

1847-137 SOUTHAMPTON COUNTY
CHANCERY PAPERS

WOODARD'S HEIRS VS. BARNES

3/1847

N.B. Sheets pasted together + folded.

Other surnames: Worrell,
Claud, Felts, Lawrence,
Whitehead, Sebrell, Jones
Simmons, Bryant, Clark,
Prince

Woodard & Harris } Bill
 or } answer
 Barnes } &
 Deere

1844 Aug. Deere as fitted

" Sep. Deere amended

1845 May. Report.

" June Report Confm?

1846 Sep. Order to deliver bond to

John T. Simmons or atty.

1847 Mar. Order to deliver bonds

To Woodward & Co.

Letter per p?

At D. W. Jones house \$80.00 due 16 March 1848.

To the worshipping County Court of Southampton
in Chancery sitting -

Humbly complaining sheweth unto your
worships, your complainants ~~Isaac Barnes~~
~~assignee of Benjamin Worrell & Mary his wife~~ -

Benjamin Worrell & Mary his wife. Joseph
Prime Executor of Joseph T. Bland who was Executor
of Anthony Woodard. John Simmons & Mary his
wife. ^{James Bryant} ~~son of~~ ^{admt of} Samuel Woodard,
~~James & John~~ ^{trustee for} Daniel Fells &
Rebecca his wife. Mills E. Lawrence and William
B. Whitehead assignees of Esum Woodard - Virginia
Carmelien & Elizabeth Woodard heirs of Esum
Woodard - John & Sarah Woodard heirs of Jesse
Woodard, represent that they are the heirs of
John Woodard - and as such are entitled now
that the widow Sally Woodard is dead to the
land assigned to her for life as her dower, also
to the negro slaves held by her as dower. They
represent that various arrangements have been
made by the parties, by way of transfer all of
which will appear of record. to wit Benjamin
Worrell has conveyed his interest in the personal estate
to Isaac Barnes - Anthony Woodard has conveyed
his whole interest of Joseph T. Bland. Mr
Simmons conveyed personally to A. Woodard who
conveyed to Joseph T. Bland. Daniel Fells has
conveyed the whole of his interest to James H. Deuell
trustee for Certain Creditors. Esum Woodard's
share of the personal estate has been sold and
purchased by Mills E. Lawrence & William B. White-
head - these are the principal transfers - which
show that, in as much as there is but about 20 or
25 acres of land and about ten negroes a partition
in kind cannot be made, and as they are
unavailable at Law and only relievable in Equity
they pray the Court to decree a sale for a
division and grant them such further
general & specific relief as may be consonant
to justice & the rules of the Court & they will ever pray.

The answer of Jacob Barnes to the above Bill

This Respondent saving to himself all benefit of just exception to the many errors &c in the bill contained for answer says that he has no objection to the decree prayed for and having answered prays to be hence dismissed.

Woodard's Heirs

vs

Barnes &

Berean

This day this cause was docketed by leave of Court and consent of parties and came on to be heard on the bill and answer and was argued by Counsel. On consideration whereof the Court doth order, adjudge and decree, that Euseb Bryant be appointed special Commissioner of the Court. That he after due notice of time and place of sale sell on a credit of six months the land and negroes lately held by Sally Woodard as dower in the estate of her husband John Woodard, and that he take bond as follows, after deducting the cost of this decree, which he is required to receive in cash on the day of sale - to wit for the Real estate, he is to take seven bonds and assign one to Benjamin Worrell & Mary his wife, one to Joseph Prince & Co of Joseph T bland. One to John Simmons & Mary his wife One to Euseb ~~Woodard~~ Bryant adt of Samuel Woodard decd. One to William D. Black trustee for Daniel Fells. One to heirs of Euseb Woodard and the other to the heirs of Jesse Woodard. For the personalty. he is also to take seven bonds and assign one to Jacob Barnes assign of Benjamin Worrell. One to Joseph H Prince & Co of Joseph T bland who was assignee of Anthony Woodard one to Joseph Prince & Co of bland who was assignee of A Woodard who was assignee of

John Simmons, one to Euseb Bryant adt of Samuel Woodard - one to William D. Black trustee for Daniel Fells. One to Mills E Lawrence & William B Whitehead assignees of Euseb Woodard - and the other to the ~~heirs~~ administrator of Jesse Woodard decd - and report his proceedings to the Court in order to a final decree -

