

1821-014 Chancery Causes: Samuel Carroll & ux vs Benjamin Drew, sheriff

Isle of Wight County

other SURNAMES: Coffield,
Driver

To the worshipful the Justices of ^{the County} ~~Hampden~~
County in Chancery sitting.

Humbly complaining, shew unto your Worships your Orators
and oratrices Samuel Carroll and Mary his wife, late Mary
Coffield widow and relict of Slaughter Coffield dec^d Elizabeth
Anne Coffield and Slaughter Coffield. - which said Elizabeth Anne
and Slaughter are infants under the age of twenty one years,
suing in this behalf by the said Samuel their next friend.

That the said Slaughter Coffield, the former
husband of the said Mary and father of your infant complainants
was in his life time, besides other personal estate, possessed of
sundry valuable slaves to wit, Toby, Phil, Rachael, Milly, Dick
and Pat ~~are~~ in number - that Milly one of the said slaves has now
a child called Bob, born since the death of her late master.

And your Orators and oratrices further shew unto
your Worships, that the said last mentioned Slaughter Coffield
being so seized and possessed of such slaves, and personal estate
that life intestate was or about the first day of May in the
year of our Lord, one thousand eight hundred and fourteen
leaving your Orator Mary his widow (who hath since intermarried
with your Orator Samuel) and relict - your Oratrix Elizabeth
Anne together with an infant son named Willis and the said
Mary his widow then pregnant. That not very long after the
death of the father to wit on or about the 29th of August in the
year 1814 the said Willis died, leaving his mother and his sister
Elizabeth Anne his sole heirs, and entitled to use the slaves and other
personal estate which he derived from his said father. - That the
said Mary the said widow was on or about the 2^d day of January
1815. following the death of her said first husband safely delivered
and in due time of a male child, being the same, with which she
was "Enscint" at her husband's death. - And your Orators and
oratrices having thus given a history of the family since the death
of the said father beg leave to state that they are informed, that
the ~~estate~~ ^{slaves} of the father Slaughter Coffield, is liable to division, and
distribution in the manner following, that is to say - One full
and equal third part thereof, is to be allotted the complainants Samuel
Carroll and Mary his wife, as and for the dower of the said Mary
in the slaves of her first husband - The remaining two thirds
is then immediately liable to division amongst the complainants
Elizabeth Anne the surviving child ^{and the posthumous child of the father} of the father, who is entitled to
one third part of the said two thirds, each - and the

remaining third part of the said Two thirds just mentioned (and to which the said Willis would have been entitled were he now living) is liable to division amongst his mother and sister Eliza both Aune, they being his heirs at law. And your Orators and Oratrices further shew unto your Worship, that since the death of the said slaughter Coffield, various representations have taken place on the estate of the said Intestate, and that at this time, a certain Benjamin Drew late Sheriff of the County of Isle of Wight, is the representative; the said estate having been committed to the said Sheriff hands, by order of the County Court of Isle of Wight, by reason and in consequence of the refusal of the said Samson to give Counter security, he having been summoned to do so by one of the securities for his wife, who had administered during his widow hood after the death of George W. Driver - the said Administrator.

That by virtue of the order of Court aforesaid, the said Benjamin Drew Sheriff & Committee hath possessed himself of the said Intestate's slaves, and other chattel estate.

And the said Benjamin Drew Sheriff and Committee as aforesaid, having so possessed himself of the said slaves and there being no debts to pay the same having been fully paid off, and satisfied by the different representatives, your Orators and Oratrices had well hoped, that the said Sheriff and Committee as aforesaid, would have come to a just and fair division with them touching the same.

But now it is May it please your Worship the said Benjamin Drew Sheriff and Committee as aforesaid, combining and confederating himself with divers persons unknown whose names when discovered, they pray may be made defendants, heuts with apt and proper words to charge them. In order to defraud and defeat your Orators and Oratrices in the premises, and having possessed himself of all the ~~slaves~~ and personal estate of the said slaughter Coffield, refuses to come to any division of the said slaves of the said Intestate - The said Sheriff & Committee sometimes state, that ^{there} are debts yet remaining unsatisfied, at other times he charges he does not know how division should be made, and that he will not consent thereto without the sanction and authority of a decree of some Court of competent authority. all which is contrary to equity and good Conscience - and tends to the injury and oppression of your Orators & Oratrices.

