacob Beale to the bill of complaint exhibited against
them by Henry Porter and Thomas Porter.

These respondents severally for answer
to the Complainants be it say. that they admit their
allegations are true, and that they are willing
to submit to such decree as this Court may think
it expedient and proper to pronounce in the
premises and having answered they pray to be
dismissed &c.

John Beale

Peters

21

Edmund H

Royal

Porter — *P. H. B.*
2 *3* In chy.
Admonos et al Defts

This cause was this day docketed by consent of parties and
opened after Court and was heard on the 11th, among,
exhibit filed and arguments of Counsel, whereupon
and after due consideration thereof had the Court
dett a decree order and decree that ~~David Edwards~~ ^{Henry}
Benja ~~Blount Jr.~~ Samuel Lerner and ~~Willie~~ Francis
or any three of them do set apart two thirds in
value of the slaves, Tal, Melah, Giver, Lior, Bailey,
Midget Mary, Charles and Hark and divide
them equally between the complainants Henry
and Thomas Pater. That they set apart four
sevenths in value of the remaining third in
the same manner to the complainants - two
sevenths of the same third ~~equally~~ ^{equally} between
the defendants James Edwards and ~~John~~ ^{George}
Atkinson, and that they divide the remaining
seventh equally between the depts Henry Pater
and Jacob Beale. And in case it should be
impracticable to make any ^{portion} of the subdivisions
in kind they appraise persons or any three of them
are hereby ordered to see such portion of the slaves
appraised as may be required contained in said
subdivisions on a credit of twelve months and
divide the proceeds of the sale upon the above
principles in several bonds taken for the purchase
money with approved security. And it is further
ordered that they or some of them as may act herein
do make a report to this Court of their proceedings
in order to a final decree.

Porter's }
Comman^d }
decre^d
a Copy

Costs up to recording report
provided it is returned in three months

7.3.62

~~_____~~
Rochester D.

Southampton County March Court 1821

Henry Porter and Thomas Porter Complainants
against
Jonas Cornumers, James Atkinson, Drury Porter
and Jacob Beale Defendants
In Chancery

This Cause was this day docketed by Consent of parties and adjourned of the Court, and was heard on the bill, answer, exhibits and arguments of Counsel, whereupon and after due Consideration thereof had, the Court doth adjudge order and decree that onevert Harris, Benjamin Blunt Jr. Samuel Turner and William Francis, or any three of them, do set apart two thirds in value of the Slaves Sal, Delah, George, Jim, Bailey, Bridget, Mary, Charles and Mark, and divide them equally between the Complainants Henry and Thomas Porter, That they set apart four ~~four~~ Sevenths in value of the remaining third in the same manner to the Complainants - Two sevenths of the same third equally between the defendants Jonas Cornumers and James Atkinson, and that they divide the remaining Seventh equally between the defendants Drury Porter and Jacob Beale, And in Case it should be impracticable to make any of the Subdivisions in kind, the aforesaid persons or any three of them, are hereby ordered to sell such portion of the Slaves aforesaid as may be contained in said subdivisions on a credit of twelve months and divide the proceeds of the sale upon the above principles, in separate bonds taken for the purchase money with approved Security, and it is further decreed, that they or such of them as may act herein, do make a report to this Court of their proceedings in order to a final decree

Teste

J. M. iddleton D.C.

Porter.

Edmunds for James

Edmunds Jr

To November 1830.

By order of the Court

Rockwell we

Executed on Murt Harris
and Willie Francis

Benj^r Blunt J^r Samuel
James & Co.

Jas^r Robt^r Dyck

Clement Rockwell & Co.

The Commonwealth of Virginia:

To the Sheriff of Southampton County===Greeting

WE command you to Summon Newb Harris, Benjamin Blunt jr. Samuel James
and Willie Francis, Commissioners appointed to divide the Slaves & of Thomas
Porter ac^d

to appear before the Justices of our County Court of Southampton, at the Courthouse,
on the *first* day of *November* term next to ~~testify and~~
~~the truth to say in behalf of~~ return an account of their proceedings in

~~and certain matters of controversy in our said Court, before said Justices depending and~~
~~undetermined between~~

~~Plaintiff and~~

~~Defendant~~ , and this *they* shall in no wise omit, under the penalty of ~~100~~. And
have then there this writ. Witness JAMES ROCHELLE, Clerk of our said Court,
at the Courthouse, the *20th* day of *October* 1830, in the 55th year
of the Commonwealth.

