

1824-018 SOUTHAMPTON COUNTY
CHANCERY PAPERS

COFER and Wife VS. DELK'S HEIRS

10/1824

958
Cofer & wife
vs { Bile
 { Sumner &
Delk's heirs & execs
Suit to Pelah
Court 1824.

October 1824 J. J. Deane

Delk

To the worship court of Southampton in chancery sitting,
humbly complaining show unto your worships your orator and
oratrix Joseph Caper and Patey his wife, late Patey Selk
widow and relict of Wiley Selk deceased (of this county) that
the said Wiley S. Selk. Departed this life some time in the
year 1820. possessed of the following slaves to wit. Violet, Jacob
Little-Jacob, Anacha, Charlotte, Little-Charlotte, Lucy, Sally, Andrew
Till, Dick, Charles, Lucky, Cheary, Amy, Mary, Peter, Mat,
Cady, & Jemmy. That the said Wiley S. Selk. left a widow
your oratrix, who who has intermarried with your orator Joseph
Caper; and eight children to wit Willaughby W. —
Bwrighton G. — Aaron M. — Josiah D. M. — Margaret E. —
Wiley S. — Patey W. — and Unity A. Selk infants of tender years.
That according to the acts of assembly in such cases made
and provided your oratrix as widow of the said Wiley S. Selk.
deceased is entitled to one third of all the aforesaid slaves
for her life — and the infant children are entitled to the
other two thirds absolutely. Your complainants pray that if it is
not practicable to divide the said slaves in kind, that the parties
pay any difference in value which may be estimated by the
commissioners, and that none of the said slaves be sold to effect
a division unless the parties or any of them refuse pay such
difference in value. Your complainants are advised that
the slaves cannot be divided, without the aid of a court
of equity where matters of this kind are properly cognizable.
In tender consideration whereof, and in as much as your
complainants are without remedy elsewhere they pray that the
said Willaughby W. — Bwrighton G. — Aaron M. — Josiah D. M. —
Margaret E. — Wiley S. — Patey W. — and Unity A. Selk by some
friend to be appointed by the court to defend them in this
behalf may be made dependants here to and be compelled
to answer all and singular the allegations herein contained
fully and unreservedly. They further pray that the said
slaves be divided between the complainants and dependants
according to their respective titles — and finally they
pray that this court would make any other order, or decree
in the premises which in its wisdom may be deemed right &
just. And as in duty bound they will ever pray &c

Joseph Caper
Patey Caper

To the worshipful court of Southampton in chancery sitting.
The joint and separate answers of Willoughby W. - Swigthen G. -
Isaac M. - Joseph D. M. - Margaret E. - Wiley D. - Patey W. -
& Trinity A. Delk, their next friend Edwin Delk, appointed
by the court to defend them in this behalf, to the bill of
complaint exhibited against them by Joseph Caper
and Patey, late Patey Delk widow and relict of
Wiley D. Delk deceased. These respondents now and
at all times saving & reserving to themselves every be-
nefit of exceptions to any error or imperfections in the
complainants bill contained, for answer there
to as to so much thereof as they are advised
is necessary and material for them to answer, an-
swer and say that they cannot gainsay the com-
plainants allegation, and they are willing that this
court should pronounce such a decree in the premises
as may be right and just, relying upon the wisdom
and justice of this court. These dependants by their
next friend, having answered, pray to be hence dismissed.
J. D.

Caper and wife complainants,
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Delk's heirs dependants } In chancery.

By consent of parties, and the assent of the court this
cause was this day docketed, and came on to be heard on
the bill, answer & other exhibits filed, and was argued
by counsel whereupon it is adjudged ordered and decreed
that Bird Garville, Edwin Williford, John Harris &
Joseph Pettow or any three of them do, divide the
said slaves mentioned in the complainants bill and deliver
over to the complainants one full third part of the said
slaves for and during the life of the complainant Patey
Caper late widow of W. D. Delk deceased, and the other two
thirds of said slaves divide into 8 parts. ~~And~~ ~~that~~
to Willoughby W. Delk one eighth part thereof one eighth
to Swigthen G. Delk & deliver the same to Josiah Holleman
their guardian — ~~that~~ one eighth to Isaac M. Delk
& one eighth to Josiah D. M. Delk and deliver the same
to William Holleman their guardian — ~~that~~ one
eighth to Wiley D. Delk and deliver the same to
Dawson Delk his guardian, ~~that~~ one eighth to
Margaret E. Delk — one eighth to Patey W. Delk & the other
eighth to Trinity A. Delk absolutely, and deliver the same
to Joseph Caper & wife Patey ^{their} guardians, ~~and in case~~
~~the complainants or guardians refuse to pay such difference in value~~
as may be estimated by the said commissioners — then one or
more of the said negroes shall be sale to effect such
division after giving reasonable notice of the time & place
of sale. And finally it is ordered that such of them as may
not do make a report to this court in order to a final decree
Edwin Delk next
friend to the infants