

1860-001

Charney Causes: Barbara ~, for VC VS Jeremiah Delk, et al of Dawson Warren

Jale of Wight County

Barbara ~, for VC VS Jeremiah Delk et al

other surnames: Lucy Ann ~
Jim ~, Pocahontas ~, Solomon ~
Anaka ~, Elizabeth ~, Lewis ~
Ishan ~, Tempo ~, Amelia Ann ~
Virginia ~, Rufus, Johan ~
Anica ~, Bell, Betsy ~
Louis ~, Semelia Ann ~

STATE OF VIRGINIA,
COUNTY OF } ss.

I,
Virginia, do certify that
power of attorney were made and executed, and whose genuine signature appears to the same, was at the time of so doing, a Justice of
the Peace, in and for the County aforesaid, duly commissioned and qualified.

In testimony whereof, I have hereunto signed my name and affixed the seal of my said
County Court, this _____ day of _____, 18____.

CLERK.

Barbara tal,
45 } Chy. paps.
10.

Delk tal.

1854
Secundum? bill filed
+ sent. to ant.
Acto. I have to file
ant. same filed sept.
ap. Depos. filed
1854.
May. Decree. A. B.
pg. 49.
Acto. final decree.
p. 58.

FORM OF A DECLARATION

TO BE MADE BY A PERSON WHO HAS NEVER BEFORE HAD A LAND WARRANT OR MADE A DECLARATION THEREFOR.

STATE OF VIRGINIA, }
COUNTY OF } SS.

On this day of A. D. one thousand eight hundred and fifty , personally appeared before me, a Justice of the Peace, within and for the County and State aforesaid, , aged years, a resident of State of Virginia, who being duly sworn according to law, declares that he is the identical who was a in the Company commanded by Captain in the Regiment of Militia, commanded by in the war with Great Britain, declared by the United States on the 18th day of June, 1812, that he enlisted at Isle of Wight County on or about the day of , A. D. , for the term of and continued in actual service in said war for the term of days, and was honorably discharged at on the day of A. D. .

He makes this declaration for the purpose of obtaining the Bounty Land to which he may be entitled under the act approved March 3d, 1855. He also declares that he has not received a Warrant for Bounty Land under this, or any other act of Congress, nor made any other application therefor.

We, and residents of County, in the State of Virginia, upon our oaths, declare that the foregoing declaration was signed and acknowledged by in our presence, and that we believe from and statements of the applicant, that he is the identical person he represents himself to be.

The foregoing declaration and affidavit were sworn to and subscribed before me on the day and year above written; and I certify that I know the affiants to be credible persons; that the claimant is the person he represents himself to be, and that I have no interest in this claim.

J. P.

KNOW ALL MEN BY THESE PRESENTS, That I, of the County of in the State of Virginia, have constituted and appointed , of said County and State, my true and lawful attorney, irrevocably, for me and in my name, to prosecute and receive from the United States the Bounty Land certificate, or warrant, due me under existing laws granting Bounty Lands for services rendered the United States in the different wars, and generally to do all lawful acts and things for me touching the premises, and I hereby confirm all my said attorney shall in my name legally do in the premises.

Witness my hand and seal this day of , 185 .



Acknowledged and signed before me, a Justice of the Peace, for the County of the State of Virginia, this day of , 185 .

J. P.

²
Barbara for herself
& children to 9.

os. } Bell.

Jenniah Dells exp.
of Dawson Warren to 9.

~~July~~ ^{July} rules 1850 Bill to
filed & drawn med.

~~Aug.~~ ^{Aug.} rules 1850 Bill taken
for confided & cause all
for hearing.

~~Octo.~~ ^{Octo.} Term 1850 draw given to
def. to file and draw filed &
draw to self. to am? bill in
90 days & cause sent to rule.
p. 266.

March rules 1851 am? bill
filed by cause & sp. to am?
N. P. Young as? good. add them
to the infants Dells.

~~Apr.~~ ^{Apr.} rules 1851. am. funds as?
bill taken for conf. as to all
adults except Lewis. sent for
hearing.

May 1851
con.

Octo. Term 1851

Decm. O. B. p. 272

May 1852.

Decm. O. B. p. 280.

that the said Deak was counselled by said Warren and expressed himself
satisfied with the terms fixed for his interest, in the will of said decedent
and was one main cause of his manifested love to Deak and
his family, the said Warren having a large Estate most of
which was in money bonds.

Now Compts Charge that the
said Deak duly qualified as Exor of said Warren and
thoroughly elected to take the several sums of money thereby
bequeathed in like of his interest in your Compts.

But instead of furnishing
your Compts with the evidence of their emancipation
the said holds them in slavery alleging that they are
not entitled to their freedom, and other matter equally
unjust to your Compts. In your consideration where
fore for as much as your Compts are innocent persons
in the premises save by the aid of a Court of Equity.

They pray that the said Decedent Deak Exor of
Dorow Warren did and in his own right may be
made parties to this bill, that he be compelled to
answer ~~the~~ the several statements and allegations
of the bill on oath, and that he answer further and say
what other slaves than your Compts did Dorow Warren
did entitle in whole or in part, and that a decree may be
entered declaring your Compts free, and such other and further
relief as Equity merits and their case may require.

Witness my hand
this 1st day of June 1854

To The Hon: Rich^d St Baker Judge of the Circuit
Superior Court of Law & Chancery for the County of Isl of Wight

Humbly Complaining sheweth unto the
Court your Compts: Barbara in her own right and in behalf of her seven
Children born Lucy Ann, Sam, Pocahontas, Solomon, Amuck, Elizabeth
and Leven, Isham, Pompe Amelia Ann, Virginia and Rufus persons
of colour suing in forma pauperis

Respectfully represent that some
time since Doct Dawson Warren of the County of Surry departed
this life after having made and published his last will and
testament which has been duly proved and admitted to probate in
Surry County Court an attested Copy marked A is herewith filed
and prayed to be taken as part of this bill, by which your Compts
some manuscripts and set free should they so elect and also a legacy
in money to each, your Compts Charge that Sam Pocahontas
and Isham belonged absolutely to the said Warren, that a division
of the four eldest Children of Barbara ^{was made} ~~was made~~ between the said
Deek and said Warren in his life time when Sam Pocahontas fell
to said Warren and Lucy Ann Solomon to said Deek and that Barbara
and her three youngest Children ~~residue of goods Compts~~ ^{and her three youngest Children} were held in common by said Warren and
Isaac Deek in right of his wife Margaret formerly Warren
~~and they believed were intended~~ your Compts Charge that it was the
intention of their tutor that they should be the recipients of this
 bounty at least to the extent of that estimable boon, freedom
that he has made ample provision for the indemnity of said Deek
for his interest, and as your Compts are informed and so Charge

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Pembury to the
n 3 Amicus Hill
Oak to the

Filed March 2nd
1837.

Exp^d
L. H. M. Young Co. app^d at rule
Given at return to court.

The Hon: Richard H. Parker Judge of the
Circuit Court holden for the County of Essex of

Wright

Humbly Complaining sheweth unto the
Courtsly way of amendment to their Bill formerly filed
your Complainant Barbara for herself and her children
to wit Lucy Ann, Jim, Poruhontas, Solomon, Annaka, Elizabeth
and Lewis, Isham, Tempe, Anneline Ann, Virginia, and Rufus,
persons of Colour suing in forma pauperis

Your Compt shews by way of
amendment to his former Bill that the said Jeremiah D Delk and
Margaret his wife formerly Margaret Warren in his own right
Saml. D Delk, Jeremiah D Delk and Thomas J B Delk infant
Children of said Jeremiah Delk and Margaret his wife, the said
Jeremiah Delk admor. of Cherry Warren decd and Lewis a free
person of Colour Emancipated by the late Dawson Warren decd
were intended to be made parties Defts. to said Bill but were
your Compt's charge that said persons have been emancipated & have since by the Court of the jurisdiction of the Court and
unintentionally omitted, Your Compt prays that they be now
cannot not be reached by process of this Court, he hereby left the Court: before which he is now
made parties to said original & amended bills in as full and
ample manner as if they had been made parties thereto
originally, and that the Court may be decree your Compt
to be free and entitled to compensation & remuneration
for their detention & slavery by said Delk, and that
your Honor will direct such accounts to be taken by
one of its Com^{rs} as may be necessary and such other
and further relief as their Case may require and
Equity permit. Your Compt prays the Court
will of its own Commission & Your Compt will
confer &c

Whitfield & Humphreys

Barbara Fisher

21 3/4 lbs.

Thomas Van Fisher

2nd Amendment Bill

May rules 1854 - filed.

To The Hon: Rufus A. Parker Judge of
The Circuit Court holden for the County of Isle of Wight

Respectfully sheweth unto the Court your
Complts. Barbara, Lucy Ann, Jim, Pointhontas, Solomon, Anika
Elizabeth Leers, ^{Anika} and the Infant child of Barbara whose name is
unknown and John Persons of Colours Scurgers former ~~persons~~
by way of amendment to their Original and amended bill heretofore
exhibited in this Court (in the name of Barbara Scurger in his own
right and for your Other Complts: ^{There never was a division of the negro of Cherry Warren, in the lifetime of any person living}) that Emanuel Deek and Margaret his
wife formerly Margaret Warren in his own right, Samuel D Deek
Jumiah Ed Deek and Thomas H B Deek infant Children of said J^r
Margaret Deek J^r: Deek adm^r: Cherry Warren dec^d: J^r: Deek Exor:
of Dawson Warren dec^d: and Lewis Jefferson of Colours Emancipated by the late
D Warren of Surry (and who was emancipated and removed beyond the jurisdiction
of this Court before the exhibition of this Suit) ^{that this Court was any division of the negro of Cherry Warren} may be made parties to this Suit
and Compelled to answer the original and amended bills Exhibited by
Barbara and Co^s in his own right & for the benefit of her D Complts:
in as full and ample manner as if the same were twice repeated, and
they thereunto particularly interrogated, And that your Complts ~~Complts~~
may by a Decree of this Court be freed and set at liberty and entitled
to Compensation and remuneration for their detention in Slavery & D
Deek dec^d: ex^r: &c. That the Court will direct such accounts to be
taken by one of its Com^{rs}: as may be necessary with such Other
Aid as their Case may require & that your Complts
pray the Court sh^d Command

Whitfield H. Davis for
Complts)

Barbara Esq.

n: Auton.

Dell up. of Warren

She is charming Barbara &

in Journal Dell Esq. of

Duron Warren de

to July, Kulu

Whitfield Esq. Esq.

May Term 1830 peto. Esq.

1 group growth of

Dell up. of Warren.

their suit, But before process issues upon the said Petition
Mr. Whitfield or Mr. Evans is to make exact statement to the
Court of the Circumstances of the Case with his Opinion
thereupon

~~John Evans~~
~~Robert Whitfield~~

Dorset Dawson Warren departed this life leaving a will in which
he emancipated the woman Barbara and her seven children
named in the petition and gives to W. Delk M.D. Eleven hundred and 3
fifty dollars in fees of his interest in such of said slaves as were
indebted to him, he Emancipates his man Isham and that
Barbara and her husband Lewis shall elect for their children
he also Emancipates Peter who has some said Pompe Amelia
Ann Virginia and Rufus or such of them as may belong to him
on a division I am of Opinion that a portion of the petitioners
are certainly entitled to their freedom, J. A. Evans.
Pro^r Whitfield

Robert A. Whitfield says: This day presented to the Court
a paper purporting to be an exact statement of the Circumstances
of the Case of Barbara and other persons of colour with his
Opinion thereupon. And the Court seeing no reason to deny
its interference, doth order the Clerk to issue process against
Jesse Delk exor of Dawson Warren do to appear and
answer the said Barbara

Complaint, And the said Barbara

are to be in custody of

the Sheriff until the said Jesse Delk shall give bond
with good security either in Court or with the Clerk on the
penalty of \$ ~~1000~~ ⁵⁰⁰⁰ payable to the Court of or
to have the said Barbara and

forthcoming to answer the ^{same} ~~judgment~~
of the Court in which Case the said Barbara and

are to be returned into the possession of
And in Case the said Barbara and
are returned into the possession
of said Jesse Delk, he is not to presume
to beat or mistreat them upon account of this suit
but to suffer them to come to the Clerk's office for
space for their writings, and to attend their
examination and the trial.

To The Honorable Richard A Baker Judge of the
Circuit Superior Court of Law & Chancery, held in
the County of Isle of Wight

~~for~~ The Petition of Barbara
for her self and her seven children, viz. Lucy Ann, Ann Boutwell,
Abner, Ann Ann and Decie - and Isham, Tempe, a male child, Elizabeth
Virginia and Rufus. Persons of Colour respectfully represent that they
are illegally detained as slaves in the said County in the possession
of Jeremiah Delk exor of Dawson Warren. The material facts
of their case are as follows, that Dost Dawson Warren departed this
life sometime since leaving a will in which he emancipated
or designed to emancipate the said Barbara and her seven children
and Isham, and seek of the residue of said persons of Colour
as may belong to him upon a Division. That the detention of said
persons of Colour, your petitioners is not occasioned by any
necessity to detain them for the payment of debts of said D Warren
de? Upon these facts your petitioners conceive they have
good cause of action against the said Jeremiah Delk Exor:
as aforesaid. And they pray the Court to assign them Counsel
to prosecute their suit, and to take such further order in the premises
as may be right and proper.

