

682.

An Act for the Division of the Real Estate of Warner Mifflin
deceased, of Elizabeth Mifflin deceased and of the other Lands held
by the children of the said Warner & Elizabeth and their
legal Representatives. Whereas by the Settlement 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 & Lemuel Mifflin Children of the said Warner
4 and Anne, Infants under the age of twenty one years
5 Clayton Cowgill in behalf of himself and of his children
6 Warner Cowgill & Daniel Cowgill Infants under the age
7 of twenty one years Warner Mifflin Sarah Mifflin and
8 Thomas Rasin Guardian of Elizabeth Rasin & Abraham Rasin
9 Infants under the age of twenty one years 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 whence the said Warner Mifflin at the time of his
15 death was owner of Lands Tenements and Hereditaments
16 in the County of Kent and left to survivor him the said
17 Anne Mifflin his widow and Elizabeth late the wife of
18 Clayton Cowgill aforesaid Anna late the wife of Warner
19 Rasin the said Warner Mifflin Susan aforesaid the wife
20 of John Cowgill and the aforesaid Sarah Children of the
21 said Warner Mifflin deceased and of Elizabeth his former wife
22 long since dead and also Samuel E Mifflin & Lemuel Mifflin
23 children of the said Warner Mifflin and of the said Anne
24 his last wife And whence by the said Instrument of
25 writing it appears that the said Warner Mifflin deceased
26 proposed to devise certain Lands and Tenements therein
27 mentioned to the said Anne Mifflin his widow for and
28 during the term of her natural life and the remainder
29 in the said Lands and Tenements to his son Samuel
30 E Mifflin in fee and also proposed to devise to his son
31 Lemuel Mifflin a certain Plantation in Little Creek
32 Hundred called his Marsh Plantation adjoining Lands

34 of George Buck and Sandy of Gavots Sippl with the whole
35 of his marsh threets adjoining in Kee to be possessed and enjoyed
36 by him when he shalld come to the age of twenty one
37 years and until his said son Lemuel should come to
38 the age of twenty one years that his said wife Anne
39 shalld have the use and Benefit of the said Plantation
40 and theirfroes should raise and Educate the said
41 Lemuel and that the rest and remainder of his real
42 Estate shalld be equally divided among his children
43 come to him by his said first wife Elizabeth And therf
44 since the death of the said Warner Mifflin Elizabeth the
45 wife of the said Clayton Cowgile holl did leave her said
46 Husband and two Children Warner Cowgile & Daniel Cowgile
47 Infants under the age of twenty one years to survivor her
48 And the said Warner Raisor and Ann his wife have both
49 since died leaving issue two children Elizabeth Raisor &
50 Abraham Raisor Infants under the age of twenty one years
L51 And wheras it is represented to this General Assembly
that Elizabeth the former wife of the said Warner Mifflin
deceased at the time of her death was owner of a certain
Isact or Parcell of land situate in Mifflin Hundred adjoining
the Mairies Plantation of the said Warner Mifflin deceased
containing about 380 acres which by law is to be distributed
by equal proportion to and among the children of the said
Elizabeth and such as by her representants of them as are dead
and to their heirs and Appayes forever except that Warner
Mifflin the eldest son of the said Elizabeth is entituled to
two shars thereof And wheras the children of Warner
Mifflin deceased and Elizabeth his former wife and their
legal representants and Appayes hold together and
undivided as Tenants in Common other parcels of land
situate in Duck Creek Hundred containing about fower
hundred and twenty two acres and fifty square perche
called and known by the name of the Manner of Kirtt
and also on other undivided parcel of land situate in
Martheford in Mifflin Hundred their shar expect
thereof being about four hundred and fifty one acres

and one hundred and fifty nine square perche And wheras
John Cowgile had issue by his wife Susanna which John died
in the life time of said Susanna and the said Susanna afterwards
died in the lifetime of said Husband without having any issue
wherby the said John Cowgile became entituled to an Estate
during his natural life in all the shars and portions of the
the said Susanna as of it and to all and singular the Land
Tenements and hereditaments herein before mentioned and the
Norrisow in so much of the Land as devind from his father
Warner Mifflin who in the aforesaid Warner Cowgile and
Daniel Cowgile in right of their said mother Elizabeth
Cowgile Elizabeth Raisor & Abraham Raisor in right of their
said mother Ann Raisor Warner Mifflin Sarah Mifflin
Sam E Mifflin & Lemuel Mifflin and the Raisor in the
number of said Land as vested in the person aforesaid except
Sam E Mifflin and Lemuel Mifflin And it further ap-
pears that the said John Cowgile deceased and apied
his life Estate in said Land as an annuity to the aforesaid
Clayton Cowgile & Warner Mifflin that is to say one undi-
vided fourth part thereof to said Clayton Cowgile and
the other three undivided fourth parts to Warner
Mifflin the Petitioner And wheras the said Petitioners
have by their Petition prayd that for Compensation
shant be appynted to lay off and apye to the said Ann
Mifflin to be held by her during the time of her natural
life and from and after the death of the said Ann
to the said Samuel E Mifflin his heirs and Appayes forever
the Land and Possess which the said Warner Mifflin
deceased proposed to devise to them as aforesaid except that then
be apye to the said Ann & Samuel Thirty acres of land
and on Cow Marsh instead of ten acres and also be
taken into the undivided part of the land Estate of the
said Warner Mifflin known by the name of the Kirtt
place and to lay off and Apye to Lemuel Mifflin

