1835-009 Chancery Causes : Mills Daniel & William Daniel, by v c vs James Daniel & al

Isle of Wight County

OTHER SURNAMES : Bowden
Duck, ARCHER

Milly Daniel & Wm. Daniel suing
by the said Milly Daniel his next
friend

vs

James Daniel, Thomas Bowden admr
of Nancy & Charlotte Bowden his wife
& Nathan Dack & Martha his wife

In Chancery

This cause came on this day to be heard by consent of parties on the bill answer & exhibits filed & was argued by counsel, on consideration whereof the court being of opinion that the slaves in the bill mentioned are liable to division as set forth in the said bill of complaint, doth adjudge order & decree that David Roberts, Wm. C. Edwards, James Hall and Monroe Chambers or any three of them, do divide the said slaves in the said bill mentioned, viz, Ben, Mike, Milly, Mary, Joe, Isley, Ethe, Bob, Jenny, Milly, Nancy, Charlotte Martha & Dennis, together with the increase of the female slaves, into six equal parts, & set apart & allot one of the said parts to the complainant Milly Daniel; one of the said parts to the guardian of the infant complainant: one of the said parts to the defendant James Daniel: two of the said parts to the defendant Thomas Bowden as admr as aforesaid, & the remaining part to the defendant Nathan Dack in right of his wife - & make report &c

Milly Daniel &c
vs
James Daniel &c

Filed 3 Oct 1835 Robt. Williamson Clk

Filed 27 Nov 1835 Wm. Daniel one of the complainants appeared & was sworn

Filed 5th Dec 1835 James Daniel one of the defendants appeared & was sworn

children was a considerable number of slaves, that is to say, Rose, Mike, Willis, Mary, Joe, Isley, Esther, Bot, Jenny, Milly, Winny, Charlotte, Martha & Dennis; that on the death of the said Testator the said slaves kaped into the hands of the said executrix & executor, and afterwards the said Sally, pursuant to the provisions of the said will, duly obtained the possession of the said slaves, as legatee as aforesaid, the use & possession whereof she retained until her death which happened sometime in the month of January last, at which time the rights of your orator to their respective portions of the said slaves accrued; that your orator, since the death of the said Sally Daniel, have several times applied to the said James Daniel, Thomas Bowden admr as aforesaid, and Nathan Duck & martha his wife, and urged them to make division of the said slaves in manner before stated; and that your orator well hoped that the said defendants would have complied therewith, without suit, as in conscience and equity they ought to have done. But now so it is, the said defendants have hitherto wholly refused to comply with such your orator's reasonable requests. In Tender consideration whereof and for as much as your orator is without relief in the premises except by the assistance of a Court of Equity, where such matters are properly cognizable: To the end therefore that the said James Daniel, Thomas Bowden admr & Charlotte his wife as aforesaid, & Nathan Duck & Patsey his wife, who are hereby to be made defendants to this bill, may, upon their several corporal oaths, true & perfect answer make to all and singular the premises & as fully and particularly as if the same were here again repeated and interrogated; that your worships will decree a division of the said slaves as above suggested; and that your orator may have such further and other relief in the premises as their case shall require, and as to your worships shall seem meet. May it please, &c

R. H. Baker S.G.

The joint & separate answer of James Daniel, Thomas Bowden admr of Nancy Bowden dec'd & Thomas Bowden & Charlotte his wife, & Nathan Duck & Martha his wife to a bill of complaint exhibited against them in this worshipful Court by Willis Daniel & William Daniel, an infant suing by the said Willis Daniel his next friend, complainants — These defendants saving and reserving to themselves all exceptions to the said bill, for answer thereto or to so much thereof as they are advised it is material for them to answer unto, they answer & say, that as far as they are advised the allegations charged in the said bill are substantially true & correct, and they are willing such decree may be made as the complainants require or as to the Court may seem right & proper under the circumstances of the case, & these defendants having answered &c pray to be hence dismissed with their costs