Isle of Wight County

This day Joseph Adams personally appeared
before me a Justice of the Peace for the County aforesaid and made
oath that he verily believes the foregoing petition states truly the material
facts of the case. Given under my hand this 16th day of May 1850.

Archd. Atkinson (JP)

The Petition of Barbara and others

Persons of Colour complaining
that they are illegally detained or slaves in the said County of Isle of Wight
in the possession of Jeremiah Delk Exor of Dawson Warren, do as this
day present to the Court. And Upon the inspection of said petition
of the affidavits thereto subjoined, the Court doth assign Robert
H. H. H. and J. J. H. as Counsel to the Complainants to prosecute

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Dell upo. of Warner
etc. 364.

Barbara Lds.

Oct. term 1830.

Ans. of Dell filed by
court of court

me
To the Honorable Richard H Baker Judge of the Circuit
Court of Isle of Wight; The Answer of Jeremiah DeWitt in
his own right & as executor of Dawson Warren, deid to
the bill of complaints in said court exhibited by Barbara
a person of colour suing in fama pauperis in her own
right & that of her seven children against him. This
defendant now at all times hereafter saving & reserving
unto himself all benefits & advantage of exception which
can or may be had or taken to the many errors, uncertainties
& other imperfections in the said complainant's bill of
complaints contained for answer thereunto, or unto so much
& such parts thereof as this defendant is advised is or are
material & necessary for him to make answer unto, this
defendant answering saith that he is as in complainant's
bill charged the executor of Dawson Warren deid, & that
the exhibit (A) filed with said bill is a copy of the last
will of the said Warren, which since his death has been
duly admitted to probat. Your respondent denies that
he ever as in complainant's bill charged, promised the
saidth testator that he would accept the bequests in said will
in satisfaction of his interest in the negroes which the
said testator desired to emancipate by the said will,
your said respondent was not aware that the said
testator had made the said will until subsequent to his
death - Your respondent denies that in qualifying
as executor of said will that he has elected to take
the bequests given him in said will in lieu of his in-
terest in the slaves which the said testator proposed to
emancipate, or that he is concluded & estopped by said
qualification from refusing to emancipate said slaves.
The said testator Dawson Warren was a son of Samuel
Warren who departed this life in the county of Surry
in the year 1819 - intestate, leaving his widow Cherry
Warren, the said testator Dawson Warren, Samuel H

Warren & a daughter Margaret Warren his distributees at law - the widow Cherry Warren on the 20th of September 1820 qualified in the County Court of Seneca as the guardian of her infant children Samuel & Margaret, the former died about the year 1829 - leaving his mother & brother & sister surviving - about the year 1827 your respondent intermarried with the said Margaret Warren - that about the year 1835, the other distributees of Saml Warren made a division of the negroes of his estate including their increase since his death - this division of the negroes was without your respondents knowledge or consent & partly injurious to him, as the share allotted him in right of his wife was much less valuable than that of the other distributees, although his long acquiescence bars him from now disturbing or attempting to disturb said division - in this distribution of the negroes of Saml Warrens estate the widow received as her dower negro Isham & wife as her portion of her deceased son's (Samuel's) share a negro girl Amelia Ann - Isaac Dawson Warren received Tempe a negro woman and her two children Minerva & Dary ^{& an old man Gary} Your respondent received in right of his wife the said Margaret Old Charles, Martha & Rachel - this was the only settlement made with your respondent by the said Cherry Warren, who never returned any account as guardian of her said children, nor did she ever settle with your respondent as guardian of his wife as aforesaid, with the exception of a payment of two hundred dollars made by said guardian to respondent about the month of 1833 - - that about the year 1846 the said Cherry Warren departed this life in the County of Seneca intestate & possessed of personal estate valued at about \$300 - exclusive of the following negroes, to wit, Isham, Amelia Ann, or

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Cecelia Ann, an old man Peter bought by Mrs Warren after her husbands death, a woman Barbara, also bought by Mrs Warren after her husbands death & the following children of Barbara born after her purchase, Lucy Ann, Levin, Pocahontas, Anaka, Solomon, & perhaps Elizabeth, your respondent not recollecting whether she was born before or after Mrs Warrens death; there was never any qualification on the estate of the said Cherry Warren during the life of the said Dawson Warren, who took possession of the whole estate including the said negroes & kept the whole property until his death in the year 1849, with the exception of two of Barbara's children, to wit Lucy Ann & Solomon, & Amelia Ann or Cecelia Ann, which three negroes were sent your respondent in part satisfaction of his portion of Cherry Warrens estate in right of his wife Margaret daughter of said Cherry - there has been no valuation or division of the other negroes besides that just mentioned - no such division as that charged in the Compts bill, under which Dawson Warren received Isham, & the two children of Barbara, Levin & Pocahontas as his share, but the said Dawson Warren retained the said Isham, Levin & Pocahontas as he did Peter, Barbara, Anaka, Elizabeth & Lewis (young) an infant child of Barbara born since Mrs Warrens death - in which said negroes left by Cherry Warren your respondent had an equal interest in right of his wife the said Margaret, with the said Dawson Warren her brother Your respondent denies that he ever consented to any agreement by which the said Dawson Warren was to have Isham, Levin & Pocahontas as equal in value to the three negroes belonging to Cherry Warren sent by Dawson Warren to your res-

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pondent, to wit, Amelia Ann, Lucy Ann & Solomon, - since
the death of Sanson Warren your respondent has qual-
ified as the administrator of Cherry Warren & has taken
possession of her estate for administration & as her ad-
ministrator has possession of the undivided negroes belong-
ing to her estate - it was the desire of the said Sanson Warren
to exchange other property for the undivided negroes
& he made several propositions for that purpose to your
respondent, but no division of the negroes was ever
made, or any purchase of the respondent's interest by
the said Sanson Warren in his life time - Your respon-
dent denies that the said testator Sanson Warren
ever intended by his will to emancipate, Tempsy
Amelia Ann Virginia & Rufus, enumerated as free-
titioners in the will, as the testator by his will
merely gives them respectively a legacy of ten dollars,
expresses a desire that such of them as belonged
to him should have their freedom if they could
do any thing for themselves - Amelia Ann was
one of the negroes sent your respondent as aforesaid,
in part satisfaction of his share of Cherry Warren's estate
& is now where in the testator's will claimed as his prop-
erty or attempted to be emancipated - Tempsy & her
children Virginia & Rufus & another child of Tempsy
not named in the will were sent by the testator in his
life time to James Wheadon of Long who claimed
them as a donation & subsequently sold them with
the exception of Larry who died in Mr Wheadon's
possession - Peter has died since Doct Warren's death,
since which time Barbana has had an infant child
whose name is unknown to your respondent -
Until the estate of Cherry Warren is settled & the value
of the interest of your respondent ascertained
he will be unable to decide whether to elect to take

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the benefits given him by the testator's will, in lieu
of his interest in the said negroes - Your respon-
dent saith that it appears by the Compt's bill that
his wife Margaret Clerk late Warren is interested in
the said election of negroes to have their freedom
& that the said Margaret Warren your respondent's
children, Samuel & Jeremiah C. L. & Thos. G. B. Clerk
should be parties to the said bill, as well as Lewis
the husband of Barbana, to whom jointly with Bar-
barana the power of electing for their children is
given by the testator's will - that as to Tempsy & her
children, Virginia & Rufus, the bill should be dis-
missed, as the testator parted with them in his
life time as already stated to James Wheadon & the
said negroes have never been in the possession
of your respondent - that as to Amelia Ann
a negro belonging to your respondent whom the
testator never desired to be emancipated the bill
should also be dismissed - that the undivided
negroes belonging to Cherry Warren's estate your
respondent holds in the character of her ad-
ministrator & hence in that character he should
be a party to the said bill, and the said respon-
dent prays that he may have the same benefit of this de-
fence as if he had demurred to the bill for the non join-
der of the said Margaret Clerk & the said children,
Samuel & Jeremiah C. L. & Thomas G. B. Clerk,
Lewis
& himself in the character of administrator of Cherry
Warren & for making the said Tempsy, Virginia & Ru-
fus & Amelia Ann parties to this suit; and this de-
fendant denies & prays to be dismissed -
Signed - Jeremiah Clerk

Isle of Wight County, to wit;

Jeremiah Delk personally appeared before me a
justice of the peace for the County aforesaid & made
oath that the facts contained in his answer above
set forth are true to the best of his knowledge & belief
Given under my hand & seal this the 17th day of
Oct 1850-

M. Womble J. Peace

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Barbours Le

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Dick Le

Ans of Infant Df 5

The Joint and separate answer of Saml D. Jeremiah
E L Deek and Thomas H B Deek infants under the age of
21 years by Mr P Young Adm ad litem, to an Original
and amended bill exhibited against them by Barbara
Livingston answer and as next fr^d of her children

These respondents for answer to said bill
answer and sayeth that they are infants of tender years
wholly ignorant of their rights they commit their
Interest to the hands of the Court and hope that
nothing will be done to prejudice them and
having and pray to be dismissed with their
costs &c in this behalf Expended

— Mr P Young gov.
ad litem.

Dilk exp. of
Warren to 3.

at 3⁰⁰ to
3⁰⁰ 1/2.

Barbours to 3.

Sept. 3⁰ 1801 filed

^{me} To the Honorable Richard H Baker Judge of the
Circuit Court of the County, of Isle of Wight in Chan-
ce-
ry sitting; ^{Champion of Benjamin Warren & Administrators of Cherry Warren dec'd.} The joint & several answer of Jeremiah
Slack & Margaret his wife late Warren, ^{in his own right} to the original &
amended bill of complaint in said court exhibited
by Barbara & others against them & others. These defen-
dants now at all times hereafter saving & reserving to
themselves & each of them all benefit & advantage of excep-
tion which can or may be had or taken to the many errors,
uncertainties & other imperfections in the said complai-
ant's said original & amended bill of complaint contained
for answer thereto, or unto so much & such parts thereof as
these defendants are advised, is or are material or neces-
sary for them or either of them to make answer unto, these de-
fendants severally answering say that your respondent
the said Margaret, is the daughter of Samuel & Cherry
Warren, that she former departed this life in the county of
Sunny in the year 1819, intestate, leaving his widow the said
Cherry, &anson Warren the testator in these proceedings men-
tioned, Samuel H Warren your respondent the said
Margaret, the three children of the said Solomon & Cherry
surviving, his distributees & heirs at law - the widow
Cherry Warren on the 20th of Sept 1820, qualified in the
County Court of Sunny as the guardian of her said infant chil-
dren ^{as will appear from the annexed} ~~Solomon~~ H & Margaret, the former died in 1829, leaving
certificates of qualification marked P, prayed to be taken as part of this
Exhibit (P) { his said mother, brother & sister surviving - in the year 1827 }
(P) { your respondents intermarried - that in deference to the
history of the title of the negroes in the proceedings mention-
ed belonging to the estate of the said ~~Samuel~~ Warren
your respondents adopt the former answer filed in
this cause by your said respondent Jeremiah Slack,
showing their ownership on the death of Cherry Warren
which event took place in the county of Sunny in the year
1846 - the said Cherry never setthol her guardian's trans-
actions with your respondent, the said Margaret, who
intermarried with the said Jeremiah during her infancy

that the said Cherry Warren died intestate & possessed
of personal estate amounting to \$300- exclusive of
the negroes mentioned in the former answer of John Ter-
mish Sleek, which answer as to the negroes left by said
Cherry & their distribution your said respondents here
adopt as a part of this answer - that there was no
qualification on the estate of the said Cherry until the
day of 18 when your respondent the said
Sereinish Sleek qualified on her estate in the County
of Surry as will appear from the annexed certificate
Exhibit (of qualification marked (Q) & filed as a part of this an-
Q } swer - that Doct Warren kept all the property of the
said Cherry (with the exception of the negroes admitted
in the said former answer of the said Sereinish to
have been sent to him in part satisfaction in right of
his wife Margaret in the estate of the said Cherry) -
& kept the same until his death - that the estate of
the said Cherry still remains unsettled, that there
has never been any settlement of her transactions as
guardian of your respondent with the exception of a
payment of \$200. made to your respondent the said
Sereinish on account thereof in the year 1833 -
that until the estate of the said Cherry is settled
& the amount of your respondents interest therein
ascertained they cannot exercise the election to which
they are put by the said testata's will as to the negroes
mentioned in the same, which negroes descended
from the said Cherry to your respondent the said
Margaret & the said testata which at the death
of the latter were & still are undivided - your respon-
Exhibit (dents herewith file as a part of this answer a copy of the
L } said testata's will marked (L), by the first clause of which
he emancipates Lewis & Barbara & their seven children
to wit, Lucy Ann, Jim - Pocahontas, Solomon, Anaky
Elizabeth & Lewis giving to Lewis & Barbara the parents

