

1813-002 Chancery Causes: Edwin Daughtrey & al, by & c VS Patsy Daughtrey & Treasy Daughtrey

Isle of Wight County

other surnames Council,

Daughtry & ad
vs Billbarn

Daughtry & ad

January 1813

Intest. Decree

February 1813

Report returned & decided accordingly

February Adm^o
1813

partition of the said slaves. - Your Com-
p^{ts} beg leave further to represent that
the land devised to them by their Grand
father is of but little value - that if
divided the shares of each would be worth
much less than an hundred dollars each.
that the slave bequeathed from the mother
of things cannot be divided - They fear
that from the great inequa-
lity in the value of the slaves left by their
mother that an equal division in kind
cannot be made of them - Your Com^{ts}
are advised that under such circumstan-
ces the laws of the Commonwealth require
that a sale of the land & slaves should be
had & a division of the proceeds - In ten-
der consideration of their situation &
in as much as they are alone relievable
in a Court of Equity they pray that
Patsey & Treas^y Daughtrey be made
parties de^{ft}s to this bill that they be
compelled full true & perfect answer to
make to all & singular the allegations
herein contained & as fully & particularly
as if the same were here again repeated
that they thereto particularly interrogated - That
your Honours will decree a sale of the
land & slaves in the bill mentioned and a
division of the proceeds among them & the
de^{ft}s that you will grant them such
other & further relief in the premises
as may be deemed consistent with the

principles & usages of Equity - May it
please the Court to grant to them the
writ of Sub^p^a Commanding &c.

The Joint & Separate Answer of
Patsey & Treas^y Daughtrey to the
bill of Com^{pl}^t Exhibited against them
in the Hble the Court of Isle of Wight
County by Edwin Daughtrey & others

These de^{ft}s saving to them-
selves all manner of necessary & proper
Exception to the said bill for answer
thereto or to so much thereof as they are
advised is material for them to make
answer to they answering say - That
they admit all the facts set out in the
said bill relative to the will & property
of their grand father & the property left
by their mother - & the persons entitled
to distribution - These de^{ft}s have no
objection to the decree prayed for or
any decree this Hble Court may
deem Equitable - They pray hence
to be dismissed &c.

To the Honourable the Court of Isle of
Isle of Wight County in Chancery sitting

Humbly complaining shew to your
Honours your orators & oratrix Edwin, James
& Susanna Daughtrey infants under the
age of twenty one years suing by Richard
Daughtrey — their next friend that
Richard Daughtrey their grand Father
departed this life some time about the

day of 18 after
having duly made & published his last
Will & Testament in writing which is now
of record in this Honble Court — a copy whereof
is here referred to — That by his said will
he devised to your Comptts. & their two
sisters Patsy & Treacy Daughtrey a small
tract of land lying in this County contain-
ing by estimation one hundred acres more or
less & ad joining the lands of Theophilus
Daughtrey David Council & the land belong-
ing to the Estate of David Eley — And
bequeathed to them a negro man Dany
the said land & slave to be equally divid-
ed between your Comptts. & their said sisters.
Your Comptts. further represent that
Polley Daughtrey the mother of your
Comptts. departed this life some time
about the day of 1812

intestate — leaving the following slaves to wit
Fan, Kate, Jeffery — Jacks. Tom & Abraham.
That your Comptts. & Patsy & Treacy Daugh-
trey are the only children of the S^r Polley
Daughtrey & agreeably to the Statute of dis-
tributions the only persons entitled to

Baughtree
Mem:

December 29th 1812 This may certify that the worshipfull
Court of the County of Isle of Wight that we have made choice
of Godwin Bournall to administer on our mothers Estate also the
Court to appoint him Commissioner To sell the Negroes belonging
to said Estate as we can not well divide them also we wish the Court
appoint S.^d Bournall to sell one Negro fellow and a small tract of Land
that was will to us the assigners ^{and brothers & sister} from Richard Daughtrey Dec^d which can
not be divided between us ^{as} our Brothers & sister which is under age
without a decree from the Court

Patey & Daughtrey
mark
Patey & Daughtrey
mark

In obedience to a decree to me directed by the County Court of Isle of Wight bearing date January fourth Eighteen hundred & twelve;
I have made ^{sale} of the property devised by Richard Daughtrey Esq. and the property of which Polley Daughtrey died possessed of in the bill mentioned named as follows 2. This 16th January 1812.

Sand & Plantation	to Robert Johnson son of Jacob	\$	285	25
Negro fellow Dave	to Matthew Gardner		300	01
Negro Boy Jeffery	to Patsy Daughtrey		305	25
Negro woman Kate & Child Jack	to Susannah Daughtrey		345	00
Negro Boy Tom	to Treasey Daughtrey		100	00
Negro woman Fanny & Child Abram	to Richard Murfee		303	00
whole amount of sale		\$	1638	51

to Clerks and attorneys fees	\$	14	00
to Commission on the amount of sales 26 ⁷ / ₈ Cts.		98	31
	\$	112	31
		112	31

I have made Division between the Complainants & defendants as the decrees mentioned after taking the Expence of the decrees & Commission out of the whole amount which leaves to each party the following sums.

Patsy Daughtrey	\$	305	24
Treasey Daughtrey		305	24
Susannah Daughtrey		305	24
James Daughtrey		305	24
Edwin Daughtrey	\$	1526	20

The above named Property sold and account
Stated This 30th January 1812 By Godwin Council Commissions

Daughter

is ³ Intest ^{deceased}

Daughter

Isle of Wight County January Court 1813

Edwin, Sonnes & Susanna Daughtrey infants under
the age of twenty one year being by Rich^d Daughtrey
their next friends.

Complainants

against

Polly and Treacy Daughtrey

Defendants

In Chancery

By consent of parties by their attorney this day the bill and answer were
filed and heard thereon Whereupon it is decreed and ordered that Godwin Council
make sale of the land and negroes devised by Richard Daughtrey in the bill men-
tioned on a credit of nine months and divide the proceeds equally among the
complainants and defendants - And it is further ordered that the said Godwin
Council make sale of the slaves of which Polly Daughtrey did possess and
make division of the proceeds as above directed (except so much as will pay
the costs of this suit) and make report thereof to the court in order to a
final decree

Attest Teste David Dick D.C.
J. C. D.