

1844-009

SOUTHAMPTON COUNTY
CHANCERY PAPERS

FELTS ^{vs} VS. BAIN et ux ^{vs}

5/1844

other SURNAMES: Baines,
Withers, Blow

27
Sells

at } Chancery

Bainbridge

1841 Apr. Docketed & sent.
Oct. Continued.

1842 Feb. Continued.
Oct. Order for acct.

1844 May - Decree.

No R. to suit to recover of
Bainbridge on refunding bond

Peffer's costs in Sampson

Oct. \$5.77

J. May

Felts

$\frac{m}{n}$ } Bill-

Main sat.

Gr. Supr. Ct. Supr.

Filed Aug. No 1838.

To the Hon^{ble} the Judge of the Circuit Sup^t.
Court of law & chancery for Superior County
in Chancery sitting: —

Humbly complaining

sheweth unto yo^r. Honor yo^r. Orator Henry Felt. in his
own right & as adm^r. of Fredk Felt de^d.: that on
the day of yo^r. Orator qualified in
the County Court of Superior as adm^r. as afores^d.: that very
little estate of s^d. Fredk Felt ever came to yo^r. Orator's hands
for adm^r. & what did thus come has been exhausted in the
payment of debts & expenses &c. according to law:
That the s^d. Fredk Felt on the 19th. of May 1831 made
a deed of gift to his daughters Sally & Martha Felt of
Sundry slaves & other property as will more fully appear
by reference to s^d. deed of record in the County Court of
Southampton a Copy of which is herewith filed & prayed
to be taken as a part of this Bill, marked (A). That
the s^d. Fredk Felt had acted as G^d. of his daughter
Susan, who inter married with John Bain, from the year
1808 until her marriage & his acct. as Guardian had
never been closed at the time of his death: that an acct.
has been made out & stated since s^d. Fredk Felt's death
by Commr. Cobb, to which exceptions have been filed, by
which a considerable balance was found of s^d. s^d. Fredk Felt
the Guardian. That yo^r. Orator as adm^r. of Fredk Felt, & the
two daughters Sally & Martha Felt sought to reduce the
balance reported by the Commr. while the s^d. Bain wife
sought to increase it. A Copy of s^d. acct. as reported with
the exceptions thereto is herewith filed & prayed to be
taken as a part of this bill, marked (B). That in order
to put an end to further litigation upon the subject
it was agreed by s^d. Sally & Martha Felt that all the
property (including the slaves conveyed in s^d. deed of gift)
held by yo^r. Orator & estimated to be worth \$1500
should be given up to s^d. Bain wife (for certain con-
siderations & reasons unknown to yo^r. Orator) upon con-
dition that s^d. Bain should agree to pay all debts
which might thereafter appear of s^d. the s^d. Fredk

Felt's estate & the costs of recovering the same, beyond the appts which were then or might thereafter come to your Orator's hands to be administered. This agreement was made on the 4th of June 1835 & thereupon the s^d. John Bain entered into & duly executed the refunding bond here with filed & prayed to be taken as a part of this bill, marked (C.) by which he bound himself to pay due proportions of all debts which might come against the estate of s^d. Frank Felt & the costs of recovering the same. - That previously yr. Orator had held a single bill against Gray Felt & s^d. Frank Felt dated Aug. 27th. 1815 & payable Aug. 27th. 1816 for \$61: - That yr. Orator assigned the same to James G. Withers for value rec^d., who instituted suit thereon on the law side of this Court against George Blow & Micajah Felt adrs. of Gray Felt dec^d. (who was the principal, the s^d. Frank Felt being only a security) & at May term 1833 obtained Judgment thereon against s^d. adrs., whereupon an execution issued upon s^d. Judgment which has been returned "no effects" - A copy of s^d. Judgment, note or bill, Execution & return is here with filed & prayed to be taken as a part of this bill marked (D.) - That yr. Orator being thus bound as assignor of s^d. Bond ~~to~~ paid to s^d. Withers the amt. of s^d. Judgment including interest & costs of the same that he is prepared to show that there are ^{not sufficient assets of s^d. Felt} ~~assets~~ in his hands out of which the s^d. Judgment can be satisfied, and as s^d. Bain rec^d. all the estate of s^d. F. Felt dec^d. as before stated he is bound under s^d. refunding bond to make good to yr. Orator whatever may be due him upon a settlement of his acct. as adrs. as afores^d. after crediting him (yr. Orator) with the amt. thus paid Withers as afores^d. - That yr. Orator has called on s^d. Bain & requested him to make payment of the bal^y due yr. Orator & has invited him, to that end, to go into a settlement so as to ascertain what sum he ought rightfully to pay to yr. Orator; but he ungraciously refuses to give to yr. Orator any satisfaction or to go into any settlement with him. - In tender consideration of all which & forasmuch as yr. Orator

is remediless at law & only relievable in Equity where matters of this kind are alone properly Cognizable - To the end therefore that the said John Bain & Susan his wife, Sally Felt & Martha Felt, George Blow & Micajah Felt adms. of Gray Felt dec^d & James G. Withers be made defend^ts. & be compelled to answer to make to the allegations herein contained: That yr. Honor would decree upon a billent. of all the matters above mentioned that the bal^y due to yr. Orator may be paid to him by s^d. Bain & that yr. Honor would grant to yr. Orator all such relief in the premises as Equity shall dictate & the nature of the case require. - May it please yr. Honor to grant &c.

J. May
for comp^d

f

183

Answer of
George W. How. adm. &c.

Filed 3^d May 1838.

Judge of the Superior Court of Law and
Chancery of Supex County

The separate answer of George Blow one of the
Administrators of Gray Felts dec^d to a Bill in
Chancery exhibited against himself as admⁿ
aforesaid and others by Henry Felts in his own
right and as admⁿ of Frederick Felts dec^d,
is so much thereof as he is advised it is material
for him to answer to, says that the said Estate
of Gray Felts dec^d has been fully administered
by the administrators - that they have duly
returned their account current of the same
duly audited to the Court of the County to be
entered of record - that the Master Commissioner
reported in his statement of the administration
account a net Balance in favour of the
administrators of forty three Dollars and 43 Cents
showing that they have fully performed their duty
as administrators and that there are no
assets whatever in their hands -

Having answered the plaintiffs Bill as
far as he deems it necessary for him to answer
denying all fraud &c prays to be hence
dismissed &c.

Geo: Blow

Supex County to wit

George Blow this day appeared before
me John Cargill a Justice of the peace of said
County and made oath to the truth of the
above answer

Given under my hand.

this 3^d day of May 1838

John Cargill (J.P.)

Letter Answer of John
as { Burns wife

Burns & others

answer in chancery

filed 3. May 1838 Porter h. d.

The joint and separate answer of John Beams
and Susan his wife, to a bill of complaint
exhibited before the ~~the~~ circuit superior court
of chancery for the County of Sussex, against
them & others, by Henry Tatts in his own right
and as administrator of Frederick Tatts decd.

