

ch 82.
An Act for the Division of the Real Estate of Warner Mifflin
deceased, of Elizabeth Mifflin die and of the other Land held
by the children of the said Warner & Elizabeth and their
legal Representatives. Whereas by the Petition of
1 Anne Mifflin the widow of Warner Mifflin late of Mifflin
2 Hill Hundred deceased, in behalf of herself and of Samuel
3 E Mifflin & Samuel Mifflin Children of the said Warner
4 and Anne, Infants under the age of twenty one year,
5 Clayton Cowgill in behalf of himself and of his children
6 Warner Cowgill & Daniel Cowgill Infants under the age
7 of twenty one year Warner Mifflin Sarah Mifflin and
8 Thomas Rasin Guardian of Elizabeth Rasin & Abraham Rasin
9 Infants under the age of twenty one year, it appears
10 to this general Assembly that the said Warner Mifflin
11 deceased made a certain Instrument in writing purporting
12 to be his last will and Testament but died before
13 the same was executed and attested in due form of Law
14 And whereas the said Warner Mifflin at the time of his
15 death was owner of Land Tenements and Hereditaments
16 in the County of Kent and left to survive him the said
17 Anne Mifflin his widow and Elizabeth late the wife of
18 Clayton Cowgill aforesaid Anne late the wife of Warner
19 Rasin the said Warner Mifflin Susannah late the wife
20 of John Cowgill and the aforesaid Sarah Children of the
21 said Warner Mifflin die, and of Elizabeth his former wife
22 long since dead and also Samuel E Mifflin & Samuel Mifflin
23 children of the said Warner Mifflin and of the said Anne
24 his last wife And whereas by the said Instrument of
25 writing it appears that the said Warner Mifflin deceased
26 proposed to devise certain Land and Tenements therein
27 mentioned to the said Anne Mifflin his widow for and
28 during the time of her natural life and the remainder
29 in the said Land and Tenements to his son Samuel
30 E Mifflin in Fee and also proposed to devise to his son
31 Samuel Mifflin a certain Plantation in Little Creek
32 Hundred called his Marsh Plantation adjoining Land
33

as if said to be held by him his heirs and assigns forever
the Land which the said Warner Mifflin ~~had~~ proposed
to devise to him as aforesaid, reserving nevertheless the use
and benefit of said Land and premises to the said Anne
Mifflin until the said Samuel shall arrive to the age
of twenty one year and that the said Anne should
raise and educate the said Samuel and then that
the Residue of the real Estate of the said Warner Mifflin
including keep place, first laying off the share of the
said Susanna Conger in said Under, and that the
real Estate whereof the said Elizabeth Mifflin the
former Wife of the said Warner Mifflin, dec. was owner
and that the several parcels of Land as before men-
tioned which the Children of the said Warner Mifflin
deceased and Elizabeth his former wife and their legal
Representatives and assigns hold together and undivided
as Tenants in Common should be at once and
blended together and divided according to the rights
of the parties entitled thereto in the same manner
as if the same had descended from one Common
Ancestor apportioning monthlies to Warner Mifflin
his two share in his mother's Land or an equivalent
thereof in other of the said Land. And this General
Assembly concerning the prayer of said Petition to be
reasonable and that the granting the same would
save the parties from expence and would preserve
the several Estates in which the parties are interested
from great Injury which would arise to them
by dividing the same separately and distinctly and
that the infant Grand Children of the said Warner
Mifflin would be especially benefited thereby

1. Be it therefore enacted by the Senate and House
of Representatives of the State of Delaware in General
Assembly met and it is hereby enacted by the Authority

of the same that George Brent Henry Mott, John
Lockwood Jonathan Munn and Daniel Cowley being
first sworn or affirmed before some Judge or Justice of the
Peace of Kent County shall take with them a Skilful
Surveyor to be qualified on his solemn oath or Affirmation
and go upon the Land of the said Warner Mifflin dec.
and divide lay off and assign to the said Anne Mifflin
widow and to the said Samuel & Mifflin the Land which
the said Warner Mifflin deceased proposed to devise to her
as aforesaid except that there shall be assigned to the Anne
and Samuel thirty Acres of Woodland or Oak Mays
instead of Six Acres, excepting nevertheless the Land known
by the name of keep place which shall not be assigned
to said Anne and Samuel, and shall lay off and assign
to the said Samuel Mifflin the Land and premises which
the said Warner Mifflin proposed to devise to the said
Samuel Mifflin according to the maps and bounds
mentioned in said Settlement of writing purporting
to be the last will of said Warner Mifflin and that
the Land which shall be so laid off and assigned to the
said Anne Mifflin & Samuel & Mifflin shall be held to the
said Anne Mifflin for and during the Term of her natural
Life in full satisfaction of her dower or third part of
the real Estate of the said Warner Mifflin deceased and
from and after the death of the said Anne Mifflin
the said Land so laid off and assigned to the said Anne
Mifflin & Samuel & Mifflin shall be held to the said Saml.
& Mifflin his heirs and assigns forever as his full share
of the real Estate of his deceased Father Warner ^{Mifflin} and the
Land and Premises which shall be so as aforesaid laid
off and assigned to the said Samuel Mifflin shall be held
to the said Samuel Mifflin his heirs and assigns forever
or his full share of the real Estate of his deceased Father
Warner Mifflin and that the said Anne Mifflin shall have
and take to her own proper use and benefit the Rents &
profits of the said Land and premises assigned to the said

