

1810-002

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BRACEY

VS. BRACEY etal

1/1810

other SURNAMES: Fowler,
Bracy

Bracy
" } Bill
Bracy & Co } An 1st

James Gordon
Ethel Gardner
David Munday

Oct 1809 July divorce

Jan 1810 Ref. ret
Final divorce

To the worshipful Court of Southampten County in Chancery sitting -
humbly complaining sheweth unto your worshipps your orator
Elias Bracey that on the day of in the year
his father Francis Bracey departed this life intestate, leaving a tract
or parcel of land situate, lying and being in the County of Southamp-
ton aforesaid and several slaves, of which said tract or parcel of
land and slaves, one third part, that is to say, sixty four acres
of land and Dinah, his son and a negro girl
named Kate, four of the slaves, were allotted and set apart by a
decree of this Court, to Thomey Fowler, formerly Thomey Bracey,
widow and relict of Francis Bracey dec'd, as her dower; and the
remaining two thirds of the said tract or parcel of land having been
sold in pursuance of the 20th section of the act of the General
Assembly entitled "An act to reduce into one the several acts
directing the sale of decedents," the proceeds of the said sale and
the remaining two thirds of the said slaves, were by and under
the said decree, divided among the heirs and distributees
of the said Francis Bracey dec'd, that is to say, among your orator,
Betsey Bracey, Cherry Bracey an infant under the age of twenty
one year and Solomon Bracey, also an infant under the age
of twenty one year, all which will fully appear by the said
decree and the report of the commissioners thereon, heretofore
made and passed to be taken and considered as a part of this bill.

Your orator begs leave further to state to your worshipps that
during the continuance of the dower estate of the said Thomey Fowler
the above mentioned negro woman Dinah has had two children,
to wit, a negro girl named Leanne & a negro girl named Dinah -
which of course now form a part of the said dower estate - he
moreover begs permission to state that the said Thomey Fowler
is now dead, in consequence whereof the heirs
of Francis Bracey dec'd are now entitled to their respective
parts of the above mentioned land & slaves which were allotted to her
as her dower - Your orator however cannot forbear to suggest
that the dividends of each heir in the said land, containing

sixty four acres as aforesaid, will not exceed and indeed will
not amount to, the sum of one hundred dollars, so that he humbly
presumes a sale thereof will be deemed according to the before
mentioned act of the General assembly - In order consideration
of all which facts & statements & because your orators share in the
downer estate aforesaid cannot be reduced into possession without
the aid & interposition of the Court of Chancery, whereas
suspects of partition are most deeply cognizable, he prays
that the said Betsey Bracy, Cherry Bracy & Solomon Bracy
(the two last named by their guardian) may be made defendants
to this bill & compelled to answer all & every one of the allegations of the
same fully, perfectly, distinctly & unequivocally - Whereupon your
orators pray that your worship will decree that the aforesaid
parcel of land containing sixty four acres, may be
divided or sold and the purchase money divided, between
himself, the said Betsey Bracy, Cherry Bracy & Solomon
Bracy, according to the opinion which may be formed by your
worship, whether the dividend of each beir will or will not exceed
the sum of one hundred dollars; and your orators more-
over pray that your worship will decree that the before men-
tioned slaves Peter, Dinah, Saml, Ranie, Dirrick &
Cate, shall be also divided between himself, the said Betsey
Bracy, Cherry Bracy & Solomon Bracy; and also in case
a sale of the aforesaid parcel of land containing sixty four
acres should be deemed, that the commissioners & deappointed
may be directed to demand a sufficiency of money from
the said slaves in Cash to repay the costs of this suit - May
the Court grant any other & general relief
which may be meet & applicable in this behalf & your
orators will ever pray &c

To the worshipful Court of Southampton County in Chancery sitting -
The answer of Betsey Bracy to the bill of complaint exhibited
by Elias Bracy in this worshipful Court against herself, Cherry
Bracy & Solomon Bracy - The said defendant saving and
reserving to herself every benefit of exception ^{therein} for answer thereto
that she cannot gainsay any of the allegations therein
contained & will acquiesce in the decree which is prayed for
by the Complainant - Having answered &c she prays &c
leave dismissed &c

To the worshipful Court of Southampton County in Chancery sitting
The Joint answer of Cherry Bracy & Solomon Bracy
under the age of twenty one years by Levi Edwards
guardian, to the bill of complaint exhibited in this worshipful
Court by Elias Bracy against a certain Betsey Bracy & themselves -
The said defendants by their said guardian saving and
reserving to themselves every benefit of exception to the said
bill of complaint, for answer thereto say - that they believe all
the allegations therein contained to be true & correct & have
no objection that this Court should decree according to the
prayer of the Complainant's bill - Having answered &c they
pray to be leave dismissed &c

for
Cherry & Solomon Bracy

Pracey
v
Pracey & Co. Curce

October 1809

Jan'y 1810. returne
& final decree

Southampton October Court 1809

Elias Brauey Compts

ag^t
Betsey Brauey and Chiny Brauey and
Solomon Brauey infants children
under the age of twenty one years
by Levi Edwards their next friend Defts

In chancery

This cause was this day docketed by Consent --
Heard on the bill and answer. The court on consideration
thereupon decreed and Order that Jacob Darden, Etheldred
Garner and Jonath Munday or any two of them
make Sale of Sixty four acres of land (first duly adver-
tising the time and place of sale) which was assigned to
Frances Fowler formerly Frances Brauey widow of
Francis Brauey as her dower in the lands of the ¹ Francis
on a credit of twelve months (except the sum of thirteen
dollars and 3 Cents which is to be raised in Cash to defray
the costs of this suit) and that they take bonds and Security
of the purchaser or purchasers in equal portions payable
to the complainant and defendants and assign one ^{bond} to the
complainant and the other three to the defendants or their
legal representatives and that they convey the land to the
purchaser --

And it is further decreed and ordered that the com-
-missioners afores^d divide four negroes namely Robin, Dinah
Sam, & Kate which were also allotted to the ¹ Francis as
her dower in the slaves of her deceased husband Francis
Brauey as an negro girl Samm^r & Dinah the increase
of the negro woman Dinah which now form a part of the
dower estate equally among the complainant and defend-
ants and make a report in Order to a final decree
Sam Kello

In Obedience to the above Decree of the Worshippful
Court of the County of Southampton We the
Subscribers have proceeded to sell the ~~Land~~ & Four
Acres of Lands & divide the Negroes of
Francis Bracy Widow of Francis Bracy deceased
And whereas William Fowler Senr. Became
the purchaser of the said Lands for the sum of £76.16
we have proceeded to divide that Sum with
the Negroes as follows (Viz)

To Elias Bracy we have allotted one		} 83. 3. 6
Negro Girl Kate at	£ 80	
Cash	3. 3. 6	

To Elizabeth Bracy we have allotted		} 83. 3. 6
one Negro Man Probbin at	£ 40.	
one Girl Jinney	30	
Cash	13. 3. 6	

To Cherry Bracy we have allotted		} 83. 3. 6
one Negro Boy Sam	£ 45 -	
Cash	38. 3. 6	

To Solomon Bracy we have allotted		} 83. 3. 6
one Negro Woman Dinah &	£ 45.	
Child Dinah at	18. 3. 6	
Cash		

Total amount of the Land & Negroes 332. 14. 0
Given under our Hands this 15th day of December 1809

Attest Gardner
Josiah Mordant