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of said children the right of electing whether the said children
should be free - that with the exception of Lewis the parent
who belonged to the said testata in his own right by purchase
the other negroes, to wit, Barbara & her said seven
children were negroes in the possession of Cherry War-
ren at her death belonging to her absolutely, that all these
negroes with the exception of Lucy Ann & Solomon, two of
said Barbaras children who had in 1844 been sent by said
testata to your respondents in part satisfaction of their inter-
est in said Cherrys estate, had been retained by said testa-
ta without division - your respondents are informed & so
charge that they are only put to their election between the
negroes mentioned in the first clause of the will & the
money specifically bequeathed the said Sereinish & the
lien of his interest in said negroes & that the further
devise of land & bequest of money in said will to
your respondent Margaret is independent of the said
emancipation of the negroes & in no manner affected by
any election she may make in reference to the same -
that John to whom the said testata offers his freedom
in the same clause of his will, was also one of the negroes
left by Cherry Warren, in whom your respondents had an
equal interest with the said testata - your respondents
deny that the said testata as charged in complainants
bill ever intended to emancipate, Peter, Temfy, Amelia
Ann, Virginia & Rufus, he merely gives them a legacy
of ten dollars each & expresses a wish that such of them
as belonged to him should have their freedom if they
could do any thing for themselves - that Peter an old &
infirm man has since the testata's death died -
that at the date of the will Temfy & her child-
ren Virginia & Rufus belonged to the testata absolutely
having been devised from his fathers estate, but that in
his lifetime the said testata gave the said Temfy
& her said children Virginia & Rufus, & a shield

child Mary not mentioned in the will to James Whendon, who
 sold them - that the said Negroes have never been in your
 respondents possession in any character since the death of the
 said testator - that Amelia Ann mentioned in said clause
 was one of the Negroes given in 1838 to your respondents
 as stated in the former answer of the said Sermon in
 in part satisfaction of his interest in said Cherry Warrens
 estate - the said testator no where claims the said Ame-
 lia Ann or offers to emancipate her & the complainants
 bill admits her ownership to be in your respondents - that
 Lewis the husband of Barbara, emancipated by said testator will
 has received his free papers & left for parts unknown that the
 said Lewis under the said will was to elect jointly with Barba-
 ra whether their seven children should be free & that hence the
 said Lewis is an necessary party to the said petition & suit
 for freedom - that Barbara the said mother has run
 away & your respondents have been unable though using
 diligent means for that purpose to retake her or learn
 where she now is - that Elizabeth one of the ^{seven} children
 of Barbara mentioned in testators will & in complainants
 bill is not a party to said petition for freedom, ^{as to this suit} nor has
 she or any one for her been admitted to sue in this court
 for her freedom - that in consequence of the said removal
 of the said Barbara & Lewis the said bill should be dismissed
 or some other persons appointed to sue on behalf of the said
 children of Barbara & Lewis - that as to Lemmie & her children
~~Virginia~~ & Rufus (given ^{& delivered} as aforesaid by the testator in his
 life time to James Whendon) the Amelia Ann whom the
 said testator does not attempt to emancipate) the bill should
 be dismissed - & your respondents pray that they may
 have the same benefit of this defence as if they had de-
 murred to the complainants bill for the non joinder therein
 of the said Lewis & for making the said Lemmie, Virginia
 & Rufus & Amelia Ann parties to the said suit & your
 said respondents pray that as to the said Lemmie

5

Virginia & Rufus & Amelia Ann the said bill may be -
dismissed & that as to them your said respondent Jeremiah
Delk & his security may be released from all liability
on his bond filed in this cause by order of this court -
& that an order may be made for the settlement of
the estate of the said Cherry Warren & the extent
of your respondents interest therein ascertained
that they may exercise their election under said will
& that such other & further accounts may be directed as
may be necessary - & then defendants deny & pray to
be dismissed &c

Signed { Jeremiah Delk
Margaret Delk

Jole of Wright County, to wit:

Jeremiah Delk & Margaret, his wife personally
appeared before me a justice of the peace for the
County aforesaid & made oath that the facts contained
in their answer above set forth are true to the best
of their knowledge & belief -

Given under my hand & seal this the 2nd day of Sep-
tember ~~August~~ 1851.

Geo. J. P.  Seal

respondents do not believe that it was ever the intention or desire of the testator to emancipate Amelia Ann. & these respondents deny & pray to be dismissed &c.

Signed

Jos. of Wight County, to wit;

a justice of the peace for the county aforesaid do hereby certify that Jeremiah Shelk & Margaret his wife personally appeared before me & made oath that the facts contained in their foregoing answer are true to the best of their knowledge & belief.

Given under my hand & seal this day of September 1834 -

seal

Annex of Jeremiah
Shelk & Margaret his
wife to & J. J. Sherrill
bill -

Bartholomew
as } In presence
Shelk & his

& at her death your respondent the aforesaid Margaret & her brother the said testator became joint owners of the said Isham - your respondents deny that it was competent to the testator to emancipate a ~~slave~~ in whom he was thus jointly interested as part owner, only - that the testator did not attempt to emancipate Isham absolutely, but offers him his freedom on his election & Isham has yet made no election of freedom - That of the seven children of Barbara, named in the testator's will, two of them Lucy Ann & Solomon, belong absolutely to your respondents Jeremiah Shelk, having been sent by the testator in part satisfaction of his portion of the negro estate of Cherry Warren, coming to him in right of his wife - these negroes (Lucy Ann & Solomon) were allotted to the said Jeremiah by the said Dawson Warren as part of the negroes coming to him from said estate, he received them as such & as ever since held them as such, he claims them as his absolute property & they were regarded by the testator as his absolute property & he in his will acknowledges the ownership of said negroes to be in your said respondent Jeremiah, & offers him a pecuniary compensation in lieu thereof, which he has refused to accept - that your respondents claim an undivided interest in Barbara & her other five children named in the testator's will amounting to such portion thereof, as will together with the aforesaid Lucy Ann & Solomon & Amelia Ann or Amelia Ann named in a subsequent clause make your respondents share equal to one half of the negroes left by Cherry Warren - that the said Barbara has since the death of the testator given birth to three children, one of whom has since died leaving Cherry & one whose name is not known

to your respondents surviving - that since your respondents filed their answer to the first amended bill Barbara who was then out as a runaway has since returned - that it was never the intention of the testator to emancipate Amelia Ann, whom he names in the same clause with Peter, Tempe, Virginia & Rufus - & respecting which said negroes he says he "should desire such of them as belong to ~~him~~ (him) to have their freedom also if they could do any thing for themselves" & gives them respectively a legacy of ten dollars - of these negroes Tempe, Virginia & Rufus alone belonged to him & were given to Meadow by the testator in his lifetime - Amelia Ann the testator does not claim title to, she having been given to your respondents before the execution of the will, at the same time Lucy Ann & Solomon were, in part satisfaction of respondent Margaret's portion of Cherry Warren's estate & to ~~Amelia Ann~~ Amelia Ann, Lucy Ann & Solomon, your respondent Jeremiah had an absolute title prior to the testator's death that Amelia Ann is not a party to the second amended bill - that Elizabeth, one of Barbara's children, though a party to the bill, is not a party to the petition or included in the Bond or original Subpoena - that Isham being jointly owned by the testator & your respondents, it was not competent for the testator to emancipate him & that hence as to Isham the bill should be dismissed - that the only parties who can claim freedom under the testator's will & the only parties whom the testator intended to emancipate, are such of the negroes Barbara & her children other than Lucy Ann & Solomon, as on the partition of the negroes belonging to Cherry Warren's estate may be allotted to the testator's share - your

To the Honorable Richard H Baker Judge of the
Circuit Court of the County of Sole of Wight in Cham-
ber sitting; The joint & several Answer of Sere-
miah Sleek, Executor of Dawson Warren, & Administrator
of Cherry Warren deceased, & in his own right & of
Margaret his wife late Warren, to the original & amend-
ed bills of complaint in said court exhibited by
Barbara & others against them and others. These
defendants now & at all times hereafter saving & re-
serving to themselves each of them all benefits & advan-
tage of exception, which can or may be had or taken to the
many errors uncertainties & other imperfections in the
said complainants said original & amended bills of
complaint contained for answer thereto, & unto so
much & such parts thereof as these defendants are
advised is or are material or necessary for them, & either
of them to make answer unto, these defendants
severally answering say that they beg leave to refer
to their former answers in this cause & to rely upon the
same as a part of this answer, in the same manner
as if the matters things therein stated were herein
repeated, except so far as the same may be modified
by the statements hereinafter mentioned. That
the second amended bill of the complainants no
longer claims freedom for Tempe, Virginia Ru-
fus, who were disposed of by the testator in his lifetime
or for Peter who has died since the testator & only seeks
the emancipation of Barbara, Lucy Ann, Jim, Poca-
hontas, Solomon, Anaka, Elizabeth, Lewis & an infant
child of Barbara born since the testator's death whose
name was unknown, Barbara & her said eight chil-
dren & Isham being now the only petitioners for
freedom before the court. That the said Isham
was a part of the estate of the elder Warren & was al-
located to & held by Cherry Warren as a dower nego

Barbara

ms. $\frac{1}{2}$ Am. of inst.
 $\frac{1}{2}$ defn. to original

Delk tom. Bill

Octo. term 1854, filed
 by Hon. Court.

Delk

now be divided between the said Silk and wife and
the Executor of Dawson Warren deceased and that such
of the said slaves as may be allotted for the portion of
the said Executor and who under the said will may be
declared entitled to their freedom shall be emancipated
and that such of said slaves so allotted to said Executor
as may not be freed by said will if any such there
be. belong to your respondents as residuary legatees
of said testator - As to slave Isham they insist
for the reasons set forth in answers of Jeremiah
Silk wife that he is not entitled to his freedom and
that the Bill as to said Isham should be dismissed -
and the said Isham declared to be the joint property
of the said Jeremiah Silk in right of his wife
and of these respondents as residuary legatees of
Dawson Warren unless under the Court should require
the wife of the said Jeremiah Silk to elect between
the surrender of the legacy of the land and five hundred
dollars bequeathed her by the will of Dawson Warren
and the surrender of her undivided interest in said Isham
and by her election of the said legacy by the said wife
such is the Execution of the said testator the entire interest
in said Isham so as to enable the Executor to
confine within the term of freedom contemplated by

said testator for him -
Your respondents are advised that the ^{condition} ~~bequeathing~~
legacies given to Jeremiah Silk having been rejected
by him the amounts thereof thus lapsed fall into
the residuum of the Estate to which these respon-
dents are entitled -

They ask the protection of the Court for their
rights in the premises - as fully as if the same
were more fully disclosed herein - and that
the same may be established and declared by
the decree of the Court to be pronounced thereon
October term 1853

J. Taylor Esq.

N. J. Conway gen. atty.

The Answer of Samuel S. Delt, Jeremiah E. L. Delt and Thomas S. B. Delt infants under the age of twenty one years by J. P. Young their Guardian ad litem assigned to defend them in this suit to an original and amended Bills filed in the Circuit Court of Isle of Wight County by Barbara and other persons of colour suing in forma pauperis against them and others -

The said respondents answering by their said Guardian for answer unto so much of the said Bills as they are advised it is material for them to answer unto, answering say - That they are advised that the Court will require every material fact by which their interests are to be affected to be fully proved and that they claim the full benefit of the bequests made to them by the will of Dawson Warner deceased under the residuary clause thereof. They are advised that under the facts of this cause as set forth in the answers of Jeremiah Delt and wife and in the deposition of Bill ~~deceased~~ no division of the slaves belonging to the Estate of Cherry Warner deceased was ever made and they insist that all of the said slaves including Lucy Ann, Solomon and Amelia Ann should

The within named complainants are to be in the custody
of the Sheriff until the said Jeremiah Delk shall
give bond with good security in the Clerk's office in
the penalty of \$5000. payable to the Commonwealth
of Virginia to leave the said complainants
forth coming to answer the decree of the Court
in which case they are to be returned into the
possession of said Delk.

Teste

W. P. Furness.

Barbara for herself

1 child as is

3 Sp. in Chy.

no.

Jeremiah Delk vs.

of Duns & Warren.

==

To Delk mts 1830

C. S. C. etc.

Graves &

Whitford

100

to leave 22 May 1830

W. P. Furness

May 22nd 1830. Entered by delivering a true copy of
the within notice to the clerk of the Court
W. P. Furness

arg.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of *Ide of Wright* County, Greeting:

You are hereby commanded to summon *Perennial Debt specious*
of Dawson H. Green and Co.

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for
Ide of Wright County, at the Rules to be holden for the said Court, on
the first Monday in *July* next, to answer a

Bill in Chancery, exhibited against *him*
in the said Court, by *Barbara for herself and Terese Sheldrew, Court*
Lucy, Ann, Lino, Pocatentas, Solomon, Anna and Lewis
and Island, Temple, Amelia Ann, Virginia and Rufus
persons of color

And unless the said Defendant shall answer the said Bill within two months thereafter,
the Court will take the same for confessed, and decree the matter thereof accordingly.
And this *he* shall in no wise omit, under the penalty of £ 100.

And have then there this Writ.

WITNESS, *W. P. Gentry* Clerk of our said
Court, at the Courthouse, the *21st.* day of *May* 1880 ~~184~~, and in the
74th year of our Foundation.

W. P. Gentry

(One Copy to be delivered each Defendant.)

5
Barbara Tal.

vs: J. Sum. P. to
J. ant. am. bill

Dellkoas.

To April 1857.

Gains and
Whitfield

On the 10th March /57 I
delivered a true Copy
of this summons to
Jeremiah Dellk & one
also to Margaret Dellk
the wife of said Jeremiah
Dellk, A. Lorden Esq
W. R. Lorden Esq

Not to be served on
the wife.

