

1828-017

SOUTHAMPTON COUNTY
CHANCERY PAPERS

DAUGHTERY

[DAUGHTERY]

VS DAUGHTERY & al

9/1828

other SURNAMES: Finn, Cobb
Daughtery

Daughter

or 3

Daughter & others

Friedly till answer
& decree

1828 Jany. died as filed
(p. 2)

This cause came on this day to be heard on the bill
and answer only and was argued by counsel where
upon the court with advice of order and decree
that James Rockelle George Jearley James
W Parker and Henry M Vaughan be appointed
commissioners any three of whom may
act, to a pipe and allot the plaintiff one
share of the premises referred to in the said
bill, or of any other of which the said
daughter did seized and possessed and
that they make report of their proceedings
therein to this court in order to a final
decree

To the worshipful County Court of Southampton
in chancery sitting here

Humbly recommending sheweth unto your
Worships your oratrix Mary Daugstery,
that her late husband William & Daugstery
deceased this life on the day of
1827 intestate leaving your oratrix his
widow and two infants of very tender
years John and Mary, who your oratrix
prays be made defendants to this her bill
and may answer the same by a guardian
an addition appointed by this court -
That the said William & Daugstery did
recede and possessed of certain real
estate situate in the Town of Portsmouth
and County of Southampton consisting
of houses and lots in which your oratrix
is entitled to be assigned her dower, she
never having in any manner relinquished
all the same - Your oratrix further charges
that the said Mary & Daugstery executed in
his life time to Benjamin Cobb as trustee for
a certain John Finer, the houses and lots
aforesaid, to secure the payment of certain
sums of money due to the said Finer, to
which your oratrix is out a party and
she prays the said bill may be made a ~~part of~~
~~part of the same~~ ~~the same~~ ~~be made a part of~~
prayer of the said that just and discreet
persons may be appointed commissioners
to assign her dower in the premises and
such other further and general relief may
be had in this behalf as your worship
may deem consistent with the rules of equity
that the commissioners writ of subpoena may
issue commanding &c Parker p. 8

The ^{separate} answer of Benjamin & both to a bill of complaint exhibited against them ^{& others} in their worshipful court by Mary Daughtery -

This defendant answering all just exceptions &c answering saying that a conveyance was executed to him by William J Daughtery in his life time as trustee, for the houses and lots referred to in the complainant's bill which is of record in the clerk's office of this county - that the same have never been in any manner cancelled or annulled and is still subsisting & obligatory upon the parties - that it is true as stated by the plaintiff that she is not a party to the deed and the defendant's premises were legally entitled to closure in the premises, conveyed & if such should be the opinion of the court he has no objection that commission should be appointed to appraise & set apart her share of the land as above & having answered prays to be hence dismissed &c

Lucy Cobb Trustee

The answer of Geo. H. Gray appointed guardian &c & later to defend the infant defendants John & Mary to a bill of complaint exhibited in their worshipful court against them and others by Mary Daughtery -

This defendant admits the right of the plaintiff to be appointed guardian in the premises above to & have no objection to the appointment of commissioners for that purpose -

Geo H. Gray

Daughtry
as copy decreed

Cobb & Co

1828 Sep: report net. & Co

Southampton County December Court 1827-
Daughtry Plaintiff } Ch. Chancery
against }
Cobb & Co Defendants }

Costs paid

Decree and ordered that, Henry B Vaughan, James W Parker, George G Hurley, and James Rochelle or any three of them assign and allot to the Complainant one third of the houses and lot near the Town of Jerusalem belonging to the Estate of William E Daughtry-dec^d for life as and for her dower in the same, and make report thereof to Court

J. J. James Rochelle & Co

John Brown 314.50

Isaac. Benda 579.00

Nichols & Pater 372.69

1206.17

John W. Linn 128.52

1334.69

Saml. B. Hines 70.00

1404.69

1404.69

- 10.8
- 55.52 $\left(\frac{1}{4} + \right)$

Pursuant to the within order to in directed we have proceeded to allot to Mrs.
Mary Daughtry widow and relict of Mr. E. Daughtry ^{see} one third of the homes
and lot ~~near~~ the Town of Somerville whereon the said Mrs. E. Daughtry lately
resided in the following manner to wit Beginning at a Post near the south
west corner of the new house now occupied by Seth R. Strong & Co. as a
Store Thence ~~thence~~ a direct line across the garden near parallel with the
road to the back of the garden pales to a post thence along the garden
pales to the road, thence down the road to the south east corner of said
~~new~~ store thence to the beginning which includes the Store house &
the small house wherein Mrs. Daughtry now resides & the Kitchen
adjoining thereto - Given under our hand this 12th Janry. 1828 -

James W. Parker

James Rockwell

Wm. G. Gurley