James Rochelle cl^k

1838 Nov: 20: Received of the Clerk of Genthampton County the amt returned by
the Commissioners for Thomas Porters share of the sales dated the 14th day of
April 1821 for the sum of Two hundred and Seventeen dollars 64³/₄ cents. and
due Twelve months after the date -

Richard Porter

Porter d.

By Comm^{rs} Report.

Edmunds d.

To the worshipful, the County Court of Southampton -

The undersigned respectfully represent, that in obedience to a decretal order of this court, made at Feb'y Court 1821, in the Chancery suit of Henry Porter & ~~John~~ Thomas Porter against Jonas Edmunds, Jane Atkinson, Drury Porter and Jacob Beale, a copy whereof is hereto annexed, they, with Benjamin Blunt & Saml. Turner, since dec'd divided the negroes in the said decree mentioned, first allotting to Henry Porter, in his own right and by purchase from the other plffs Thomas Porter, two thirds of the said negro slaves. That, finding it impracticable to effect the subdivisions of the remaining third part of the slaves, in kind, they sold them, on a credit of 12 months, and paid to Henry Briggs Deputy of Thomas Ridley, Sheriff and Committee of the estate of Jonas Edmunds, one seventh, of the proceeds, and to the same in the same character, by purchase from Jane Atkinson one other seventh, as will appear by his receipt filed here with: that they paid to the said Henry Porter his two sevenths thereof, and took from him, as a purchaser, his bond for two sevenths, as Thomas Porter's share thereof, which bond is herewith returned, & that they paid to Drury Porter and Jacob Beale the remaining seventh part, and took their receipts for the same, which are herewith returned. That the undersigned, considering the decree fully executed, and relying on their fellow Commissioners to make their report, ~~now~~ make this report, with a more particular statement of the valuations, divisions, & sales of the said negro slaves, attached hereto.

Valuation of the negroes belonging to Porter's Estate.

Old bal. delinquent or expensive, \$ 110 -

Relah valued at . . . \$ 45 -

George . . . 425.

Sam . . . 450.

amt. bid over ——— expense ——— \$110.

valuation ——— \$920.

Bailey valued at ——— 425.

Bridget ——— 350.

Mary ——— 200.

Charles ——— 145.

Hark ——— 425.

deduct expense ——— 2465
110

2355

2

3/4710

2/3^d. 1570.

negot. allotted as 2/3^d on this valuation.

Hark ——— \$425.

Charles ——— 145.

Mary ——— 200.

John ——— 450.

George ——— 425.

Dela ——— 45.

1690

110

Sarah or Sal off ——— 1580

of these Thomas Porter's share, was. Dela 45.

No. 1. George 425.

Hark. 425.

895

old sal - 110

Henry Porter's share ——— John. \$450. \$785

No. 2. Mary - 200.

Charles. 145.

owed No. 1. \$5. 795

There two lots owed. the other third part ——— \$10 —

The other part, consisting of } Bailey sold, H. Porter, 463.00.

} Bridget - B. H. Porter. 306.25.

\$779.25

subject to division amongst the parties according to the

deed ———

All which is Respectfully submitted.

Merit Harris

Willis Francis

Jonas Edmund's 1/4 = \$111.32 1/4

Jane Atkinson's 1/4 = 111.32 1/4

Breury Porter 1/4 = 55.66 1/4

Sacot Beale 1/4 = 55.66 1/4

Thos. Porter - 1/4 = 222.64 1/4

Henry Porter 1/4 = 222.64 1/4

\$779.25

owed \$5. 217.64 1/4

due 14th April 1822.

Drury Porter
Capt —
to comm.

January 15th 1822

Rec^d of Newick Harris Thoma
min^r Mark Wilis Frances & Sam^l G. Turner
Comm^{rs} appointed by Southampton Court to divide
the Negroes belonging to the estate of Thomas Porter
now dec^d between the Legatus & Bond of Botolph
Harris & Peter Edwards for the sum of fifty
five dollars and sixty six and $\frac{1}{4}$ cents it being
my portion of the said slaves To wit^h Sell. Delah
George Jim. Bailey Bridget Charles & Mark.
Este
John Spence

his Porter
Drury & Porter
mark

Henry Briggs
ad: Jona. East
Rest.

