

1857-007

SOUTHAMPTON COUNTY
CHANCERY PAPERS

MASON & al VS. FORT'S EXTOR & al
5/1857

n.B. Sheets pasted together & folded.

other SURNames: Cook,
Heath

Mason's

v. } Bill of ans. &c

Mason &c

1854 Dec. Decree as filed
 # 1855 Jan. " amended
 # 1856 Apr. 19 Report
 " " 6th Decree as filed
 " May " Decree amended.

1854 Dec.
 1855 Jan.

To the worshipful the County Court of Southampton, sitting in Chancery,
Humbly complaining them unto your worship, your Comply, Lewis E.
Mason, John G. Mason Jr. Elizabeth H. Mason, and James W. Cook
Jr. Fannie his wife late Fannie A. Mason, that your Comply are the
children of John G. Mason and Mary Ann his wife, - that by the last
will of Lewis Fort dec^d. a copy of which is herewith submitted, they are
severally entitled to ~~an~~ equal share, with the other children of the said
John G. & Mary Ann, of the negro slaves of his Estate, which are in the
hands of his Executor - that by the last will and testament of Richard
Mason dec^d. the children of the said parties, are also entitled to the
negro slaves, bequeathed by him, as of the date of the death of the said
Richard Mason. who died in the year 1840, and which negro
slaves are in the hands of the said John G. Mason as Guardian to
his children - that your Comply, and their sisters, Mary Ann, Sarah
A. Emma & Susan, and their brothers, S^r George and Simon Bleck
Mason, ten in all, are the surviving children of the said John G.
Mason and wife - that since the death of the said Lewis Fort,
which took place on the 17th day of August, in the year 1828, and
Colman two of their children, namely Solomon Fort Mason, and Fannie
Key Mason, have departed this life, the first in October 1827, the last
on the 20th day of August 1848, of very tender years - and that
their Father the said John G. Mason, became entitled to the shares
to which they ^{or sisters of them} were respectively entitled in the ~~the~~ property devised
by the said Lewis Fort dec^d. and in the property bequeathed by
the said Richard Mason dec^d. That the said John G. Mason qualifies
as sole Executor of Lewis Fort dec^d. paid his debt, & has managed
the property, for the common benefit of all his family, supporting
and educating them, agreeably to their condition in life - the income
from said property not being adequate to those purposes, and to
pay of the Testator's debt, and the additional hapson of
raising an annual sum of five hundred Dollars, as a fund,
for the purpose, indicated in the said Lewis Fort's will - and in
the same manner, has been managed the negro slaves, left by
Richard Mason dec^d. The said John G. Mason, from his own funds
having paid of debt due from his estate which bound the said
negroes, an amount of money, of some two thousand dollars,
Your Comply, therefore, require no act either as Ex^r. or Guardian
and ~~my~~ Believing it to be their advantageous to the interest of

of themselves, who are adults, and of their surviving Brothers & Sisters, to accept the arrangement, proposed by their said Father, that he shall release to them all his interest, as heir to his two de^d. sons, and they to release to him, any claim which they might have by reason of the said funds of five hundred dollars per annum under the will of the said Lewis Fort de^d. and in a^d of the profits of the negroes devised to them by the said Richard Mason de^d. and he both as Ex^r. and as Guardian waiving all claims, for payments made by him on account of the debt of the estate of both of the said decedents.

That your Compt^y, having obtained the age necessary, has on that the negro slaves, belonging to both Estates, shall be divided as one family - your Compt^y admits, that John G. Mason Jr. has by the division and allotment made by Orin A. Brewster, W. H. Walker, and John W. Potts, as Commissioners, received his portion of the negro slaves, of the two estates, being the negro slaves, as named in the Report, which will be submitted by them, and your Compt^y, ask that the said allotment may be confirmed, same be done - and that the portions of your other Compt^y, Mary E. Elizabeth, and Fannie A. one ninth of the undivided slaves leaving the residue, subject to division amongst the infant children as they respectively attain the necessary age -

But this division cannot be made without the aid of this Court, sitting in Equity, so the end, therefore that justice may be done, your Compt^y pray, that the said John G. Mason, as Ex^r. of Lewis Fort de^d. and as Guardian of his several children and Mary Ann Mason, Sarah O. Mason, Emma Mason, Susan H. B. Mason, S^r. George Tucker Mason, and Simon Blount Mason who are infants, by some fit person, appointed by the Court to protect their interests in their behalf, may be made defendant hereto, and compelled to answer the allegations -

May the Commission^{ers} Unit of S^t. directed to. that your worship will appear and confirm the contract of Mutual releases, above mentioned, and a division of the negro slaves of both of said estates, treating them as one family, so as to allot to each one of them their respective portions thereof, and grant them such other and general relief, as may be consistent with Equity & they will ever pray &c.