Samuel Mifflin until he the said Samuel shall arrive to the
Age of twenty one year. provided nevertheless that the said
Anna Mifflin shall at her own proper Costs and Charges
raise educate and maintain the said Samuel Mifflin
until he shall arrive to the Age of twenty one year.

2. And be it enacted by the Authority aforesaid that
the said Commissioners shall lay off and apportion in
manner aforesaid to the said Clayton Cowgile and
Warner Mifflin to be held to them and their heirs as Tenants
in Common during the natural life of John Cowgile late
the husband of the said Susanna Cowgile deceased one equal
fifth part of the Remainder of the Real Estate of the said
Warner Mifflin deceased including the Messuages and
to their respective Intents therein. being and being held
to the Quality as well as Quantity of said Remainder as the
Full share of the said Susanna in all and singular
the Land Tenements and Hereditaments of the said Warner
Mifflin deceased and that the Right and Remainder of
the Real Estate of the said Warner Mifflin deceased
the Real Estate whereof the said Elizabeth Mifflin formerly the wife
of the said Warner Mifflin deceased, and the Land and
Tenements situate in Duck Creek Hundred known by the
name of the Manor of Truth, as before mentioned and
the said undivided parcel of Land situate in Marsh-
hope in Mifflin Hundred as aforesaid shall be par-
celed and divided together and divided by the said
Commissioners into four Equal Parts due regard being
had to the Quality as well as the Quantity of said
Land and premises except as is hereinafter provided
and the said Commissioners shall apportion one of the said
parts part of the said Land and premises to the
said Clayton Cowgile to be held by the said Clayton
Cowgile for and during his natural life and from
and after the Death of the said Clayton Cowgile to the
said Warner Cowgile & Daniel Cowgile their heirs and assigns

in soverally as Tenants in Common as the full share and share
of the said Elizabeth late the wife of the said Clayton Cowgile
of in and to all and singular the Land Tenements and Hereditaments
before mentioned and as their full share of the share
& share of the said Susanna late the wife of said John
Cowgile in the Real Estate of the said Elizabeth Mifflin
deceased of the said Manor of Truth and of the Land situate
in Marshhope in Mifflin Hundred as aforesaid and the
said Commissioners shall apportion one of the said parts
of the said Land and premises to the said Elizabeth Mifflin
and Abraham Mifflin to be held by them the said Elizabeth
Mifflin & Abraham Mifflin their heirs and assigns in soverally
as Tenants in Common as the full share and share of the
said Anna late the wife of the said Warner Mifflin of in and
to all and singular the Land Tenements and Hereditaments
before mentioned and as their full share of the share &
share of the said Susanna late the wife of the said John
Cowgile in the Real Estate of the said Elizabeth Mifflin
deceased of the said Manor of Truth and of the Land situate
in Marshhope in Mifflin Hundred as aforesaid and the
said Commissioners shall apportion one of the said
parts of the said Land and premises to the said Warner
Mifflin to be held to the said Warner Mifflin his
heirs & assigns in soverally as the full share and share
of the said Warner Mifflin of in and to all and singular
the Land Tenements and Hereditaments before mentioned
and as his full share of the share & share of the said
Susanna late the wife of the said John Cowgile in
the Real Estate in the Real Estate of the said Elizabeth
Mifflin deceased of the said Manor of Truth and
of the Land situate in Marshhope in Mifflin Hundred
as aforesaid and the said Commissioners shall apportion
one of the said parts of the said Land and premises to
the said Sarah Mifflin her heirs and assigns in soverally
of the full share and share of the said Sarah Mifflin
of in and to all and singular the Land Tenements

and Heretofore, before mentioned and as his full share of the
share share of the said Susanna to the wife of the said
John Cowgill in the full estate of the said Elizabeth Miffles
deceased and of the Manor of Breith and of the land situate
in Marshhope in Mifflin Hundred as aforesaid: Provided
nevertheless, that the said Commissioners in Deciding the
Land and Tenements so to be united and blended together
as aforesaid shall in the share or shares assigned to the
said Warren Miffles as aforesaid make full allowance
to him for the two shares of the Land & Tenements of
his mother Elizabeth Miffles to which he is entitled