To the Worshipful the Justices of the County Court of Isle of Wight County, in chancery sitting. Humbly complaining, shew unto your worships, Your orator Mills Daniel & William Daniel an infant suing by the said Mills Daniel his brother and next friend, that sometime in the year 1816 Lovina Daniel of the said County departed this life leaving a last will and testament by which he appointed his wife Sally Daniel and Thomas Bowden his executrix & executor, who afterwards proved the will and qualified according to law; that the said Lovina Daniel, at the time of his death, left several children, that is to say, Your orator, James Daniel, Nancy Bowden, at that time the wife of Thomas Bowden, Charlotte Daniel & Martha Daniel; who subsequently intermarried with & is now the wife of, Nathan Duck; that the said Nancy Bowden, one of the children and legatees of the said testator, died in the life-time of her mother & letters of administration &c on her estate have been duly granted to her said husband who survived her; that afterwards the said Thomas Bowden intermarried with the said Charlotte Daniel; who is now living ~~who shortly thereafter died in the life time of her mother, and her husband, the said Thomas Bowden, thereupon took out letters of administration on her estate~~; that the said testator was, at the time of his death, seized and possessed of a considerable real & personal estate, a large proportion of which he gave to his wife for and during her natural life, after which the said testator directs it to be equally divided between his several children above named; that of the property thus given to his wife for life with remainder to her

Mills Daniel & Wife:

vs Decree

James Daniel & Wife:

C. A. Cosby

April 7th: 1834 rec'd and
Entered

In Isle of Wight County Court March Term 1834

Willis Daniel & William Daniel, suing by the said Willis Daniel his next friend ——— Complainants

In Chancery

against

James Daniel, Thomas Bowden senior of Nancy & Charlotte Bowden his wives & Nathan Duck & Martha his wife ——— Defendants

This cause came on this day to be heard by consent of parties on the bill & answer & exhibits filed & was argued by counsel, on consideration whereof the court being of opinion that the said slaves in the bill mentioned are liable to division as set forth in the said bill of complaint. doth adjudge order and decree that David Roberts, William C Edwards, Thomas Clements and James Holland or any three of them, do divide the said slaves in the said bill mentioned viz: Rose, Mike, Willis, Mary, Joe, Lucy, Esther, Bob, Jenny, Milly, Nancy, Charlotte, Martha & Dennis, together with the increase of the females since into six equal parts & set apart & allot one of the said parts to the complainant Willis Daniel, one of the said parts to the guardian of the infant complainant one of the said parts to the defendant James Daniel one of the said parts to the defendant Thomas Bowden as senior as aforesaid & and the remaining part to the defendant Nathan Duck, in right of his wife and make report to the court. ———

A Copy Teste

Nath[l] Young Cl.

T. C. C.

Clerks fee $2.43

Att[y] " 10.00

$12.43

In Obedience to the annexed decree of the County court of Isle of Wight bareing date March Term 1834.

We the undersigned Commissioners have devided the Slaves belonging to the Estate of Joshua Daniel Decd into six Equal parts to wit Mike. Valued at $500. Martha $150 Willis. $500 Charlot $175 Joe. $275 Easter $325 Bob. $600 Mary. $650 Seley $250 Denis. $150 Milley. $250 Linney $250 Winney. $200 and Rose $200 and we have allotted to Thos Bowden admr of Nancy Bowden Decd the following Slaves to wit Mike and Martha valued at $650 and we direct the said Bowden to pay $12.50 cents to William Daniel and we have allotted and set apart to Thomas Bowden in right of his wife Charlotte. Linney, Winney & Rose Valued at $650 and we direct that he pay to William Daniel $12 and 50 cents. and we have further allotted and set apart to Mills Daniel Bob and Mary Valued at $600 and we direct that he Receive from James Daniel $87 and 50 cents and we have further allotted and set apart to James Daniel, Willis and Charlot Valued at $675 and we direct that he pay to Mills Daniel $87 and 50 cents and we allot and set apart to Nathan Duck in right of his wife Martha. Seley. Denis. and Milla. Valued at $650 and we direct that he pay to William Daniel $12 and 50 cents and we further allot and set apart to William Daniel. Joe and Easter. Valued at $600 and we direct that he Receive from Nathan Duck $12 and 50 cents and from Thomas Bowden $25. Given under our hands this 5th day of March 1834.

