

1800-008

Chancery Causes', Sarah Downing + William Downing, by v c. vs Martha Downing +

Dele of Wight County
Plat

James Downing

other surnames: Wills

The answer of Martha & James Downing, Depts, to the bill exhibited against them by Sarah Downing & William Downing an infant by Emanuel Mills his next friends, Compls.

These Defendants admit the bill of the Compls to be true in all its allegations, & being anxious that the prayer of their bill should be granted & carried into effect, with that view submit themselves to such order & decree in that respect as this Court may think meet to make, not giving up however the right of calling on the Compls for contribution, if necessary, for paying the debts of the said Wm Downing the elder —

Martha Downing
James Downing

Downing Sol

... } Bill

Downing Sol.

— Answer.

November '98

July Term

Aug. '98.

Cont'd for rept.

Comm.

Thos. Fearne

Fr. Boykin

Jos. Moody

Andrew Woodley

Nov. '98.

Cont'd for rept.

March Term

Cont'd for rept.

May '99.

Cont'd for rept.

August '99.

Cont'd for rept.

Nov. '99.

Cont'd for rept.

March 1880

rept. for Dec. 1880

To the Justices of the Peace of Wright County

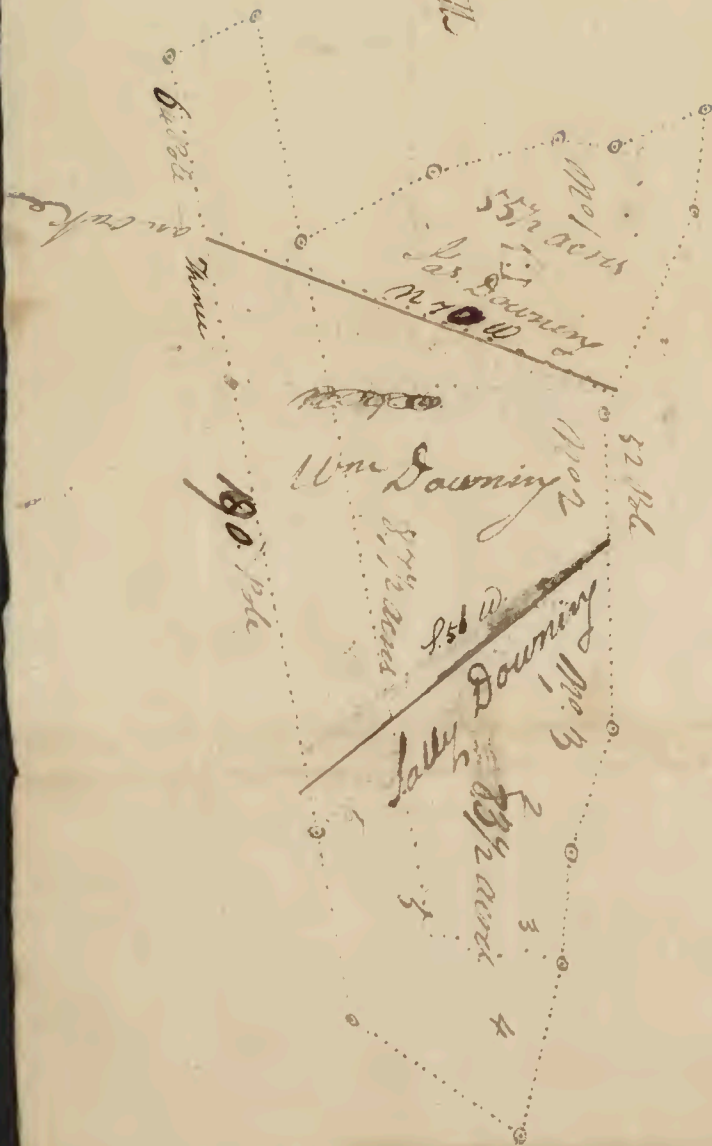
In Chancery sitting,

Sarah Dawning, & William Dawning, an infant under the age of 21 years by Emanuel Wills his next friend, complaining, shew — That their father William Dawning, late of this County, being seized of a parcel of land, in this County, containing about 250 acres, & possessed of a large personal estate, died intestate in October in the Year 1794, leaving a widow Martha Dawning, & three children James & the Complainants — That soon after his death the administration of his personal estate was duly committed to his widow & his son James, who have thereunto paid or provided for the payment of all his debts & the disbursements of their administration leaving among other personal estate of their Intestate nine slaves, Joseph, Jesse, Annis, Comfort, Leah, Niecey, Stephen, Teagle, & Gabriel, subject to the claims of the widow & distribution among the Complainants & their brother James — The Complainants further shew, — That upon the death of their father, the widow immediately took possession of the land & in combination with her son James has since constantly holden the same notwithstanding repeated attempts of the Complainants to restrict her to her lawful dower therein by a regular assignment — Wherefore and for as much as the Complainants are properly, under the peculiar circumstances of their situation in relation to the premises, relievable in a Court of Chancery — and in order that the said Martha & the said James, whom the Compts pray may be made Defts to this bill, may answer this bill — That $\frac{1}{3}$ of the said slaves may be assigned to the said Martha to hold for life & the residue thereof distributed equally among the Compts & their brother James agreeably to law — That a fair assignment of dower, in the land whereof the said William Dawning the elder died seized, may be made to the said Martha his widow to hold for her life, & the residue thereof be equally divided among the Compts & the said James agreeably to the Act of the General Assembly for such cases provided — & That they may have such other & farther relief as may be proper — MAY it please *Se*