These defendants reserving all just exception
to the bill of the plaintiff, on account of its
errors and insufficiencies, for answer thereto
or to so much and such parts thereof as they
are advised it is material and proper for
them to answer, say that it is true the said
Frederick Tatts was guardian to your female
defendant Susan, and in that character became
largely indebted to his said ward, as appears by the
account of commissions &c. referred to in the
plaintiff's bill, that in order to meet this claim
which was one of the first dignity, the said Henry
Tatts as administrator of the said Frederick, advertised the
slaves for public sale, which had been conveyed
by the said Frederick, by deed of gift to his daughter
Sally and Martha; that these slaves were
appraised at \$1150, which your defendants be-
lieve was their full value; that the estate of the
said Frederick Tatts was also considerably indebted
to your respondent when, on other accounts as
will be made satisfactorily to appear hereafter.
that under these circumstances the said Sally and
Martha Tatts, anxious to prevent the said slaves
from being publicly sold and thus probably removed
out of the Commonwealth, proposed to the said
John Beams, your respondent, to take them in consid-
eration of his claim, against the said Frederick as
guardian, & other accounts, & provided moreover
that he should pay one hundred dollars in addition
in discharge of claims against the said Frederick,

estate, and your respondent was induced reluctantly by the
yield to their urgent solicitations, and took a bill of
sale for them, from the said Martha and Sally, which
is filed in the circuit superior court of law and chancery
for the county of Southampton, brought by the said
Sally and Martha against your respondent John, for
the purpose of setting aside the said bill of sale —

Your respondent John further answering says that it
is true, that he executed the refunding bond referred to,
but he insists, that he ought not to be subject to the
claim set up by the plaintiff, he cautions his own debt
which was of superior dignity, was more than sufficient
out to consume all the assets belonging to the said
Frederick's estate, he states moreover, that before he
executed the said refunding bond, he applied to the
said Henry, to ascertain what claims were outstand-
ing, if any, against the said Frederick's estate, and
was informed, that he held a bond against the said
estate, amounting to \$1000 which he found

& took care, that the said ^{Henry} ~~Frederick~~ should not have
pretended that he had any other claims against
the said estate; he knows nothing of the said claim
except what appears from the exhibits filed by the
plaintiff & his declarations made since the execution
of the refunding bond, but from these exhibits it appears
that the bond was executed more than twenty years ago
and the defendant relies upon the staleness of the demand
& the long lapse of time, connected with other circum-
stances as a complete bar to the demand —

Your respondents further answering state, that
the said Henry has not fully accounted for the
assets of the said Frederick's estate which came
or might have come to his hands to be administered
& they refer particularly to a negro woman slave
by the name of Sylvia, appraised at \$25, and a bond
for the hire of negro man Jasper, amounting to \$45
with interest for many years —

And your respondents denying all contention
without that he having fully answered every

to be hence dismissed with costs

Sussex County to wit

Personally appeared before me a justice of
the peace for the County of Sussex aforesaid
~~John B. King, and Susan B. King~~
and made oath, that the facts stated in their
answer annexed, upon their own knowledge
are true, and those stated upon the information
of others they believe to be true. Given under
my hand this 5th day of April 1838.

Jeffer Hargrave J.P.

Sussex County to wit

Personally appeared before me a justice of the peace for the
County of Sussex aforesaid Susan Bain, and made oath, that
the facts stated in the answer annexed, upon her own knowledge
is true, and those stated upon the information of others she
believes to be true, Given under my hand this 2nd day of
May 1838

Thomas D. Brown J.P.

Felts
vs J In chancery

Bain & al

Answer of
E. Butts admr.
of Sally Felts

This answer was recd
as late to be filed
at Rules

Filed May 7. 1840
by leave of the Court G.R.

Filed May 7. 1840

Felts
vs. In Chancery
Bain

The answer of Edwards Butts ~~committe~~ ^{of the} ~~Felts~~ ^{Felts} to a Bill of complaint exhibited in the Circuit Sup. Ct. of Texas by Henry Felts ~~by~~ in his own right and as admr. of Fed. Felts dec. vs. Bain & ~~all~~ ^{his} wife & others - The answer of the deft, reserving to himself all just & proper exceptions for want of form & to the errors in Pliffs Bill, to the allegations therein contained, or so much thereof as he is advised it is material for him to answer, says - That in reference to the note said to have been executed by Gray Felts & ~~Fred~~ with Frederick Felts as security for \$61. dated Jan'y 27. 1815 he knows nothing, but that executed ~~as~~ by Gray Felts as principal, it should have been paid by George Blane & Micajah Felts admrs. of Gray Felts dec. - For although the execution which was sued out against them upon this note was returned no effect, a reference to their account current of Gray Felts Estate ~~with~~ (a copy of which

is herewith filed, and prayed to be taken as a part of this Bill (Answer) will show many items not specified as to their dignity, among them one of \$43 and one of \$125, and that although a balance appears to be due the actor that upon a correct settlement of their acct there would probably be more than sufficient to pay the debt here sought to be recovered of the security. Wherefore, as a Court of Equity will never favour circuity of action he prays that the Plff may be compelled to prosecute his remedy against Gray Lett's Estate - In reference to the many other allegations contained in said Bill the deft, knows nothing & therefore calls for strict proof of all matters & things in any way affecting his interests, and having answered prays leave to be dismissed with his costs &c

This day personally appeared before me Nicholas M. Sebrell a Justice of the Peace for the county of Southampton Edwards

Putt, who being sworn made oath, that the statement set forth in the preceding answer is true as far as he believes, as far as he himself knows or has ascertained from others - Given under my name and seal this 2nd day of March 1840

N. M. Sebrell J. P. Seal

Felts

or 3
Bain

note for order

Oct. 7. 1838

Felts
n. 3
Bain

note for
order

Felts } note for decree -
H.
n.
Bain }

This day this Cause came on to
be heard upon the Bill, answer & exhibits
I was argued by Counsel: On consideration whereof
the Court doth adjudge, order & decree that the
Plaintiff do render an account of his transac-
tions as adv. of Frank Felts due before a
Commsr. of this Court who is directed to
examine state & settle the same & make
report thereof to this Court with any
matter specially stated deemed justifi-
cable by himself or which may be required
by the Parties to be so stated!

Executed on Jas Bains, ^{Wife} Geo Blom, James Gledithen
and Henry Stiles the other parties are not in habitations
of our county

Wm Jarrard &
Wm G Hammon } depts of
Hy Masow shiff

Sett

or E Notice.

David do

Sett with Report of
Commissioner James

At a Circuit Superior Court of Law and Chancery
for the County of Surfer held at the Court house the
11th day of October 1838.

Henry Feltz in his own right and as adm^r of Frederick Feltz dec^d. Plaintiff
against

John Bain and Susan his wife Sally Feltz, Martha Feltz, George Blom
and Micajah Feltz adm^rs of Gray Feltz dec^d and James G. Withers Defts
In Chancery

This day this cause came out to be heard upon the Bill agreed and
exhibits and was argued by Counsel. On consideration whereof the Court
with quaque order and decree that the Plaintiff do render an account
of his transactions as administrator of Frederick Feltz dec^d before a
Commissioner of this Court, who is directed to examine state and settle
the same and make report thereof to this Court with any matter
specially stated deemed pertinent by himself or which may be required
by the parties to be so stated.

A Copy Teste

L. Lanier Clk.

Commissioners Office

Superior Court house 8th February 1839.

The parties interested in the foregoing order of Court order
please to take notice that I have appointed Friday the 15th day
of March next for commencing the account therein directed. on
which day the said Henry Feltz is required to attend at my office
by 10 o'clock a.m. with his account and vouchers ready for
examination and settlement.

