1808-008 Chancery Causes: Emilius Derring & Nancy Derring, byvc VS John Derring

Isle of Wight County
Plat in Oversize Box 2

To the justices of Isle of Wight, sitting in chancery, humbly complaining, shew unto the court your orator Emilius Deering and your oratrix Nancy Deering infants under the age of twenty one by Charles Fulghum their next friend.

That ~~Joshua~~ Emilius Deering their father died sometime in the year 179 intestate leaving your complts and a certain John Deering his children, and Sarah his widow. That at the time of his decease, he was legally seized and possessed of a number of slaves and a tract of land lying in this county and within the jurisdiction of this court. That the said Sarah his widow lately to wit, on the day of a.D. departed this life intestate, and that she retained the whole of the aforesaid estate of her said husband Emilius Deering in her possession until the time of her decease. That the complts and a certain John Deering are the only children of the said Emilius Deering, and consequently the only persons intitled to distribution in his said estate. They further represent to the court, that they are extremely anxious to have their proper ~~pro~~portions of their said fathers estate legally assigned to them, but they are advised that this can not be accomplished without the interposition of this court on ~~account~~ of account of the infancy of both of them.

In tender consideration whereof and for as much as your complts are

remedileſs at Law, they pray for the aid of this Court -

To the end therefore they pray that the said John Denning may be made dependant to this bill of complaint, and that he may full and perfect answer make to all and singular the allegations aforesaid and that as fully as if the same were here again repeated, and he thereto particularly interrogated and especially that he state if Emilius Denning did not die intestate, about the period aforesaid, seized and possessed of such an estate as is hereinmentioned - If your Compts. are not infants; if a division of the said estate among them would not be mutually beneficial to them all, and if the compltt. and himself are not alone intitled to the said estate &c They pray that the court will decree that the said estate be divided into three equal parts, and that one third be assigned to your compltt. Emilius Denning, one third to your compltt. Nancy and the remaining third to the said John Denning, or that your Hon. will make such other order or decree in the premises for your Compts. relief as may seem just and equitable -

May it please &c.

Richd. Wm. Byrd
p. q.

The answer of John Denning to the foregoing bill of Emilius and Nancy Denning.

He admits that his father Emilius Denning did die at the time mentioned by the compts. and that at the time of his decease, he was legally seized and possessed of several slaves and a tract of land lying in this county. He says it is true also that the compts. are infants and that they and himself are the only persons intitled to the said estate - He admits too that his mother Sarah lately died, and that she kept the whole of the aforesaid estate until her death. This Respondent states that he joins the compts. in praying that the court will make such a decree as is proposed in their said bill, and he hopes that proper persons will be appointed for carrying the same into effect - He lastly prays to be hence dismissed with his reasonable costs in this behalf expended.

Derring &c.
v. } Bill and
Derring. } answer

Jany 1804
Interlocutory decree

July 4th 1808
Respts. rets. & decree accordingly

July Judgmt
1808

In conformity to the annexed Decree we the undersigned Commissioners have made Division of the land of which Emelius Derring dies possessed among the Complainants and Defendants, to wit, Lott No. 1. containing 150 Acres of Land and to receive from No. 2 £135..14..8. we have assigned unto John Derring -

Lott No. 2 containing 150 Acres - and to pay Lott No. 1. £135.14.8 we have assign'd unto Nancy Derring - Lott No. 3. containing 151 Acres. to receive from Lott. No. 2 - £5..0.0. we have assigned unto Emelius Derring - reference being had to the Surveyors plot which is hereunto annexed - will more fully appear - - Also we the Commrs. have made division of the slaves of the said Emelius Derring dec'd. among the said Compltt. & Defts: as follows: to wit, Lott. No 1 we have allotted to John Derring, consisting of three Negroes of the value of £205 - but to pay Lott. No 2 £30 - & Lott. No 3. £25 -

Lott. No 2 we have allotted to Nancy Derring - consisting of 2 negroes of the value of £180. and to receive from Lott. No 1. £30 -

