1818-007 SOUTHAMPTON COUNTY CHANCERY PAPERS CARSTARPHEN and Wife et al VS. DANIEL'S ADMINISTRATOR & WIDOW 9/1818

Other SURNames: Daniel

593

Barstaphen Swift &c
vs
Bill & Ans. & Exam
Daniels admr

Brodnax.

Sept. 24th 1818 Rule answer

To the worshipful the County Court of Southampton sitting in Chancery

Humbly complaining sheweth to your worships your orators John Carstarphen and Elizabeth his wife late Elizabeth Daniel & daughter of Miles Daniel dec. and Sally Daniel infant daughter of the said decedent by the said John Carstarphen her next friend, That the said Miles Daniel departed this life some years since intestate leaving a widow Mary Daniel and two children your aforesaid orators. That a certain William Joiner qualified as the administrator of the said Miles Daniel and after having collected the debts due from the estate & paid them due from it delivered the property in his possession to the said widow who was the guardian of your female complainants. That the said estate consisted of a tract of land situated in the county of Southampton containing about 106 acres and one negro woman both of which are at present in the possession of the said Mary Daniel. That your complainants are advised that the said Mary is entitled to one third of the said land for life as her dower in the estate of her said husband and one third of the value of the said negro slave to be holden in like manner & that the other two thirds belong to your complainants. In tender consideration whereof & inasmuch as your complainants are without remedy at law in the premises To

the said therefore that the said Wm Poirier as admr of the said Miles Daniel dec.d & the said Mary Daniel his widow as aforesaid may answer the premises & that your worships be pleased to decree a sale of the said slave, (as a division in kind is impracticable,) on such terms as to your many seem expedient, a division of the proceeds between your complainants & the said widow according to law, and also an allotment to her of her dower in the said land and a division of the residue between your complainants and to grant them such other & further relief in the premises as may be consistent with Equity they as in duty bound will ever pray &c

Wm Poirier adm.r of Miles Daniel dec.d
Mary Daniel widow of Miles Daniel dec.d
Complainants

May it please the Court to grant the Commissioner's writ of Sp.a to.

Brodnax P.D.

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Daniels heirs & devisees
&
Daniel's adm.r & widow
} In Chy.

This cause was this day docketed & heard by counsel of parties & the Court on mature consideration thereof doth adjudge order & decree that Benj.a Griffin Wm Long Ford, Allen Edwards, & Carr Bowers or any three of them do sell at public auction to the highest bidder (having first given reasonable public notice of the day & place of sale) the negro woman slave belonging to the estate of Miles Daniel dec.d on a credit of twelve months and that they allot one third of the proceeds to Mary Daniel widow of the said intestate to be holden during her life — one third to John Carrington Jones & Elizabeth his wife in right of the said Elizabeth & the remaining third to Sally Daniel or her guardian, & that the said Commissioners also with the assistance of the County surveyor lay off & allot to the said widow one third part with the land &

The Said Answer of Wm. Poirier admr & Mary Daniel widow, of Miles Daniel dec.d to the Bill of complaint exhibited against them in this worshipful court by the heirs & distributees of said decedent.

These respondents saving to themselves for answers to the said Bill say that they admit the facts therein stated to be true & have no objection to such decree as is prayed for in the Bill or to the Court may seem just & equitable. —

And having answered they pray to be hence dismissed &c

Brodnax P.D.

belonging to the said estate as her dower in the said lands
& divide the balance into two equal parts having due regard
to quantity & quality & allot one part to the said Rebecca
Carstarphen & Elizabeth his wife in right of the said
Elizabeth & the remaining part to the said Sally
Dowell or her legal guardian; & that they do
so they report their proceedings in the premises to
this court in order to a final decree.