Lewis E. Mason -
Elizabeth H. Mason.
James W. Cook

The separate answer of John G. Mason, in his own right as heir and administrator of his de^d. children, Colman Fort Mason, and Frances Key Mason, Ex^r. of Lewis Fort de^d. and as Guardian to his children who are mentioned in the said Bill, to the foregoing bill in Chancery.

This Respondent, having to answer says, that he admits the allegations of the said Bill, especially, that he has kept the estate of the said Lewis Fort de^d. together, and also worked the slaves of the said Lewis Fort de^d. on his own land, and on the land of the said Lewis Fort, without hiring them out, for the common benefit of his family - that as Ex^r. he paid debts of the said Lewis Fort about eight thousand dollars, and of debts of Richard Mason de^d. he paid about two thousand dollars, selling some of the slaves, belonging to the latter, and only one of the said Fort's slaves, who was ungovernable - that of these payments, he has the vouchers, and can render an account, - that finding the effectual hands of the estate of the said Lewis Fort, too few in number to work the said plantation, he added slaves of his own - and altho' he admits that the actual income from the estate was more than sufficient to refund to him, his payments as Executor, it was not sufficient to do that, and create the fund, which the Testator contemplated, that it would hardly be possible, to settle an account, of income and expense from the said Estate - that your Respondent does not however question, that he is liable to the beneficiaries under said will for the amount of said fund - that his interests, coming to him, by descent from his two de^d. children, in the slaves, and their profits, is about equal in value to the legal claim, which exists against him, on account of said fund, and the lesser profits of the slaves, devised by Richard Mason de^d. and therefore, he submitted the proposition, contained in the bill, which was adjudged fair & mutually advantageous, by the Commissioners who valued the negro slaves and allotted to John G. Mason Jr. his portion thereof - that your Respondent believes that division just, and is willing that it shall be confirmed, and the division asked for in the bill decreed & made - and he is ready and willing to render an account, or to execute the proposed agreement, by the necessary releases, as your worship may direct, & having answered he prays, that

J. G. Mason.

the joint answer of Mary Ann, Sarah, Emma, Susan, J^d George and Simon
Blunt Mason, infant children of John G. Mason and Mary Ann his
wife, by G R Edwards — appointed by the Court here as Guardian
ad litem, to the foregoing Bill of Complaint:

These Respondents, saying & for answer say, that they believe
the allegations of said Bill to be true, and that they have no
objection to the decree prayed for & having answered &c
say &c.

G R Edwards Et Al

Mason & others,
against &c.

Mason Et Al.