Lott. No 3. we have allotted to Emelius Derring, consisting of three Negroes - of the value of £185. and to receive from Lott. No 1. £25 -

Given under our hands this 8th day of June 1808 -

Tho. Duncan

Jno. his X mark Stott

Richard Cocke

Isle of Wight County

January Court 1804

Emelius Derring and Nancy Derring infants under the age of twenty one years by Charles Fulgham Sn^r ..... Compltts.

against

John Derring ..... Deft

In Chancery

By consent of parties the bill and answer in this cause were this day filed whereupon It is decreed and ordered that James Atkinson, John Stott, Thomas Jordan, and Richard Cocke or any three of them make an equal division of the lands and negroes ~~in the bill~~ of which Emelius Derring (their father) died seized and possessed by assigning one third to the complainant Emelius one third to the complainant Nancy and the remaining one third to the Defendant John Derring and make report thereof to the Court in order to a final decree ——

A Copy Teste

Nathaniel Young C.C.

In Conformity to the within Decree, we the undersigned Comm^rs have made division of the land within mentioned among the Complainants and Defendants as specified in the annexed Plat - also our fair division of the Slaves of Emilus Derring dec^d among the Complainants and Defendants as follows.

Lott No 1. we have allotted to John Derring consisting of three Negroes of the value of £205 & receive from Lott No 2. £135-14-8

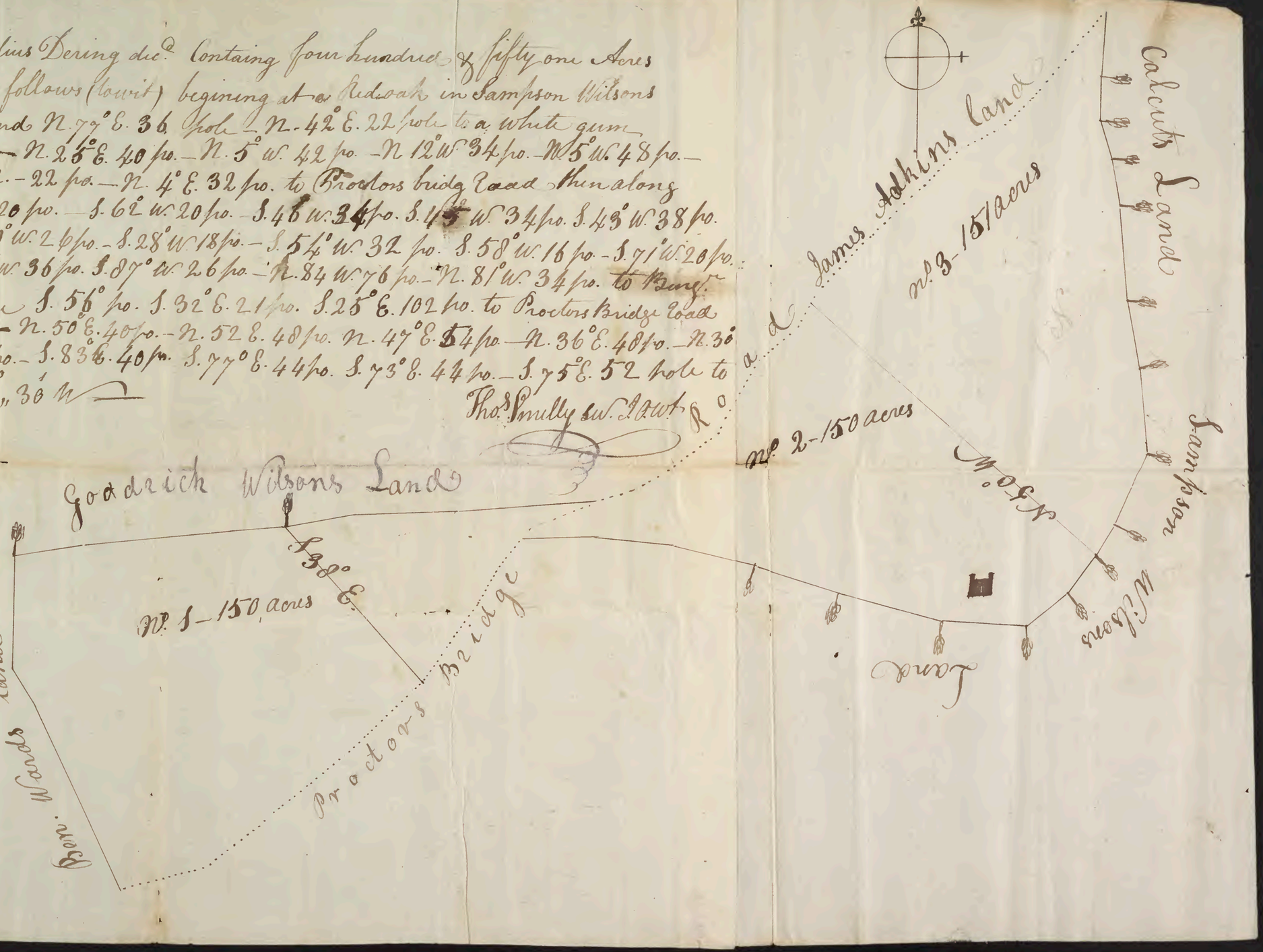
Lott No 2. we have allotted to Nancy Derring - consisting of two Negroes of the value of £130 & to pay No 1. £135-14-8 & Lott No 3. we have allotted to Emilus Derring consisting of 3 Negroes of the value of £185 - & receive from Lott No 2 £50-1-8