Col.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Isle of Wight County, Greeting:

You are hereby commanded to summon Jeremiah Delk and
Margaret his wife, formerly Margaret Warren,
Saml. D. Delk, Jeremiah C. S. Delk and Thomas G.
Delk infant children of said Jeremiah Delk
Margaret his wife. The said Jeremiah Delk adm.
of Cherry Warren decd. and Lewis a free person of
Color emancipated by the late Dawson Warren decd.
to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for
Isle of Wight

County, at the Rules to be holden for the said Court, on
the first Monday in April next, to answer a ~~an~~ amended
Bill in Chancery, exhibited against them

in the said Court, by Barbara for herself and her
children, to wit: Lucy Ann, Jim, Peabontes,
Solomon, Anaka, Elizabeth and Lewis.
Isaac, Temp, Amelia Ann, Virginia and
Rufus persons of Color being in forma
pauperis.

~~And unless the said Defendant shall answer the said Bill within two months thereafter,
the Court will take the same for confessed, and decree the matter thereof accordingly.
And this shall in no wise avail, under the penalty of £ 100.~~

And have then there this Writ.

WITNESS, N. P. Young
Court, at the Courthouse, the 5th day of March
7th year of our Foundation.

Clerk of our said
1857, and in the

N. P. Youngd.

(One Copy to be delivered each Defendant.)

Feb. 14th 1832 - We acknowledge service of the
within notice -

C B Hayden Atty for Jeremiah
Sleek in his own right & Margaret
his wife, Jeremiah Sleek, Administra-
tor of Henry Wason, & Executor of
Samuel Wason, -

Robt Whitfield Atty for Barbara Dab

Commissioners Office Southfield February 13th 1852

You are hereby notified that I have fixed upon the 10th day of March 1852 at my office to take and settle the following accounts to wit an account of the transactions of Jeremiah Delt as administrator of Cherry Warren deceased showing the value of the said Delt's distributable share of her estate, and an account of said Jeremiah Delt's transactions as executor of Dawson Warren deceased required to be taken by a decree of the Circuit Court of Sale of Wight County rendered on the 21st day of October 1851 in a suit in chancery depending in said court between Barbara who sues for herself and for Lucy Ann, John Pocahontas Solomon, Amica Elizabeth Lewis Leham and Amelia Anne Plaintiffs and Jeremiah Delt executor of Dawson Warren deceased and as administrator of Cherry Warren deceased, Jeremiah Delt and Margaret his wife, Jeremiah Ed Delt Samuel W Delt and Thomas G B Delt (the last 3 infants,) defendants at which time and place you are required to attend, Given under my hand as Commissioner of said court the day and year first aforesaid

Geo R Anderson

Barbara Ledy.

n. ⁹ 2/2 sent.

Dick only.

To Mary Ann. Oct. 11th 44

I have put the within
~~copy of which was taken~~
Notice Jeremiah & Deborah
by Margaret Ledy

End.

The Commonwealth of Virginia,

To the Sheriff of Isle of Wight County—GREETING.

YOU ARE HEREBY COMMANDED TO SUMMON Jeremiah Delt and Margaret
his wife, formerly, Margaret Warren in her own right, Samuel & Delt
Jeremiah P. Delt and Thomas G. Delt (infant) children of said
Jer. & Margaret Delt, Jas. Delt, adm. of Chas Warren, Jas. Delt Exor.
of Dawson Warren decd. & Lewis a person of color emancipated by Dawson Warren,
to appear at the Clerk's Office, of our ¹⁸⁵⁴ Circuit Court for Isle of Wight county, on the first
Monday of ~~June~~ May term ^{next}, to answer ~~answer~~ the original and
amended bills filed against them & to. by Barbara
who sues for her self & others.

ok a plea of

damages

and have then and there this Summons.

Witness, NATHANIEL P. YOUNG, Clerk of our said Court, at his Office, this 10th.
day of May, 1854, in the 78th year of the Commonwealth.

N. P. Young.

Barbours

4.  Notes

Sell

Commissioner's Office, Sept. 8. 1855.
To Mr. Jeremiah Delk and Margaret his wife.
Take notice, that I have appointed
Saturday Sept. 13th. 1855 at my office to take
the account of their appearance of the negroes or
domestic in the service of the day of May
1855, performed in the cause pending in the
Circuit Court of the District of Columbia
Barbara who serves for herself & others as slaves,
and generally, slaves and dependents. At which
new place, you are required to attend.

Given under my hand as a Commissioner of
the said Court this day, you find a further.

J. P. Murray

We acknowledge due service of the above
notice.

Jeremiah Delk
Margaret Delk

Deposition of
James C. Bell
Barbours Vals
vs { In chg.
Warrins Executor Vals

more sent by Dawson Warren.

Question by same. Were all the negroes above mentioned kept by
D^r Warren ~~except those sent to Mr Delt~~^{Agassiz}? They were, except those
sent to Mr Delt.

Question by same. To whom did Isham belong, what was his value at
the death of Chiny Warren & what became of him after her death?

Answer: Isham belongs to the estate of Samuel Warren, was retained
by Mrs Warren as one of her dower negroes, and at her death was
taken possession of by D^r Warren and retained by him until his
death. The said negro was worth \$400, aged about 13 or 14 years.
and further this deponent saith not James C Bell

The deposition of James C Bell a witness of lawful age taken on the 10th day of April 1852 before George R Atkinson one of the Commissioners in Chancery of the Circuit Court of Isle of Wight County to testify and the truth to say in behalf of Jeremiah Delt and Margaret his wife in a certain matter of account referred to the said Commissioner for settlement by a decree of the said court rendered on the 21st day of October 1851 in a suit in Chancery then pending between Barbara who sued for herself and for Lucy Ann, Jim, Pocahontas, Solomon, Anika, Elizabeth Lewis Isham & Amelia Ann plaintiffs & Jeremiah Delt executor of Dawson Warren deceased and as administrator of Cherry Warren deceased and in his own right, Margaret his wife formerly Margaret Warren, J. E. Delt, Samuel D Delt, & Thomas & B Delt, by R. P. Young guardian ad litem ^{Infants} ^{Defendants} James C Bell being first duly sworn deposeseth and saith Question by Defendants Jeremiah Delt & wife. Give the names of the Negroes belonging to the estate of Cherry Warren the mother of Dawson Warren?

Answer Barbara & her children, Lucy Ann, Jim, Pocahontas Solomon Betsey, ^{or Elizabeth} Anaka, Louis, also Peter an old negro Amelia or Semelia Ann, and Isham who was a dower negro.

Question by same. When did Mrs Cherry Warren die?

Answer She died in May 1845.

Question by same. At the time of Mrs Warrens death what was the value of these negroes? Peter an old negro was ex per

Ans and died The year in which Mr Warren died. Semelia Ann ^{about 12} years old was worth \$300. Barbara was worth \$500. Lucy Ann aged 11 or 12 worth \$300 Jim ^{aged about 8 years} worth \$300, Pocahontas ^{about 10 years old} \$200. Anaka ^{about 6 years old} \$150 Solomon aged 4 or 5 years, with one eye failing him, \$150. Louis between one and two years old \$100. Betsey or Elizabeth nearly 3 years old, \$100.

Question by same Did all of these ^{negroes} belong to Mrs Warren in fee simple? ^{Answer} They all did except Isham, a dower negro, and with the exception of the one with the defective eye. They were all young healthy negroes.

Question by same Which of these negroes were sent to Mr Jeremiah Delt in right of his wife Margaret formerly Margaret Warren, a sister of Dawson Warren & when were they sent?

Answer Lucy Ann, Semelia & Solomon, about Christmas 1847.

Barbara & Others
vs
Self & Others.

Deposition
of
James C. Bell

April 28th. 1855. Came
to land under seal & filed.

We acknowledge service of notice of
taking the within deposition,

R. H. Whitfield.

of Mr. Jeremiah Welch, at the time the
said slaves were sent I was living
with Mr. Jeremiah Welch, & in a
short time after the said slaves were
sent by Dr. Warren to the said Welch,
I was at Dr. Warren's residence & I saw
to him I suppose you & Mr. Welch
were about to divide the negroes (meaning
the negroes belonging to Cherry Warren's
estate) he said, yes in part, he told me
he did not want any ^{the} of the said
he thought Mr. Welch might take the
two girls & the boy with the infirm eye
solomon ^{eye} being very much infirm, it
being supposed that he might lose it,
Dr. Warren said they were a portion of
Cherry Warren's negroes still to be divided,
soon after Warren sent them to Mrs.
Annia Ann down away & sent to Dr.
Warren & Dr. Warren sent her back
to Mr. Welch, I thought at the time from
what Dr. Warren said that it was a ~~portion~~
of Welch's, proportion of the negroes of Cherry
Warren's estate, Mr. Welch has continued
to have them in possession & has them
at this time, they were sent to Mr.
Welch some years ago last February,
And further this deposition said not

Signed James C. Bell

The foregoing deposition was taken, sworn
to, & subscribed at the time & place men-
tioned in the caption before me, a justice
of the peace for the of Isle of Wright,
given under my hand this 27th day of
April 1855.

Joseph B. Atkinson

⁴⁰
The deposition of James C. Rice
taken at the office of C. B. Haydon
in Smiths River Isle of Wright County
Virginia on the 27th day of April 1855.
between the parties of mine A. B. & C. & D.
Pursuant to notice to be read as
evidence on behalf of Jeremiah A. Rice
& Margaret his wife, in a suit in
Chancery pending in the Circuit
Court of the County aforesaid, in
which Barbara & others suing for
freedom, are plaintiffs & the said A. Rice
& wife & others are defendants,
The said deponent being first duly
sworn on the holy Evangelists, deposes
As follows,

Question 1st. By counsel for said A. Rice
& wife, are you acquainted with the
slaves Lucy Ann, Solomon, & Amelia
Ann, now in the possession of Jeremiah
A. Rice? if so state whatever you may
know as to the circumstances, under
which the said Jeremiah A. Rice acquired
possession of them, & any thing you may
know as to the right or title of the said
Jeremiah A. Rice to the said slaves,
Answer. I am acquainted with the
slaves mentioned in the foregoing
question, the said slaves formerly belonged
to Cherry Warren the mother of the wife of
Jeremiah A. Rice, & after her death, (between
three or four years after her death) these
slaves Lucy Ann, Solomon & Amelia Ann
(or Samaria Ann) were sent to Jeremiah
A. Rice, by Dr. Newton Warren the brother

Barbara tar.

m. $\frac{2}{3}$ report. of
com.

Dick tar.

Leid May 17. 1852

The Estate of Dawson Warren deceased

1849

November 9	To paid Acell Savage services as appraiser	1 00
"	" " paid John H. Baker services as appraiser	1 00
"	" " paid Silas Hollaway services as appraiser	1 00
"	" " paid Anna Davis account	2 88
"	" " paid Flaminia Bell account	1 00
"	" " paid John Malicite for services as auctioneer	5 00
"	" " paid W. H. Edwards for board and attendance on decedent	" "
1850	in his last illness	250 00
January 28	" paid John Burnett for coffin	30 00
"	" " paid Joseph Hollaway account	1 00
"	" " paid J. A. Graves attorney for devis a manumitted slave	" "
"	" " the legacy bequeathed to said slave by testator	100 00
"	" " paid Fisking Clarke administrator account	1 00
"	" " paid James C. Bell legacy bequeathed to him by testator	100 00
March 23	" paid W. H. Edwards account	42 00
April 8	" paid Silas Hollaway account	4 44
May 27	" paid Clarke tickets	10 91
"	" " paid J. H. Barham account	10 89
"	" " paid Jacob Hancock account	10 03
"	" " paid John Malicite, constable, execution in favor of	" "
"	" " Charlotte claim back	12 92
" 29	" paid Eliza Wilson legacy bequeathed to her by testator	50 00
" 31	" paid R. A. Jones legacy bequeathed to her by testator	1500 00
July 22	" paid Joseph Hollaway legacy bequeathed to him by testator	100 00
"	" " paid Isaac Lofgren account	5 50
" 28	" paid Sheriff of Surry execution in favor of C. H. Hammond	129 52
"	" " paid Edwin White account	12 26
August 16	" paid Elizabeth Wilson legacy bequeathed to her by testator	50 00
"	" paid C. B. Haydon Attorneys fees	25 75
"	" paid S. J. Benthall account	6 20
"	" S. J. Benthall commission on \$7965.63	398 28
"	" paid G. W. Carroll account	6 30
August 25	" Balance due the Estate of contra	5378 80
		<u>\$8257 03</u>

In account with Jeremiah Bell his executor

1849

By this sum money found in the Household ledger death	\$174 00
" this sum received of John H. Hankins	bond 535 77
" this sum received of Benjamin C. Bell	bond 58 20
" this sum received of W. H. Jones	bond 0 44
" this sum received of W. H. Jones W. B. Ruffin	bond 1312 50
" this sum received of John M. Williams	" 22 17
" this sum received of James C. Bell	" 58 70
" this sum received of W. H. Jones & Holling Jones	" 157 55
" this sum received of Benjamin C. Bell	" 393 32
" this sum received of C. B. Hammett & M. Shelly	" 24 28
" this sum received of W. H. Hankins & Wilson	" 177 07
" this sum received of J. A. Hankins	" 3 80
" this sum received of J. C. Maynard & J. C. Clarke	" 116 00
" this sum received of J. C. Clarke	" 121 35
" this sum received of John W. Watters & H. Jones	" 181 25
" this sum received of John H. Hankins	" 630 00
" this sum received of W. H. Edwards 19 Bond \$3,142.22 and \$354.00	685 42
" this sum received of W. H. Hankins & J. A. Hankins	" 77 52
" this sum received of W. H. Clements and J. R. Fitchett	" 345 00
" this sum received of Josiah A. Jones	" 144 00
" this sum received of John Malicite in part of bond	" 5 00
" this sum received of W. H. Wilson & H. R. Wilson	" 206 56
" this sum received of W. H. Wilson & H. R. Wilson	" 537 25
" this sum received of White Pledge, A. Sledge & E. White	" 2098 33
" this sum proceeds of sale of chattel property	116 00

\$8257 03

1850

August	By Balance due of contra	\$5378 80
"	" this sum interest on \$5378.80 to May 16 th 1852	524 91

D^r The Estate of Cherry Warren deceased.