L. Lanier Comm^r

Felts. & } note for
w. }

Bain

atm -

May 1840

Felts
2^d } note for decree
Bain & Co. }

On motion of E. Butts Committee of Margaret Felts who is a person of unsound mind & of whom the S^d. Butts has been appointed Committee by order of the County Court of Southampton, this suit is revived by Consent of Parties as to S^d. E. Butts Committee as afores^d, on on his like motion the Court doth adjudge order & decree that the defend^ts Geo. Blow & Michael Felts adms. of Gray Felts. dec^d. do render ~~before a commr. of this Court~~ an acc^t. of their transactions as adms. as afores^d. before a commr. of this Court, who is directed to examine, state & make report thereof, specifying particularly the nature & dignity of the debts paid or retained by the S^d. adms. so as to ascertain whether any debts have been thus paid or retained out of the assets which came to the S^d. adms's hands to be administered of inferior dignity to the plain^tiff's demands with any matter to & from [in legal form]

Commissioner's Office

Superior Ct. July 11th 1840.

Notice is hereby given that Tuesday the 11th day of August next has been appointed for carrying the foregoing order into effect; on which day by 10 O'Clock A.M. the parties interested are required to attend at my Office at Superior Court House, with such vouchers and evidence as may be necessary to enable me to comply with the requisitions of said order.

Jno. T. J. Mason, (Comr.)

To be executed on
Henry Fells - Susan Bain
Wm Thornton adm. of Jno. Bain -
Geo. Bler adm. of Gray Fells
Ro. C. Fells adm. of Micajah Fells
Jas. D. Weather

Fells &

or 3rd Com^r Notice

Bain's wife

To July 11. 1840

Executed on all but
Susan Bain.

J. D. Thornton Dpy
of Wm Thornton Shiff

Executed on Super
Bain

R. L. Dobie Dpy of
Wm Thornton Shiff

Comm^r Notice
to 11th August 1840

Fells

or 3

Bain & Co

Virginia

At a Circuit Superior Court of Law and
Chancery for the County of Sussex held at
the Court House thereof on Monday the
11th day of May 1840.

Henry Felts in his own right and as administrator
of Frederick Felts deceased Plaintiff

against
John Bain and Susan his wife &c. Defendants
In Chancery

On the motion of Edwards Butts committee of Margaret
Felts who is a person of unsound mind and of whom the
said Butts has been appointed committee by order of the County
Court of Southampton this suit is revived by consent of
parties as to said E. Butts committee as aforesaid, who
thereupon filed his answer by leave of the Court to which
the plaintiff replied generally - And on his like motion
the Court doth adjudge order and decree that the defendants
George Blom and Micajah Felts administrators of Gray
Felts deceased do render an account of their transactions
as administrators as aforesaid, before a Commissioner of
this Court, who is directed to examine, state and make
report thereof, specifying particularly the nature and dignity
of the debts paid or retained by the said administrators
so as to ascertain whether any debts have been thus
paid or retained out of the assets which came to the
said Administrators hands to be administered of inferior
dignity to the plaintiffs demand - with any other matters
specially stated deemed pertinent by himself, or which either
of the parties may require to be so stated

Attest

Teste
L. Lanier c. c.

Fitz }
Baird } Kline

Super the

RHB

This decree has
not been decreed
and the cage is
therefore not ready

Feltz
by
Barne } 3

This cause came on this day by consent
of parties, to be heard on the papers formerly read and
was argued by counsel - On consideration whereof it
appearing to the court that all the parties to this will
were not before ^{the court} when the order of the hi. Sup. Court of
law and Chancery of Sussex (from which court this cause
was removed) was made directing Henry Feltz
adm^r of Fred. Feltz to render an acc^t of his adminis-
tration on the estate of his intestate, under which order the
report ^{of the court} was made, the court doth
adjudge or order, that the 1st order and acc^t be sent aside
& that the 1st Henry Feltz, under an acc^t of his
transactions as adm^r of F. Feltz died before a com^r
of this court, who is directed to decide state, &
settle the same, and make report to court
with every matter specially stated deemed
pertinent by himself, or which may be argu-
ed by any of the parties to be so stated.

Oct. 7. '40

It appears in this case
that Bain & wife were
creditors of the estate of
Frederick Felt's dec. the
refunding bond was given
as a distributives. The debtors
Martha & Sally Felt are
plaintiffs in a suit in
the Circuit Court of
Southampton the object
of which is to set aside
this conveyance to Bain
which was the consideration
moving him to execute
the refunding bond in
the title mentioned. If
they succeed in that suit
Bain would not be liable
to Henry Felt in this suit
a decree made now on
the postulate that their
conveyance was a good
one might prejudice
them in this suit wth S. T. or.

I think therefore that the
two suits ought to come
on together & this writ must
be sent to S. T. or.

Felt's } 402 = 35
H. } note for final
Bain } decree

Octo. 1840

5 Rand. 319.

The court is not now
prepared to admit
the propriety of the ~~fact~~
argument of the ~~fact~~
counsel - it may be
correct, but to say
mind there ^{are} reasons
enough to raise a
doubt about it then -
for the court prefers
to have the subject
further examined.

R. H. P.

Felts }
to } note for Decree -
Bain }

This day this Cause came on to be heard upon the
papers formerly read upon the reports ^{of Comm. Lanin &} Comm. Mason
made in pursuance of the ^{minutes made in this Cause} order, ~~of May term 1840~~ & was
argued by Counsel: on consideration whereof the Court approv-
ing the said Reports to which there is no exception ~~except that~~
doth confirm the same, but it appearing ^{by a rec. filed among the papers in this Cause} that the plff. Henry Felts
as adm. of Fredt. Felts ^{du?} has paid an acct. of five dolls. on this
day which is admitted by the Counsel on both sides to be
a proper charge ag^t said Estate, the Court is of opinion
that it should be allowed as a credit ^{to the plff.} so as to reduce the
bal^{ce} due on the settlement of his admin. acct. - & thereupon
the Court doth adjudge, order & decree that W. Thornton sheriff
of Sussex Co in that Character adm. of Ind. Bain du? out of the
estate of his intestate, in his hands to be administered, if so
much thereof he hath, do pay to the plff. Henry Felts
the sum of \$68. with interest upon \$61 a part thereof from
Jan. 27th. 1816 till payment, ^{after} ~~after~~ ^{the} ~~the~~ ^{of the plaintiff in this suit,} ~~the same for \$8.~~
as of the 31st. Decr. 1837 (that being the bal^{ce} appearing by Comm.
Lanin's report to be due by o^r. H. Felts to the estate of F. Felts du?.

after deducting the sum of \$8 paid ^{this day} ~~as above mentioned~~ & also for the
further sum ^{of \$6.70 as of the 1st of December 1833, it being the sum} ~~hereafter~~ ^{hereafter} ~~decided to be paid by Geo. Blow & Rob. C. Felts.~~
adm. of Micajah Felts du?.. And that the o^r. George Blow
^{out of his own estate} & Rob. C. Felts adm. of M. Felts du? out of the estate of his
intestate in his hands to be administered, if so much thereof he hath,
do pay to the o^r. plff. the sum of \$6.70 with interest
thereon from the 1st. Day of Decr. 1833 till paid -

H. Fultz

in } note for
Secu
In. Bains' adv. 1844.

Apr. 7. 1844.

