

1835-015

SOUTHAMPTON COUNTY  
CHANCERY PAPERS

DAVIS et ux et al VS. LAIN'S <sup>ANE'S</sup>  
EXECUTOR 2/1835

other surnames: Lane

1133.

Eley Davis <sup>1133</sup> L<sup>th</sup> tal:  
w<sup>3</sup> Bill, ans:  
+ dec:  
Sugars Lain <sup>1133</sup> error of  
Joseph Lain dect:  
Prentis.

1834 Dec. D<sup>1</sup>ora as filed &?  
1835 Feb. Rep: out<sup>o</sup> & C.

Southampton

To the Worshipful Court of Southampton County, in Chancery sitting,  
 Humbly complaining shew unto the Court your orators and oratrices,  
 Eley Davis and Emma his wife, late Emma Laine, Lucy Laine, Patsy  
 Laine, Sally Laine, & Catherine Laine, the said Sally and Catherine  
 being infants under the age of twenty one years, suing by the said Lucy,  
 their sister and next friend. That a certain Joseph Laine late  
 of the county of Southampton being seized and possessed of lands slaves  
 and personal estate, did on or about the 1<sup>st</sup> day of 1830 duly  
 make and publish his last will and testament in writing and  
 thereby amongst other things, and by the 5<sup>th</sup> clause thereof devised  
 and bequeathed as follows: "all the remainder of my negroes  
 not therefore given away with all the balance of my property  
 of what nature or kind soever not given as aforesaid, I  
 desire be equally divided between my daughters namely Lucy,  
 Emma, Patsy, Sally and Catherine to them and their heirs forever."  
 And that upon or soon after the death of the said testator, to wit  
 on or about the 1<sup>st</sup> day of December in the year 1833, the Executor  
 named in the said will, namely Sugars Laine, duly proved the said  
 will in the County Court of Southampton, and took upon himself the  
 burthen and execution thereof, and by virtue thereof possessed himself  
 of all the testator's slaves and personal estate to the amount of  
 and upwards: amongst which are the following slaves by  
 name Miles, Daniel, Jim, Mary, Charlotte, Lydia, Edy, Keziah, and  
 Chena and which form the balance of the testator's negro slaves,  
 and liable to equal division among the complainants, are the  
 Legacies mentioned in the said fifth clause of the said will of the  
 said testator, and entitled to the same, share and share alike.  
 That the said Emma one of the testator's daughters has lately inter-  
 married with the aforesaid Eley Davis. And your orators and oratrices  
 further state unto the Court, that the situation of the estate of their said  
 father the said Joseph Laine, the said testator does not render it  
 necessary, that the said slaves so as aforesaid named, or  
 any part of them should be longer retained in the hands of the said  
 Executor for the purpose of paying debts &c. They charge that there is  
 most abundant estate to pay off all the debts, and specific legacies  
 without in any manner interfering with the slaves which the complainants  
 claim and are entitled to under the said clause of the said testator's  
 will. That notwithstanding all this, and which is so well known  
 to the said Executor, who is their brother, your complainants have  
 repeatedly and many times called upon and requested, the said  
 Executor to surrender to them the aforesaid slaves being the balance  
 of their father's slaves, not before given away, in order that they  
 might divide them, and reap that benefit and advantage there-  
 from to which they are so justly entitled. all which applications  
 though most respectfully made, he has refused to comply  
 with: To the End therefore they pray, that the said Sugars Laine  
 Executor of Joseph Laine dec'd. may be made a defendant unto  
 and may true and perfect answer make to all and singular  
 the allegations contained as if the same were here again repeated, and  
 thereunto interrogated. That he may discover and declare whether  
 the said testator did or did not make such last testament, and of the tenor  
 and effect set forth. Is he willing to surrender the slaves for  
 a division & distribution among the complainants.

\* Copy of which will is referred to, and purport to be taken as part of their bill.

And your Orators and Oratrices, may the aid and intervention of this Court  
to enable them to arrive at their just rights. They pray this Court  
to appoint Commissioners to make equal division of the slaves  
having before named, and the increase of the female, if any there be and  
of any others whose names they may have omitted, if there be any omissions.  
among your complainants share and share alike: and that your  
Worships will be pleased to make such other or further order  
or decree in the premises for the relief of your Orators and Oratrices  
as may seem consistent with equity and justice.  
May it please <sup>the</sup> Court to grant &c.  
Prentiss for Compt. &c.

The answer of Sugars Laine executor of Joseph Laine deceased  
to the bill of Complaint of Elly Davis & Emma Laine  
and others, exhibited against him in this Honorable Court:  
This defendant now and at all times hereafter having and  
reserving to himself all benefit and advantage of exceptions to the  
many errors, uncertainties and imperfections in the Complainants  
said bill of Complaint contained for and on trusts says. That he admits  
the allegations set forth in the said bill to be substantially  
true and correct; and he objects <sup>not</sup> to a division of the slaves  
particularly named as embraced and operated upon by the  
5<sup>th</sup> Clause of the will of his testator, between the Compt. in  
equal degree, they being the persons entitled under the clause  
in the said will. He shall however require bonds to  
be according to law, before the surrender of the aforesaid slaves  
for division. Without that, that he who def. denies  
all fraud and prays to be hence dismissed with his costs as  
wrongfully sustained &c. (Signed)

1133.  
Eley Davis Tax Feb.  
or " " Dec.  
Sugars Laid Export of  
Joseph Laid dec 3

1834 Laid. Pierce as filed N  
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In Southampton County Court  
December Term 1834

Eley Davis and Emma his wife, late Emma Laine, Lucy Laine  
Patsy Laine, Sally Laine and Catherine Lane, the said  
Sally and Catherine being infants, suing in their behalf  
by the said Lucy their sister and next friend . . . ~~complainants~~  
against

Sugars Lane Executor of Joseph Laine dec'd. . . left 3 In Chy.