Derring) vs. Derring) Copy Sheriff's Deed

Isle of wight Dec. 13th. 1804

Survey'd the Land of Emelius Dering dec^d Containg four hundred & fifty one Acres in the County aforesd bounded as follows (viz^t) begining at a Redoak in Sampson Wilsons line thence binding upon his land N. 77° E. 36 pole — N. 42° E. 22 pole to a white gum — N. 40° E. 24 po. — N. 30 E. 18 po. — N. 25° E. 40 po. — N. 5° W. 42 po. — N 12° W 34 po. — N 5° W. 48 po. — N. 9° W. 24 po. — N. 16° W 20 po. — N. — 22 po. — N. 4° E. 32 po. to Proctors bridg Road thence along sd Road S. 40° W. 60 po. — S. 48° W. 20 po. — S. 62° W. 20 po. — S. 46° W. 34 po. S. 45° W. 34 po. S. 43° W. 38 po. S. 30 W. 20 po. — S. 51° W. 24 po — S. 30° W. 24 po. — S. 28° W. 18 po. — S. 54° W. 32 po. S. 58° W. 16 po. — S. 71° W. 20 po. S. 85° W. 70 po. — S. 88° W. 52 po. S. 80° W. 36 po. S. 87° W. 26 po. — N. 84 W. 76 po. — N. 81° W. 34 po. to Bay^s Wards line thence along his line S. 56° po. S. 32° E. 21 po. S. 25° E. 102 po. to Proctors Bridge Road thence down sd Road N. 76 E. 44 po. — N. 50° E. 40 po. — N. 52 E. 48 po. N. 47° E. 54 po. — N. 36° E. 48 po. — N. 30° E 20 po. — N. 39° E 20 po S. 89 E. 36 po. — S. 83° E. 40 po. S. 77° E. 44 po. S. 73° E. 44 po. — S. 75° E. 52 pole to the begining — Variation 2° 30' W

Thos Smully Surv^r

N.B. A dividing line between lot N^o 1 & 2 bigins at whitoak in Goodrich Wilsons line thence S. 38° E. to Proctors bridg Road — A dividing for lot N^o 2 & 3 bigins at a Red oak in Sampson Wilsons line thence N. 50° W. to the Bay warehouse Road —

F. S.