To the Worshipful the County Court of Southampton sitting in Chancery
Humbly complaining Shew unto your Worships, your Compts: Lewis E. Mason,
John Y. Mason Jr. Elizabeth A. Mason and James W. Cook & Fannie his wife
late Fannie A. Mason, that your Compts: are children of John Y. Mason
and Mary Ann his wife - that by the last Will of Lewis Fort dec^d. a copy of
which is herewith submitted, they are severally entitled to an equal share, with
the other children of the said John Y. & Mary Ann, of the negro slaves of his
estate, which are in the hands of his Executor - that by the last Will and
testament of Richard Mason dec^d. the children of the said parties, are also
entitled to the negro slaves, bequeathed by him as of the date of the death
of the said Richard Mason who died in the year 1840. and which negro
slaves are in the hands of the said John Y. Mason as guardian to his children
that your Compts: and their sisters Mary Ann, Sarah O. Emma & Susan
and their brothers St. George and Simon Blunt Mason, ten in all, are
the surviving children of the said John Y. Mason and wife - that since
the death of the said Lewis Fort which took place on the 17th day of August
in the year 1826. two of their children, namely Coleman Fort Mason and
Francis Key Mason, have departed this life, the first in October 1829 the last
on the 20th day of August 1848. of very tender years - and that their Father
the said John Y. Mason became entitled to the shares to which they or either
of them were respectively entitled in the property devised by the said Lewis
Fort dec^d. and in the property bequeathed by the said Richard Mason dec^d.
That the said John Y. Mason qualified as sole Executor of Lewis Fort dec^d.
paid his debts & has managed the property for the common benefit of all
his family, supporting and educating them, agreeably to their condition in
life - the income from said property not being adequate to those purposes;
and to the payment of the testators debts, and the additional purpose of
raising an annual sum of five hundred dollars, as a fund, for the purpose
indicated in the said Lewis Forts Will - and in the same manner, has been
managed the negro slaves, left by Richard Mason dec^d. the said John Y.
Mason from his own funds having paid of debts due from his estate
which bound the said negroes, an amount of money, of some two thousand
dollars. Your Compts: therefore require no act, either as Ex^r or Guardian

and believing it to be advantageous to the interest of themselves, who are adults and of their surviving brothers & sisters, to accept the arrangement proposed by their father that he shall release to them all his interest, as heir to his two dec. sons, and they to release to him any claim which they might have by reason of the said fund of five hundred dollars per annum under the will of the said Lewis Fort dec. and on acct. of the hires or profits of the negroes devised to them by the said Richard Mason dec. and he both as Exor. and as guardian waiving all claims for payments made by him on account of the debts of the estate of both of the said decedents - That your Compts. having attained the age necessary, desire that the negro slaves, belonging to both estates, shall be divided as one family - Your Compts. admit that John V. Mason Jr has by the division and allotment made by Orris A. Browne, M^r St. Walker, and John W. Potts as Commissioners, received his portion of the negro slaves, of the two estates, being the negro slaves named in the report, which will be submitted by them, and your Compts. ask that the said allotment may be confirmed nunc pro tunc, and that the portions of your other Compts. may in like manner be made, so as to allot to each one of your Compts. Lewis O., Elizabeth and Fannie A. one ninth of the undivided slaves leaving the residue subject to division amongst the infant children as they respectively attain the necessary age.

But this division cannot be made without the aid of this Court, sitting in equity. To the end therefore that justice may be done. Your Compts. pray that the said John V. Mason as Ex. of Lewis Fort dec. and as guardian of his several children and Mary Ann Mason Sarah O. Mason Emma Mason, Susan A. B. Mason, St. George Tucker Mason and Simon Blunt Mason who are infants, by some fit person appointed by the Court to protect their interest in this behalf, may be made defendants hereto and compelled to answer the allegations hereof, they pray the Commonwealth writ of Sp^e. directed &c. that your Worships will approve and confirm the contract of mutual releases, above mentioned, and a division of negro slaves of both of said estates, treating them as one family, so as to allot to each one of them their respective portions thereof and grant them such other and general relief as may be consistent with equity & they will ever pray &c.

Lewis O. Mason
Elizabeth H. Mason
James W. Cook

The separate answer of John V. Mason in his own right as heir and distributed of his dec. children Odeman Fort Mason and Frances Key Mason, as Exor. of Lewis Fort dec. and as guardian to his children who are mentioned in the said bill, to the foregoing bill in chancery -

This respondent saving &c. for answer says, that he admits the allegations of the said bill, especially, that he has kept the estate of the said Lewis Fort dec. together, and also worked the slaves devised by the said Richard Mason dec. on his own lands and on the lands of the said Lewis Fort, without hiring them out, for the common benefit of his family - that as Exor. he paid debts of the said Lewis of about eight thousand dollars, and of debts of Richard Mason dec. he paid about two thousand dollars, selling none of the slaves belonging to the latter, and only one of the said Forts slaves, who was ungovernable - that of these payments he has the vouchers and can render an account - that finding the ineffective hands of the estate of the said Lewis Fort, too few in number to work the said plantation, he added slaves of his own, and altho' he admits that the actual income from the estate was more than sufficient to refund to him his payments, as Exor. it was not sufficient to do that, and create the fund which the testator contemplated, that it would hardly be possible, to settle an account of income and expense from the said estate - That your respondent does not however question that he is liable to the beneficiaries under said Will for the amount of said fund - that his interest coming to him, by descent from his two dec. children, in the slaves and their profits, is about equal in value to the legal claim, which exist against him, on account of said fund, and the profits of the slaves devised by Richard Mason dec. and therefore, he submitted the proposition contained in the bill, and it was adjudged fair and mutually advantageous by the commissioners who valued the negro slaves and allotted to John V. Mason Jr. his portion thereof - That your respondent believes that division just, and is willing that it shall be confirmed, and the division asked for in the bill decreed & made - and he is ready and willing to render an account, or to execute the proposed agreement, by the necessary releases as your Worships may direct. - Having answered he prays &c.