To the End therefore that the said Benjamin Drew late Sheriff & maybe made defendant to this their Bill of Complaint with apt and proper words to charge him, and that he be compelled upon his corporal oath, face true and purlish answers to make to all and singular the allegations there in contained as if the same were here again repeated, and they thereunto interrogated - more especially that the said Benjamin Drew, may set forth and discover whether there are any slaves, their number, ages and sexes: whether there remain any debts of the said Intestate unsatisfied, and ~~as they~~ ^{is he} willing that the slaves may now be divided according to the rights of each claimant, -

Your Orators and Oratrices lastly pray that your Worship will appoint fit and proper persons to act as Commissioners for the purpose of dividing the said slaves, and that you will be pleased to make such other order further relief in the premises, as shall be more consistent with equity and good Conscience. May it please ~~it~~ ^{to} to grant.

Saml. Carol. Soc. Jr.

Trs. } Bice &
ans.

Benjamin Drew Mf.

James Moody

William Perkins,

Arthur Channell

Joseph Holladay

or any J. Comrs

September 1820 Bice & ans.

filed & Interests secured

April 1871 report returned

ans. secured accordingly

Prentiss. att.

File of Wright
Co. Co

The answer of Benjamin Drew late Sheriff of
the County of Isle of Wight, into whose hands the
estate of Slaughter Coffield dec^d hath been ^{committed} ~~left~~ for
administration according to law, left undiminis-
tered by George W. Driver — as also by Mary Coffield
now the wife of Samuel Canole, to the Bice of Com-
plaint of Samuel Canole & Mary his wife late
Mary Coffield & Elizabeth Anne Coffield and Slaughter
Coffield infants, suing in this behalf the said
Samuel their next friend, in this worshipping
Court of Isle of Wight County exhibited.

This defendant now and at all times hereafter saving and re-
serving to himself all benefit and advantage of exceptions
to the many errors, uncertainties, and false allegations in
the Complainants said bill of Complaint contained for answers
thereto, or unto so much thereof as ~~he is~~ ^{he is} advised, it is
material or necessary for him to make answer unto
answers and says: That it is true, that the Estate of Slaughter
Coffield, was on or about the day of ^{in the year}
1820. placed in the hands of this defendant as Sheriff and
to be by him disposed of according to law. That upon exami-
nation he finds that the Estate was administered upon
by one George W. Driver in the year 1814 — that upon
his death administration de bonis Non was committed to the
hands of his widow Mary — that after his intermarriage, some
security for her administration moved for counter security upon
which the Complainant Samuel refusing to give the Court
of the said County ordered that ^{the} Estate of the said Coffield
should be placed in the hands of this defendant — That he
believes that the names and description of the slaves have
been correctly set forth — that he has little doubt but the
debts are paid and that he has no objection that the
slaves in the bill mentioned should be divided. And the
defendant further answers and says, that he knows nothing
about the claims or pretensions of either of the parties, nor
does he know anything of any thing of the detail which
has been given of the debts and births in the said
bill of Complaint particularly set forth and mentioned,
The Estate has been but a short

time or his hands, and if the Court thinks it right that a division
should be made, he has no manner of objection that
the same shall now be done. He will however insist
that no division be made until bond & security be executed
to him to refuse according to law. without that, that he

Forwards Hallman &
Jr B. Drew &

Benjamin Drew
at & Ans.
Saml Carroll Secy.

In obedience to the annexed decree of the worshipful Court of Suffolk county law directed, we the undersigned commissioners have laid off & assigned one third part of the slaves of which Slaughter Coffield died possessed, to Samuel Carroll and Mary his wife as for the said Mary's dower in the said slaves, and have also divided the residue of the said slaves as in the said decree directed, all which we have done in the following manner (to wit) To Samuel Carroll and Mary his wife as her dower, we have allotted negro Man Toby and woman Betty being in value, in the opinion of your commissioners one full third part of the slaves named in the decree aforesaid; And your commissioners finding it impracticable to divide the residue of the said slaves in kind, without selling one or more, have deemed it most beneficial to the heirs to sell negroes Melly, Rachel, and Bob, which your commissioners did (after advertising the time and place of sale,) on a credit of three months, the proceeds of which sale after deducting the expenses thereof amounts to five hundred & Twenty seven dollars and Twenty five cents: Your commissioners also valued negro Dick to four hundred dollars and negro Phile: to Three hundred dollars, which two last mentioned sums being added to the amount of the sales, amounts to Twelve hundred and Twenty seven dollars & Twenty five cents; which said last sum your commissioners have divided into three parts, and find that each part amounts to four hundred & Nine dollars & Eight cents, we therefore, have allotted to Elizabeth Anne Coffield negro Phile: valued at three hundred dollars leaving a balance due her, to make up her third part, of the sum of One hundred & Nine dollars & Eight cents; to Slaughter Coffield we have allotted negro man Dick valued at four hundred dollars, leaving nine dollars & Eight cents due him to make up his third part: and ^{to} the estate of Willis Coffield the deceased child, we have allotted four hundred and nine dollars and eight cents, out of the sum above mentioned arising from the sales, which leaves a balance of the amount of the said sales of One hundred & Eighteen dollars & Seventeen cents of which said last mentioned balance we have taken a bond from Samuel Carroll (the purchaser of the negroes sold) with Ismaiah Petts security for one hundred and nine dollars & Eight cents which said bond is payable to Elizabeth Anne, and together with the negro allotted to her, as above.