To be settled

R H B

Henry Felts ~~also for Decree -~~
to } ~~that he refused to in Decree of April Term~~
In Dr. Bain's adv. suit ~~1844~~

On motion of the plaintiff & for reasons appearing to the Court the Court doth set aside the order of October Term 1842; & thereupon the cause came on to be heard upon the papers formerly read and was argued by counsel: On consideration whereof the Court approving the reports made by Commr. Lavin & Commr. Mason in pursuance of orders heretofore made in the cause doth confirm the same: and adopting the statement filed among the papers, marked Z, doth adjudge, order & decree that the defendt Geo. Blow admin. of Gray Felts decd. out of his own estate, & the deft. Ro. C. Felts adm. of Micajah Felts decd. who was admin. of the same decedent, out of the assets of his intestate in his hands to be administered if so much thereof he hath do pay to the plt. the sum of \$6.⁷⁰/₁₀₀ with interest from Decr. 31. 1833 till paid; & that the defendt Wm. Thornton admin. of Dr. Bain decd. out of the assets of his intestate in his hands to be administered if so much thereof he hath do pay to the plt. the further sum of \$125.⁷³/₁₀₀ with interest - from Decr. 31. 1837 till paid

& his costs in this behalf expended. and liberty is reserved to the plt. to wait to this Court for an account of the assets in the hands of Wm. Thornton admin. & as affrs. or either of the other parties, for relief in case the decree of the Court should not be paid. -

The Commonwealth of Virginia.

To the Sheriff of Sussex

County, Greeting:

We command you that you summon John Bain and Susan his wife,
Sally Tells, Martha Tells, George W. W. and Micajah Tells adms
of Gray Tells dec^d and James G. Withers.

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery,
for Sussex County, at Rules to be holden for the said Court, on the first Monday
in February next, to answer a Bill in Chancery, exhibited against them
in the said Court, by Henry Tells in his own right and as adm^t of
Frederick Tells dec^d.

and unless they shall answer the said Bill within four months thereafter, the
Court will take the same for confessed, and decree accordingly. And this they
shall in no wise omit under the penalty of £100. And have then there this
Writ. Witness Littleton Lanier, Clerk of our said Court, at the Court-House,
the 5th day of January 1838 in the 62^d year of
the Commonwealth.

L. Lanier

^c
Tells

vs. E. Sha. Chy

Bain & Co.

To July R. 1839
D. C. May 1/3

Executed by deliver-
ing a true copy to
each defendant.

Wm. L. Seabrook Deputy of
J. D. Meigsburg

Southam Island

The Commonwealth of Virginia.

To the Sheriff of Southampton ()

County, Greeting:

We command you that you summon Martha Fells and Benjamin Griffin late
Staff Administrator of Sally Fells deceased,

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery,
for Sussex County, at Rules to be holden for the said Court, on the first Monday
in July next, to answer a Bill in Chancery, exhibited against them
in the said Court, by Henry Fells in his own right (and as adm^r
of Frederick Fells

and unless they shall answer the said Bill within four months thereafter, the
Court will take the same for confessed, and decree accordingly. And this they
shall in no wise omit under the penalty of £100. And have then there this
Writ. Witness Littleton Lanier, Clerk of our said Court, at the Court-House,
the 13th day of May 1839 in the 63^d year of
the Commonwealth.

L. Lanier

Executed 28th July 1840

J. W. Potts Coroner

Wells

no. 3

Residential

Wain 1848

De May 7. 1840.

The Commonwealth of Virginia, ^{Coroner}
To the Sheriff of Sussex County, Greeting:

Whereas Henry Telle in his own right has adm^r of Fred^d Telle heretofore exhibited to our Circuit Superior Court of Law and Chancery of Sussex County, his bill of complaint against John Pain & Susan his wife and others

whereupon sundry proceedings have been had, as appears from the records and files of the said Court; but before a final decree could be pronounced in the cause, the said John Pain departed this life,

and administration of all and singular the goods, chattels and credits of the said John Pain dec^d have been in due form committed to William Thornton Sheriff of the County of Sussex as we are informed and the said Henry Telle

having supplicated us for a proper remedy in this behalf; and we being willing that what is right and just should be done: therefore we command you, that you make known according to law, to the said William Thornton

that he be before the Judge of our said Court at the Court House, on the First day of May term next, to shew if any thing for himself he have or know to say why the said suit should not be proceeded in to a final decree against him in his character aforesaid, and be in all things in the same plight and condition, as it was at the time of the decease of the said John Pain and further to do and receive what our said Court shall in that part consider; and have then there this Writ.

Witness, Littleton Lanier, Clerk of our said Court, at the Court House this 5th day of December 1839 in the 64. year of the Commonwealth.

L. Lanier

Executed ~~on all but Susan Baring~~

J^d Thornton Deputy of
W^m Thornton Sheriff.

Felts ~~and~~ adm^t

ad. } Sci. ad. in.
Ho. C. Felts adm^t by

Bains adm^t

20 August 1840

The Commonwealth of Virginia,

To the Sheriff of Sussex County, Greeting:

Whereas in a suit in Chancery now depending in ~~heretofore~~
~~exhibited to our~~ Circuit Superior Court of Law and Chancery
of Sussex County, his bill of complaint against Henry Fells in his
own right & as adm^r of Frederick Fells dec^d will^g against John Bain (and)
Susan his wife and George Blinn (and) Micajah Fells adm^r of Gray Fells dec^d & et.
~~whereupon~~ sundry proceedings have been had, as appears from the records and files
of the said Court; but before a final decree could be pronounced in the cause,
the said Micajah Fells departed this life,
(and administration of all and singular his goods, chattels, rights
and credits hath been in due form committed to Robert C. Fells

and the said Henry Fells
having supplicated us for a proper remedy in this behalf; and we being willing
that what is right and just should be done: therefore we command you, that
you make known according to law, to the said Robert C. Fells

that he be ~~before~~ the Clerks Office of our said Court at Rules
to be holden, on the First^{mon} day of August ~~term~~ next, to shew if any
thing for himself he have or know to say why the said suit should not be
proceeded in to a final decree against him in his character aforesaid, and be in all
things in the same plight and condition, as it was at the time of the decease of the
said Micajah Fells
and further to do and receive what our said Court shall in that part consider; and
have then there this Writ.

Witness, Littleton Lanier, Clerk of our said Court, at the Court House this
11th day of July 1840 in the 65th year of the Commonwealth.

L. Lanier

Gray Felts Est.
with 3 Copy acct.

Geo. Blount & Co. Felts Adm^{rs}

The Estate of Gray Felts dec^d
In account with George Blom & Micajah Felts, the Admin^{rs}

1833			
May 7.	To paid Sheriff of Super tax acct for 1832	3 24	..
Aug 1	By amount sales due this day		179 14
	To 5 per Cent Commissions	8 97	
	" This amount due George Blom for brandy furnished to shuck the corn and at the sale	3 63	
	" paid Rev ^d Simon Murfee for preaching funeral sermon	5 00	
	" paid Benjamin Cooper for crying est.	1 50	
Sept. 1	" " Robert C. Felts	6 39	
Octo 3	" " William H. Clanton	8 00	
Nov. 13	" " Joseph Clanton	15 17	
Dec 1	" Amt. due George Blom from the Est.	16 48	
	" " due Micajah Felts do.	125 12	
	" Clerk for order of Refy to audit this account	36	
	" do for order to receive & recording same	54	
	" Commissioners for examining, stating, reporting & copying this account.	1 50	
	By balance due the Administrators		413 48
		222 92	222 92

To balance due the Administrators 1 Dec^r 1833. \$ 413 48

Superior County to wit, October Court 1833
Ordered that Master Commissioner Prince audit state and to the Court report an account of the administration of George Blom and Micajah Felts on the estate of Gray Felts deceased
Attest. Dated, L. Lanier Clk

Commissioners Office
Superior County, 1st December 1833.
In obedience to the above order of Court I have stated an account of the administration of George Blom and Micajah Felts on the estate of Gray Felts dec^d which is hereto annexed and find a balance due the administrators this day of forty three dollars and forty eight cents with interest thereon

until paid.