J. V. Mason

The joint answer of Mary Ann, ^{Sarah,} Emma, Susan, St. George, and Simon Blunt
Mason infant children of John V. Mason and Mary Ann his wife by L. R. Edwards
appointed by the Court here as guardian ad litem, to the foregoing bill of complaint -
These respondents saving to for answer say, that they believe the allegations of said
bill to be true and that they have no objection to the decree prayed for & having answered
to pray to.

L. R. Edwards for to.

Copy

Teste. L. R. Edwards Clk

To the Worshipful the County Court of Southampton
County, Virginia sitting in Chancery.

The joint and several answer of Mary Ann
Mason and Sarah Olivia Mason, children
of John V. Mason and Mary Ann Mason, to the
to the bill of complaint, of which the foregoing
is a copy. These two Respondents, having respectively
attained the age of twenty one years, and
having seen the bill filed by their brother and
elder sister, and the answers filed by their
Father, and their Guardian ad litem -
admit the allegations made therein, and
now for themselves and each of them, do
consent to the prayer of the said bill, and

to the arrangement and settlement
proposed in the answer of their said
Father, so as to adjust any claim against
him as Executor of Lewis Fort and, or on
account of property bequeathed by Richard
Mason decd. They pray an allotment of their
respective portions of the slaves subject to division,
& having answered, pray to. Mary Anne Mason
Sarah O Mason

Filed May 17. 1858

LR Edwards by

United States } Paris
Consulate } France

On the Twelfth day of March
A.D. 1858 before me Henry W. Spencer, United States
Consul residing at Paris in the Empire of France
personally and voluntarily appeared Mary Anne
Mason and Sarah O. Mason to me known to
be the petitioners described in and who signed
in my presence the annexed petition and
severally acknowledged the same to be their
free act and deed

In testimony whereof I have hereunto
set my hand and official Seal at
Paris the day and year aforesaid

Henry W. Spencer

United States Consul

Mason & Co.

N.

Success

Mason & Co.

1854 December

Masons

2d.

Mason & others

On Motion L. R Edwards is appointed
Guardian ad litem to the infant defendants, Mary, Sarah, Emma, Susan, St. George and Simon Blunt Mason, who take their answers, and the cause was this day overruled by consent of parties, and came on to be heard on the bill, answers of the defendants, applications thereto, exhibits filed and was argued by counsel. On consideration whereof the Court doth assign, order and decree, that Ones & Bourse, John W. Potts and William H. Waller, who are hereby appointed commissioners, for the purpose, divide the slaves, bequeathed by Lewis Fort, and by Richard Mason, to the children of John G. Mason and Mary Ann his wife ~~into~~ so as to allot ~~of the~~ one ninth, in value ^{each of} to the Plaintiffs, Lewis E. Mason, Elizabeth H. Mason & James W. Leach & Fannie his wife -

and the remaining ~~the~~ ninth remain, remain for the joint benefit of Mary Ann, Sarah, Emma, Susan St. George & Simon Blunt Mason until the future order of this Court. The said Court, will report their proceedings to Court, and also whether John G. Mason Jr. has not received one ninth in value of the slaves above mentioned.