Southampton County September Court. 1844

Benjamin Wornell & Nancy his wife Joseph Prince Esq of Joseph T. Claude
who was apic of Anthony Woodward & others -

against
Jacob Barnes

Plffs } In lity
Df B

This day this cause came on again to be heard on the papers
formerly read and was argued by counsel on consideration whereof the Court
doth order adjudge and decree that Henry Kindred and Eum Bryant be appointed
Commissioners that they after due Notice of time and place of sale sell on a credit
of six Months the land and Negroes lately held by Sally Woodward as dower
in the Estate of her husband John Woodward that they take bonds as
follows after deducting the costs of this decree which they are required
to receive in cash on the day of sale to wit For the said Estate they are to
take seven bonds and apign one to Benjamin Wornell and Nancy his wife
one to Nathaniel Jones Esq of Mary Jones who was apign of Anthony
Woodward one to John Summers and Mary his wife one to Eum Bryant
adm of Samuel Woodward one to William J. Clarke trustee for Daniel
Felts one to the heirs of Eum Woodward and the other to the heirs of
Jesse Woodward for the personally they are to take seven bonds and apign
one to Jacob Barnes apign one off Benjamin Wornell one to Nathaniel Jones Esq
of Mary Jones who was apign of A Woodward one to Joseph Prince Esq
of Joseph T. Claude who was apign of A Woodward who was apign of
Mary Barnes. one to Eum Bryant adm of J Woodward one to Wm B Clarke
trustee for Daniel Felts one to Mills & Lawrence & Wm B Whitehead apign
of Eum Woodward and the other to the adm. of Jesse Woodward that said
Commissioners be duly authorized to Retain in their hands funds sufficient to satisfy
and pay the cost of keeping the Negroes &c. and the parties are directed to execute
to the Representatives of John Woodward Refunding bonds if he should demand the
same and said Commissioners are requested to Report their proceedings to the Court in
order to a final decree.

Additional Clerk costs &c.

237
274

Attest

Levi J. Edwards Clk.

Received Sep. 16/1844 of H. Kindred one of the Comrs \$2.74 cents in full of clerk
costs in this case up to this time

L. R. Edwards Clk.

Worrell 2d -
v 3 Decem
Barrow.

1844 Sept Tenn

Elks fur 1500

Worrel & Thers }
 v } ~~Amended~~ decree.
 Jacob Barnes }

This day this cause came on again to be heard
 on the papers formerly read and was argued by
 Counsel, on consideration whereof the Court both
 order, adjudge and decree. that Henry Kindred
 and Ezzum Bryant be appointed Commissioners
 that they after due notice of time and place
 of sale, sell on a credit of six months, the land
 and negroes lately held by Sally Woodard as dower
 in the estate of her husband John Woodard. that they
 take bond as follows, after deducting the costs of this
 decree, which they are required to receive in cash
 on the day of sale, to wit. For the real estate. They
 are to take seven bond and assign one to Benjamin
 Worrell and Mary his wife, One to Nathaniel Jones
 Exor of Mary Jones who was assignee of Anthony
 Woodard. One to John Simons and Mary his wife
 One to Ezzum Bryant coth of Samuel Woodard,
 One to William D. Black trustee for Daniel
 Feltt. One to the heirs of Ezzum Woodard,
 and the other to the heirs of Jesse Woodard, For the
 personally. they are also to take, seven bond and
 assign one to Jacob Barnes assignee of Benjamin
 Worrell, One to Nathaniel Jones, Exr of Mary
 Jones who was assignee of A. Woodard, One to
 Joseph Prince Exr of Joseph T. Blund who was
 assignee of A. Woodard who was assignee of ~~Joseph Barnes~~ ^{Mary Barnes}
 One to Ezzum Bryant coth of J. Woodard. One to
 Wm. Black trustee for Daniel Feltt. One to Miles
 E. Laurence & William B. Whitehead assignees of Ezzum
 Woodard and the other to the coth of Jesse Woodard
 and report to the Court in order to find decree

That sd Commissioners be duly authorized to retain in
their hands funds sufficient to satisfy and pay the cost
of keeping the negroes & and the parties are directed
to execute to the Representative of John Woodard
refunding bond if he should demand the same
and sd Court are required to report their proceedings
to the Court in order to a final decree

Worrell Jas

a { Repat

Barnes

1845 May Term.

So H Price \$52.14⁰⁰ due 16 March 1845

A W Starts bond for \$61.15⁰⁰ due 16 March 1845 - & \$134⁶³/₁₀₀ in money
rec'd by me.