Respectfully submitted

Jno. J. Prince M. C.

At a Court held for Supey County the 5th day of December
1833 This account Current of the estate of Gray Felt; dec'd
with George Wilson and Ephraim Felt the administrators was
returned audited by Master Commissioner Prince and with
his report ordered to be recorded.

Teste

L. Lanier (ll)

Copy.

Teste

L. Lanier (ll)

Frederick Fells est.

with } Copy acct.

Henry Fells adm.

Superior County Court, October Term 1835.
 Ordered that Master Commissioner Prince audit, state and to the
 Court report an account of the administration of Henry Fells on
 the estate of Frederick Fells deceased

Attest

Teste

L. Lamer Clerk

Commissioner's Office

Superior County, 15th October 1835.

In obedience to the above order of Court I have audited and stated
 an account of the administration of Henry Fells on the estate of
 Frederick Fells dec^d which is here annexed and find a balance due
 the estate this day of Seventy one dollars and Seventy five cents, with
 interest on Sixty five dollars and seventy nine cents the principal
 thereof until paid.

Respectfully Submitted

Geo. J. Prince M. C.

The Estate of Frederick Fells dec^d

In Account with Henry Fells the administrator

1835			
March 24	To Cash paid John Wain for Coffin	5 00	
" 27	" " Henry Farmington Clerk at sub	2 25	
April 4	" " Nelson Sykes for cruing property	2 00	
Decr 24	By amount Sales due this day		109 03
" 25	" " Alfred of Negroes		53 95
	To 5 per Cent Commissions on \$162.98	8 14	
" "	Cash paid for Meeting Amos	22 00	
" 31	Balance of Principal due the Estate this year	125 59	
		162 98	162 98.

1835

March 5.	To Cash paid Sheriff Super tax & tickets	30 27.	
June 4	" " " Hugh C. Welsch's exor. note & int.	16 34	
July 2	" " " Wm. H. Prodnax's adm. acct	5 00	
Octo 15	" " " Clerk Super	4 04	
"	" " " Sheriff do tickets	1 61	
"	" Clerk for order & Copy to audit this account	" 36	
Octo 15	" Clerk for order to record this account	" 18	
"	" do for according same	" 50	
"	" Commissioner for examining, stating, reporting and copying this account	1 50	
	By balance of principal due the adm. this year		59 80
		59 80	59 80

1834	By balance of principal due the Estate this year		125 59
1835	To " " " " " adm. " "	59 80	
	" Balance of principal due the Estate	65 79	
		125 59	125 59

1835	Octo 15 By int. on \$125.59 from 31 Dec 1834		5 96
------	--	--	------

1835	Octo 15 By balance of principal due the Estate this day		65 79
"	" " " Interest " " " "		5 96
			\$ 71. 75

At a Court held for Sussex County the 5th day of November 1835.
This account current of the estate of Frederick Fells deceased
with Henry Fells the administrator was returned audited by

Master Commissioner Prince and with his report ordered to
be recorded.

Teste L. Lanier clk

all copy - Teste
J. A. Mason D.C.

Falls

Falls.

1830

+

Minneapolis Felt & Co. Blow
Exec of Gray F.

Gray Felt. Prin.
Fred. Felt Security

W
B
P
Fed Felt was Son of John Bain's wife
& fell in debt about \$1200 - in return to Lo.
amp. Court - Fed. Felt - conveyed 6 slaves to
his children - recorded in Lo. amp. - subsequent to the
debt - to H. Felt in Super Court - H. Felt
qualified under of Fed. Felt. his wife returned to
Super - The other Legates of F. Felt. agreed that
H. Felt. might give up ~~all the~~ the region
to Bain in payment of his claim of the
estate - & they - the Legates - got Bain to give
a refund. Bond to pay all debts & -

1836 June 2. Recd. for amt. exp. H. Freeman
to H. Felt. wds. F. Felt. -
\$24.34
P. since acct. made out
besides other small matters

Felt
or { Comm^{rs} ^{Lancie's} Report.
Bain et al

(16 words)
Filed 1 April 1839.

At a Circuit Superior Court of Law and Chancery
for the County of Supea held at the Courthouse the
11th day of October 1838.

Henry Feltz in his own right and as admin of Frederick Feltz dec^d. *Def^t*
against

John Bain and Susan his wife Sally Feltz Martha Feltz George Blom and
Micajah Feltz admin of Gray Feltz dec^d and James G. Withers *Def^t*
In Chancery

This day this cause came on to be heard upon the Bill, answer and
exhibits and was argued by Counsel. On consideration whereof the Court
doth assign order and decree that the Plaintiff do render an account
of his transactions as administrator of Frederick Feltz deceased before a
Commissioner of this Court who is directed to examine state and
settle the same and make report thereof to this Court with any matter
specially stated deemed pertinent by himself or which may be required
by the parties to be so stated

A Copy Teste

L. Lanier Clk.

Commissioners Office

Super Courthouse 15th March 1839.

In obedience to the foregoing order of Court I have stated an
account of the transactions of Henry Feltz as administrator of Frederick
Feltz deceased which is hereto annexed showing a balance due the
estate from the said administrator of Thirteen dollars and seventy eight
cents with interest on three dollars and seventy nine cents as part-
thereof from the 31st day of December 1837.

Respectfully submitted

L. Lanier Comm^r

Commissioners Fee Two Dollars \$2.00
charged to the plaintiff

Dr The Estate of Frederick Felt dec^d In account with Henry Felt the Administrator Co^s

1834

Mar 24	To paid John Bain for Office	5	00
27	" paid Henry Pennington Clerk at Sale	2	25
April 4	" paid Nelson Sykes for crying estate	2	00
Dec 31	" 5 th Cent Commissions on \$109.03	5	45
	" Balance due the Estate	194	33

27 " paid Henry Pennington Clerk at Sale 2. 25

April 4. paid Nelson Sykes for crying estate	2 00
--	------

Dec 31 " 5¢ Cent Commissions on \$109.03 5 45

"Balance due the Estate" 1943

109 03

1835-

Mar. 5	To paid Sheriff of Superior County tickets	15	88
--------	--	----	----

"paid Clerk of Super. 9 22.

" paid Sheriff of Southampton " 43

paid Sheriff of Super 4 17.

June 4	paid John Cargill Error of H. M. Schuch	16 34
--------	---	-------

July 2	paid Mrs. H. Brodnar, exor	500
--------	----------------------------	-----

Oct 13	paid John I Princey	1 30
--------	---------------------	------

Dec 31, 1865, Balanced and the estate \$41 59 5-100

~~94 33 5-13~~

1836

Sept Paid John J. Pomeroy 125-

paid Clerk of Super. H 82

" paid Clerk of Southampton " 75

paid Sheriff of Ingham 1868

paid Sheriff of Southampton 2 10

Dec 31 " Balanced due the Estate 30 99 8 14.

~~41 59 8 14~~

1837

Dec. 7 To paid Judgment in favor of Sally Felt, 25 03

paid Clerk of Super. 2 17.

