

1819-040

SOUTHAMPTON COUNTY
CHANCERY PAPERS

Edwards et ux et al VS. BRACY's admx & al
Wright et ux vs Bracy
Beale et al vs Bracy
12/1819

other surnames: Beal,
Wright, Johnson, Fowler,
Beale

To the Worshipful the Justices of Southampten in Chancery setting
Humbly complaining sheweth unto your worships your Orators and
Counsellors Thimoth Edwards and Miniam his wife late Miniam
Bracy, Elizabeth Beal widow of the late Benjamin Beal / late
Elizabeth Bracy James Wright and Mary his wife late Mary
Bracy and Jacob Johnson and Patience his wife late Patience
Bracy children of Francis Bracy the Elder decd.

That the said Francis Bracy the father of your complainants
died intestate on the day of in the year of our Lord 178.
leaving a considerable number of slaves namely Isaac, Judith,
Dick, Mingo, Robin, Dinah, Zack, Hannah, Rose, Venus
Sams and Will as well as other estate both personal and real; that at his death
he left a widow and the following Children namely. Miniam
Elizabeth Mary Patience and Patience your complainants and
Francis, Nancy and Sarah, the two latter of whom died without issue
Prior to their brother Francis who is also dead; That a division of
Francis Bracy's estate was made among his widow and all his children
according to the then laws of distributions it being prior to the
year 1787 except one third part of the slaves namely Isaac, Dick
and Dinah which were set apart as the widows dower.

That the widow died about years ago leaving the said Dick, Dinah
and Peg, Tom, Isaac, Dempsey, Kate, Lillie, ^{Rhoda, Sam and Benith Daughters of Peg} the issue of the said Dinah, Isaac
having died before the said widow. That Francis Bracy the
Younger took into his possession the whole of the slaves which
were left alive of the widows dower and their increase alleging
that notwithstanding the law which was in force at the death of
his father, declared and provided that ~~the heir at law should~~
where a man should die intestate having title to any slaves, the
heir at law should be accountable to the other children for
their proportions of the value of such slaves, yet he considered
he was not accountable to them for any proportion of the dower slaves
but had a right to hold them without being accountable to any
body therefor.

That the said Francis after being so in possession thereof died leaving
a widow and the following Children, to wit, Elias

That Frances his widow intermarried with one William Fowler
and Administration of all and singular the goods and Chattles
rights and credits of the said Francis Pray was duly granted
unto Francis Pray who ^{with her husband} holds the said slaves
from your complainants and positively refuse to divide them
with your complainants or to account with them for any
proportion of the valuation of them the said slaves,
that your complainants consider themselves as legally and
equitably intitled to their proportions of the slaves which were
set apart as the widows dower with their increase ~~as to~~
those which were not set aside as dower slaves. That those
being allotted to the widow for her dower, suspended the divi-
sion only, and could not effect the title of your complainants
for suppose for a moment the widow had not have chosen
or had refused to have been endowed of a third part of the
slaves then there would not have been any slave which might
be called dower slaves and in that case the heir at law
would have been accountable to the other children immedi-
ately for their respective proportions of the valuation of
the whole number of slaves left by the intestate; so that
case if any other construction could be laid on the law but what
your complainants contend for, the widow would have a legisla-
tive power in her own breast and in that case would if she
had the more regard for the heir at law than for the other
children, choose to be endowed that the heir at law might be
benefited, but if her affection was the stronger on the other
side she would refuse dower in the slaves to favor them.
Again by the 19th section of the acts of the General Assembly
passed in the year 1727 regulating the Course of Descents and
Distributions it is enacted that a suit in equity shall be brought
by the Younger Children or the other children against the heir at law
for their proportion of the slaves, and the Court shall give
such relief for the recovery of the said proportions, and for com-
pelling payment thereof or of the true valuation of such slave
or slaves as shall be agreeable to the rules of equity notwithstanding
standing any thing in that act be contained to the contrary.

And again by the latter clause of the 21st Section of that Law
a Widow is left at latitude to renounce a will where she
is cut out of the slaves, and may take her third part, and
state after the determination of her right to such estate the
same shall go to the person or persons in whom the property
thereof ^{would} have vested in case the dower ~~would~~ not have been demanded
which said Sections your complainants are advised are conclusive
that they have both a legal and an equitable title to their
proportions of the Slaves of which Mary Pray the widow
of Francis Pray was endowed or such as were living at
her death and their increase.