1849

November 9 To pair Saul Savage services as appraiser	1 00	
" " " pair J. M. Bell services as appraiser	1 00	
" " " pair Elias Holloway services as appraiser	1 00	
" pair Thomas J. Bell services at the sale	5 00	
" pair Joseph Gray for coffin for Peter	4 00	
" pair Clarke tickets	2 74	
" 5% emts Comm. fees on \$235.27 receipt	11 76	

1850 Nov. 25 " Balance due the Estate of contra	<u>235 27</u>	
	<u>\$235 27</u>	

1850

To pair for keeping negroes	8 00	
" pair A. B. Waynes Attorney fee	10 00	
" 5% emt Comm. fees on \$85.00	4 25	
November 25 " Balance due the estate of contra	<u>274 52</u>	<u>12 70</u>
	<u>\$296 27</u>	<u>12 70</u>

1852

May 14 th To 5% emt Comm. fees on \$56 receipt	2 80	
" " " Balance due the Estate of contra	<u>327 72</u>	<u>19 77</u>
	<u>\$330 52</u>	<u>19 77</u>

In account with Jeremiah Delk her administrator

1849

By the sum proceeds of sale of chattel property \$235 27

1850

November 26 By Balance due of contra	<u>\$211 77</u>	
December 31 " This sum for hire of Negroes year 1850	55 00	
1851 Nov. 25 " This sum Interest on \$211.77 one year		<u>12 70</u>
	<u>\$296 77</u>	<u>12 70</u>

1851

November 26 By Balance due the Estate of Debit	<u>\$274 52</u>	<u>12 70</u>
December 31 " This sum hire of Negroes year 1851	55 00	
May 16 " This sum Interest on \$274.52 to date		<u>7 77</u>
	<u>\$330 52</u>	<u>19 77</u>

An account of the Property of Cherry Warren deceased and the value of Jeremiah Delt's distributable share thereof

Amount due May 16 th 1852 by Cherry Warren Administrator.	\$347.49
Barbora worth at the time of Mrs Warren, death	500 00
" Amelia Ann " " " " " " "	300 00
" Lucy Ann " " " " " " "	300 00
" John " " " " " " "	300 00
" Pocahontas " " " " " " "	300 00
" Anaka " " " " " " "	150 00
" Solomon " " " " " " "	150 00
" Louis " " " " " " "	100 00
" Elizabeth " " " " " " "	100 00
Peter is dead	
	\$2447.49

Jeremiah Delt distributable share, in right of his wife Margant formerly Margant Warren \$1223.74 1/2

Commissioner's Office Smithfield May 18th 1852

To the Circuit Court of Isle of Wight County

Pursuant to a decree of the Circuit Court of said county rendered on the day of October 1851 in a suit in chancery depending therein between Barbora who sues for herself and for Lucy Ann, Jane Pocahontas Solomon Anaka Elizabeth, Louis Thomas & Amelia Ann, plaintiffs and Jeremiah Delt Executor of Dawson Warren deceased and as administrator of Cherry Warren deceased and in his right, Margant his wife, and J. Ed Delt Samuel D Delt & Thomas G Delt of P. O. of their guardians as litigant defendants, the undersigned, one of the Commissioners of the said Court to whom was referred by said decree the following account viz an account of the transactions of Jeremiah Delt as administrator of Cherry Warren deceased showing the value of the said Delt's distributable share of her estate, and an account of the said Jeremiah Delt's transactions as Executor of Dawson Warren deceased, reports to the Court that on the 10th day of February 1852 he issued notices against the several parties aforesaid requiring them to attend the settlement of the said accounts before him at his said office on the 10th day of March 1852 which were returned to your Commissioner duly executed, that the parties aforesaid appeared before your Commissioner on the day of April and he then upon examining the vouchers and stated and settled the foregoing account of Jeremiah Delt's transactions on the estate of Dawson Warren deceased up to the 10th day of May 1852 and on that day gives a balance of \$5933.71 due from the Executor to the said estate of which the sum of \$554.71 is interest, that he also examined the vouchers and stated and settled the account of Jeremiah Delt's administration of the estate of Cherry Warren deceased up to May 16th 1852 and on that day gives a balance of \$347.49 due to the said estate by the administrator, of which the sum of \$19.77 is interest, Your Commissioner further reports, that according to the evidence laid before him which is herewith returned, he gives Jeremiah Delt's distributable share of the estate of Cherry Warren to be \$1223.74 1/2.

Witness my hand and as Commissioner of the Court aforesaid the day and year first aforesaid

George R Actinson

Time employed by Commissioner in examining vouchers and in stating settling and reporting the account of Dawson Warrens Estate 5 h. 35 min. \$4.18
Time Employed on Cherry Warrens account 3 h. 5 min. \$2.31
Fee for taking deposition 1.50
\$1209

Geo. R. Actinson

Barbarah Als.

my Refus of
Spl. Com.

Delld. Exor: of Warrant.

Filed 1st. June 1802

Pursuant to a decree of the Circuit Court of Allegheny County rendered in a suit in Chancery depending therein between Barbara who sues for herself and for Lucy Ann Jim Pocahontas Solomon Elizabeth Lewis Arden, Leham and Amelin Ann plaintiffs and Jeremiah Delt in his own right and as Executor of Dawson Warren deceased and administrator of Cherry Warren deceased, Margaret Delt late Warren, ^{wife of} the said Jeremiah Delt, J Ed Delt Samuel & Delt & Thomas G B Delt infants by N P Young guardian ad litem, the undersigned who were appointed by said decree Special Commissioners in conjunction with the plaintiff Barbara to examine the negroes Barbara Lucy Ann Jim Pocahontas, Solomon, Arden, Elizabeth, Lewis, Leham, and Amelin Ann, named in the proceedings and explain to them their several rights in the premises, and to take their election as to whether they will accept their freedom or not according to ^{the provisions} ~~their several~~ rights in the premises of the last will and Testament of Dawson Warren deceased, report that they examined the said Barbara ^{to her} and explained ^{aforsaid} her rights and that she for herself and children Lucy Ann Jim Pocahontas, Solomon Arden, Elizabeth Lewis elects to have their freedom Given in our hands as Special Commissioners of said Court

Wm Tuttle ad
Geo A Atkinson
Mr. Noble

Barbara Lathrop

vs { Com^d Report

Warren's Executor & als

In the Circuit Court of Isle of Wight County
Pursuant to a decree of the Circuit Court of Isle of Wight County
undered on the 19th day of May 1852 in a suit in Chancery
depending in said court between Barbara who sues for herself
and others Complainants and Jeremiah Delk executor of Dawson
Warren deceased, Margaret his wife and others, defendants, the under-
signed a commissioner of said court, whose duty it was made by
said decree, to take the election of Jeremiah Delk and Margaret his
wife, and the elect to claim the Slaves Lucy Ann, and Solomon
the sum of eight thousand dollars devised by the late Dawson
Warren in lieu thereof and whether they elect to claim their undivided
interest in Barbara and her three children Anaky Elizabeth and
Lewis or the sum of Three hundred and fifty dollars devised by the
late Dawson Warren in lieu thereof with directions to said com-
missioner to examine the said Margaret Delk apart from her said
husband aft- having fully explained her rights under the will of said
Dawson Warren deceased, report to the court that he has perform-
ed his duty under said decree, and that the said Jeremiah Delk and
the said Margaret Delk who was examined apart from her said husband
has fully explained her rights under the will of said Dawson Warren and fully explained
that they elect to claim the Slaves Lucy Ann and Solomon instead of the
sum of Eight thousand dollars devised by the late Dawson ^{Warren} in lieu thereof
and that they also elect to claim their undivided interest in Barbara
and her three children Anaky, Elizabeth and Lewis instead of the
sum of Three hundred and fifty dollars devised by the late Dawson
Warren in lieu thereof.

Witness my hand as Commissioner of said court. the 14th
of October 1852

Geo W Atkinson

Being employed by Commissioners in making the foregoing report
D. W. \$1.50

Geo W Atkinson Com

Barbours tag.

(n. 3 Rpts. of
3 division of
myos
Deck tag.

July 2^d 1856 filed.

one half of the whole amount	\$3850
Amount of Lucy Ann Abraham Solomon	1850
Belch's receipt	10 00
Lucy's 500 & 1/2 with \$500	10 00

Warren Est.

Ames \$100 Bealant \$700	1800
Cherry 300 - Warren & Childs	1050
\$250	\$2850

All of which is respectfully submitted

Wm. H. H. H. H.

E. Morrison

L. H. & H. Morrison

June 17/1853

The unwary and carelessness pursuant to the annu-
 id decree, is amended by the authority of the court set
 in the case as shown by their endorsement on
 the decree, dated the 27th of June 1853, proceed to
 divide the negroes in the said decree named, at
 which time, ^{the} allotted to Jeremiah Delm & Margaret
 his wife (in addition to Lucy Ann, Elizabeth &
 Solomon,) Elizabeth & Lewis and to Jeremiah Delm
 executor of Duncan's will over negro Barbara &
 infant child Edward no name in the decree
 Cherry, Linn, Pocahontas, & Anne, and Barbara
 elects freedom for herself and the other negroes as-
 signed to Warren's estate being her children &
 under the age of twenty one years.

The further report that Isham after having his
^{under the will of Duncan's executor} ~~negro~~ ^{freely} explained to him refused to accept
 his freedom or choose a master, but preferred to
 remain as he is.

Valuation of negroes

Elizabeth 500	Lewis 500	Anne 500	\$ 1500
in random eye			
Pocahontas 500	Linn 500	Cherry 500	1500
Barbara & child Edward			750
			3800
Lucy Ann 500	Elizabeth 500	Solomon 500	1500
			5300
			3800

Barbara &c vs. Deek &c &c

~~The original & amended Bill, in this case having been taken confessed at the Rule, as to~~

This day the defendant Jeremiah Deek Esq. of Dawson Warren dec'd and as admr. of Cherry Warren dec'd ^{and Margaret, his wife filed their answers} to the original & amended Bill, ~~was filed~~ publication thereof, & the cause coming on to be heard on the original & amended Bill, & the answers of Jeremiah Deek as above said & of N. P. Young guardian as before to the Infant Depts, - J. E. L. Deek, Samuel D. Deek, & Mrs. G. B. Deek publications thereof & was argued by counsel: on consideration whereof the Court both adjudge order & decree that G. R. Atkinson - a commissioner of this Court, take the following accounts - First - an account of the transactions of Jeremiah Deek as admr. of Cherry Warren ^{showing the value of said Deek's defunctible share of her Estate.} Second - an account of said Jeremiah Deek's transactions as Exr. of R. Dawson Warren dec'd -

And the Court both further adjudge order & decree that Moris Noble Joseph B. Whitcomb & G. R. Atkinson ^{be & they are hereby appointed Comrs.} in conjunction with the Jct. Barbara, ~~to~~ ^{if she can be found to} examine the negroes, Barbara, Lucy Ann, Sim, Pocahontas, Solomon, Anstacy, Elizabeth, Lewis, John, Amelia Ann, named in the proceedings & explain to them their several rights in the premises & to take their election as to whether they will accept their freedom according to the provisions of the Last will & testament of R. Dawson Warren dec'd. or not, ~~& report to Court~~ ^{and} ~~and the said Comrs. will report to the Court any matter deemed~~ ^{and} ~~important by themselves or which may be required by the Parties~~

An account of the Hires and Expenses of the negroes
Edward & Mary, since the death of Dawson Warran and
D.