J R Edwards adm D R's
Jesse Ward de.^d

Wm

Wm Edwards

Rec'd for \$32.67⁰⁰ due 16 March 1845 -

Received of the Clerk of Winchester County a bond against Wm's

Wm's

to
Repat

James

1845 May Term.

According to a decree of the County Court of Hampton
September term 1844 re Henry Kindred and Exam
Bry Commissioners appointed by the S^d Court to distribute
the Dower Land and Negroes that Sally Pope former
ly Woodard held as dower in her husband John Woodard
Estate have after giving proper notice of time and
place make sale of the S^d Dower Land and Negroes slaves
on a credit of Six months and after paying all cost
do distribute among the legacies agreeable to S^d Decree
(Viz) as for the real Estate we do assign one Bond against
Westie Pope and others to Benj Worrell for Thirty two
dollars and $\frac{67}{100}$ due 16th day of March 1845
also one Bond against Westie Pope and others to Nathaniel Jones
Exor of Mary Jones Who res assignee of Anthony Woodard for
Thirty two dollars $\frac{67}{100}$ due 16th day of March 1845
one Bond v^s Westie Pope ^{& others} for Thirty two dollars and $\frac{67}{100}$ to John
Simmons and wife Mary given to the discretion of the Court
who is non Residence
one Bond v^s Westie Pope and others to Exam Bryan Adm^r
of Samuel B. Woodard Dec^d for Thirty two dollars ^{$\frac{67}{100}$} due
the 16th day of March 1845
one Bond against Westie Pope and others to William D. Clark
Trustee for Daniel Felt for Thirty two dollars ^{$\frac{67}{100}$} due 16th
day of March 1845
one Bond v^s Westie Pope and others to the Heirs of Exam Woodard
for Thirty two dollars and $\frac{67}{100}$ due 16th day of March 1845
and the other one v^s Westie Pope and others to the Heirs of Jekey Woodard
for Thirty two dollars and $\frac{67}{100}$
For the personally
we assign to Jacob Barnes assignee of Benjamin Worrell
as follows viz one Bond against Harrison D. Moor ^{& others} for Eighty
dollars and $\frac{29}{100}$ due the 16th day of March 1845 also one Bond v^s
A. W. Hart and others for Sixty one dollars and $\frac{3}{100}$ due as above
also one Bond v^s Jacob Elinger and others for Sixty four dollars and $\frac{43}{100}$
due as above

Continued

also one Bond vs John D. Stevenson and others for Fifty three dollars and $\frac{71}{100}$ due as aforesaid

also one Bond vs Joseph Prince and others for Eighty two dollars and $\frac{14}{100}$ due as aforesaid

also sixteen dollars and 49 Cts in cash

one to Nathaniel Jones Exr of Mary Jones who was apignee of Anthony Woodard as follows one Bond vs H. D. Moor and others for Eighty dollars $\frac{2}{100}$ due as above also one vs A. W. Hart for Sixty one dollars and $\frac{15}{100}$ due as above also one Bond vs Jacob Elenger and others for Sixty four dollars and $\frac{4}{100}$ due as above also one Bond vs John D. Stephenson and others for Fifty three dollars and $\frac{71}{100}$ due as above also one Bond vs Joseph Prince and others for Eighty two dollars $\frac{14}{100}$ due as above also sixteen dollars and 49 Cts in cash

one to Joseph Prince Exr of Joseph J. Bland who was apignee of A Woodard who was apignee of Mary Barnes as follows one Bond vs Harrison D. Moor and others for Eighty dollars $\frac{2}{100}$ due as above named also one Bond vs A. W. Hart and others for Sixty one dollars $\frac{15}{100}$ due as above also one Bond vs Jacob Elenger and others for Sixty four dollars $\frac{4}{100}$ due as above also one Bond vs John D. Stephenson and others for Fifty three dollars and $\frac{71}{100}$ due as above also one Bond vs Joseph Prince and others for Eighty two dollars $\frac{14}{100}$ due as above also sixteen dollars and 49 Cts in cash