31. th Balanced out the estates	3	79	9	99
--	---	----	---	----

~~22~~ 99 ~~99~~ 99

1834

Dec 24	By amount of Sales due this day	109. 03
--------	---------------------------------	---------

~~109 03~~

1835

1838	31	By balance due the estate	94	33
------	----	---------------------------	----	----

1835	Dec 31	Interest on \$94.33 balance of 1834	5-55
------	--------	-------------------------------------	------

~~94~~ 94 33 5 65

1834

1836	By balance due the Estate	41	39	5	15
------	---------------------------	----	----	---	----

1836	Dec 31	Interest on \$41.59 balance of 1835	249.
------	--------	-------------------------------------	------

~~41~~ 59. ~~8~~ 14

1837

1837	By balance due the Estate	30	99	8	14
------	---------------------------	----	----	---	----

1837	Dec 31	Interest on \$30.99 balance of 1836	1	85
------	--------	-------------------------------------	---	----

30 99.8 9 99

By	balanced due the Estate principal	3 79
	Interest.	9 99
	due the Estate 31 st Decem 1837.	13 78

Interest: 9 99

due the Estate 31st Decem 1837.

Felts

or { Report of
Comm. Mason

Bain Vol.

Filed 25 August 1840

Felts
vs
Bain & Co. }

Sussex C. H. August 15th 1840

In pursuance of an order of the Circuit Superior Court of Law and Chancery for Sussex County pronounced on the eleventh day of May 1840 in the case of Felts vs Bain & Co. the Commissioners after giving notice of the same, proceeded to state and settle an account of the administration of George Blinn (and Micajah Fell, on the estate of Gray Felts dec^d), excluding such debts as had been paid or retained by the administrators, out of the assets which came to their hands to be administered, of inferior dignity to the plaintiff's demand) and find a balance of Six Dollars (and Seventy Cents remaining) in the hands of the administrators on the 1st day of December 1833 which is applicable to the plaintiff's claim -

Respectfully submitted

Jno. T. J. Mason Com^r

Commissioners fee 2⁰⁰ p^{ts} 100
Charged to the Plaintiff }

Dr The Estate of Gray Fells deceased,

In account with George Bloor and Micajah Fells, the Admrs Cr.

1833			
Mar. 7	To Paid Sheriff of Supor tax acct	3.24	
	" 5 per Cent Commission on \$179.44 amt. of Credits	8.97	
	" Amt. due George Bloor for brandy furnished at the Sale, & to Shuck the Corn	3.63	
	" Paid Rev. Simon Murfee for preaching funeral	5.00	
	" Paid Benjamin Cooper for crying property	1.50	
Sept. 1	" Paid Robert C. Fells	6.36	
Oct. 3	" Paid William H. Stanton for making coffin	8.00	
Nov. 13	" Paid Joseph Stanton	15.17	
Dec. 1	" Amount due George Bloor	\$43.48	
	of which this sum is inferior in dignity to the Plaintiffs claim	4.50	38.98
	" Amount due Micajah Fells	\$125.12	
	of which this sum is of inferior dignity	45.68	79.44
	" Paid Clerk of Supor	.92	
	" Paid Commissioner Pence	1.50	
	Balance	6.70	
		176.44	

1833
Aug. 1 By Amount of Sales due this day 179.44

1833
Dec. 1 By balance brought down 6.70

179.44
\$ 6.70

H. Felt

v. } student

J. Burns' adv. vol

Referred to in
Decm of Apr 7. 44

(8)

Henry Falts.

n. 3 Statent. (L) referred to in Decree of April
In Mason's adv. pub. Term 1844

Int. of Gray Falts & Fredk Falts' bond, paid
by H. Falts adv. of Fredk Falts due. to J. G. Withers
Prinl due Jan. 27. 1816 ----- \$61.00
Int. thereon to Dec. 1. 1833 - (179. 10. 3) - - - 5.27

\$126.27

Credit by amount due by Gray
Falts' advors. pr. reports due Dec. 1. 1833 } 6.70

\$119.57

Interest on \$61 to Dec. 31. 1837 (47. 1 mo) 14.94

\$134.51

Balance due estate by H. Falts adv. of F.
Falts due. pr. commr. Mason's reports } \$13.78

Left further payment pr. acct. annexed 5.

8.78

Balance due Dec. 31. 1837 to advors of
H. Falts - - - \$125.73

Felts
#3 Rect.
Bain

\$5 p. Octo. 10. 1840

Rec^d of Henry Felt's adv. of Fred K. Felt's adv.
five bills. as a fee for ^{appearing before} ~~appearing~~ ^{before} ~~comm.~~ ^{comm.} exceptions in the
County Court of Super & defendy. the suit of John
Bain & vs. F. Felt's adv. &c. - Oct. 10. 1840

Wm Parker

Frederick Fells
to { Copy deed gift
Sally & Martha Fells

Fells

to { Deed gift

Fells

Date: May 19, '31

Mokey

(A.)

Know all men by these presents that ~~of~~ Frederick Fells of the County of Sussex State of Virginia, for and in consideration of the natural love and affection which I bear to my two daughters Sally Fells and Martha Fells of the County of Southampton State of Va. as well as for the further consideration of One dollar to me in hand paid, by the said Sally and Martha Fells at or before the encoding and delivery of these presents the receipt whereof is hereby acknowledged, have given & granted by these presents do give and grant unto the said Sally Fells and Martha Fells, their heirs, Executors, administrators & assigns, the following property to-wit: Jesse, Hannah & Winney and one feather bed and furniture to Sally Fells. and Dilsey, Jane & Bob her children, to Martha Fells, also, one bed & furniture, to have and to hold the said Slaves & beds, unto them the said Sally and Martha Fells, their heirs, Executors, crowns - assigns forever and the said Frederick Fells for himself his Executors & administrators the said Slaves & beds, unto the said Sally and Martha Fells, their Executors, administrators and assigns, against the claim of him the said Frederick Fells, his Executors and administrators and against the claim or claims of all and every person or persons whatsoever, shall and will warrant and forever defend by these presents -
In Witness whereof I have hereunto set my hand and seal this nineteenth day of May 1831.

his
Frederick Fells (Seal)
made.

Saml B. Annes

Robert Whitehead

Southampton County. In the Clerk's Office the 12th day of September 1831 -
This deed of Gift was proved by the oath of Robert Whitehead one of the witnesses thereto and having been proved in the Clerk's Office the 30th of May 1831 by the oath of Samuel B. Annes also a witness thereto the same is admitted to Record -
And at a Court held for the County aforesaid the 19th day of September 1831 the said deed of Gift was entered upon the proceedings of the day.

Teste James Rochelle cl

Attest Teste L. R. Edwards cl

Feltz & Son's
Feltz adv.

(B)

Susan Feltz

with 2 Copy Acct.

Fredk. Feltz, Guard

Schubert (per)

Atto. at Law

David May Esq.

Feltz

on 2d Echelon

Wm. H. H. H.

Feltz & Son

Susan Fells a minor In account with Frederick Fells her Guardian.