1850			
Dec. 31	To paid for keeping Barbara & children Elizabeth, Lewis & infants	8 00	
	" paid Med. bill for Isham	20 00	
		<u>\$ 28 00</u>	

1851			
Jan. 1	To balance due last year	8 00	
Dec. 31	" Interest on balance to date		48
	" paid Midwife fee to Barbara	2 00	
	" paid for keeping Barbara & two chldn.	22 00	
	" paid expenses (extra) of Barbara (confined)	5 00	
	" paid expenses of Amica, Eliz. & Lewis, infra.	40 00	
	" paid Dr. Edwards for attending Lewis	16 00	
	" paid Med. bill for Isham	20 00	
	" paid for apprehending Pocahontas (run away)	5 00	
		<u>\$ 118 00</u>	48

1852			
Jan. 1	To balance due last year pr. Dr. & Int.	97 00	48
Dec. 31	" interest of bal. of pr.		5 82
	" pd. expenses of Barbara while sick	5 00	
	" " Expenses of Amica, Eliz. & Lewis infra.	40 00	
	" " Med. bill for Isham	20 00	
	" Attendance on Mary while sick & burial expen.	15 00	
		<u>\$ 177 00</u>	6 31

1853			
Jan. 1	To balance due last year	62 00	6 30
Dec. 31	" Interest on balance to date (pr.)		3 72
	" paid for keeping Barbara & 2 chldn.	5 00	
	" paid for keeping Amica, Eliz. & Lewis	40 00	
	" " expenses of Pocahontas (who would not live)	20 00	
		<u>\$ 127 00</u>	10 02

1854			
Jan. 1	To balance of last year	22 00	10 02
Dec. 31	" Int. on bal. of pr.	1 32	1 32
	" pd. for keeping Barbara & 2 chldn.	5 00	
	" pd. expenses of Pocahontas (not lived)	20 00	
	" pd. C. B. Hayden att. for an act of Pocahontas	5 00	
	" pd. keeping Amica, Eliz. & Lewis (infra.)	40 00	
	" bal. of int. put into pr. act.	10 02	
	" Balance pr. Centro	78 66	
		<u>\$ 180 00</u>	

Barbara, Jim, Pocahontas, Isham, Amica Elizabeth, Lewis Cherry.
Co.

1850			
Dec. 31	By hire of Jim	16 00	
	" hire of Pocahontas	4 00	
	Isham not hired on account of diseased eyes		
	" balance due pr. debt	8 00	
		<u>\$ 28 00</u>	

1851			
Dec. 31	By hire of Jim	16 00	
	" hire of Pocahontas	5 00	
	Isham not hired on acc. of his defective eyes		
	Balance pr. debit	97 00	48
		<u>\$ 118 00</u>	48

1852			
Dec.	By hire of Barbara & children	15 00	
	" hire of Jim	40 00	
	" hire of Isham	60 00	
	" balance pr. debit	62 00	6 30
		<u>\$ 177 00</u>	6 30

1853			
Dec. 31	By hire of Jim	45 00	
	" hire of Isham	60 00	
	" balance pr. debit	22	10 02
		<u>\$ 127 00</u>	10 02

1854			
Dec. 31	By hire of Jim	60 00	
	" hire of Isham	120 00	
		<u>\$ 180 00</u>	

1855	By bal. of last year	\$ 76 66	
	" sum of firm this year	80 00	
	" sum of Schaw " "	134 00	
Sept 15	" int. on balance to date		3 00

\$ 290 66	3 00
-----------	------

Barbara Jr

2 Rept. of. Fran
3. 4. 5.

Delk Jr

Octo. 5th 1830 filed

Commissioner's Office.

Isle of Wight Sept. 13th 1855.

To the Circuit Court of Isle of Wight County.

Pursuant to a decree of the Circuit Court of Isle of Wight County, rendered on the day of May 1855, in a suit in Chancery ~~therein~~ pending ~~in the said~~ between Barbara who sues for her self & others plaintiffs, against Jeremiah Delk in his own right, and as executor of Dawson Warren decd, Margaret Delk, wife of said Jeremiah Delk & others Defendants. - The undersigned one of the Commissioners of the said Court, to whom was referred for settlement, an account of the Slaves and Expenses of the Slaves, Barbara, Jim, Pocahontas, Isham, Anaka, Elizabeth, Lewis, Cherry, Edward & Mary in the proceedings mentioned. reports to the Court that on the 3^d day of September last he issued notice against the several parties aforesaid, requiring them to attend the settlement of the said account, before him, at his office on the 13th day of September - the service of which was acknowledged by the said parties. That the said Delk and wife appeared before the Commissioner in obedience to said notice, and he thereupon examined the vouchers, and stated & settled the foregoing account of the Slaves & expenses of the said Barbara, Jim, Pocahontas, Isham, Anaka, Elizabeth, Lewis, Cherry, Edward & Mary from the first day of January 1850. to the 15th of September 1855. And on that day paid a balance of One hundred and sixty five dollars and sixty Cents of him, over and above the expenses of said negroes - Three dollars and sixty Cents of which is interest. The Commissioner further reports to the Court that after the completion of the said account he retained the same in his office two days for the examination of the parties, and no exceptions were filed thereto.

Given under my hand, as Commissioner aforesaid, the day and year first aforesaid.

Time employed examining vouchers
& settling acct. 4 1/2 hours
Writing notice 1 hour

N. P. Young

\$4.50
\$4.00

denied pretensions by themselves or which may be required
to be so stated by any of the parties.

A copy.

List

N. P. Younger.

Received of

W. J. Coppy, Secy.

Sum of \$100.00 of
American Union Socy. for

for

Comm. of W. J. Younger

In the Circuit Court of the State of New York, Dec. 21st. 1837.
Barbara who sues for herself and others. Complainant
against In Chancery

Jeremiah Delk Executor of Dawson Warren decd.
and as administrator of Cherry Warren decd. other Defendants

This day the defendants Jeremiah Delk executor of
Dawson Warren decd. and as administrator of Cherry
Warren decd. and in his own right, and Margaret his
wife filed their answers to the original and amended
bills, and the replications thereto. And the cause coming
in to be heard on the original and amended bills, exhibits,
and the answers of Jeremiah Delk as aforesaid, and of
N. P. Young guardian ad litem to the infant defendants
J. C. L. Delk, Samuel D. Delk and Thomas G. B. Delk,
replications thereto, and was argued by Counsel; On Consider-
ation whereof, the Court doth adjudge, order and decree
that George B. Atkinson, a Commissioner of this Court,
take the following accounts. First an account of the
Transactions of Jeremiah Delk as administrator of
Cherry Warren decd. shewing the value of the said Delk's
distributable share of her estate Second, and account of
said Jeremiah Delk's Transactions as executor of Dawson
Warren decd. And the Court doth further adjudge,
order and decree that Mint Womble, Joseph B. Whitstead,
and George B. Atkinson be and they are hereby appointed
Commissioners, in conjunction with the plaintiff Barbara,
if she can be found, to examine the negroes Barbara,
Lucy Ann, Jim, Pocahontas, Solomon, Anica, Elizabeth,
Lewie, Isham and Amelia Ann named in the proceedings,
and explain to them their several rights in the premises,
and to take their election as to whether they will accept
their freedom or not according to the provisions of the last
will and testament of Dawson Warren decd. And the said
Commissioners will report to the Court any matter

Ex/2

Barbara et als.

vs. Geo. Decree

Warren's Exor: et als.

At a circuit court continued and held for the
County of St. John's on the 19th. of May 1852.
Barbara who sues for herself et. als. Comptt.

Against 3 In Chancery
Jeremiah Belk exr. of Dawson Warren decd.
and in his own right and his wife et. als. Repts.
This cause came on this day to be heard upon the
papers formerly read, the report of Commissioner
Catherson, and the report of Commissioners At-
kinson, Whitehead and Wamble made under
the order made on the 21st. day of October 1851
to which there is no exception, and was
argued by counsel; On consideration whereof
the court confirming said reports, doth adjudge
order and decree, that a Commissioner of
this court, take the election of Jeremiah
Belk and Margaret his wife, whether they
elect to claim the slaves Lucy Ann and
Solomon, or the sum of Eight hundred
dollars devised by the late Dawson Warren
in lieu thereof, and whether they elect to claim
their undivided interest in Barbara and her
three children Anaky, Elizabeth, and Lewis
or the sum of three hundred and fifty dollars
devised by the late Dawson Warren in lieu thereof
and the said commissioner shall examine the said
Margaret Belk apart from her said husband
after having fully explained her rights under the
will of said Dawson Warren decd. and report
with any matters deemed pertinent by himself
or required by the parties to be so stated.

A Copy

Teste

J. D. Younger.

Barbara

" } Anne

Deek Exort

To be sent to

R. H. Parker

Bay Co. St.

Paulina H.

²⁷
J Deek vs of D Warren & others

This cause came on this day to be heard upon the papers formally read, the report of Com. Atkinson and the report of Commissioners Atkinson, Whitehead & Womble made ~~under the order~~ entered on the 24. day of October 1857 to which there is no exception, and was argued by Counsel on consideration whereof the Court confirming said reports doth adjudge order and decree, That a Court of this Court take the election of Jeremiah Deek and Margaret his wife whether they elect to claim the Slaves Lucy Ann Robinson or the sum of eight hundred Dollars, owing by the late D Warren in lieu thereof and whether they elect to claim ~~their undivided~~ interest in Barbours and in three children namely Elizabeth & Lewis on the sum of three hundred & fifty Dollars, owing by the late D Warren in lieu thereof and that the said Court shall examine the said Margaret Deek apart from her said husband after having fully explained her rights under the will of said Deek on D Warren's deed, and make report and any matters deemed pertinent by himself or required by the parties to be so stated

John C. Brown

a commissioner of this court take an account of the
 hire & expenses of all the aforementioned slaves
 except Lucy Ann & Solomon since the death of Sam-
 son Warren deceased. report the same to court & the
 court doth further (and) that N S Young who is hereby
 appointed special commissioner for that purpose
~~take the election~~ examine the defendant Margaret
 Delt ^{Wife of Jeremiah Delt} & apart from her husband ^{& ascertaining} whether she
 will elect to claim her interest in Isham, or the
 land & legacy of five hundred dollars given her
 under the will of Samson Warren ~~report the same~~
~~to court~~ or whether she will elect to claim her interest
 in said Isham, or the said legacy. report the same
 to court -

Barbara Delt
 as
 Delt et al

Rough decree
 May Term 1833

To be entered -

R. H. Butler

X

20

Barbara et als

^{as}
Helk et als.

This cause this day came on to be again heard on the papers formerly read & the second amended bill of the plaintiffs, the answers of the adult & infant defendants with general replications thereto, on the exhibits & examination of witnesses, & was argued by counsel. On consideration whereof the court doth adjudge order & decree that H. Morrison, J. H. Atkinson, A. Atkinson, J. B. Whithead or any three of them who are hereby appointed special commissioners for that purpose, do divide the negroes Barbara Jim, Pocahontas, Anoka, Elizabeth Lewis, ^{Cherry & Larry} ~~the infant~~ ^{other increase} ~~children~~ of Barbara, ~~belonging to the estate of the said~~ ~~Warren deceased~~ Lucy Ann & Solomon, in these proceedings mentioned ~~equally between~~ into equal moieties hamp regard to quantity & quality, & allot one moiety thereof to Jeremiah Helk as Executor of Daniel Warren deceased & the other moiety to Jeremiah Helk & Margaret his wife, including in the share of the latter the said Lucy Ann & Solomon & that the said commissioners or any three of them ~~execute the will of the said~~ ^{after} having explained to them & such of the adult negroes as may be assigned to the said Jeremiah Helk ~~as Executor~~ of Daniel Warren deceased their rights to their freedom under the will of said Daniel Warren, take their election as to whether they will accept the same & that ^{they take the election} ~~in~~ ^{the said} ~~Barbara~~ ^{the said} ~~whether~~ ^{whether} such of the infant negroes as may be allotted to the said Jeremiah Helk as executor of Daniel Warren shall be emancipated, - ^{make up the rest of the estate} the court doth further (a o d) that &

from her husband. And ascertain whether she will elect to claim
her interest in Isham - or the land and legacy of five hundred
dollars given her under the will of Dawson Warren - or whether
she will elect to claim her interest in said Isham - or the said
legacy. And report the same to Court. —

A Copy

Test.

N. P. Young c

The name of Amelia Ann, a ~~Camelia Ann~~ having
been inadvertently omitted in the original decree
has been inserted by consent of counsel, who hereby
authorize the commissioners to divide the negroes so
~~as to include~~ the ~~of~~ said negro in the partition &
assign her to Belk —

C B Hayden
Counsel for Belk
& for Cherry & Anna
Waneis Schmitz
Whitfulco & Graves
Counsel for Paupers

Belk
C. of Warren ad.

05.
M. J. Brown

Barbours lals.

P. 2.

At a Circuit Court Continued and held for the County of
Isle of Wight On the 18th day of May 1855.

Barbara who sues for herself and others

Plffs.

Against

Jeremiah Delk executor of Dawson Warren's estate.

Defts.

This Cause this day came on again to be heard on the papers formerly read.
and the second ~~amended~~ ^{amended} bill of the plaintiffs, the answers of the adults &
infant defendants with general replications thereto, On the exhibits and
examination of witnesses. And was argued by Counsel, On consideration
whereof the Court doth adjudge, order and decree, That E. Morrison,
J. N. Atkinson, A. Atkinson and Joseph B. Whitehead or any three
of them who are hereby appointed Special Commissioners for that purpose,
do divide the negroes - Barbara, ^{Amelia} Jim, Pocahontas, Anaka, Elizabeth,
Lewis, Cherry and any other increase of Barbara, Lucy Ann, ^{Camelia} and
Solomon, in these proceedings mentioned, into equal moieties having
regard to quantity and quality. And allot one moiety thereof to Jeremiah
Delk as executor of Dawson Warren's estate. And the other moiety to Je-
remiah Delk and Margaret his wife - including in the share of the latter,
the said Lucy Ann ~~and~~ ^{and} Solomon. ^{and} And that the said Commissioners or
any three of them after having explained to Isiah and such of the adult
negroes as may be assigned to the said Jeremiah Delk as executor of
Dawson Warren's estate their right to their freedom under the will of said
Dawson Warren, take their election as to whether they will except the same,
and that they take the election of Barbara whether such of the infant
negroes as may be allotted to the said Jeremiah Delk as executor of
Dawson Warren's estate shall be emancipated. And make report thereof to
Court. The Court doth further adjudge, order and decree, that a Commis-
sioner of this Court take an account of the time and expenses of all the
aforesaid slaves except Lucy Ann and Solomon since the death
of Dawson Warren's estate and report the same to Court. And the
Court doth further adjudge, order and decree that N. P. Young who
is hereby appointed Special Commissioner for that purpose examine the
defendant Margaret Delk wife of Jeremiah Delk, Separate & apart

Barbara. w. a. s.