affair to be held by him his heirs and assigns forever
the Land which the said Warner Mifflin deceased proposed
to devise to him as aforesaid reserving monthly the use
and benefit of said Land and premises to the said Anne
Mifflin until the said Samuel shall attain to the age
of twenty one years and that the said Anne should
raise and educate the said Samuel and then that
the Majority of the real Estate of the said Warner Mifflin
including his place first laying off the share of the
said Susanna Cowell in said Land, and that the
real Estate belonging to the said Elizabeth Mifflin the
former Wife of the said Warner Mifflin deceased was owned
and that the several parts 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 held together and undivided
as Tenants in Common should be as man and
woman together and divided according to the rights
of the parties entitling them in the same manner
as if the same had descended from one Common
Ancestor apportioning monthly to Warner Mifflin
his two shares in his mother's Land or an equivalent
therefor in other of the said Land. And this General
Assembly concurred the prayer of said Petition to be
reasonable and that the granting the same would
save the parties from expense and would prevent
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 benefitted 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 Brute Henry Mifflin John
Lockwood Jonathan Dunn and Daniel Cowley being
first sworn or affirmed before some Judge or Justice of the
Peace of Kent County shall take with them a Skilled
Surveyor to be qualified in his solemn oath or affirmation
and go upon the Land of the said Warner Mifflin deceased
and divide lay off and assign to the said Anne Mifflin
widow and to the said Samuel E 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 Cow Marsh
instead of Six Acres excepting monthly the Land known
by the name of his 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 terms 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 E Mifflin shall be held to the
said Anne Mifflin for and during the Term of her natural
Life in full satisfaction of her Dower in this 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 E Mifflin shall be held to the said Sam.
E Mifflin his Heirs and assigns forever as his full share
of the real Estate of his deceased Father Warner 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
as his full share of the real Estate of his deceased Father
Warner Mifflin and that the said Anne Mifflin shall have
an easement to the use and benefit the rents &
profits of the said Land and premises assigned to the said

Leinuel Mifflin until he the said Leinuel shall arrive to the age of twenty one years: provided nevertheless that the said Ann Mifflin shall at her own proper Costs and Charges raise educate and maintain the said Leinuel Mifflin until he shall arrive to the Age of twenty one years.

2. It is also by and made by the authority aforesaid that the said Commissary shall lay off and apportion in manner aforesaid to the said Clayton Cowgill and Warner Mifflin to be held to them and their heirs a twenty in Common during the natural life of John Cowgill late the husband of the said Susanna Cowgill deceased one equal fifth part of the Rendition of the Real Estate of the said Warner Mifflin deceased including the copyhold land and to their respective Servants three. due by and being liable to the quality as well as quantity of said Rendition as the full shares of the said Susanna in all and singular the Laney Tenements and hereditaments of the said Warner Mifflin deceased and that the right and Rendition 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 Laney and Tenements situated in Duck Creek Hundred known by the name of the Manor of Frith, as before mentioned and the said undermentioned parcel of Land situated in marshy hope in Mifflin Hundred as aforesaid shall be partitioned and divided together and divided by the said Commissary into four Equal Parts due upon being liable to the quality as well as the quantity of said Land and premises except as is herein after provided and the said Commissary shall apportion out of the said parts; part of the said Laney and premises to the said Clayton Cowgill to be held by the said Clayton Cowgill for and during his natural life and from and after the Death of the said Clayton Cowgill to the said Warner Cowgill & Daniel Cowgill their heirs and Apportion

