

1836-031

SOUTHAMPTON COUNTY
CHANCERY PAPERS

POND, gdn VS. POND

2/1836

N.B. Several Sheets pasted together & folded.

other surnames: Wellans,
Wellons

970
H. Williams Pond &c.

Cap.^d

as { Bill & ansr.

Ponds asmr

1829 Deer heard & deemed as
for deer flock &c.

1830 Jan. deer amended.

" Feb. deer amended

1836. Feb. Rep. Res^d & Conf^d &c.

To the Worshipful the Justices of Southampton
County in Chancery Sitting

Humbly complaining sheweth unto
 your worships your orator Watkins Pond
 guardian of ^{Archer P. Pond} the orphan of Bathorpe Pond
 deceased that the said Archer P. Pond is
 entitled as distributee of his deceased father Cal-
 morpe Pond to one equal share of the negroes
 left by said deceased & now in possession of
~~My orator~~ complainant and is also entitled to
 an interest in the share of his brother Francis
 (L. Pond who died since the death of their father)
 together with Catherine Wellans the daughter of his
 mother Harriet Wellans formerly Harriet Pond who
 after the death of her first husband intermarried
 with a certain James Wellans which in part daughter
 of the said James Wellans & Harriet Wellans is
 since dead but whose interest ^{together with} ~~has been~~ ^{that of her own} purchase
 by your orator of the said Wellans. Now therefore
 to the end that a division of these several interests
 be apportioned to the parties interested which cannot
 be done without the aid of this lordshipful court
 your orator prays that his ward Archer P. Pond
 by Selwyn Simmerville guardian and tutor specially
 appointed by this court to defend his interests be
 made party to this bill with such other & further

relief as may consist with the equity & justice of
this case & your complainant

Doyle for Compt

Southampton County to wit

Hawkins Pond

vs
Silas Sumner guardian ad litem
of Archer P. Pond

This day this cause came on
to be heard on the bill answer & exhibits & it
appearing to the Judge that the interests of
the infant required the decree prayed for by the
bill. They therefore do adjudge order & decree
that John Omm for heirs & Walter G. Brill & appraisers
be & are appointed Commissioners to allot to
Archer P. Pond infant child of Balthorp Pond
desc. ~~an equal share~~ ^{one half} ~~to one & one sixth~~
of the negroes bel. to the estate of the said
Balthorp Pond ~~as heirs & devisees of the said Balthorp~~
~~James Wellens & to the said Balthorp Pond~~
his deceased brother Fred. B. Pond was entitled ^{two fifths}
& appraisers to him the said Archer P. Pond ~~four fifths~~
of the ~~balance~~ ^{balance} & to the complainant Hawkins Pond
~~James Wellens~~ the claiming three fifths
~~of the balance~~ ^{of the balance} to be paid for a final decree

Southampton County Court

The answer of Silas Sumner specially appointed by
this court as guardian ad litem of Archer P. Pond
infant of Balthorp Pond deceased

This defendant for answer saith
that the prayer of the complainant is equitable
that he is willing that the court should
grant the relief prayed for by the bill
of the complainant, & prays to be heard
obs. comp. with his costs &c.
Silas Sumner.

And if the Judge find in favor of their duty
as Commissioners, that an equal division cannot
be made without a sale of part of the negroes
that they shall sell at public auction in court
such of the may deem the most useful & unprop-
er to allot the proceeds as before corrected
& make return of their proceedings to this court
for a final decree

to see a part of the negroes sufficient to pay to
Hawkins Pond guardian of the balance due him
from the infant Francis to be as appears from the
Report of the Comm. amounting to \$107.32 with
Int. fr. Dec. 1827 also \$5.71 and a further sum
of \$174.70 with Int. fr. 15th Oct 1827 and \$13.17
Interest due to him as appt. of Jas. B. Wellens
former guardian

Southampton County Court

Hawkins Pond Guardian to Archer P. Pond orphan
of Calthorpe Pond deceased ———— *Plff*
— against

Silas Sumnerwell specially appointed Guardian
ad litem to Archer P. Pond infant of Calthorpe
Pond decd ———— *Def*