One to Exum Bogan admr of Samuel B. Woodard as follows one Bond vs H. D. Moor and others for Eighty dollars $\frac{2}{100}$ due as above also one Bond vs A. W. Hart and others for Sixty one dollars $\frac{15}{100}$ due as above also one Bond vs Jacob Elenger and others for Sixty four dollars $\frac{4}{100}$ due as above also one Bond vs John D. Stephenson and others for Fifty three dollars $\frac{71}{100}$ due as above also one Bond vs Joseph Prince and others for Eighty two dollars $\frac{14}{100}$ due as above also sixteen dollars and 49 Cts in cash

one to William D. Clark Trustee for Daniel Fetter one Bond vs H. D. Moor and others for Eighty dollars $\frac{2}{100}$ due as above
continued

also one Bond vs A. W. Hart and others for Sixty one dollars $\frac{15}{100}$ due 16th day of March 1845 also one Bond vs Jacob Elenger and others for Sixty four dollars $\frac{4}{100}$ due as above

also one Bond vs John D. Stephenson and others for Fifty three dollars $\frac{71}{100}$ due as above also one Bond vs Joseph Prince and others for Eighty two dollars $\frac{14}{100}$ due as above also sixteen dollars and 49 Cts in cash

One to Mills E. Lawrence and Wm B. Whitehead apignee of Exum Woodard one Bond vs H. D. Moor and others for Eighty dollars and $\frac{2}{100}$ due as above also one Bond vs A. W. Hart and others for Sixty one dollars $\frac{15}{100}$ due as above also one Bond vs Jacob Elenger and others for Sixty four dollars $\frac{4}{100}$ due as above also one Bond vs John D. Stephenson and others for Fifty three dollars $\frac{71}{100}$ due as above also one Bond vs Joseph Prince and others for Eighty two dollars $\frac{14}{100}$ due as above also sixteen dollars and 49 Cts in cash

and the other to the heirs of Jeph Woodard

one Bond vs H. D. Moor and others for Eighty dollars $\frac{2}{100}$ due as above also one Bond vs A. W. Hart and others for Sixty one dollars $\frac{15}{100}$ due as above also one Bond vs Jacob Elenger and others for Sixty four dollars $\frac{4}{100}$ due as above also one Bond vs John D. Stephenson and others for Fifty three dollars $\frac{71}{100}$ due as above also one Bond vs Joseph Prince and others for Eighty two dollars $\frac{14}{100}$ due as above also sixteen dollars and 49 Cts in cash

Account sales of Land and Negroes lately held by
 Sally Woodard as dovier in the estate of her husband
 John Woodard sold this 16th day of September 1844
 by Henry Kindred and Exam Bryan Commissioners
 on a credit of six months

Ellick To H. D. Moore	562
George " Jacob Elinger	451
Higgins John D. Stephenson	376
for Cash Malindy William Watkins	289
for Cash Phebe William Parker	210
Melicia Edmund Joanna & Bob Joseph Prince	575
Fanney Augustus W. Hart	128
Sales of Negroes	\$ 2891
Corns and expenses	376 09
Nett for negroes	2514 91

Commissions on P ^{ty} 300	15.00
Commission on balance & on 287 for Educot negroes & p ^{ty}	57.56
deduct \$1.25 part cost for land to pay	72.56
	\$ 71.35
p ^{ty} Lawyers fee	10.00
Clerks fee	2.74
p ^{ty} for Crying Negroes	3.00
Halling Negroes to Jerusalem &c	2.00
p ^{ty} for Keeping Educot negroes R Cap	287.00
	\$ 376.09

	\$ 12888
Sales of Negroes	2891
Corns &c	376 09
	\$ 2514.91
~~one share in Negroes~~	\$ 359.272
additional Expense Tax & Negroes & one share	1 167
one share in Negroes	\$ 358 11

additional Expense Tax & Negroes & one share
 one share in Negroes

Sales of Land to Westie Dope \$ 242

Gains on 242 @ 5% and proportion of Cost	13.31
" net sales Land	<u>228.69</u>
one sh. in land	\$ 32.67
for land	<u>228.69</u>
for Negroes	2514.91
Land & Negroes	\$ 2743.60
Gains 86 for Negroes	376.09
Gains 86 for Land	<u>13.31</u>

Full amt. Sales for Land & Negroes Proof \$ 3133.00

Submitted to the honourable Court

This 17th day of March 1843

Henry Hindes Com.
Exam Bryant Com.