in socality as Tenants in Common as the full share and Share of the said Elizabeth late the wife of the said Clayton Cowgill of in and to all and singular the Laney Tenements and hereditaments before mentioned and as their full share of the share & Share of the said Susanna late the wife of said John Cowgill in the Real Estate of the said Elizabeth Mifflin deceased of the said Manor of Frith and of the Land situated in Marshy hope in Mifflin Hundred as aforesaid and the said Commissary shall apportion out of the said parts of the said Laney and premises to the said Elizabeth Mifflin and Abraham Kaser to be held by them the said Elizabeth Kaser & Abraham Kaser their heirs and Apportion in socality as Tenants in Common as the full share and Share of the said Anna late the wife of the said Warner Kaser of in and to all and singular the Laney Tenements and hereditaments before mentioned and as their full share of the share & Share of the said Susanna late the wife of the said Elizabeth Mifflin Cowgill in the Real Estate of the said Elizabeth Mifflin deceased of the said Manor of Frith and of the Land situated in Marshy hope in Mifflin Hundred as aforesaid and the said Commissary shall apportion out of the said parts of the said Laney and premises to the said Warner Mifflin his heirs & Apportion in socality as the full share and Share of the said Warner Mifflin of in and to all and singular the Laney 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 Cowgill in the Real Estate or the Real Estate of the said Elizabeth Mifflin deceased of the said Manor of Frith and of the Land situated in Marshy hope in Mifflin Hundred as aforesaid and the said Commissary shall apportion out of the said parts of the said Laney and premises to the said Sarah Mifflin her heirs and Apportion in socality of the full share and Share of the said Sarah Mifflin of in and to all and singular the Laney Tenements

and her dowerments before mentioned and as his full share of the
share & share of the said Susanna late the wife of the said
John Cowgill in the real estate of the said Elizabeth Mifflin
deceased and of the manor of Freeth and of the land situated
in Marshlyhope in Mifflin's Hundred as aforesaid. Provided
nevertheless that the said Commissioners in Dividing the
lands and Tenements so to be divided and blended together
as aforesaid shall in the share or shares apportioned to the
said Warren Mifflin as aforesaid make full allowance
to him for the two shares of the lands & Tenements of
his mother Elizabeth Mifflin to which he is entitled.

3. And where it was intended that
the purchases made by the said Clayton Cowgill
and Warren Mifflin the half estate of the said John
Cowgill in the land of the said Elizabeth Mifflin deceased
and in the manor of Freeth and in the land situated
in Marshlyhope in Mifflin should come to the benefit
and advantage of the said Elizabeth Rajin Abraham
Rajin who are under the age of twenty one years⁴
with as to their own Benefit and Advantage and
as an equal share of the share of the said Susanna
in the lands and premises mentioned in this Section
be apportioned to the said Elizabeth & Abraham and it
is further directed that the said infants shall bear a
proportionable part of the purchase of said shares of
the 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 lands
of his Mother and in the manor of Freeth
and in the land in Marshlyhope bears to the
life estate of the said John Cowgill in the whole

share of said Susanna in the whole of the said Lands
to which she was entitled, one fourth part of which said
proportion together with Interest thereon from the date
of this Act shall be paid by said Elizabeth Rajin &
Abraham Rajin to the said Clayton Cowgill Warner
Mifflin according to their respective proportions in full
satisfaction for their shares respectively of said life
estate if said John Cowgill in said lands & premises
And it shall be lawful for the Guardian of said
Elizabeth Rajin & Abraham Rajin to pay their shares
respectively of said Money and in case of the Guardians
or of said Elizabeth Rajin & Abraham Rajin shall
my self to pay to said Clayton Cowgill Warner
Mifflin the shares or parts of said Money payable
by Elizabeth Rajin & Abraham Rajin to satisfy
or lawful for said Clayton Cowgill Warner Mifflin to
retain so much of Money of either the said Elizabeth
Rajin & Abraham Rajin respectively as shall be in
their or either of their hands or of the tenth part
of the Real Estate of said Elizabeth Rajin & Abraham
Rajin or will be sufficient to satisfy and discharge
them the said Elizabeth Rajin & Abraham Rajin
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 held
in the County of Natl and if the same be approved
of by the same Court the same shall remain
law and Statute forever.

5. And it is 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} ~~of the seal of his~~
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 thereunto affixed, shall be received as evidence in any
Court of Law or Equity within this State.

Copies or exemplifications made after ~~certified under~~
~~the hand or~~ ~~and seal of the Recorder or Keeper~~
~~of the same~~ ~~can~~ ~~only~~ ~~be~~ ~~and the same~~
~~may be used~~ ~~plundered~~ ~~and~~ ~~made use of~~
~~dealing by~~

6. And be it enacted that the said Commissioner
and Surveyor shall receive the
same fees as are allowed in other cases of the
Division of Estates, to be paid in like
manner.

~~I have done off the paper first~~

Sect 7. See ant.

An act for the division
of the real estate of Warren
Mifflin deceased, of Eliz^a. Mifflin
dec^d, and of the other land held
by the children of the said
Warren & Eliz^a. Mifflin

In the H. of R.

Jan. 10. 1809. Read.

" 11. " read 2^d time

" 13. Read 3^d time

by ~~both~~ and Passed the House
John Bishop Esq.
sent for con. H. of R.

In Senate

Jan'y 14. read 1809

" 15. read 2^d time

" 20. read 3^d time

by parayraphy, and Passed
the Senate with amendment
G. W. Sykes