In the division the Court will regard the slaves, bequeathed by Lewis Fort, and Richard Mason as one common family -

Mason's
as $\frac{1}{2}$ of
Mason's

1855 January

Masters
as } Deane
Masters }

This day this cause came on again to be
heard on the papers formerly filed and was argued by
counsel, on consideration whereof the Court doth
adjudge order and decree that Joseph Turner be ap-
pointed a commissioner in addition to those appointed
by the decree of the December Term 1854 to divide the
staves therein mentioned and to perform the other
duties therein assigned them

Lewis & Mason nals
as 3 Decre
John G Mason nals

1856 Apr. 6.

Lewis & Mason and Others

as 3 Decr

John G. Mason vs

This day This cause came on again to be heard on the papers formerly read and the report of the special commissioners John W. Potts and Wm J. B. Walker made pursuant to a decree entered at the December Term 1864 of this court and to which no exceptions have been filed and was argued by counsel on the hearing whereof the court confirming the said report doth adjudge, order, and decree, that the said John G. Mason Sr. and guardians of his children deliver up to Lewis & Mason, the following negro slaves to wit Robt, Allen, Minerva, Richmond, Martha, Henrietta, Milly, Nathan Mason and child Elin, Tuder and Cherry, that he deliver up to Roscoe W. Beattie and Elizabeth H. his wife who was Mason and who has since the said decree and report the following slaves to wit Lourany, Liza, Kizza, Sydney, Gilbert, Jane and one child, and Eliza, Sept, and Louisa, that he deliver to James W. Cook and Fanny his wife the following slaves to wit Peggy, Addison, Eliza, Charity, Joshua, Corasy, Anna, Tom, John Zipp and Lathy and Sally, Thus being the slaves allotted to the said parties by the said report and as to all other matters this cause is continued

1856 May Court

Mason vs

vs 3 Decree in Chancery

Mason vs

This cause came on this day to be again heard upon the papers formerly read and was argued by counsel, On consideration whereof the court doth adjudge, order and decree, That John G Mason Sen^r as executor of Lewis Fort dec^d and as guardian for his children, deliver up to Lewis E Mason, in addition to the slaves directed to be delivered to him by the decree of this court entered on the 21st of April 1856 the manum of the female slaves allotted to him by the commissioners John W Potts and William B Walker Comm^{rs} since the date of the allotment made by the said commissioners and to Roscoe B Beattie and Elizabeth B, his wife in addition to the slaves adjudged to them by the said decree of the 21st of April 1856, the manum of the female slaves allotted to Elizabeth B Mason by the said commissioners, from since the date of the said allotment, and to James W Cook and Fannie his wife in addition to the slaves to them adjudged by the said decree of April 21st 1856. The manum of the female slaves to them allotted by the said commissioners from since the date of the said allotment

Mason & Green
Mason & Co

May. Co. 1857-

Mason

ad.

Mason & c -

This day this cause came on to be finally heard on the papers, formerly read, & on the report of ~~the~~ Mr. Mason made pursuant to the order of March term 1857 to which report there is no exception and was argued by counsel on consideration whereof the Court doth approve order and decree that the said report be confirmed and that the costs of this suit be paid by the guardian at law of the said infant Defendants.

Mason & Co

2 } Copy Done

Mason & Co

1856. Apr. 19. Rep.

Southampton December Court 1854.

Lewis O Mason & others

against

John Y. Mason & Co

Defts

Defts

In Chancery

On motion L.R. Edwards is appointed guardian ad litem to the infant Defendants Mary Ann, Sarah, Emma, Susan, St. George & Simon Blunt Mason who filed their answer. and the cause was this day docketed by consent of parties and came on to be heard on the bill answers of the Defendants, replications thereto, exhibits filed and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that Orris & Brown, John W Potts and William H Walker, who are hereby appointed Commissioners for the purpose, divide the slaves bequeathed by Lewis Fort and by Richard Mason, to the children of John Y. Mason and Mary Ann his wife, so as to allot one ninth in value to each of the plaintiffs Lewis O. Mason, Elizabeth H Mason, & James W Cook & Fanny his wife, and the remaining six ninths remain undivided for the joint benefit of Mary Ann, Sarah, Emma, Susan, St. George & Simon Blunt Mason until the future order of this Court. The said Commissioners will report their proceedings to Court and also whether John Y. Mason Jr. has not received one ninth in value of the slaves above mentioned. In the division the Commissioners will regard the slaves bequeathed by Lewis Fort and Richard Mason as one common family.