1808	Decr 31	By nett hires of negroes this year	"	"	10 00	
		Rent land	"	"	5 00	
		To Comr. on ditto	"	75		
		" paid tuition & clothing		10 00		
				10 75	15 00	
					10 75	
"	"	By balance due the ward	"	4 25		
1809		By nett hires & rents	"	20 00		
		To Comr. on ditto		1 00		
		" tuition & clothing		15 00		
				16 00	24 25	
		By Int. on last balance		25	15 75	
Decr 31		By balance due the ward	"	8 50		
1810		By nett hires & rents	"	25 00		
		To Comr. on ditto		1 25		
		" paid midwife		2 00		
		" clothing		10 00		
				13 25	33 50	
		By Interest on last balance		51	12 74	
Decr 31		By balance due the ward	"	20 76		
1811		By nett hires & rents	"	35 00		
		To Comr. on ditto		1 75		
		" paid R Bailey for tuition		20 00		
		" " Midwife		2 00		
		" " clothing		10 00		
				33 75	55 76	
		By Int. on last bal.		1 24	32 51	
Decr 31		By balance due the estate	"	23 25		
1812		By nett hires & Rents	"	40 00		
		To Comr. on ditto		2 40		
		" paid R Bailey for tuition		20 00		
		" " clothing		10 00		
				32 40	63 25	
		By Interest on last balance		1 39	31 01	
Decr 31		By balance due the ward	"	32 24		
1813		By hires & Rents	"	40 00		
		To Comr. on ditto		2 40		
		" paid Tuition		10 00		
		" " clothing		10 00		
				22 40	72 24	
		By interest on last balance		1 93	20 47	
		By balance due & Car? forward	"	51 77		

1853	Dec. 31	By balance brought forward	51 71	
1854		By nett hires & Rents	90 00	
		To Com. on ditto	4 50	
		" Clothing this year	15 00	
		" paid Midwife	2 00	
		By Interest on last balance	31 50	141 77
			3 50	28 00
Dec. 31	1855	By balance due the ward		113 77
		By hires and rents		100 00
		To Com. on ditto	5 10	
		" Clothing this year	15 00	
		By Interest on last balance	20 00	213 77
			6 82	13 18
Dec. 31	1856	By balance due the estate		200 59
		By rents & hires this year		105 00
		To Com. on ditto	5 02	
		" Clothing do	15 00	
		By Int. on last balance	20 02	305 59
			12 03	7 99
Dec. 31	1857	By balance due the ward		297 60
		By nett hires & Rents		117 00
		To Com. on ditto	5 85	
		" Clothing this year	15 00	
		To Com. on last balance	20 85	414 60
			17 85	8 00
Dec. 31	1858	By balance due the ward		411 60
		By hires and rents		120 00
		To Com. on do	6 00	
		" Clothing &c	20 00	
		Interest on last balance	26 00	531 60
			24 69	1 31

Dec. 31 By balance due the ward \$ 530 29 with
Interest thereon from this day till paid.

There was considerable difficulty in arriving at proper conclusions in the settlement of the account. The Guards kept no books, and contended the expensive negroes fully balanced the profitable ones for many years; and sundry depositions have been taken most of them quite contradictory. The Com. from minutely weighing all the evidence as to the profitable and expensive negroes, has formed the above statement, as fair deduction therefrom -

Comr. for \$10 charges to }
Wardens - }
Respectfully Submitted
Jen. C. L. Com.

The Complainant Wain excepts to all the charges for clothing some of which is charged after marriage of the ward with Wain.
McLaurine for
Jas. Wain.

Wain wife is Fells guardian. Report of Commissioner Coll. excepted to by the guardian, because the Commissioner does not allow the guardian for the board and maintenance of his ward.
Parker for Fells
Guardian

To: Amptons Clerk's Office }
Aug. 29th 1836.

Copy Teste. L. R. Edwards Clk.

John Bains
to { Regarding Bond
Henry Felts and Co

"
to { Regarding bond
Henry Felts

Dated June 4. 35

(C.)

\$ 1500
5000

Know all Men by these presents that John Baines

am held and firmly bound unto Henry Felt, adm. of Frederick Felt's dec'd
in the just and full sum of Three thousand Dollars
to be paid to Felt's adm. as aforesaid his certain attorney his heirs, execs
and administrators or assigns; for the payment whereof will and truly
to be made we bind ourselves our heirs executors and administrators
jointly and severally firmly by these presents. Sealed with our seal
and dated this 4th day of June 1835

The Condition of the above obligation is such that whereas
Henry Felt's adm. of Frederick Felt, dec'd hath paid to the above bound
John Baines the sum of fifteen hundred Dollars
as his proportion of the said Frederick Felt's estate. If therefore
the said John Baines shall refund due proportions of
any debts and demands which may hereafter appear against
the estate of the said Frederick Felt's estate and the costs attending
the recovery of such debts then the above obligation to be void, or
else to remain in full force and virtue

Signed, sealed & acknowledged
in presence of

J. S. Lantow

Henry Remington

John Baines Seal

(Seal)

Withers as per

on {

Copied by Capt. Ke

Wells admr. & Co

Withers as per

on { Copied

Wells admr.

Aug. 1. May 1833

Bond Aug. 27. 1815

(D.) -

Virginia.

At a Circuit Superior Court of Law
and Chancery continued and held for
Super County on Wednesday the 15th
day of May 1833.

James G. Withers assignee of Henry Fells . . . plff

against
George W. Blinn and Micajah Fells admors of
Gray Fells dec^d who was obligor with
Frederick Fells . . . In debt
Def

This day came the plaintiff by his attorney and the defendants
being arrested and failing to appear and plead to issue. Therefore it
is considered by the Court that the plaintiff recover against the defend-
ants sixty one dollars the debt in the declaration mentioned with legal
interest thereon from the 27th day of January 1816 till payment
and his costs by him about his suit in this behalf expended.
And the said defendants in mercy &c. To be lierd of the goods
and chattels of the defendants intestate in the hands of the defendants
to be administered.

Costs \$7.00

Alcopy.

Teste

J. J. Mason & Co

The following is a copy of the bond on which the foregoing
judgement is founded.

"On or before the 27th of January 1816 next we promise to pay
unto Henry Fells adm^r of Randolph Fells dec^d his heirs or assigns
the just and full sum of sixty one dollars current money of Virginia
at bearing for value received. A. W. T. our hands and seals this
"27th day of January Eighteen hundred fifteen

W. S. H.

Wilkinson Caspell

Gray Fells

Frederick Fells

Read

Read

I assign the within to James G. Withers for value rec^d
My Pennington

Henry Fells
mark

Alcopy. Teste J. J. Mason & Co

The Commonwealth of Virginia. To the Coroners of Sussex County
Greeting. We command you that of the goods and chattels of Gray
Felts dec^d (co obligor with Frederick Felts in the hands of George Blom
and Micajah Felts his administrators to be administered in your
baillivick you cause to be made the sum of Sixty one dollars with
legal interest thereon from the 24th day of January 1816 till payment
which James G. Withers assignee of Henry Felts lately in our Circuit
Superior Court of Law and Chancery for Sussex County hath recovered
against them for debt, also Seven dollar which to the said Withers
also in the same Court were adjudged for his costs by him about his
suit in that behalf expended whereof the said administrators are
convicted as appears to us of record; and that you have the same
at Rules to be holden in the Clerk's Office of our said Court
on the first monday in August next to render unto the said
Withers assignee of the debt interest and costs aforesaid. And
have then there this Writ. Witness Littleton Jamier Clerk of
our said Court at the Court House this 18th day of May 1833
in the 57th year of the Commonwealth

L. Jamier

1833 December 5th No effects.

Robt. Key Coro.

Copy Execution & Return.

Teste

J. H. Mason D.C.

Letter from
Col. George Blom

Felts

or {

Bain Sat.