This day this cause came on to be heard on
the bill answer and exhibits, and it appearing to
the Court that the Interest of the infant requires
the division & sale prayed for by the bill. They There-
fore do adjudge order and decree that John Dunn,
Wm Ricks and Walter G. Brittle be and are appointed
Commissioners to allot and apportion to Archer P.
Pond infant child of Calthorpe Pond deceased
one half of the negroes belonging to the estate of the
said Calthorpe Pond as heir and distributee of the
said Calthorpe and out of the remaining share to which
his deceased brother Fras. C. Pond was entitled after
selling a part of the negroes sufficient to pay
to Hawkins Pond guardian aforesaid the balance
due to him from the infant Fras. C. Pond decd
as appears from the Report of the Commissioners
amounting to \$107.32 with Interest from ~~the~~^{the}
Dec^r 1827 also \$5.71 Interest and a further sum
of \$93.93 with Int. from the 15th day of Oct^r
1827 due to him as assign of James B. Wellens the
former Guardian - to allot and apportion to
him the said ^{Archer P.} Pond ~~complaint~~ two fifths of
the balance and to the complainant Hawkins
Pond assignee of James B. Wellens the
(remaining three fifths. And if they shall
find in pursuance of their duty as Commissioners

that an equal division cannot be made without a
sale of all or part of the negroes that they shall sell
at public auction for cash taking first such as they
shall deem most useful & unprofitable and allot
the proceeds as before directed, and make return of
their proceedings to this Court in order to a final
decree —

1830 Feby. filed

Jonas
in Geo. Secru.
Jonas

1836 Feb - Ret '88

Southern County February Court 1830

Blawie Pons Guardian to Archer P. Pons orphan of Callhops
Pons dec'd

Self.

In Chancery

against
Silas Sumnerell specially appointed Guardian ad litem to
to Archer P. Pons infant of Callhops Pons dec'd. Self.

This day this Cause came on to be heard on the Plea answer and
Exhibit and it appearing to the Court that the interest of the infant
requires the division and sale prayed for by the Plea. They therefore do
adjudge order and decree that John Exum Mr. Packer and Walter
G. Little be and are appointed Commissioners to allot and apportion
to Archer P. Pons infant Child of ~~Callhops~~ Pons deceased one
half of the negroes belonging to the Estate of the said Callhops Pons
as her and distribute of the said Callhops and out of the remaining
share to which his deceased brother Francis Pons was entitled after
setting apart of the negroes sufficient to pay to Hawkins Pons
Guardian aforesaid the balance due to him from the infant Francis
Pons dec'd as appears from the report of the Commissioners
amounting to \$107.32 with interest from December 1827 also
\$5.71. Interest and a further sum of \$93.93 with Interest from
the 15th day of October 1827 due to him as agent of James B
Wellons the former Guardian to allot and apportion to him the said
Archer P. Pons two fifths of the balance and to the complainant.
Hawkins Pons assignee of James B Wellons the remaining
three fifths. And if they shall find in pursuance of their
duty as Commissioners that an Equal division cannot be made
without a sale of all or a part of the negroes that they shall sell
at public Auction for Cash taking first such as they shall deem
most useful and profitable and allot the proceeds as before
directed and make return of the proceedings to this Court in
order to a final decree

Attest

John Sumnerell Cochran & Co

Valuation of the Negroes belonging to the Orphans of
 Catthorpe Pond dec^d - taken the 27th July 1830 by John
 Eum, William Rickis & Walter G. Brittle Commissioners,
 appointed to ~~assess~~ divide the said Negroes &c

1 Old Negro Man (Jim Pumpkin)	\$30.00
1 Woman (Rose & boy Child Clemente)	200.00
1 Ditto -- (Molly) & Girl Child Franky	275.00
1 do -- (Mary)	225.00
1 Girl Eliza	130.00
1 do -- Nancy	100.00
1 Boy Drew	150.00
1 Man (Jim Whitehead)	300.00
	<u>\$1410.00</u>

John Eum
 Walter G. Brittle

Southampton February. 1830,

In pursuance to the annexed
decreed we have appraised and divided the Negroes belong-
-ing to the Estate of Palthorp Pond decd - after selling
a part of the Negroes for the purpose of fulfill-
-ing the Conditions of said decree, We find that
Archer P. Pond; is entitled to the following Negroes
to wit; ~~Woman named~~ Rose, Clements, Ainy, Eliza,
Dorv. & Nancy. and that Hawkins Pond. pond. pay to the
said Archer P. Pond. the sum of Eighty Nine
dollars. & 3 cents, and that we have allotted Hawkins
Pond. One Negro. Man Jim.

John Exum
Walter G. Birtle