David Roberts
James Holland
Wm Clements

A Copy of Joshua
Daniels Will

In the name of god Amen I Joshua Daniel of
The County of Isle of wight Being of Perfect Sense
of mind and Memory but weake and Sick as to health
and knowing that it is Once Appointed for all men
To Die do Make Ordain and Constitute this to be
my Last Will and Testament in Manner and form
Following that is to Say

Item 1st It is my will and Desire that my Exetrix & Exrs shall
Pay all my Just Debts & Funerals Expences out of my Estate

Item 2nd I give and bequeath unto my Daughter Charlotte Daniel
Fifty Dollars Cash when she arrives to Lawful age which
I give to her and Her Heirs for Ever Also I give unto my
Daughter Charlotte Daniel one New loom & half the gear
and Bed & furniture & one Pine Chest which I give to
her and Her Heirs for Ever

Item 3rd I give and bequeath unto my Daughter Martha Daniel
Fifty Dollars cash one loom & the other half of the gear
at the Deceare of her Mother one Bed & Furniture and one
Pine Chest which I give unto her & Hers Heirs for Ever

Item 4th I give and bequeath unto my son Elias Daniel,
one Hundred & Fifty Dollars cash which said cash
is to be Lent out at my Deceare untill he arrives to Lawful
age for his benefit which I give to him & his Heirs for-
Ever also one Bed & Furniture one Gun which is
called his own & one Mahogny Desk which I give
unto him & his Heirs for Ever

Finally I Appoint and constitute my Dearly beloved
Wife Sally Daniel & Son in Law Thos Bowden
my hole and Sole Exetrix & Exrs of this my Last Will
and Testament Witness my hand and Seal this 13th
day of April 1816

Signed Sealed & acknowledged
In the Presence of

Hardy D Holland
James Fulghum
Robert Hancock

his
Joshua X Daniel Seal
mark

Item 5th } I give & bequeath unto my Son William Daniel one Hundred & fifty Dollars cash and negro girl named Jone which I given to him and his Heirs for Ever

Item 6th } I give and bequeath unto my Son Mills Daniel one Bed & Furniture and the Ewen Gun which I give to him and his Heirs for Ever

Item 7th } I give and bequeath unto my Son Jas. Daniels one Bed & Furniture and Gun that is at Benj.a Bowdens which is to be stocked and have a new lock which is to be Paid out of my Estate which I give unto him and his Heirs for Ever

Item 8th } I Lend unto my Dearly beloved Wife Sally Daniel all the Residue & Remainder Part of my Estate of what =soever nature or kind During her natural life in case She Should keep my four Sons namely Elias Mills James & William Daniel and School them as far as the Rule of Practice without charging them for Board and schooling in case She Should Do Either them to be Thirded and money to be Raised out of the said Pro =perty to Board and School them as far as above Mentioned

Item 9th } Lastly I Give and bequeath unto my Two Sons namely Mills & Landes Daniel my Land & Plantation at the decease of their Mother to be Equally Devided between them which I give to them and their Heirs for Ever

Also I give and bequeath unto my Seven Children namely Nancy Bowden Charlott Martha Elias Mills James & William Daniel the Ballance of the Legacy lent their Mother at her Decease to be Equally Devided which I given to them & their Heirs for Ever

Milly Daniel & Nathan Daniel an infant
by the said Milly Daniel his brother next fr.

vs.

Jamy Daniel Thomas Bowden admr. of Stancy his
late wife & admr. of Charlotte his late wife &
Nathan Daniel & Patsy his wife.

the names of the Slaves of Joshua Daniel Decd. Rose, Mike, Willis Mary Joe. Selly Esther, Bob Jimmy Milly Winney Charlotte Martha Dennis the Heirs, Mills Daniel, James Daniel of full age: William Daniel under 21 years old Nancy dead who Married Thomas Bowden Charlotte who also Married said Bowden Patsey who Married Solomon Archer and now She is the Wife of Nathan Deeks