John J. O'Brien Esq.
m. l. l. l. l. l.
dupe

Tower Hill Tuesday Evening
11 August - 1840

Dear Sir

After leaving you this morning Mr. R. C. Felts communicated to me a claim which we omitted in the administration account audited & passed before Mr. C. Prince, and which overgoes any amount that the most rigid scrutiny into that account could find against the administrators on the score of inferior dignity to the claim of Henry Felts or Edwards / Butts Curator. It is a Receipt from Robert C. Felts to the Administrators for the keeping of an Old Woman named Daphne belonging to the Estate of Gray Felts at his death who was then supposed to be between 70 & 80 years of age and of course entirely valueless, and a dead expense, yet under the Laws of the State the Adm^{rs} had to provide for her, and they bid her off to Rob^t C. Felts at \$30 - for her keeping during her life. we had supposed that there was no necessity to include this item in our adminⁿ acct - the assets being as we supposed all absorbed. The Item I think as legal an Offset as any presented in our adminⁿ acct as the Adm^{rs} were bound by Law to provide for her support & maintenance.

The Voucher - ie - The acct. of R. C. Felts for her keeping and his receipt thereon - is in my possession - and will be produced if you require to see it, with abundant witnesses to prove the fact. I am very respectfully
Yr Ob^t Serv^t Geo^t Howe

Felt
in { Capt. Ruler
Pain stabs in Superl.

Received by the clerk of the Cir-
cuit Supr. Court Southampton
October 19th 1840.

In the Circuit Superior Court of Law and Chancery
for the County of Super
Henry Feltz in his own right and as administrator of Frederick
Feltz deceased

Plaintiff

against
John Bain and Susan his wife Sally Feltz, Martha Feltz, George
Blon and Micajah Feltz administrators of Gray Feltz deceased
and James G. Withers

Defendants

In Chancery

1838 January 10. Bill filed. Sp. in fine issued Jan 31st

" February 10. Sp. returns executed on Bain wife & Blon & Withers
Sally Feltz dead - Martha Feltz and Micajah Feltz are inhabitants

" May 10. Answer of Bain wife and George Blon now filed
& Conts for replication

" June 10. Bill taken for confessed as to Withers & cause set for
hearing as to him. Genl Dep. to answer of Bain & Blon

" October 10. Cause set for hearing as to Bain and Blon on
Bill. Answer for

" October 11th In Court. This day this cause came on to
be heard upon the Bill, answers and exhibits and was
argued by Counsel. On consideration ordered the Court doth
adjudge order and decree that the Plaintiff do render an
account of his transactions as administrator of Frederick Feltz
deceased before a Commissioner of this Court, who is directed
to examine state and settle the same and make report thereof
to this Court with any matter specially stated deemed
pertinent by himself or which may be required by the
parties to be so stated.

1839. April 1. Report of Commissioner Lanier filed.

In Court May Term 1839. For reasons appearing to the
Court this cause is continued until the next Term.

In Court October 11. 1839. It appearing to the satisfaction of
the Court that the Defendant John Bain is dead, it is
ordered that this cause be continued until the next Term

1839 Decem^r 3. Scire facias against William Thornton Sheriff
and adm^r of John Baine deceased returnable to May
Term 1840.

1840 May Term. Scire facias returned executed.

In Court May 11th 1840. On the motion of Edward Butts
Committee of Margaret Feltz who is a person of unsound mind
and of whom the said Butts has been appointed committee by
order of the County Court of Southampton, this suit is revived
by consent of parties as to the said E Butts committee as aforesaid
who thereupon files his answer by leave of the Court, to which
the Plaintiff replied generally, and on his motion the Court
with acquiescence order and decree that the Defendants George Blom
and Micajah Feltz administrators of Gray Feltz deceased do
render an account of their transactions as administrators as
aforesaid before a Commissioner of this Court who is directed to
examine state and make report thereof specifying particularly
the nature and dignity of the debts paid or retained by the
said administrators, so as to ascertain whether any debts have
been thus paid or retained out of the assets which came to the
said administrators hands to be administered of inferior dignity
to the Plaintiff's demands with any matter specially stated
deemed pertinent by himself or which either of the parties
may require to be so stated.

1840 July 11th Scire facias against Robert C Feltz administrator
of Micajah Feltz deceased returnable to August Rules 1840

" August 16. Scire facias returned executed

" August 25th Report of Commissioner Mason returned.

In Court the 12th day of October 1840

For reasons appearing to the Court this cause is ordered
to be transferred to the Circuit Superior Court of Law
and Chancery for the County of Southampton.

Copy Rules and Orders Teste

L. Lanier Clk

Plaintiff's Exp. by Calc 10.83
Lawyer 16.66
Commissioner 4.00
Shff & Coroner 8.10
\$ 40.09

Felts or Bain
note.

Let this note be
filed in the case of
Felts or Bain - I
mean the case in
which W. D. May
is of course in

R.H.B.

There is a case of Fells vs Bain &c. Judge Mason sent it from Super. I never could understand why.

The reason given by Col. Parker & at first by Judge Mason was, That my client was claiming that Bain should pay under a refunding bond which he had executed for property received by him of the ad^{rs}; & at the same time a suit was pending in Lo. court. He set aside the conveyance by virtue of which he received the property; & that therefore no decree should go against Bain, until it could be decided whether Bain is to have the property, ultimately! I thought I fully answered this false conclusion. & that Judge Mason was satisfied with my answer. He may have given some other ^{reason} which occurred to him after I left Court: Will Mr. Powers see what reason Judge Mason gave for refusing to enter the decree prepared by me (copy his remarks) - My answer to the foregoing argument of Col. Parker is as follows:

Bain (under a conveyance from the Legatus or Distributor of the estate) claimed the property. The adv. would not give it up until he gave a refunding bond. The bond was given. The adv exhibits a just claim under the refunding bond, & is then met by the objection that he, Bain, is seized by the Legatus for the property on the ground that the conveyance made by them is invalid.

Is such an objection a good one? I think not. Suppose the Legatus succeed^{ed} & Bain recover the property. To whom can we look? They have given no refunding bond. But it may be alleged we may sue to be made parties in that suit; or both suits may be heard together. We may amend our bill & state all these facts. But that cannot be a proper answer to our argument. For suppose all that matter between Bain & the Legatus had been settled before the claim had appeared which we seek to have refunded. I suppose Bain's objection would have been just as valid as it is now; and where were we to get the amount refunded. I think that the natural course of the business is as follows: Bain ought, in the suit brought against him, (even if no claim had been yet set up under the refunding bond) to claim that as he had given a refunding bond - even if the deed be invalid, the Legatus ought to give him an indemnifying bond before they could recover the property of him. That it

it was a lien on the property in the hands of the ad. &
and that. He, ~~gave~~^{having} given a refunding bond to the ad., is enti-
tled to claim an indemnifying bond. And now if the
Court in our Case deems yet Bain, he ought to
claim that if the Legatus should ultimately recover
of him, that he has a lien & is entitled to indem-
nity before giving up the property, to the amount paid
& to an indemnifying bond, ^{for this protection} in case any other claim
should appear. -

Why should the two Cases
be heard together - For Bain is still entitled to
claim an indemnifying bond yet his liability under
the refunding bond in case other creditors should
hereafter appear, even if the Court should
decide that my client should lose his present
claim - I hope Judge Parker will see that the
claim prepared by me, & which I hoped would
have been entered last October is a proper one & will
order it to be entered.

Respectfully
S. May