

1817-009

Chancery Causes. Miles Daniel & al, by &c vs Elizabeth Gray & al

Isle of Wight County

other surnames: Welsh, Waile,

To the Honorable Court of Chancery of the County of Shelby in the State of Mississippi, your petitioners, the undersigned, do hereby complain, shew to the Court your orators, Giles Daniel, John Daniel and Mary Daniel infants of tender years, being by said Melchior things done that their father a certain Giles Daniel died on or about the day of October 1801 leaving first made and published his last will and testament by which he bequeathed to your complainants and three other children to wit James, Henry and Robert Daniel all the negroes of which he died possessed as by reference to the said will more fully appear - that since the death of this said father the said James, Henry and Robert have departed this life under age intestate - no division of the said property having taken place in the lives of the said decedents nor since that time - that a certain Elizabeth Gray formerly Elizabeth Daniel, ~~Henry Daniel~~ Sally Wails, formerly Sally Daniel and Martha (Melchior) formerly Martha Daniel are half sisters of the said decedents and your co-petitors. and are as they have been informed entitled each to half share of said slaves which would have been allotted to the said children and that they together with themselves are the only persons entitled to a distribution of said slaves which distribution your co-petitors are anxious to cause or have caused to take place, but they are advised that ~~such~~ a division ^{in kind} cannot take place in consequence of this being but four negroes six parties, they therefore pray this Court to decree that the said four slaves to wit, Ned, Tom, the elder and Tom the younger and a negro woman named Daphne, the negroes named in the said will of the testator (to be as he expressed to public sale by persons appointed by this Court) and the proceeds arising therefrom divided in the following manner & proportions to wit one ~~third~~ ^{part} to Giles Daniel, ~~one third~~ ^{part} of the same to John Daniel, ~~one third~~ ^{part} to Mary Daniel your co-petitors $\frac{1}{6}$ - ~~part~~ to Elizabeth Gray formerly Elizabeth Daniel, $\frac{1}{6}$ ~~part~~ to Sally Wails formerly Sally Daniel $\frac{1}{6}$ ~~part~~ to Martha formerly Martha Daniel the three latter of the

Self blood who are desired to be made dependants
to this Bill of complaint - They also pray that they
the said dependants be compelled full, true and
perfect answer to make to all and singularly the
allegations aforesaid or fully as they could do
if the same were here again repeated they then
particularly interrogated - To the end therefore
they pray that your honours will make such
order or further order for their relief as may
seem just and equitable - and as in duty bound
they pray &c -

And ^{his} ~~and~~ Melch for Guardian
to the Compts

Admors p. 9

The answer of Elizabeth Gray, formerly Elizabeth Daniel
Sally Maile formerly Sally Daniel by Thomas Maile her
husband and Martha Melch formerly Martha Daniel
by Sam^l Melch her husband to a Bill of Compts
exhibited against them by Giles, John and Nancy Daniel
infants by their Guardian -

These respondents saving preserving to themselves
all right of exception to the error set forth in the
Bill of Compts for answer saith that it is true that
Giles Daniel made the will named in the Bill,
that three of the parties to whom the slaves were
bequeathed are dead, and that they and the
Complainants are entitled to said property in the
Bill of Compts mentioned, and in the proportions
and manner therein named - They are willing that
the Court shall make such order as prayed for
or any other that may be deemed proper for their
relief - as in duty bound they pray &c -

Admors p. 9 dependants - Sam^l Melch

Giles Daniel, John Daniel, Nancy Daniel M^{rs}

Elizabeth Gray, formerly Elizabeth Daniel, Sally Maile
formerly Sally Daniel and Martha Melch formerly
Martha Daniel Depts. In Chy.

By consent of parties & the order of the Court this
cause came on to be heard upon the Bill annexed
exhibits whereupon the Court doth order & decree
that Nathl Melch, Bartho Lightfoot and Simeon
Dorrell or any two of them do expose to publick
sale at some publick place in the County of the
City of Wight, having given ten days previous notice,
four negroes to wit Sam^l, Tom the younger & Tom
the elder & woman Daphne negroes named in the
will of Giles Daniel, or a cash of 6 Months -
That they ~~do~~ lay off the proceeds into six shares
and allot 1/6 to Giles, 1/6 to John & 1/6 to Nancy Daniel
1/6 to Elizabeth Gray formerly Elizabeth Daniel, 1/6 to Sally
Maile formerly Sally Daniel and the remaining 1/6 to
Martha Melch formerly Martha Daniel - That of the
purchasers they take bonds & security in the proportion
named above and assign the same to the parties
named in the Bill saunders &c -

Daniel D. S. 1870

Bill & Ans.

Wellsburg, W. Va.

Oct. 20. 1875

Bill & Ans. paid & Int. on

Jan. 18. 77 Repaid int.
and paid accordingly

Pursuant to the annexed decree of the Worshipful Court
of Isle of Wight County to us directed, We the undersigned
have after public advertisement, made Public sale of
the following slaves to the following persons for the
following prices, to wit

Tom	to Barth. Lightfoot	\$430.00
Red	to Josiah Wack	200.00
		232.00
Haphney	to Samuel Welch	300.00
Little Tom	to William Gibbs	
		\$1182.00

and after deducting the costs and commissions attending
the sale, have divided the remainder between the heirs
as directed by the said decree: Given under our
hands this 18th day of December 1815

Nathl. Wells
Barth. Lightfoot

Isle of Wight County, Va.,

October Count 1815.

Gills Daniel, John Daniel and Nancy Daniel sing $\frac{3}{4}$ Compts.
by Samuel West their Guardian.

My dear,

By consent of the parties by their attorneys, this day the bill and answer was filed and heard thereon. whereupon it is decreed and ordered that Nathaniel Wells, Nathaniel Brown, Lightfoot and Piscoa Powell or any two of them after giving legal notice make sale of the slaves in the bill mentioned to wit. Ned, Tom the elder, Sam the younger, and Daphne, on a credit of six months, that they lay off the proceeds thereof into six equal shares - and assign one sixth part thereof to each of the complainants - one sixth part to the defendant Elizabeth Gray, one sixth part to the defendant Abella White, and the remaining one sixth to the defendant Martha Welch, and make report thereof to the court, in order to a final decree.

Allegory Fasti. Roma. L'Espresso. 1870.

Isle of Wight County. I do hereby certify that ~~Edward~~ wellington and desire
ours that a division of my father's estate should be made among the
heirs of his estate, and will abide by any order or decree that the
court may make therein.

To the court of said County

Teste

Barth. Lightfoot

I am his
Elizabeth & Grace
in debt

Sept. 30th 1815
his
Thos. & Wm
mark

3—3
3—6
3—1
3—6

400 00

44.44

266.64
133.32

399.96