

1811-010

Chancery Causes, John B. Bracey, admr of Polly Swan Bracey VS Nancy Darden +

Isle of Wight County

Betsy Darden, by & c

Bracey admr

"

Darden pr. pr.

Bill

&

men

Aug. 1810

Intely deces

July 1811 report ret. & deces

Accordingly

guardian. Your orator is advised that the said Larina and Susannah had a vested interest in the slaves and other personal estate loaned to their said mother ^{during} her widowhood as well as to the slaves specifically given to them by the will, ~~and~~ that as they died before their said mother, ~~that~~ she the mother inherited a child's part in the slaves of each of them, and that he (your orator) as her administrator is ~~not~~ intitled to her said interest. He states farther that an equal division in the said slaves can ~~not~~ be made between him and the said Nancy and Betsey Darden ^{legally} without the aid of this court, ~~on account of their unequal value, and therefore that a sale of them and~~ legal distribution of them ~~would afford~~ the parties interested more equal justice, but this can not be legally effected on account of the incapacity of the said Nancy & Betsey Darden without the aid of this court.

In tender consideration whereof and for as much as your orator is otherwise remedied, he prays the intervention of your Worships.

To the end therefore, he prays that the said Nancy Darden and Betsey Darden may be single defendants to this bill of complaint, and full, true and perfect answer make to all and singular the allegations aforesaid and that as fully as if the same were here repeated, and they thereto particularly interrogated. He lastly prays that your Worships will decree a sale of all the negroes ~~therein~~ which were loaned by the said Dempsey Darden to his aforesaid widow and their increase, as well as of the slaves specifically given by him to the said Larina & Susannah Darden, and a legal distribution of the proceeds between the said

Larina Darden Nancy Darden and himself as the administrators of Polly Susan Bracey, or make any other order or decree in the premises for his relief which may seem just & equitable.

May it please your
Honors

The answer of Nancy Darden and Betsey Darden infants by Mills Darden their guardian to the bill of complaint exhibited against them in the Worshipful court of Isle of Wight by John Bracey administrator of Polly Susan Bracey deceased.

These Respondents admit that Dempsey Darden left such a will as is described in the bill and a widow & the four children therein mentioned. They admit that Larina and Susannah Darden died about the time stated in the bill and before their mother Polly; the time of whose marriage and death is also correctly stated. It is also true that the complaint has administered upon the estate of his said wife Polly Susan Bracey. They admit that a fair division can not be made in the slaves alluded to in the bill, and therefore they pray that your worships will decree a sale of them and a legal distribution of the proceeds between the complaint and themselves. They lastly pray to be hence dismissed with their reasonable costs in this behalf expended.

To the worshipful court of Isle of Wight county
in chambers sitting, humbly complaining, shew
to the court your orator John G. Brucey
administrator of his late wife Polly Susan
Brucey who was the widow of Dempsey Darden.

That the said Dempsey Darden
departed this life some time in the fall of
the year 1803. after having duly made and
published his last will and testament in
in writing, an attested copy of which is
hereto annexed and prayed to be taken
as a part of this bill. That he left a widow
to wit the said Polly Susan Darden, and the
following children Nancy, Betsey, Lavinia
and Lavinia. That he left to his said widow sundry
pieces besides other things during her widowhood
with remainder to his said children. Your
orator states that he intermarried with the
said Polly Susan Darden on the day of
a.D. and that she died on the day
of Nov. a.D. 1804. That two of the said children
to wit Lavinia and Susannah died infants
and intestate in the life time of the said
Polly Susan Brucey their mother. That is to say
Lavinia died on or about the day of March a.D.
1803 and Susannah on or about the
of June a.D. 1803. That Nancy and Betsey are
still alive and that a certain Will Darden is their

Isle of Wight County

In Obedience to the annexed Order to us directed we have proceeded to divide the Slaves which Levina Garden was Intitled to under her fathers will into four parts and hath assigned one fourth part to the Complainant John G. Bracy as Admt. to his wife, and have Laid of one fourth part as Susannah Garden portion, and assigned one fourth to the Defendant Nancy Garden, and the Residue to the Defendant Betsey Garden — also we have divided the Slaves which Susannah Garden was Intitled to under her fathers will as well as those which she Inherited from her Sister Levina Garden, into three parts and have allotted one third thereof to the Complainant as Admt. of his wife one third to the Defendant Nancy Garden, and the Remaining third to the Defendant Betsey Garden. The Complainants

Admt. Lot of Slaves to wit, Toney \$75 Lucy \$65. Everett \$36 - \$176 -
To pay to the Defendant Betsey Garden this sum — 8.6.8

Nancy Gardens Lot of Slaves to wit, Jim \$100 Abram \$100 Tom \$85 Andrew \$20 Jore \$10 } \$315

To pay to Betsey Garden this sum — 8.6.8
\$ 306.13.4

Betsey Gardens Lot of Slaves to wit,
Sampson \$90 Amos \$100 Venus \$70 Simon \$30 } 290 -
To Receive from the Above Lots this sum 16.13.4

Given under our Hand this 8th day of
July 1811 —

Joseph W Ballard

John Lawrence

Godwin Coward

Seal

Seal

Seal

Isle of Wight County

August Court 1810

John G. Bracey, administrator of his late wife Polly Susan Bracey
who was the wife of Dorrifrey Darden

Complts:

against

Nancy Darden and Betsey Darden infant by Mills Darden their
Guardian.

Defds.

In Cliff

By consent of parties by their attorney this day the bill and answer were filed
and heard thereon, whereupon it is decreed and ordered that Joseph W. Ballard, John
Lawrence and Godwin Council, divide the Slaves of which Levinia Darden was entitled
under her fathers will; in four parts - and assign one fourth to the complainant as admin-
istrator aforesaid - lay off one fourth as Susannah Dardens portion, and assign one
fourth to the defendant Nancy and the residue to the defendant Betsey - and it is also
decreed that the said commissioners divide the Slaves of which Susannah Darden
was entitled under her said fathers will, as well as those which she inherited from
her sister Levinia, into three parts, and allot one third thereof to the complainant
as administrator of his wife, one third to the defendant Nancy Darden, and the remain-
ing third to the defendant Betsey Darden - and make report thereof to the court in order
to a final decree —

Shoemaker & Co. vs. D. & C. D. & C.