Downing ^{vs} } Report
Downing

March 1800
Left: act: Officer vs

South



North

We have delivered Leah & Liza — ~~To~~
~~him~~ he paying to Wm Downing £1.13.4

To Sally Downing we delivered as her share of
the residue, Comfort & Stepmey, she paying to her
brother Wm £1.13.4 —

To Wm Downing as his share of the residue,
of the slaves, we have set apart Leah & Liza
& to receive of James £1.13.4. and from Sally
£1.13.4 — which will equalise the shares —

Joseph Moody
Treas^r Boykin
And^r Wooding
(11)

In obedience to an order of the Worshipfull court of Sale of Wight
to us directed, and herts annexed, we have set a parte to ~~Mark~~
Downing $\frac{1}{3}$ part of the land in the order mentioned by
a line commencing at a corner of Simon Hails, running
thence due south to the other extreme of the land -
and have divided the said land, including the lower
parts into three parts, One of which parts containing
fifty acres at the south end of the tract, we have
set apart to James Downing, by a line of marked
trees, beginning at a corner white oak in Britts line
thence North 70° West, to a Sassafras in Hails line

To Sally Downing we have set apart $83\frac{1}{2}$ acres
on the north end of the said tract, divided from
the middle division (which is appropriated to
W^m Downing) by a line beginning at a white oak
in Hails line, 52 pole from the end of James D^w
dividing line, thence N. 51° E to a red oak in Britts
line - and to W^m Downing the middle parcell
lying between the two last described parcells
containing $87\frac{1}{2}$ acres. —

To ~~L~~ the Widow Martha, as a dower in the Slaves, we
have set apart - Joseph, Annes, Habuale, — ~~and~~

To James Downing as his share of the residue

\$3. 10. 2 1/2
 2. 8. 0
 1. 1. 5
 M^r. Robinson

You are requested to proceed by
 a friendly suit in Ch^{cy} to obtain a division &
 an assignment of dower in the estate within ment^d.
 agreeably to the rights of the parties interested. This
 I request as well for my Mother Martha Dawning
 & my brother Hester William & Sarah Dawning as
 for myself — Nov. 8. 1790.

James Dawning

Com^{rs}

Thos. Fearn

Fr. Baykin

Jos. Moody

Andrew Woodley.

Memorandum of Estail of 10^{me} Downing Dec^r

Lo: Neguswan an Joseph.

To 1. So. So. Jersey

11. 1. Negro woman Currier 3 -

Do. do. comfort 4

11 2 negro Girls Leah & Nicey &

11 3 11 Boys Stephen Temple & Gabriel 9

250 Acres of Land

Martha Learning 28th
 Miss Learning 28th
 Frank
 Anne
 under

Downing

Ms.

Copy Interlop.

Deeds

Downing Admors.

X. M. James Downing



Isle of Wight County

November Section 1790.

Sarah Downing, and William Downing, an Infant,
under the age of twenty-one years, by Emanuel Wills Comptrol:
his next friend

against

Martha Downing, and James Downing Administrators of William Downing ^{decd.} Depts: - - - - -

By consent of the parties, by their Attornies, this writ is Docketed, & the bill and answer filed, and heard thereon, Whereupon it is decreed and Ordered, that Thomas Fearn, Francis Baykin, Joseph Moody, and Andrew Woodley, or any three of them, do make division of the slaves in the bill mentioned (to wit) Joseph, Topsy, Annis, Comfort, Leah, Micky, Stepney, Teagle, and Gabriel, by assigning one third thereof to the Defendant Martha, and the residue in equal shares, among the Complainants, and the Defendant James, by such means as to them shall seem most proper, And it is further Ordered, that the said persons or any three of them, taking with them the Surveyor of the said County, assign and set apart unto the Defendant Martha, one third part of the land in the bill mentioned, containing about two hundred and fifty acres, to hold for life as her Dower, and that they make partition ~~thereof~~ of the Residue thereof equally among the Complainants, and the Defendant James, and make report thereof to the Court in Order to a final Decree —