Attest

Teste L.R. Edwards to C

In obedience to the foregoing decree of the County Court of Southampton and to us directed we have valued as one common family the Slaves devised by Lewis Fort and Richard Mason to the children of John Y Mason and Mary Ann his wife and find the aggregate value to be Forty five thousand eight hundred and twenty five dollars, one ninth of which is \$ 5091.66²/₃ - we allotted to Lewis E Mason, Bob, Allen, Minerva, Richmond, Martha, Henrietta, Milly, Nathan, Mason & 1 child, Jimm-Juder, and Cherry twelve in number and valued at \$ 5700.00. We allotted to Elizabeth Mason, Louisa, Liza, Kizza, Sydney, Gilbert Jane and 1 child, Ediza, Jesse and Louisa ten in number and valued at \$ 5000.00. We allotted to James W Cook & Fanny his wife, Peggy and old woman and valued at nothing, Addison, Ediza, Charity, Joshua, Breary, Urra, Tom, John, Lips, Sathy & Sally twelve in number and valued at \$ 4900.00 - The remaining Sixth ninth we left undivided for the benefit of the remaining children as directed by the decree.

Respectfully Submitted

Ino: W. Potts

W. S. Wacker

Surviving. commission-
=iners to

John W Potts would state that on the 27th Decr 1852 he and Orris A Brown were requested by Hon: John Y Mason to value the Slaves devised by Lewis Fort and Richard Mason to the children of John Y Mason and Mary Ann his wife: that we regarded the Slaves of bequeathed by Lewis Fort and Richard Mason as one common family and found the total value to be then \$ 42,125.00 ~~which was~~ ^{and} allotted to John Y Mason ^{James} one tenth ~~in value~~ to wit: Zion, John, Charlotte & Charles Coleman, Frank, Urra, Pauline & Child Hannah eight in number and valued at \$ 4125.00 and to each of the other children the sum of \$ 87.50 - which was paid to the said John Y Mason June by the Hon: John Y Mason in our presence

Respectfully Submitted

Ino: W. Potts ~~Surviving. commission-
=iners to~~

1857 Mar 16.

d. S. M.

Mason

vs.

Mason et al.

In the county Court. of Southampton

The undersigned, Lewis. E. Mason, who was appointed a commissioner by a decree in the above cause, rendered at the August Term of the year 1856, respectfully reports, that he exposed the woman Lucinda & her child, in the said proceedings mentioned, for sale at public auction in the city of Richmond on the 19th of Nov: 1856, and the net proceeds of sale amount to the sum of nine hundred and seventy four $\frac{20}{100}$ dollars (\$974.20), as per acct of sale, herewith returned: which sum, less the amt of his commissions, Attorney's fees, and expense of transferring said woman & child to Richmond, he holds subject to the order of the court -

The commissioner recommends, that he be ~~authorized~~ ^{permitted} to invest the sum in his hands, in the purchase of other negroes, for the said infants.

Lewis. E. Mason -
Commissioner

Salu		974.20.
Comed.	928.48.	
Expenses	9.13	
add for t.c.	<u>14.00</u>	<u>51.61</u>
		\$ 922.59

L. S. M.

1857 Mar 16.

Mason

vs. Cow-Paper

Mason &c.

1857 May 18.

In obedience to a decree of the court of the county of Southampton made at March Term 1857. in the case of Mason vs. Mason &c - I have purchased, the following slaves. out of the funds in my hands. to be held, for the benefit of Sarah O. Mary A. Emma - Susan W. Stump J. and Simon B. Mason infant children of Geo. Younison - to be held in the place of negroes sold under a decree of this court. viz. Sally 32 years old - - - - -

\$ 650 -

Richard 7 years old

600 -

Emily 3 years old

200

Solomon 1. "

150

Lucinda 25 "

475 -

Charles 2 =

200

\$ 2275.

By auct. funds in my hands
arising from sale of Bill & Lucinda
& child - including interest paid
The way of Sale to auct. of Purchase.

1972.57

Balance due me from the child. of 32.41 which can be refunded out of the hire -

Your comr. herewith files an appraisement of the slaves bought by him, made by disinterested gentlemen

Respectfully Submitted.
Lewis E. Mason, Commissioner