Westie Pope

Bond

To Commencement

for \$32 $\frac{47}{100}$

\$ 32.⁶⁷/₁₀₀ Six months after date hereof we
do promise and oblige our selves our Heirs &c to pay
Henry Kindred & Exr^{ts} Bryan Commisioners
appointed by a decree of the County Court of South
ampton to make sale of the dower land ~~standing~~
allotted to the Widow of John Woodard and
for the benefit of Dec^d. Woodards heirs the sum
of Thirty two dollars and ⁶⁷/₁₀₀ it being for the purchase
of the S^d. dower land and for value received witness
our hands and seals this 16th day of September 1844

Wesley Pope Seal
Seal

The State of Alabama
Russell County

Personally appeared before me Simon O'Real clerk of the County Court of the County and State aforesaid John J. Simmons who acknowledged that he signed, sealed and delivered the foregoing power of Attorney to Ridley Gordun, on the day & year therein mentioned, and for the purposes therein contained.

Given under my hands, and private seal (there being no seal of office) this 27th day of August
A.D. 1846. Simon O'Real Clerk

The State of Alabama
Russell County

I Moses Lewis presiding Judge of the County Court of the County and State aforesaid do hereby certify that Simon O'Real, whose name appears to the above foregoing Acknowledgement as clerk of the County Court of said County is and was at the date thereof clerk of said Court, and that full faith and credit is and should be given to his Attestations as such, and that the same is in due form of law — and by the proper officer.

Given under my hands this 4th day of
September A.D. 1846.

Moses Lewis (seal)
Judge County Court
Russell Co.
Ala.

KNOW ALL MEN BY THESE PRESENTS, THAT

I, John T Simmons of Russell County
of the State of Alabama
have constituted, made and appointed, and by these presents do constitute, make and appoint

Ridley and Godwyn
attys at Law and partners under
the firm name of Ridley & Godwyn

true and lawful attorney, for *me* and in *my* name and stead, and to *my* use, to ask, demand, sue for, levy, recover and receive all such sum and sums of money, debts, rents, goods, wares, dues, accounts, and other demands whatsoever, which are or shall be due, owing, payable, or belonging to *me* or detained from *me* any manner of ways or means whatsoever; by virtue hereof to receive and collect whatever bonds or money I may be entitled to from the estate of John Woodward deceased, and to transmit the same by mail to Thomas S Tate at Crawford Russell County Alabama

Giving and granting unto *my* said attorney by these presents, full and whole power, strength and authority, in and about the premises: to have, use, and take all lawful ways and means in *my* name for the recovery thereof, and upon the receipt of any such debts, dues, or sums of money aforesaid, acquittances, or other sufficient discharges, for *me* and in *my* name, to make, seal and deliver, and generally all and every other act and acts, thing and things, device or devices in the law whatsoever, needful and necessary to be done in and about the premises, for *me* and in *my* name, to do, execute and perform, as fully, largely and amply, to all intents and purposes, as *I* might or could do, if *I was* personally present, or if the matter required more special authority than is herein given, and attorneys one or more under *them* for the purpose aforesaid, to make and constitute, and again at pleasure to revoke: ratifying, allowing and holding, for firm effectual, all and whatsoever *my* said attorney shall lawfully do in and about the premises, by virtue hereof.

In Witness whereof, *I* have hereunto set my Hand and Seal: Dated
at Crawford the twenty seventh day of August
in the year of our Lord one thousand eight hundred and forty six
and in the twenty first year of the Sovereignty and Independence of
the United States of America.

SEALED AND DELIVERED IN }
THE PRESENCE OF }

Will. C. Barnard
S. Heydenfeldt,

John T. Simmons

Chancery Causes

Decided at

November Term

1847

REPORT

Where Justice
makes collection
report in this
column number
of official receipt
issued

NAME OF PERSON TRIED

CHANCERY CAUSES
DECIDED AT
NOV. TERM
1847