1822 July 15th. Received of Newst Harris one of the
Commissioners appointed by the County Court of Hamp-
ton to make sale of the Slaves belonging to Thomas
Porter estate ~~two~~ note executed by Bolling H. Barnes
& Peter Cawars it being Jonas Edmunds's proportion of
the said slaves also Jane Atkins's proportion of the
same which have been transferred to the said
Jonas Edmunds

Henry Briggs *copy*
for Geo. Ames Late M^{rs}

Jacob Beall
Rush
to comm. —

Jan^y 27th 1823 Rec^d of Newb Harris one of
the commissioners appointed by the county
court of Southampton to divide the Negroes
belonging to the estate of Thomas Porter
Sen. dec. between the Legates the sum of
Fifty five dollars and sixty six and
with Int from the 14th day of April last -
1/4 cent it being my wife's portion of
the following slaves to wit, Sale, Delah
George, Jim, Bailey, Bridget Charles
and Mark

Jacob Beal

Teste

Burwell Murfee.
Jordan Edwards

Papers respecting
 Division of Tortum Estate.

44.1
 127.12
 65.7
219.8
 82.6.11
299.6.11

200
1200
 11
1320.0
 4
36
 0.0
36

Debit 45
 George 425
~~470~~
 110
360
 5

365
 45 18
320

485
~~45~~
 380
 180
270

122.50
~~45~~
 77.50

365
 80

182.50
 30
212.50

182.50
 60
122.50

247.64 $\frac{2}{3}$
188.82 $\frac{1}{2}$

365
 212.50
152.50

182.50
 60
242.50

Bo Bares to pay Jacob Beale ————— 27. 94 9/4
 Henry Porter to Pay Jacob Beale ————— 27. 71 6/14
 55. 66 7/4

Henry Porter to pay Thomas Porter

Henry Porter part ————— 222. 64 2/7

Thomas Porter part ————— 222. 64 2/7

222. 64 2/7
27.

Deduct for Henry Porter
 paid to Jacob ————— 445. 28 4/7
 306. 25 1/7
 751. 53 4/7
 27. 71 6/14
 779. 25 +

222. 64 2/7
 5
 217. 64 2/7

4690. 00
 1. 10
 2) 1380. 00
 760

55. 66 1/4
 27. 94 9/4
 27. 71 6/14

425
 200
 145
 770
 45
 75

George — 425.00
 Mary — 200.00
 Charles — 145.00
 Delah — 45.00
 815.00

H. P. ~~man~~ George 425.00
 Mary 200.00
 Charles 145.00
775.00

Delah — 45
 Jim — 45.0 ~~man~~
 Hark — 425
925
 Delingent 110 ~~all~~
815

No 1 pay No 2. 5 dollars

Jim George — 450
 Mary — 200
 Charles — 145
795

A. P. ~~man~~

Delah — 45
 George — 425
 Hark — 425
895
 110
785

Thos. Pater ~~man~~

Harry Porter

Bridget — 306.25
 Paul — 468.00

Bob 468.00 m.
 Bridget 306.25 m.
 769.25
 109.89 $\frac{2}{7}$
 109.89 $\frac{2}{7}$
 219.78 $\frac{4}{7}$
 109.89 $\frac{2}{7}$
 54.94 $\frac{4}{7}$ $\frac{1}{2}$ of $\frac{7}{7}$

Harry Porter park — $\frac{2}{7}$ of $\frac{7}{7}$ — 219.78 $\frac{4}{7}$
 Thomas Porter $\frac{2}{7}$ of $\frac{7}{7}$ — 219.78 $\frac{4}{7}$
 Doras Edmunds — $\frac{1}{7}$ of $\frac{7}{7}$ — 109.89 $\frac{2}{7}$
 Sam Atkins $\frac{1}{7}$ of $\frac{7}{7}$ — 109.89 $\frac{2}{7}$
 Henry Porter $\frac{1}{2}$ of $\frac{7}{7}$ — 54.94 $\frac{1}{2}$
 Jacob Beale $\frac{1}{2}$ of $\frac{7}{7}$ — 54.94 $\frac{1}{2}$
 769.24

m. 32 $\frac{1}{4}$

4
 4
 4
 2
 2

54.94 $\frac{1}{2}$
 54.94 $\frac{1}{2}$

Sal delinguint — \$110
 Delah — 45.00
 Page — 425.00
 Jim — 450.00
 May — 200.00
 Charles — 145.00
 Hank — 425.00
 1189 0.00
 845
 110
 955
 975

