

The Court is further of opinion and doth adjudge and decree that upon the death of Amanda L. I. Barrett wife of the plaintiff the real estate and slaves devised to her said wife for life by the will of the said testator under the 4th and 6th clauses thereof & mentioned in the bill vested in her surviving children William M. Barrett and Erastus B. Barrett as devised in remainder under said will and that upon the death of the said William M. Barrett intestate his share of the said real estate so acquired under said will and of which he did seize & possess and descended to his father Richard Barrett plaintiff in this cause as his heir at law and that his share of the slaves so acquired passed to the plaintiff as personal representative of the said William M. Barrett deceased and that the said plaintiff in his own right as sole distributive of the said intestate is entitled to such share there being no debts due from said intestate as is suggested in the bill and presumed by the Court from the fact of his dying when of tender years. It is therefore adjudged, ordered and decreed that Joshua Patton, Joseph E. Bellitt, William Edwards, Benjamin Devany and Morry Smith be and they are hereby appointed Commissioners and three of whom may act, who shall with the aid of the Surveyor of this County divide equally between the plaintiff and the infant defendant Erastus B. Barrett the tract of land in the County of Southampton mentioned in the bill on which the testator William Murphy resided at the time of his death and devised to his daughter Amanda L. I. Barrett for life by the fourth clause of his said will and lay off their respective portions by miles and acres having regard in such division as well to the quantity, quality, and value of said land as to the value of the improvements on the respective shares allotted and return a report of their division with a plat of the survey to the Court. The Court doth further order that a Commissioner of this Court ascertain and report to the Court the slaves which passed to the children of the plaintiff upon the death of his wife under the will of said William Murphy and what has become of said slaves and which of them are now in possession of the plaintiff subject to distribution between him and the defendant Erastus B. Barrett and that said Commissioners take & report an account of the hire of the said slaves since the death of the said Amanda L. I. Barrett and of the present absolute and annual value of said slaves now living and such other account as he may deem proper or be required by the parties, the Court reserving the division of the said slaves and all other questions until the coming in of said report.

Simon & others

against

John Barrett, Edwards, Bada, army, John H. Latham & Jos. S. W. Latham & others. (W. H. Latham & others)

This day this cause came on to be heard on the bill, answers of the defendants, objections, exhibits filed, examination of witnesses and

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Dep't.