By Consent of the parties and with the assent of the Court, this cause  
came on this day to be heard on the bill answer, and the Will  
of Joseph Laine, filed as an Exhibit, and was argued by counsel  
on Consideration whereof, the Court doth order, adjudge, and decree  
that Benjamin Giffon, John Davis, John Arden and Gilbert Drowry,  
or any three of them divide the slaves in the bill mentioned, namely,  
Miles, David, Jim, Henry, Charlotte, Lydia, Leziah, and Churia into  
five equal parts or shares and assign, allot and deliver over one of  
the said parts or shares unto the Complainant Eley Davis in right of  
his wife Emma, and also assign, allot and deliver over to each of  
the other Complainants, one other of the said parts or shares, equally  
which will give them one fourth each of the said remaining parts or  
shares. And the said several persons so as aforesaid entitled  
to parts or shares in the said slaves, or some person or persons for  
them, if required by the said defendant, before the delivery of their respective  
parts or shares in the said slaves, are to execute, Bonds to refund  
according to law, payable to the said defendant: and if it should  
so happen that there should be no guardian or guardians for the  
said infants when the said division shall be made under their charge,  
the said Commissioners or such of them as, may act, are directed to leave  
in the hands of the said defendant Executor as aforesaid the parts  
or shares of the said slaves to which the said infants may be entitled  
until such guardian or guardians shall be appointed: And  
make report of their proceedings to this Court, in order to a final  
decree.

Davis & Co  
" { Lapsy & Co

Louis Exor

For Commission

Southampton December Court 1834-

Eley Davis and Emma his wife late Emma Linn. Lucy Linn  
Patsy Linn, Sally Linn, and Catharine Linn, the said Sally &  
Catharine being infants suing in their behalf by the said Lucy  
their sister and next friend.

Plffs

Subj. } Subj. }  
Dft.

against

Sugars Lane Executor of Joseph Lane dec'd.

By consent of the parties and with the assent of the Court this cause came on this  
day to be heard on the bill, answer, and the bill of Joseph Lane filed as an exhibit  
and was argued by Counsel. On consideration whereof the Court doth order, adjudge  
and decree that Benjamin Griffith, John Davis, John Axum, and Gilbert Drew-  
ry or any three of them, divide the slaves in the bill mentioned namely Miles,  
Daniel, Jim, Henry, Charlotte Lydia, Keziah, and Cheria into five equal  
parts or shares, and assign, allot and deliver over one of the said parts or shares  
unto the Complainants Eley Davis in right of his wife Emma and also allot  
assign and deliver over to each of the other Complainants one other of the said  
parts or shares, which will give them one fourth each of the said remaining  
parts or shares - And the said several persons so as aforesaid entitled to parts  
or shares in the said slaves, or some person or persons for them if required by the  
said Defendant before the delivery of their respective parts or shares in the  
said slaves, are to execute bonds to refund according to Law, payable to the said  
Defendant. And if it should so happen that there should be no guardian or  
guardians for the said infants when the said division shall be made under this  
decree, the said Complainants or such of them as may act under this decree, are  
directed to leave in the hands of the said Defendant Executor as aforesaid  
the parts or shares of the said slaves to which the said infants may be entitled  
until such guardian or guardians shall be appointed. And make report of their  
proceedings to this Court in order to a final decree.

Attest

James Rochelle Clk

Commissioners Report  
of the Division of the  
Places belonging to the  
Heirs of St. Lane decd.

1835. Feb.

Pursuant to the Annexed decree, the undersigned commissioners have met and valued the slaves belonging to the heirs of Joseph Lane decd. in the following manner: Vessell at \$450. Daniel (infirm) at \$200. Edith at \$400. Lydia and Child Chaney at \$375. Jim at \$350. Kizzy at \$300. Henry at \$200. and Charlott at \$75. making in the aggregate the sum of \$2350. This is divided into five equal parts, there being five Legates. making each ones part \$470. Lucy Lane drew Vessell at \$450. which lacks \$20. of her part, which she is to receive. from Emma who drew Lot 1<sup>st</sup> 5. Sally drew Edith and Charlott valued at \$475. which is \$5. over her part. which she is to pay to Caty who drew Lot 1<sup>st</sup> 3. - Caty drew Lydia & Child Chaney valued at \$375. and is to receive from Lot 1<sup>st</sup> 2. \$5. Lot 1<sup>st</sup> 4. \$80. and Lot 1<sup>st</sup> 5. \$10. which is \$95. she is to receive in cash. - Patsey drew Jim & Henry valued at \$550 being Lot 1<sup>st</sup> 4. making \$80. over her part which is to be paid to Lot 1<sup>st</sup> 3 drawn by Caty. - Eli. Davis in right of his wife Emma, drew Kizzy and Daniel valued at \$500. being Lot 1<sup>st</sup> 5. which is \$30. over his part. and has \$20. to pay to Lot 1<sup>st</sup> 1. drawn by Lucy. and \$10. to pay Caty who drew Lot 1<sup>st</sup> 3. - The whole of the slaves have been divided as above stated, and their respective shares delivered over to all of the parties except Caty Lane who is the only one under twenty one years of age. And her share is delivered over to Sugar Lane the representative of the deceased. as by the decree we are directed - all which is respectfully submitted to the Court - Given under our hands the 1<sup>st</sup> day of January 1835.

Benj. Griffin  
John Davis  
Gilbert Drewry  
John Exum