In tender consideration whereof and as there are matters
which can only be relieved in a Court of equity they
most sincerely pray that the said William Fowler & Francis
Pray the widow administrators ^{of the goods and Chattles of said}
Francis, Elias, Betsey, Sherry & Adamson ^{being the heirs of Francis Pray} and respon-
dents to this bill and true and perfect answer on oath
be compelled to make to all and singular the allegations
therein contained and say if they are not true.
That they be compelled to account with your complainants by rendering
to each, one fifth part of the ^{dower} slaves which the said widow
left and their increase, or one fifth part of what they shall
be ^{reasonably worth} ~~valued~~ at with all ^{and} their proportions also of the hire
of the said negroes from the time the said Francis Pray
brought them into his possession.

That they be compelled to state particularly, if Francis Pray
did not die intestate leaving the slaves as expressed in this
bill; if the said Isaac Dick and Senick were not allotted
to the widow as her dower, and if your complainants have
had their proportions of the said slaves or of the valuation
thereof or any thing in lieu thereof and if so what
and how much. Why your orators and oratrices have
been denied their proportions of the said slaves or of
their valuation.

Having they have remained in possession of Francis Bracy Jr & his repre-
 sentatives, If your complainants are mentioned in the said bill are
 not the children of said Francis Bracy and the only ones
 entitled to demand distribution of the said Slaves. and that
 Your worship grant to your complainants all such
 other and further relief as may be consistent with
 equity may it please the Court to grant subpoenas
 &c may this bill be made perpetual

Signed J. J. J.

Southampton May 20th 1805

This day Kinchen Edwards a party concerned
 and one of the complainants to the within bill
 and made oath to the allegations therein
 contained as far as they depend on his knowledge
 are true, and that he believes the whole to be
 true

Done at Southampton Court house this
 day and year aforesaid before me Jacob
 Darden one of the Commissioners of the Justices
 of said County

Jacob Darden

May 1814 cont.
 1819 08 08 08 08 08

13-00 twelve paces

May 1806

Done by J. J. J.
 1806

Fowler
or
Brace } Bill review

To the worshipping Court of Southampton in Chancery
Sitting - Humbly complaining shew unto
your worships your Orators and Oratrices
William Fowler and Frances Fowler his wife
late Frances Bracy widow and relict of
Francis Bracy junior deceased, Elias Bracy
and Cherry and Solomon Bracy children
of Francis Bracy junior deceased by their
guardian and next friend Levi Edwards
That a Bill of Complaint was not long since
exhibited against this worshipping Court by
Kimber Edwards and Meriam his wife
late Meriam Bracy, Elizabeth Beal widow
of the late Benjamin Beal, late Eliza
Bracy, James Wright and Mary his wife
late Mary Bracy and Jacob Johnson
and Patience his wife late Patience
Bracy against your orator and Oratrices
Elias Bracy and Frances Fowler Solomon
and Cherry Bracy the widow and chil-
dren of said Francis Bracy junior dead
and a final decree was obtained against
your orator and Oratrices - Your Orator and
Oratrices beg leave to state that the pro-
ceedings in said cause were irregular and
illegal and ought to be reversed. For William

Fowler who intimates with Francis Brady
is not made a party to said suit
and for these and other reasons upon
the face of record they pray that
the same may be reversed - ~~the~~
reversed the

Bracy } Fatty
Mr }
Bracy } were
March 1806

March Court 1806

Wincham Edwards and Meriam his wife late
Meriam Bracy. Eliza Beal widow of the late
Benj Beal late Eliza Bracy James Wright
and Mary his wife late Mary Bracy and Jacob
Johnson and Patience his wife late Patience Bracy
Children of Francis Bracy the Esq. dec. Compl.
Against

Francis Bracy Elias Bracy, Ditto, Cherry
and Solomon Bracy heirs of Francis Bracy
deceased.

This cause was this day heard on the bill of Complaints
against the defendants, on Consideration whereof it is decreed
and ordered that the Complainants receive of the defendants
said to part of the said slaves in the bill mentioned to wit
Dick, Dinah, Peg, Sam, Isaac, Dempry, Kate, Felicia
Rhoda, Sam, and Zenith, If yet in possession of the def.
if otherwise that they be compelled to pay to the Compt.
£568. the amount of their proportions of the valuations
of said slaves with 6 p. & p. annum on that sum
from the 1st day of January 1802 till paid and that $\frac{1}{5}$
be paid into the hands of Wincham Edwards in right of
his wife $\frac{1}{5}$ part to James Wright in right of his
wife $\frac{1}{5}$ to the Complainant Jacob Johnson in right
of his wife $\frac{1}{5}$ to Eliza Beal in her own right and
make report thereof to this Court in order to a final
decree

Wm. Miller &

James Wright