M. Secree
Oct. 55-

Francis Crox

To be entered

R. H. Baker

Ent

9

paid to them, he paid to Robert⁹ White —
who is hereby appointed Receiver for
that purpose, and which said Receiver
will pay to Barbara the mother of said
Pocahontas & Jim, the said sum of money
whenever she together with her said
children Pocahontas & Jim may be about
to remove to some free state or to Liberia
and that Thomas Hall & Adam of America also
pay the sum above decreed to him as
such, after deducting all legal charges
to the said Barbara for the benefit
of herself & her said children
when about to leave for some free
state or for Liberia as aforesaid
(and that the defendant
Crummish & Selk Exor. of Dawson
Warren did pay out of the
assets of his Testator's estate
the costs of this suit, and also
the sum of One hundred dollars
each to Mr. H. Whitfield & J. A. Graves,
their fees as ^{in this suit} Counsel for said negroes, it
appearing that their labors have
been devoted to carrying out the
objects of said Testator's will
for said slaves emancipation thereby
The ~~all~~ ^{other} questions arising under the will of Dawson Warren
deceased and presented by the answers of the
defendants are not disposed of, The Court being of opinion
that it is not necessary or proper to decide them in
this suit.
But, this decree is to be suspended as to the
payment of the several sums of money
above decreed to be paid to Robt White unless
he shall execute bond with sufficient security
in the penalty of Five hundred dollars in

the clerk's office & before the clerk of the
Court payable to the Commonwealth & con-
ditioned according to law.

Barbara tal.

107.

Warren's Ee^l &c

This Cause came on this day to be again heard on the papers formerly read & on the Reports of Com^r. Young also on the Report of Com^r. Whitehead, Morrison & attorney made pursuant to the decree of the 18th day of May 1855, to which reports no exceptions have been filed & was argued by Counsel; On Consideration whereof the Court doth confirm the said Reports, ~~and doth~~ ~~adjudge, order & decree that~~, and the Court being of opinion that negroes ~~are~~ Anica, Pocahontas, Jim, Cherry, Barbara & Edward ^{adversely by from the Commissioners} ~~are~~ ~~belonging~~ to the estate of Dawson Warren deceased, are entitled to their freedom according to the Last will & Testament of said deceased, doth adjudge, order and decree that the said negroes be and the same are hereby declared to be free, and doth further adjudge order and decree that Jeremiah Deek the Executor of Dawson Warren decd. pay out of the assets of his Testator in his hands, to Barbara, Pocahontas, Jim, & to Thomas Paul ~~Shiff~~ ^{and} adm^r. of Anica (also it is suggested to the Court has recently died) the sum of One hundred hundred dollars each, ~~with~~ ^{with} legal interest ~~thereon~~ ^{thereon} from the 27th day of August 1855 ~~to~~ ^{paid} - and it appearing to the Court that negroes Pocahontas, & Jim, are under twenty years of age doth adjudge, order & decree that the said sum at one decree & be

fourteenth Manhattan, three hundred and thirty four, and
for the reasons assigned in those cases, the court is of
opinion, that the said decree is erroneous; therefore it is
decree and ordered that the same be reversed and
annulled. And this court proceeding to pronounce such
decree, as the said circuit court ought to have pronounced,
it is further decree and ordered, that the petition and
bill in the cause be dismissed.

Which is ordered to be certified to the said circuit court.

Attest.

Teste.

Allen. C.C.

Deek yals
Do { Co. decree
Barbara yals

Decr. 23^d 1860.

Received in vacation
& admitted to record,

N. P. Young

Isle of Wight

Virginia: At a Supreme Court of Appeals, held at the
State Courthouse, in the City of Richmond,
on Friday November 23^d 1840.

Samuel D. Deek, Jeremiah E. L. Deek and
Thomas L. B. Deek infants under the age of
twenty one years by N. P. Young their next friend
and guardian ad litem.

appels:

against

Barbara, Pocahontas, Henry, Edward, Martha
infant of Barbara, Jim, Edward and
others.

upon an
appeal from

appeals: a decree

pronounced by the circuit court of Isle of Wright
county, on the twentieth day of October 1835, in a
suit between the appellants, the appellees and
others.

This day came the appellants by their counsel, and
suggest that Jim, one of the negroes suing in forma pauperis
and named in the petition, and who by the decree appealed
from was declared to be free, has since said decree
departed this life, and there being no personal representative
of said negro, and the appellants not asking for, or
desiring any action by this court in relation to said negro,
it is ordered that the appeal be abated as to him, and the
appellees being solemnly called and not appearing, and
the transcript of the record of the decree aforesaid, and
the arguments of the appellants counsel, having been
maturely considered, the court is of opinion, that the
freedom of said slaves declared to be free by the said
decree, was made by the testator to depend on their election,
and they had no legal capacity to elect, and therefore
the will was ineffectual to emancipate them. The
case is governed by the principle decided, in the cases of
Bailey against Ponderester, Fourteenth Virattan, one hundred
and thirty two, and Williamson &c against Coalter

Barbara Oak

in

Warren's Cove

Notes by Miss Cornwell

Notes of Miss Cornwell

7/10

Aug 30. R. H. Baker

2-12

Isle of Wight.

events, the mind, in search of truth, may, in such a case, investigate & be governed by, facts & circumstances independent of either, as well as in their consistency with either statement, and with the conduct of both parties, and with the known rules & motives of ordinary caution & self interest. Judging by these safe rules, to my mind, there was a division of the negroes between Warren & Selth, and under considerations unknown to us, Selth was to have only just the negroes, that he sent to Selth & accepted by him - see Selth's deposition, - and Warren was to be the owner of all the rest. Why if this were not so, should Warren send to Selth, certain negroes, & Selth why should Selth accept them - It should be remembered, that one of these negroes ^{if not more} now claimed by Selth, even born after the division - and those retained by Warren were expensive. Again, Selth never objects to, but acquiesces in this division till Warren's death, nearly five years after Mr Warren's death, and after the division spoken of by Selth. Can any one believe that if Warren had lived till now, that Selth would have disturbed the division made - He says that, that he would have acted differently from what his conduct in relation to a similar division made of the negroes of Dr. Warren's father's estate. Selth says the division in that case was unequal, yet he acquiesces - and that Dr. Warren, it seems, was disposed to treat him with the same injustice in reference to the negroes of the mother Mrs. Cherry Warren - in which he acquiesced for 4 or 5 years, till the death of Warren. It seems to me, that the character of Dr. Warren, his circumstances - being wealthy, with no children, - & having an only sister (Mrs Selth) with several children, - will exclude the idea that he would thus wrong the latter - or that he had not made in some form a remuneration equivalent to the value of the negroes of the slaves retained by him - to Selth & accepted by him & which silenced him, till Warren's death -; and the fact that his own vision ^{about} of the negroes, is met & opposed flatly by the deposition of Selth his own witness who distinctly speaks of a division of the negroes, and his industry & effort to defeat the wishes, in every respect, of his brother in law, Dr. Warren - whose entire ^{aim} estate, he gets, will hardly give much sanction to his statements -

Barbara & ors.

vs

Warren & ors.

This is a suit brought by Barbara & ab. persons of colour to recover their freedom under the will of Dr. Warren late of Surry Co.

Barbara & her seven children, viz, Lucy Ann, Solomon, Jim, Pocahontas, Anaka, Betsey & Lewis, and ~~the~~ negro named Amelia Ann, & Semilia, and Isham, belonged to Cherry Warren, the mother of Dr. Warren & his sister Mrs. Margt. Belk. Isham another of the complainants was a ~~former~~ negro of Mrs. Warren, the free in whom at her death was in Dr. Warren & his sister Mrs. Belk, the only heirs of Mrs. Warren.

The answer of Belk, denies that the terms of the will, (admitting that the negroes belonged exclusively to Dr. Warren) - are strong enough to emancipate Amelia Ann, and Isham. (For in will here say, that Peter, ^{indeed and} Tempy, Virginia & Rufus were given away by Dr. W. in his lifetime. There is no controversy as to them). To my apprehension there can be doubt as to this point. The testator expresses his wish & desire that such as may be long to him have their freedom. The remark, "if they can do any thing for themselves", does not create an intermediate condition between slavery & freedom, but simply a question of election ^{or preference} to the negroes themselves which may be done in Elder & Elder's High 242. But the use of the term "also" is significant. It ~~mean~~ gives to this passage in the will, the full force of the language ~~formerly~~ previously used in emancipating Barbara, Lewis & ab. The plain English of the passage is, that he wishes the emancipation of them in the last clause, & he designs to emancipate them, as much so, as he ^{the best of} desires, or designs to emancipate Lewis, Barbara & ab.

But the chief difficulty exists, in ascertaining the facts of the case. They from the will, it would seem that Dr. Warren, ^{exclusive,} recognized, or admitted the property in Lucy Ann, & Solomon two of Barbara's children, to be in Belk - the title to Jim & Pocahontas two other children of Barbara, & the title to Isham to be exclusively in himself, a joint interest in Barbara & her three youngest children & probably in Amelia Ann. If the will is to ^{as to the question of title,} govern, then, on a division of Barbara & her 3 children viz, Anaka, Betsey & Lewis & Amelia Ann, between Belk & Dr. Warren those falling to Warren's share would be emancipated by his will, see Relford's case & the Robin & ab. 1st Gratton's Reports 327. But Belk, in his answer, says that Lucy Ann & Solomon & Semilia were sent to him by Dr. Warren who retained all the negroes, in part satisfaction of his Belk's interest in the estate of ^{Mrs} Cherry Warren. Now in a case like this, surely as much credit should be attached as it were to the last words of Warren, as to the interested statements of Belk, at all

note for book
W. Court.
Oct. Term 1853

3 books for
in 1/2
book for.

name serving for the benefit of others -
In the case of Parish v Gray & Call 18. It
was held that, the mother, who sued for
herself & children, was the only plaintiff
properly before the court. The case of
McClellan v Amos 4 Rand. 134 is undisturbed
Contra:

difficultly - The original Bill of the
Pauper charges that in the life time
of the testator a division of the negroes
was made and Lucy Anne & Solomon
were allotted to the defendant Dalk -
these two negroes, Lucy Anne & Solomon,
if bound by that allegation, are left
without chance or hope of recovering
their freedom, otherwise than by the ac-
-ceptance by Dalk of the money bequeathed
to him by the testator in ^{of their value} ~~less~~ ~~thereof~~ -
whereas upon the supposition that no
such allegation was in the Bill, and
that no such division was made,
the said two slaves would stand on
equal chance with the others to obtain
their freedom. The division however
as charged by the Bill is denied by the
defendant Dalk, who says that another
& different arrangement was made;
namely that Lucy Anne, Solomon and
Amelia Anne were assigned to him
by Doctor Warren as a part of his
share of Cherry Warren's estate: in
this form Dalk is suing, (tho he says
no particular share of the slaves has
been assigned to Warren) to retain pos-
-session of the said three slaves, thereby,
apparently it appears that a portion or
share of the slaves has been allotted to
him, but no portion or share to any
one else - of what value, in a legal
sense, is such a division in this? it
may advance the interest of that defendant
but it is surely of no benefit to the

slaves, Lucy Anne & Solomon, or to Dalk
as the exor. of Warren, or to the
nephews and nieces of the testator, who
are the principal objects of his bounty -
Suppose ~~as~~ ^{& different} another aspect ^{of the case} the Bill had
charged that altho ~~some~~ ^{an} effort had been made
in the testator's life time to make a
division of the slaves in question, which
by reason of the subsequent acts and con-
-duct of the exor. Dalk had proved abortive;
and suppose that to such a Bill the
infants in this case had sustained that
view of the case, and contended, as they
should do, that the said slaves, Lucy Anne,
Solomon & Amelia Anne, if not emancipated
belonged to them, what under such
circumstances ought the Court to do
in this case? - I am not entirely
satisfied, even as the case now stands,
that the Court ought not now to decree
a division of Barbara & ~~her~~ her children
and Dalk for the purpose of conferring
on Warren one half immediate em-
ancipation: but the difficulties in the
case to some of which I have referred
suggest I think ^{as the more proper course} the propriety of amending
the Bill in the matter above mentioned,
which will give to the infant defts.
the opportunity of answering in such manner
as is best calculated to protect their
rights - and then the case will come
up for consideration upon its true merits.

I will moreover add that the amended
Bill should be in the name of the several
paupers claiming freedom, and not in the

Barbara Tal Paulsen.

