

1829-023 SOUTHAMPTON COUNTY DAUGHTRY et al. vs. DAUGHTREY ^{vs}
CHANCERY PAPERS 2/1829

other surnames: Gardner

Daughter 943
13 Bill and
Daughter &

Deere

1829 1/2 day done as filed

To the worshipful the County Court of Southampton
now in Chancery sitting. Humbly complaining
Shew unto your worships your orators & oratrix
John & B Daughtrey, Samuel M. & E Daughtrey &
Infants who are ^{by their next friend Solomon Daughtrey}
Margaret Daughtrey. That sometime in the
year 1827. died Matthew Gardner. leaving a will
which has been duly admitted to record in the
County Court of Southampton an attested copy
of which is hereto filed as a part of this will
That the said Matthew Gardner. left a widow
(Mary) & several children. among whom was
the mother of your complainants, Barbara E
Daughtrey wife of Solomon Daughtrey. — That
after other bequests. by one of which he gives to his
wife Mary Gardner. during her life or widowhood
one third part of his estate real & personal, he
gives the balance of his estate not before disposed
of to be equally divided among your complain
ants & their mother the aforesaid Barbara E Daughtrey
That the widow has been endowed under the said
will. & after the father have received such propor
tion of the said estate of Matthew Gardner. as
has been respectively devised to them there is among
other articles of property subject to the residuary
Clause. a small piece of land in the County
of Southampton containing acres which
if divided among three complainants and
the said Barbara. would leave to each a share
nearly up in value than three hundred dollars

that the said land under small rents & profits
and your Complainants desire that the amount
for which the same would sell would especially when
divided be of more value to them than the share
to which each would be entitled in kind. wherefore
your Compts pray that your worshipps will decree a
sale of the said land for the purpose of making a
division that fit & proper persons be appointed to carry
that Barbara E & Solomon Daughtrey be made ^{deft} ^{heirs} -
the same into effect, & that this worshipful Court
will grant such other & general relief as may
be equitable & just and as in duty they will
ever pray &c. —

Solomon Daughtrey
next friend to the Compts.

The joint & separate answers of Solomon Daughtrey
and his wife Barbara E Daughtrey to the bill of
Complaint against them in this worshipful Court
by John H B Daughtrey & others exhibited. These answers

saving & reserving &c. for answer thereto or to such
part as they are advised it is Maternal for them
to answer. admit the truth of each allegation
in the same contained and here state their
willingness to such decree in the premises
as to the Court may seem proper. & having
fully answered pray to be dismissed &c. —

Solomon Daughtrey &
Barbara E Daughtrey

Daughtrey & in Chg.
Daughtrey

This Cause thus duly by consent of
parties came on to be heard on the bill answers &
exhibits. & was argued by Counsel — on mature delibera-
-tion on which the Court doth decree a sale of the
land in the bill mentioned on a credit of twelve months
requiring from the purchaser bond with good security
and directing that the Special Commissioners herein
appointed shall do take the said bond as to be able
to pay one fourth of the proceeds to Solomon Daugh-
treys in right of his wife. and one other fourth to each of
the Compts set John H. B. — Samuel M. E. & Margaret
& Daughtrey which three last being infants it is
ordered that the Commrs. pay their proportion to the
Common Law Guardian of each if any & if not that
they retain the same until there be some person or persons
so qualified to receive the same. and Samuel Daughtrey
Mendell Adlard & Jesse Parker or any two of them are
by the Court appointed commissioners to carry into effect
these provisions here with directions to report to this
Court in order to a final decree —

Matthews Sanders

Will

a true copy

In the name of God Amen, I Mattheus Gardner of Southampton county and State of Virginia being weak in body but of sound and perfect mind and memory and knowing the uncertainty of human life do make and ordain this my last will and testament in manner and form following that is to say I desire that all my last debts and funeral Expenses be paid and discharged at the discretion of my Executor hereafter named.

= Item I lend unto my beloved wife Mary Gardner one third part of my Estate both Real and personal during her single life and at the death or marriage of my wife I desire that her third be Equally divided between all my children hereafter named.

= Item I Give and bequeath unto my son Uriah T. Gardner a certain piece of land beginning at the Branch at Samuel R. Gardner's house thence up the path to the End of the lane thence down the path to Rhoda McLimney line thence my line to the said Branch thence up the said Branch to the first station to him and his heirs forever and no more.

= Item I Give and bequeath unto my son Samuel R. Gardner a certain track of land that I purchased of William Fowler and thirty Dollars cash to him and his heirs forever and no more.

= Item I Give and bequeath unto my son Nelson B. Gardner fifty Dollars cash to him and his heirs forever and no more.

= Item all the Residue of my Estate both Real and personal I desire may be Equally divided between my Daughter Barbara C. Daughtery and her three children (to wit) John W. Daughtery, Samuel M. C. Daughtery and Margaret D. Daughtery to them and their heirs forever.

Lastly I desire that my Executor sell my two negro Boys
Esau and Jacob for the best price he can obtain from
any man that will carry them to the Mississippi State
and I hereby appoint my son in law Solomon Daggett
my whole and sole Executor to this my last will
and testament Revoking all other former wills and
testaments heretofore made by me In witness hereof
I have set my hand and seal this 10th day of August
1827.

Signed and acknowledged
as and for my last will
and testament in presence
of us

Phillip A. Albroton

Ichabod Johnson

Elbridge ^{his} Rayford
mark

his
Matthaeus Gardner Esq
mark

Matthaeus Gardner

Will
a true copy