845
 110
 450 955
 200 477 $\frac{1}{2}$
 145
 45 1020
 840 975
 45
 450
 425
 145
 1020

Debs — \$10.16.4 — \$202.73
 Int. from Apr 8/1816 to Apr 26/1821 — 61.47
 264.20
 Cr — 77.50
 186.70
 13.69
 Int. to July 15/1822 — \$200.39

Sale of goods

On demand twelve months after date we
Henry Porter and
promise to pay to the order of Harris Benjamin
Blunt brother of Francis & Samuel Turner

George — 425
 Ark — 425
 Charles — 145
995

George — 425
 Mary —

450	
200	42250
	<u>110</u>
425	53250
200	
145	1690
<u>760</u>	5
145	
<u>815</u>	1580
	<u>770</u>
	690
	<u>770</u>
	920
	<u>770</u>
	150

of Thomas ~~Porter~~

John — 2450.00
 Mary — 200.
 Charles — 145.00
795.00

No 1 pays 2.50

Henry Porter own part — 219.78 $\frac{4}{7}$
 Thomas Porter — 219.78 $\frac{4}{7}$
 Jonas Edmunds — 23.42 $\frac{6}{7}$
 463.00 +

Bowling Partners pay. Jonas Edmunds — 86.46 $\frac{3}{7}$
 Jane Atkinson — 109.89 $\frac{2}{7}$
 Drury Porter — 54.94 $\frac{2}{7}$
 Jacob Beale — 54.94 $\frac{2}{7}$
 306.25 +

23.42 $\frac{6}{7}$
 86.46 $\frac{3}{7}$
 109.89 $\frac{2}{7}$

3/1000
 142. $\frac{6}{7}$
 142. $\frac{6}{7}$
 285 $\frac{12}{7}$

H. V. Tom

219.78 $\frac{4}{7}$
 2.85 $\frac{5}{7}$
 222.64 $\frac{2}{7}$

109.89 $\frac{2}{7}$
 1.42 $\frac{6}{7}$
 2/111.32 $\frac{1}{4}$
 55.66 $\frac{1}{4}$
 55.66 $\frac{1}{4}$
 111.32 $\frac{1}{7}$

Jonas Edmunds. 111.32 $\frac{1}{4}$
 Jane Atkinson 111.32 $\frac{1}{4}$
 Drury Porter — 55.66 $\frac{1}{4}$
 Jacob Beale — 55.66 $\frac{1}{4}$
 Tho. Porter — 222.64 $\frac{2}{7}$
 Henry Porter — 222.64 $\frac{2}{7}$
 889.25 $\frac{4}{7}$

769.25.
 10.00
 779.25
 779.25

445.28 $\frac{4}{7}$

Jonas Edmunds. 111.32 $\frac{1}{4}$
 Jane Atkinson 111.32 $\frac{1}{4}$
 Drury Porter 55.66 $\frac{1}{4}$
 278.30 $\frac{5}{14}$

306.25
 278.30 $\frac{5}{14}$
 27.94 $\frac{9}{14}$

109.89 $\frac{2}{7}$
 23.42 $\frac{6}{7}$
 86.46 $\frac{3}{7}$

463.00
 439.57 $\frac{4}{7}$
 23.42 $\frac{6}{7}$

The Valuation of the Negroes belonging to Porters Estate

Sarah delinquent 110

Delah — 45

George — 425

Vim — 450

Bailey — 425

Brigitt — 350

Mary — 200

Charles — 145

Hark — 425

2465

110

2355

2

3)4710

1570

15945

Hark 425

Charles 145

Mary 200

Vim — 450

George 425

1645

1570

75

Bailey 425

Brigitt 350

775

785

785

769.25

10

1779.25

711

3/1300
433 1/3

3)2355
3)785
261

11

261

11

2

2

2

1

7

11

Hark 425

Charles 145

Mary — 200

Vim — 450

George 425

Delah — 45

1690

Sarah

110

1580

71785

211217

56

We the undersigned are of opinion that the half
blood ~~Porter's~~ children of Julia Porter by her
^{cannot} ~~have~~ the negroes devised to Newick Porter
first husband, and none other but the
full blooded sister of Newick Porter can have
the negroes devised to him in this will

Robt. Mabry

Sam Wells

Thomas Porter

Will

In the name of God Amen, I Thomas Porter
Serr of Southampton County being of perfect health
and memory knowing it is appointed for all men once
to die make and appoint this my last will and
testament in ~~and~~ manner and form as follows (Wit.)

