

1836-020

SOUTHAMPTON COUNTY
CHANCERY PAPERS

DARDEN et al VS. LAURENCE'S EXECUTOR et al

12/1836

other surnames; Doyall,
Lawrence, Savage

1895
Garden Ml. Cdp.
v. 3 Bill &
Savage Ml

1896 Dec. Decree as filed &
#

To. amplex Co. Co. Chy.

To The Worshipful The Justices of the County
Court of Southampton, in chancery sit-
ting:

Humbly complaining shew unto your
worships your orators and oratrices Eliza A.
Darden, Matilda C. Darden, Joseph J. Dar-
den, Lydia M. Darden, Elizabeth S. Darden
and Martha J. Darden, infants, suing by
Eliska Darden their next friend, that Wm.
Lawrence, of the said County, departed this
life suddenly in the month of August last
seized and possessed of a considerable per-
sonal estate, and leaving a last will and
testament, whereby, being duly recorded in the
County Court of said County, an attested copy
is herewith filed and prayed to be con-
sidered as a part of this bill. That the
said testator nominated and appointed a
certain David S. Savage the executor of
his said last will and testament, who, having
duly qualified in the character (as is shown
by an attested copy of the Certificate of Probate
herewith filed) by virtue thereof received
into his possession besides other personal estate,
which was more than sufficient to pay all
the just debts of the testator, the following
slaves, viz: Cherry, Betty, Amanda, Peter,
Miles, Dennis, Sam and Jupiter; which
said slaves the said testator bequeathed
by a clause in his said will, in the follow-
ing manner, viz: One half to his son Thomas
Lawrence in fee simple and the other half
to his wife ~~and then~~ ^{and then} Catharine for life, and then
to be divided into three equal parts: One
part whereby he bequeathed, after the expiration
of his wife's life estate, to the children of his

daughter ~~Eliza~~ ^{Eliza} ~~deceased~~ then deceased, the
~~late~~ wife of Eliza Darden, whose name namely,
your orators and oratrices, and one Jonathan
Darden; one other part to the children of his
son Wm E. Lawrence, namely, George Lawrence,
and Maryant M. Lawrence, both of whom
are infants of tender years; and the remain-
ing third part to the children of his daughter
Martha Doyal deceased, namely, William E.
Doyal, and Robert Doyal, who are also infants
of tender years. That the said Catharine, wife
of the testator as aforesaid, has since the death
of the testator departed this life, by reason where-
of your orators and oratrices are advised that
the slaves given to her for life as aforesaid are
liable to immediate division; and being so
advised, they represent that they have frequent-
ly applied to the parties interested as aforesaid,
and urged them to consent to a friendly di-
vision of the said slaves as directed by the
testator; but that they have hitherto re-
fused and still refuse to agree thereto. In
tender consideration &c. - Is the end therefore
that the said David D. Savage, executor as a-
foresaid, Thomas Lawrence, Jonathan Dar-
den, George Lawrence, Maryant M. Lawrence,
Wm E. Doyal, & Robert Doyal, the last four
being infants to be defended by a guardian to
be specially appointed for the purpose, all of
whom are prayed to be made parties hereto,
may upon oath true and perfect answer
make to all the foregoing allegations; that
your worship will decree a division of the
slaves as before suggested, and, if necessary,

a power be conferred upon the commission to sell
one or more of them; and that your worship
will decree such other & further relief as may
be needful & proper under the circumstances
of the case.

May it please &c

The joint separate answer of David D.
Savage, executor of the Wm Lawrence decd, Thomas
Lawrence, Jonathan Darden, George Lawrence,
Maryant M. Lawrence, Wm E. Doyal and
Robert Doyal - the said George Lawrence, Mar-
yant M. Lawrence, Wm E. Doyal and Robert
Doyal, being infants depending by ~~testator~~ ^{testator} R.
Edwards specially appointed their guardian
ad litem - to the bill of Complaint exhibited
against them by Eliza A. Darden and others,
infants, suing by Eliza Darden their next of kin.
The defendants saving & reserving the full an-
swer &c - That so far as they know and be-
lieve the facts contained in the bill of Com-
plaint are true and correct - and they are
willing that such a decree may be rendered
in the premises as may be deemed and right
and proper by the Court - provided, however,
as the defendant David D. Savage contends,
that the several parties entitled to division,
or other honors for them, be required to execute
to him refunding bonds as required by law -
and having answered &c they pray to be recon-
dignified with their costs &c

Davidson's.

v. } Secu.

Savage's.

Eliza Darden Adl.

v.

David D. Sava Adl.

In Chy.^H

This cause came on this day to be heard, by consent of parties, on the plea, answer, and exhibits, and was argued by counsel; On consideration whereof the Court doth adjudge, order, and decree that

who appointed commissioners for the purpose, do proceed to divide the slaves in the bill of complaint mentioned, being those of which W^m Lawrence died possessed, into two equal moieties, and set apart and allot one moiety thereof to the defendant Thomas Lawrence, and divide the other moiety into three equal parts, with power to sell one ^{or} more of the slaves constituting such moiety if necessary, and distribute the same as follows: One equal third part they will ^{sub}-divide into seven equal parts, and allot to one equal seventh part thereof to the guardian of the estate of the infant complainant, Eliza A. Darden, Matilda C. Darden, Joseph P. Darden, Lydia M. Darden, Elizabeth S. Darden, & Martha J. Darden, and the remaining seventh part to the defendant Jonathan Darden: One other third part they will ~~divide~~ ^{subdivide} into two equal parts, and set apart and allot one part thereof to the guardians of each of the infants defendants, George Lawrence & Margaret M. Lawrence, children of W^m F. Lawrence dec^d: and the remaining third part they will also ~~divide~~ ^{subdivide} into two equal moieties, and set apart the same, one to each

of the guardians of the infant defendants,
to w^m E. Doyle and Robert Doyle, children of
Martha Doyle dec^d: requiring in all cases
from the several parties receiving their propor-
tions, or some persons for them, bonds with ade-
quate security to refund the said proportion
to the defendant David D. Savage, or exor
of the said W^m Lawrence, in the manner pre-
scribed by law: liberty being hereby awarded to
the several infant defendants to come in, after
attaining the age of twenty one, and show cause
why this decree should be set aside - And
that they make report &c

David D. Savage.

v. } Decree.

Savage & Co.