^{to 3}
Dell Roy of Warren Tal.

1. The slaves Topsy, Virginia and Rufus having been disposed of by the Insular, Dairo or Warren in his life time, the Bill as to them should be dismissed.
2. The slave Amelia Anne, one of the plots, ~~is~~ probably not entitled to her freedom: not because she was delivered up to Dell as his slave, but either because she was not intended by the testator to be emancipated, or if so intended she belonged only in part to the said testator & therefore could not be freed.
3. The chief difficulty in this case, as the parties admit, is in relation to Barbara and her children, and ~~in regard to~~ the latter, I think, under a proper construction of the ^{will} testator, is entitled to stand upon as favorable ground as Barbara and her children or any of them; and if this case involved simply the question, whether the bequest of emancipation to an undivided interest in slaves was valid, there would be no difficulty in it: the difficulty of ascertaining, in the first place, the real facts of the case; and then of ascertaining what weight or importance should be attached, ^{under all its peculiarities} in the present case, to the several allegations of the Pills & answers, doubtless give rise to much confusion.

Mem. for

Mr. W. H. S. S.

2 after having elected in favor of emancipation was only permitted to elect for two infants of 2 & 6 years of age & commissioners were appointed to take the election of them competent to elect. - Even therefore if the court can exercise the power given to Lewis & Barbara it can only be done after a division of the negroes & an election then made -

{g}. Supposing the election of the negroes properly taken which is respectfully submitted to the court, the next that can be contended for by the Plaintiffs is that the bill be dismissed as to Temper, Virginia & Rufus (disposed of by Warren in his lifetime) Amelia Ann, Solomon & Lucy Ann who belong to Melk & Wham are negroes derived from the elder Warrens estate & owned jointly by the testator & Melk & that a division of the remaining negroes Barbara & her five children (now ^{Cherry} six one having been borne since Warren's death) & such of them emancipated as may fall to Warren's share -

{h} - Elizabeth a party to the bill is not a party to the petition or included within Bond or Subpoena.

Barbara & all
Warren's children }

Not to be filed by
defendants & counsel

{b} Amelia Ann, or Amelia Ann, was after Cherry Warrens death sent to Belk in part satisfaction of his portion in right of his wife of Cherry Warrens Negroes (see Belk's deposition taken before the Commissioner) - hence this negro belonged to Belk & it was not the intention of Warren to emancipate her, as he only expresses a desire to emancipate such of the Negroes named as belonged to him - vide will - & even if the testator had not confined this wish for the emancipation to such of the Negroes as belonged to him, the wish would be inoperative, as the doctrine of pecuniary bequests does not apply where language similar to this is used in reference to the property of another - Crumphorne v. Redd admits 5th Prattan -

{c} The pleadings & proofs show that Barbara & her children & Amelia Ann belonged to Cherry Warren in fee - that she died intestate - that there was no qualification on her estate - that after her death the Dawson Warren took possession of all the Negroes & sent to Belk in right of his wife Amelia Ann, Solomon & Lucy Ann - the two latter being children of Barbara - & retained Barbara & her five children, Peter (an old man doubtless belonging to Cherry Warren in fee) and ~~Isaac~~ ^{Isham} a dower negro ~~held~~ by Cherry Warren for life - that the share thus retained by Warren largely exceeded in value the Negroes sent to Belk - that hence Belk had a title to Lucy Ann & Solomon & an undivided interest in the other Negroes retained by Dawson Warren - that Belk's wife having refused to accept the benefits given them by the will in compensation of Lucy Ann & Solomon & their undivided interest in Barbara & her five children & Isham - ~~the will is void~~

{d} Isham was a dower negro held by Cherry Warren for life & on her death descended jointly on Dawson Warren & his sister Mrs Belk - it was not consistent for Dawson Warren to emancipate a negro, belonging jointly to himself & another -

{e} - The testator does not ~~attempt~~ absolutely to emancipate Isham, he merely offers him his freedom vide Will - Isham has never elected his emancipation -

{f} - The will gives to Barbara & her husband Lewis the power to elect whether their seven children named shall be emancipated - owing to Lewis having left the Commonwealth, he was unable to join with Barbara in the exercise of the power, & the court appointed others in his stead to join with Barbara in electing for herself & children which they have done in favour of emancipa-

tion - the power given to Barbara & Lewis is a joint power 16. Vergey. 27. & can not be exercised by one - it is a power given to Lewis relying in his parental 1. Davis Equit. 3149 - 1. Sugden unpowered 334 - 2. do 173 - § 78 § 181 - not having been exercised by him, cannot be exercised by the court - the joint electing by Lewis & Barbara in favour of the emancipation of their children was a conclusive proposition to their emancipation - the court to substitute the commissioners for Lewis, was the election of Barbara for her children rightly taken; as Belk & wife have an undivided interest in Barbara, even if the court should deem itself consistent to divide the Negroes & then emancipate those falling to Warren's estate, it is still problematical whether Barbara will fall to Warren & thus be emancipated - would not her election for her children be influenced by the fact of her own emancipation & the retention of a portion of her children in slavery - Can a slave elect as to the emancipation of slaves particularly where some of the slaves are 15 & 20 years of age - In Eden v. Eden 2 Ligh 252 the mother after her freedom was decided upon subject to her election

Barbara et al
suing for freedom
as
Warren &c et al

Notes filed by Attorney for
Elck & Wife -

The Plaintiffs in this suit claim their freedom under the will ofanson Warren, which gives to Elck & Wife a sum of money in lieu of their interest in the negroes emancipated by the will & it is contended on behalf of the Plaintiffs that Elck who was nominated by the will as executor, who after probate of the will qualified as such, by his qualification as executor & by his alleged consent to the compensation given him by the will for his interest in the negroes, is bound to elect to take under the will & is barred from contesting the emancipation of the slaves; to which the Defendants answer

2. Lomax
On Exr
125-

1st - that the qualification of Elck as executor is not an election to take under the will, nor does it bar him from contesting the emancipation of the negroes. Taylor & v. Brown et al - 2. Leigh 419 - a husband cannot elect for his wife & then if Elck had elected by his qualification as executor, he could not thus bind his wife -

2nd - He denies ever having given his consent to Warren to release his interests in the negroes in consideration of the benefits given him by the will & if he had it would not bind the wife -

3rd - The Plaintiffs mentioned in the Bill, claiming their freedom are 13 - in number: to wit Barbara & her seven children, ⁹John, ¹⁰Tempe, ¹¹Amelia Ann ¹²Virginia & ¹³Rufus - of these she pleads the proofs show that

{a} Tempe & her children Virginia & Rufus, were disposed of by said Warren in his lifetime - see will & a prominent signature counsel filed with the papers -

Certificate of Henry
Warren's qualification
as guardian of Mary.
Hans. A. Warren.

In Surry County Court 35th September 1830

On motion of Cherry Warren she is appointed
guardian of Margaret and Samuel & Warren orphans of
Samuel Warren deceased. The said guardian gave bond
with Benjamin Bell and Benjamin C Bell her securities
in the sum of five thousand dollars, conditioned as the
law directs.

Attest
Clerk

Wm J Underwood cc
4th Sept: 1837

Certificate of J. J. J. J.
as Delk's qualifications
as admor of Cherry
Warren dec 2

In Surry County Sept 26th November 1849.

On motion of Jeremiah Delk who made oath and together with Watson White and Peyton A.B. Delk his securities, entered into and acknowledged a bond in the penal sum of six thousand dollars conditioned as the law directs. Certificate is granted him for obtaining letters of administration on the estate of Cherry Warren deceased, in due form.

H. Coffey
Clerk

Wm. S. Underwood
Sub Sept 1857.

Dawson Warren's
will

(Copy)

Exhibit { 2 } filed
with respondents
answers -

Barbara Stab	} In Chancery
"	
Warren's Ex stabs -	

I give to my sister's children to be equally divided among
them.

I nominate and appoint Jeremiah Delt my
executor Danson Warren

May 12th 1848.

I also give to Martha, Emory's child, ten dollars.
Danson Warren

I give to James C. Bell one hundred dollars.
Danson Warren

June 8th 1849.

In my county court 24th August 1849.

This writing purporting the last will and testa-
ment of Danson Warren, deceased was this day produced
in court by Jeremiah Delt the executor therein named
and there being no subscribing witness thereto, William
Mudwood, Edwin White and William M. Ward were
sworn and severally affirmed that they are well acquainted
with the testator's hand writing, and verily believe the said
writing and the name thereto subscribed together with
the several additions thereto to be wholly written by the
testator's own hand, whereupon the said writing is ordered to be
recorded as the true last will and testament of Danson
Warren, deceased. And on the motion of Jeremiah Delt the
only executor therein named, who made oath thereto, and
together with Edwin White and Peyton A. Bell his
security (who were sworn as to their sufficiency) entered
into and acknowledged a bond in the penal sum of twenty
two thousand dollars conditioned as the law directs. Certifi-
cate is granted the said Jeremiah Delt for obtaining a
probate of said will in due form.

Teste

Wm. J. Mudwood ce

A Copy of
Teste

Wm. J. Mudwood ce

I Dawson Warren of the County of
Surrey and State of Virginia, do make and ordain this
my last will and testament.

I give to Rebecca Ann Jones fifteen hundred
dollars ~~and~~ in cash, to her and her heirs forever.

I desire that my servant Lewis, and his wife
Barbara, and their seven children to wit: Lucy Ann ^{W.} Jim,
Pocahontas, Solomon, Annas, Elizabeth and Lewis should
have their freedom if they wish it, and should so decide,
after having time fully to consult and think about it,
and if they should so determine (I mean that Lewis and
Barbara shall determine for their children). I give to Jeremiah
Delt eight hundred dollars in cash in lieu of Lucy Ann and
Solomon whom he now owns, and I give him also three hun-
-dred and fifty dollars for his right in Barbara and her
three youngest children. I also offer to my servant Isaac
his freedom, and to each of said negroes preferring their
emancipation, I give one hundred dollars to enable them
to go to some free state or to Liberia. If after having
full time to consider the subject and consult interested
persons, they should prefer to remain as they are, I give
them to my sisters children unless they should desire
to choose their own masters, which privilege I wish them
to have, and in that case I give to said children the
proceed of their sale.

I give to Peter, Zephy, Amelia Ann, Virginia
and Rufus each ten dollars, and should receive such of
them as belong to me to have their freedom, also, if they
could do any thing for themselves.

My land and five hundred dollars I give to
my sister.

I give to Joseph Holloway One hundred
dollars, and to Eliza Wilson and her sister Elizabeth, each
fifty dollars. The balance of my estate of every description
(I)

clerk's office Isle of Wight Circuit Sup. Court of Law & Chy.
July 1st 1850. This day Peyton A. B. Delt made oath
before me, that ^{after} the payment of his past debts he is worth
the penalty of this bond, \$5000.00.)

Teste

W. A. Young & Co.

Deceived Delt

to J. A. Davis.

Done with:

Know all men by these presents, that we Jeremiah Delt
and Peyton A. B. Delt
are held and firmly bound unto the Commonwealth of
Virginia in the sum of five thousand dollars lawful money
of Virginia; for the payment whereof well truly to be made
to the said Commonwealth, we bind ourselves each of us,
our, and each of our heirs, executors & administrators jointly
and severally, firmly by these presents, sealed with our
seals and dated this 12th day of July 1850.

The condition of this obligation is such that whereas the Circuit
Superior Court of Law and Chancery for the County of Isle
of Wight at its ~~October~~ May term 1850 did order the Clerk
thereof to open a subpoena in Chancery against Jeremiah
Delt executor of Dawson Warren decd. to appear and answer
the Complaint of Barbara for herself and children, to-wit:
Lucy Ann, Sam, ~~Ratonsora~~, Pocahontas, Solomon, Anaka and
Lewis, and Isham, Lemps, Amelia Ann, Virginia & Rufus
persons of color claiming that they are illegally detained
as slaves in the said County of Isle of Wight in the possession
of the said Jeremiah Delt executor of Dawson Warren decd.
Now if the said Jeremiah Delt shall have the said
Barbara and her children, to-wit: Lucy Ann, Sam, Pocahontas,
Solomon, Anaka Lewis, and Isham, Lemps, Amelia Ann,
Virginia & Rufus forthcoming to answer the decree of the
Court. Then this obligation is to be void, otherwise to
remain in full force & virtue.

Signed & acknowledged
in the presence of
A. P. Young & Co.

Jeremiah Delt. *[Signature]*
Peyton A. B. Delt. *[Signature]*
[Signature]

Admiralty Plaintiff
Counsel that Temple
Virginia & Rufus were
disposed of by Warren in
his life time -

Barbara in Decr 4.

The Council in this cause agree among
themselves that this suit ought not to be prosecuted
for the freedom of Temple Virginia Rufus because
they were disposed of by D Warren in his life time
21 Oct 1837

R. H. Chipman
J. A. G. H. H.
C. B. Hayden
Atty for the defendant

Colts fur.	\$17.90
com. Iron	4.12
" cotton	1.50
" "	7.99
White att.	100.00
Green att.	100.00
W. P. Jordan Shff.	1.50
J. Holl	1.00
ent	<u>\$234.01</u>

A. J. of Car. of dent
 Barbara P. m. Del M. Exor. of Warron St.

10. 4. 3