

1808-021

SOUTHAMPTON COUNTY
CHANCERY PAPERS

EVERITT et ux VS.

EVERITT'S HEIR &
ADMINISTRATOR 1/1808

other surnames: Darden

To the worshipping Court of Southampton County in Chancery
Humbly complaining shew unto your worship, your orator For
Nicholas Everett Sally Everett his wife (who was Sally Everett, nee
Orlet of Mills Everett dec^d) that on the 1st day of Oct^r 1816
the said Mills Everett departed this life, intestate, being seized
and possessed of a very considerable real & personal estate. That
the real estate consisted of several tracts of Land; one
one of which there is a saw & Grist-Mill, upon another, a
grist-mill
situate, lying and being in the County of Southampton - and
that the personal estate (apart from the credits of the said
decedent and the property denominated perishable) consisted of
the following slaves - to wit - Coffey - Pompey - Jim - Dhead - Simus
Peter - Jacob - Solomon - Little - Peter - Willie - Simon - Miles - Ben - Jack
Sam - Cesar - Hagar - Ellenar - Pendar & 3 Children, Luke, Mary &
Joham - Molly & her 3 Children Churyahung & Dennis - Lanny - Hehildabran
Betty - Will - Hannah & Davina -

Your orator and oratrix has cause to represent to your wor^{sh}
the your oratrix is entitled to one third part of the
real and personal estate, for life, as her dower in the
of the before mentioned Mills Everett dec^d; and that they have
heard of no debt against the said decedent which ought to prevent
a distribution of the same according to the statute directing the
distribution of Intestate's estates. But so it is, may it please
your worship, although your oratrix is entitled to her portion
of the estate as aforesaid, yet that title cannot be made perfect
by possession, without the aid & interposition of a Court of Chancery.
First - On account of the tender infancy of a certain William
Everett, only son of your oratrix and the said Mills Everett dec^d, and
sole heir at law of the said Mills. Secondly - Because the
legal right in the slaves is still vested in a certain Jacob
Darden, who obtained letters of administration on the
goods, chattels and credits of the said decedent. To the end

upon, that one third part of the before mentioned
 estate of Mills Everett dec'd, may be assigned, set apart and
 allotted, by one orator's direction, as the DOWER of your
 oration, May it please the Court to make the said William
 Everett (by his special guardian & next friend) and the
 said Jacob Tarden adm^r of the goods, chattels & credits
 which were of the said Mills Everett dec'd at the time of his
 death, Defendants to this bill of complaint & compel
 them to answer all singular the allegations therein contained
 fully, perfectly and unequivocally - and thereupon to
 make and enter up such decree as may be consistent
 with law & Equity. And your orator and
 the said Nicholas Everett & Sally Everett
 (Signed)

The separate answer of William Everett, an infant of tender
 years and only son of the said Mills Everett dec'd, by his special guardian
 & next friend, to the foregoing bill of complaint -

The said William an infant of tender years, by
 Samuel Mayet his special guardian & next friend
 appointed by the worshipping Court of Southampton County to defend
 him in this suit, saving & reserving to himself all & every
 benefit of exception to the foregoing bill of complaint, for answer
 thereto saith, that he cannot deny or gainsay the allegations therein
 contained and will acquiesce in the decree prayed for. Having
 answered &c. He prays the discharge with &c. (Signed) Samuel Mayet

separate
 The Answer of Jacob Tarden administrator of the goods,
 chattels & credits which were of Mills Everett dec'd at the time of his
 death, to the foregoing bill of complaint -
 The said Defendant saving & reserving to himself every benefit
 of exception to the said bill of complaint, for answer thereto or
 to so much thereof, as he is advised it is material for him
 to answer, answereth & saith, that he does not think the
 situation of the estate of his intestate, will require
 him to hold the slaves from the contributors, longer
 than the present year, for which they have been
 hired out - He does not therefore object to the decree
 which is prayed for &c. to be dismissed with &c.

Nicholas Everett & Sally Everett his wife,
 late Sally Everett, widow & relict of Mills
 Everett dec'd. vs. Compt.

William Everett (an infant) sole heir
 of Mills Everett dec'd by Samuel Mayet
 his next friend, and Jacob Tarden ad-
 ministrator of Mills Everett dec'd. Defs.

This cause being this day docketed by consent of parties and
 coming on to be heard on the bill, answers and arguments
 of Counsel, it is decreed by the Court, that Richmond
 Dillard, Jacob Barrett, William Bryant, Jose Battle
 and Edwin G. Hart or any three of them, do all

adm^r of Mills Everett
 In Chancery

a part and assign to the complainants one third part of
lands, one third part of the profits of the mills and one
third part of the slaves, in the bill mentioned, of which
Wm. Everitt dec^d died seized & possessed in the County
of Southampton, as the Dowry of the complainant Sally
Everitt in the estate of the said Wm. Everitt dec^d: and
that they make report to the Court how they have
executed this decree.

Everitt wife
27 } Vice & answer
Everitt ad pl^o
Nov 1807 Chy. & answer
Jan 1808 H. & S. and
ans. the decree

Everitt dec^d.
n. } Will &
Everitt & answer
Adm or

A Report of the
Power of the lands
of Negroes belonging
to Estate of Mills
Cronin. Deceased

January 1808 Report
at P. & deca final —

Quarant to an interlocutory decree of the County Court of Southampton a copy of which is hereto annexed. We the Subscribers, have allotted set apart and Assigned to Nicholas Everitt & Sally his wife. (late Sally Everitt Widow and Relict of Mills Everitt Deceased, the said Salley's dower in the Lands of which Mills Everitt died seized and possessed, by the following Boundaries, (To Wit) Beginning at a slooping black Gum, standing in Eurus branch, and in the line of the lands belonging to Estate of Etheldreda Everitt Deceased. (Corner) running thence N. by E. East along a line of marked trees to a pine standing in the same branch thence down the said branch to the Cypress swamp. Thence up the said swamp to the line of the aforesaid lands of Estate of Etheldreda Everitt Deceased. thence along the several Courses of said line to the Beginning Containing Eight Hundred and Sixteen Acres More or less.

We have in further Obedience to said Decree Assigned to them one third of the profits of the Mill as by the said Decree we are directed.

We have Also allotted to them four Negroes Men, Joe Peter (the slave) (Fred & Sam, Woman Hagar, boys Jack & Abram, Girl Lenny, Woman Sindar and her Three Children, Luke Mary & Ashum. We the said Salley's dower in all the slaves mentioned in said Decree except aboy by the Name of Miles this boy it appears to your Commissioners cannot be Divided with justice and Satisfaction, to the parties, by any other means than that of a sale, and Distribution of the Proceeds; For which We await the further Order of said Court All which your Commissioners beg leave respectfully to Submit to your Worships Given Under our Hands & Seals. This 28 day of December One Thousand Eight Hundred & Seven.

Richard Dillard
Jacob Barrett
William Bryant