Item, I give and bequeath to my well beloved wife Susan
Porter the use of the plantation whereon I now live together
with all my personal estate to the use of my said
wife during her life or widowhood and the day of
her death or marriage to be disposed of as hereafter
mentioned provided nevertheless that in my sons ~~shall~~
years of age are to have such substance out of my
upward personal estate as shall be hereafter will'd
to them

Item I give and bequeath to my son Thomas Porter and his heirs
the plantation whereon I now live beginning at the mouth
of Trough branch running along said branch to the
mouth of Stony branch thence a straight line to the
head of Salt Spring branch from thence along Pauls
dividing line to a sweet gum standing in the horse
meadow swamp and down said swamp to the beginning
to go to with negro Lucy and her offspring and one gun
and a filly called Blaze

Item I give and bequeath to my son Henry Porter and his
heirs the plantation whereon Britain Porter now lives
containing two hundred & fifty acres more or less
with negro Abe and her offspring with one gun and
the sorce man

Item, I give and bequeath to my son Mervin and his heirs
the plantation wherein Rich^d. Deming now lives containing
about 275 acres with one negro named Tomp and his
offspring with one case of pistols with my steel and
utensils & tools belonging on condition my son Thomas
see cause to pay his brother Mervin the sum of twenty
five pounds in lieu of the steel & pistols for him and his heirs
to enjoy it forever

Item, I give and bequeath to my grandson Drury Porter
at the age of twenty one years for and during the re-
- mainder of his life the plantation wherein my son Solomon
Porter formerly lived containing about 150 acres and
on the death of my said grand son, said plantation
to be divided between my above mentioned three sons
equally and their heirs nor is my grand son to rent it
to any

It is my desire that my wife Susan do as much as
in her power lie to help and assist my sons with such
necessaries as is useful when they come of age to
- work, housekeeping such as stock and household furniture
as my desire is nothing to be sold, and the day of my wife's
death or marriage it is my desire that all the personal
estate she is possessed of shall be equally divided
between my three sons Thomas, Henry & Mervin, and
their heirs together with all increase of negroes and
stock that may be on the aforesaid day of death
or marriage

And I do appoint my beloved wife Susan Thomas
to be whole and sole executrix of this my last will
and testament & willing and disavowing all other
wills and testaments and pronouncing ratifying and confirm-
ing this to be my last and none other which I have executed
Set my hand and seal this 7 day of August in the year
of our Lord 1785
Signed sealed pronounced
ratified & confirmed in
presence of

Nathan Bryant

Etheldred Brantley

Thomas ^{his} + Porter
mark

At a court held for the county of Southampton
on the 9 day of Oct 1788 This will was presented
in court by Nathan Porter the executor of the said will
liberty being reserved for Thomas Porter the other
named by the oath of Nathan Bryant & Etheldred
Brantley witnesses thereto and ordered to be recorded
And on the motion of the said executor who
made oath according to law Certificate is granted here
for obtaining a probat thereof in due form Giving Security
whereupon it is

Sam Kello

A true copy

Teste

Sam Kello

"

Southampton

Memo from
W. Henry Porter

3 Look at Mrs Pater's will and say what content
the adm^r of Mrs Pater who is now dead has in the
will. ^{his brother} Herit Pater is dead intestate. Henry
Pater and Mrs Pater - Jones, Edmunds, Jane Atkinson
brother and sister of half blood by the mother. Solomon
Pater brother of half blood by father dead leaving
two children Drury Pater and Sally wife of
Jacob Beale dead.

Prepare a bill & answer for the division of
slaves, loaned to Mrs Pater and after her death
bequeathed to Mrs Henry & Herit who is dead
intestate. The slaves are Sal, Delah, Guss,
Jim, Bailey, Bridget, Mary, Charles and
Hark.

||||

||||