3. And whereas it was intended that
the purchases made by the said Clayton Cowgill
and Warren Miffles, the life estate of the said John
Cowgill in the land of the said Elizabeth Miffles deceased
and in the Manor of Breith and in the Land situate
in Marshhope in Mifflin Hundred should enure to the benefit
and advantage of the said Elizabeth Miffles Abraham
Miffles who are under the age of twenty one years
with as to their own benefit and advantage and
as one equal share of the share of the said Susanna
in the Land as aforesaid mentioned in the Section
be assigned to the said Elizabeth & Abraham and it
is the Justice that the said Infants shall bear a
proportionable part of the purchase of said share of
said Susanna, the said purchases being deemed by this
General Assembly beneficial to the said Infants: And
therefore enacted by the Authority aforesaid that the said
Commissioners shall ascertain the proportionate value
which the life estate of the said John Cowgill
in the share of the said Susanna in the Land
of his mother and in the Manor of Breith
and in the Land in Marshhope bear to the
life estate of the said John Cowgill in the whole

share of said Susanna in the whole of the said Land
to which she was entitled, one fourth part of which said
proportionate together with Interest thereon from the date
of the Act shall be paid by said Elizabeth Miffles &
Abraham Miffles to said Clayton Cowgill Warren
Miffles according to their respective purchases and
satisfaction for their shares respectively of said life
estate of said John Cowgill in said Land & Tenements
And it shall be lawful for the Guardians of said
Elizabeth Miffles & Abraham Miffles to pay their shares
respectively of said money and in case the Guardian
of said Elizabeth Miffles & Abraham Miffles shall
neglect to pay to said Clayton Cowgill & Warren
Miffles the shares or parts of said money payable
by Elizabeth Miffles & Abraham Miffles it shall
be lawful for said Clayton Cowgill & Warren Miffles to
retain so much of money of theirs the said Elizabeth
Miffles & Abraham Miffles respectively as shall be
their or either of their shares or of this trust property
of the full estate of said Elizabeth Miffles & Abraham
Miffles as will be sufficient to satisfy and discharge
them the said Elizabeth Miffles & Abraham Miffles
from said debt.

4 And be it enacted by the Author-
ity aforesaid, that the said five Commissioners or any
three of them agreeing shall make return of
their proceedings under this Act to the next to
some succeeding orphan Court to be holden
for the County of Kent and if the same be opposed
of by the same Court the same shall remain
firm and stable forever.

5 And be it enacted by the Authority aforesaid
that a copy of this Act certified under the hand
of the Governor and the Great Seal of the State

attested by the Secretary of the State, shall be recorded in the

5. And be it enacted, ^{that a copy of this act duly} ~~certified~~ ^{of State & the seal of his} under the ~~seal~~ ^{of the Secretary's office} shall be recorded in the office for recording deeds in and for Kent County, within one year after the passing of this act, which act when so recorded, or a copy thereof, duly certified by the Recorder of Deeds, under his hand and the seal of his office there affixed, shall be received as evidence in any Court of Law or Equity within this State

~~Copies or Exemplifications made and Certified under the hand and seal of the Recorder or Keeper of the Records can in any way be and the same may be used for fraud and made use of Records~~

6. And be it enacted that the said Commissioner and Surveyor shall receive the same fees as an attorney in other Cases of the Division of Intestates, to be paid in like manner.

~~L. B. [unclear] of the [unclear]~~

Dict 7. See ant.

Act act for the division
of the real estate of Warren
Miffin deceased, of Eliz. Miffin
dec. and of the other lands held
by the children of the said
Warren & Eliz. &c

In the H. of R.

Jan. 10. 1809. Read.

" 11. " read 2^d time

" 13. Read 3^d time

by J. J. and Passed the House

sent for con. John Tinknell
H. of R.

In Senate

Jan^y 14. read 1809

" 16. read 2^d time

" 20. read 3^d time

by paragraphs and Passed
the Senate with amendments

J. W. Sykes