1806 - 057 Chancery Causes. Emelius Derring + Josiah Wreen + ux vs John Derring, admr of

Isle of Wight County Sarah Edwards

To the Hble the Court of Isle of Wight County in Chancery sitting

Humbly complaining Shew unto your Honours your Orators Emelius Derring Josiah Wren & Ann his wife late Ann Derring That the late Sarah Edwards mother to your Orator Emelius & Oratrix Ann qualified as their Guardian sometime about the day of Septr A 1797 & in that character possessed herself of all the Estate derived to them from their father which consists of Land & negroes. That their said mother kept no account of the issues & profits of their Estate as they believe & have been informed. That they have resorted to the office of this Hble Court & cannot discover that she ever made any return of her Guardian accounts. That they are consequently left much in the dark as it respects the annual value of their said property. That the said Sarah held without ever making any sort of division of the Estate of Emelius Derring the father of your s.d Orator Emelius & Oratrix Ann. That the said Emelius the Elder departed this life about the year 17 & intestate that the said Sarah his widow your orator & oratrix & their brother John Derring were by law entitled, the widow to one third for life the children to the other two thirds immediately on his death in fee & the other third after the death of their mother. That your orator Emelius & oratrix Ann & their brother John Derring lived with the said Sarah, your orator Emelius & his brother John rendering their services constantly to their mother by superintending the management of her farm & transacting her business of every description. That their mother always declared that she would not charge either of her children board. Your orator is well persuaded that his services & his brothers

were such as to have merited compensation if they had chaiged it; for though infants in law they were men or nearly so in size & capable of doing business. Your orators Oratrix further state That John Derring the eldest son of the sd Sarah has qualified as her Administrator. That since his qualification they have made frequent applications to him for a settlement of the said Sarahs Guardianship transactions which he has declined doing from a fear that he should not be justified unless he made the settlement under the directions of a Court. That the sd Colin has declared to your orators Oratrix that he can find no account among his mothers papers nor memorandum which has reference to her transactions as Guardian to your orators Oratrix. Your Orators Oratrix finding themselves much grieved by the settlement being delaid & being wholly without remedy except by the intervention of this Hble Court they pray that the said John Derring be made a party deft to this bill that he be compelled to discover if any evidence he has of the transactions of the said Sarah that your honours will appoint fit & able persons who be directed to state & settle the accounts of the said Sarah as guardian to your orator Enclicus & Oratrix Anne that when the said account is raised & settled your honours will decree to your orators Oratrix the amount that shall be found due to them: that in order to aid the settlers in making up the said accts the said John Derring be compelled to set out & state what the property of your Complts in the hand of their Guardian consisted That your Honours will grant to your orators & oratrix such other & further relief in the premises as may seem meet & consistent with the principles of Equity that you will grant the Coll^s writ of Sub: &c Commanding &c May it pleased.

The answer of John Derring to the bill of compt exhibited against him by Amelius Derring & al in the Hble the Court of Isle of Wight.

This Deft saving reserving to himself all exceptions to the Compts said Bill for answering & further exceptions to the Compts said Bill for answ: thereto or to so much thereof as he is advised is material for him to answer to the answers and says: That it is true that Sarah Edwards became the Guardian of the Compts. Enclicus & Anne that she was also appointed the Guardian of his respondent at the time & he believes at the time stated in the bill. He admits that she had all the property from her appointment to the death of her father which were devised to this Deft & the Compts: from their father. He believes she kept no guard books or other acct against the Compts: he can find nothing on record or among the papers of the said Sarah like a Gons acct This Deft is therefore as much in the dark about the real annual value of the Estate of the Compts as they can be. He admits that his brother Sister & himself lived with their Mother He also admits that she said she would not charge them board & he states that he has found no charge against them. He also admits that his brother & himself did assist & manage the business of their mother: & he believes their services were valuable he is well convinced that he this Deft could have obtained one hundred dollars a year wages if he would have left his mother. Being called on to state what kind of property came to the Compts he answers that there was a tract of Land descended to them & himself subject to the dower of his mother containing about

four or five hundred acres: that the land lies in this City & is of very good quality. There were seven grown Negroes in the same Situation as it respects the Compts. This Deft. has no objection to the Court appointing proper persons to state & settle a Com. accts for the said Sarah Nor to any decree which this Court may deem it expedient & proper to pronounce in this case which shall secure the rights of this Deft. & do justice to the parties. He prays to be dismissed with his reasonable costs &c.

Decreed at
Edwards &c
v
Edwards adms

October 1805 Interlocutory decree