mentioned makes up his part \$409.08 we have also taken the said
Carroll & Pitts bond for nine dollars & eight cents payable to Slaughter
Coffield which ^{making} up his part \$409.08 including the value of Oak -
Your commissioners have then divided the one third allotted to the
estate of Willis Coffield decd. (bevit) \$409.08 between Samuel
Carroll in right of his wife Mary, and Elizabeth Anne Coffield;
and have taken the said Carroll & Pitts bond for \$204.54 payable
to the said Elizabeth Anne, and assigned to the said Carroll the
remaining \$204.54 in right his said wife. the bonds before
mentioned we herewith inclose, all which your commissioners
report to the court - Given under our hands this 1st day of

March 1821 -

Joseph Holliday

Arthur Chancellor

James M. Day

Samuel Carroll and Mary his wife, late Mary Coffield,
widow and select of ~~daughter~~ Coffield dec'd Elizabeth
Anne Coffield, and daughter Coffield, which said Elizabeth
~~Anne~~ and ~~daughter~~ are infants under the age of
Twenty one years, suing in their behalf by the said Samuel
Carroll their next friend
against

Benjamin Drew, late Sheriff of the County of Dale
of upright, and Committee of the estate of ~~Stoughton~~
Coffield dec'd

By Consent of the parties and with the assent of the Court
this cause came on this day to be heard, on the bill and answer
filed therein, and was argued by Counsel, on consideration
whereof the Court doth adjudge, order and decree that James
Moody, William Jenkins, Arthur Charnel, and Joseph Holladay

or any three of them proceed to divide the slaves in the bill men-
tioned, To wit, Toby, Phil Rachael, Milly, Dick, and Bob, and Bob,
seven in number, in the following manner, that is to say, - One
full and equal third part is to be laid off, and set apart unto
the said Samuel Carroll, and Mary his wife, as and for the dower
of the said Mary in the slaves of her first husband ~~daughter~~ Coffield.

and the said Commissioners or such of them as may act, will
then proceed, to divide the remaining two thirds into three equal
parts, a share one of which they will allot to the complete Eliza-
beth Anne and one ~~to the complete~~ daughter - and the residue
or remaining third part of the said $\frac{2}{3}$ they will divide
equally between the complete Saml. Carroll, in right of his wife
Mary, and the infant Elizabeth Anne. (the said last mentioned
third being the share to which wife was entitled, and which
by his death descended and passed to his mother, and to the said
Mary, and his sister Elizabeth Anne, exclusively) - And the Court
perceiving that some difficulty may possibly ~~be~~ ~~arising~~
arise in a division in kind, doth further adjudge

order and decree, that the said Commissioners or such of them as
be further empowered effecting a just and fair division
may act in order to effect a just and fair division of the
said slaves either for cash or on a
credit having ascertained the time, place, and terms of such
sale ten days at least and from the proceeds of sales make
equil division. The said Comrs, if a sale should be found
necessary, will exercise their discretion in the selection of the
said slave or slaves, as will be least prejudicial
to the interest of all parties concerned: and it is further by the
court decreed and ordered, that refunding bonds according to
law be executed by such of the distributees as are at age, and
make report of their proceedings to this court in order to a final
decree. Doubt is reserved the infants on this suit, to
show cause if any they can against the decree at any
time within one year after they shall severally
attain the age of twenty one years.

#

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time within one year after they shall severally
attain the age of twenty one years.

Barnoll & wife. 96

45 2 copy name
Barnoll 96

4 copy & same Barnoll
100

Isle of Wight County September Court 1820

Samuel Carroll and Mary his wife late Mary
Coffield widow and relict of Slaughter Coffield
dec'd Elizabeth Anne Coffield and Slaughter Coffield;
which said Elizabeth Anne and Slaughter are infants
under the age of twenty one years suing in this
behalf by the said Samuel Carroll their next friend & Compt^s
against

Benjamin Drew late Sheriff of the County of Isle of Wight Deft^s
and committee of the estate of Slaughter Coffield dec'd.

By consent of the parties, and with the assent of the court this cause
came on this day to be heard, on the bill and answer filed therein,
and was argued by counsel, on consideration whereof the court doth
adjudge order and decree that James Moody, William Perkins,
Arthur Channel, and Joseph Holladay or any three of them pro-
ceed to divide the slaves in the bill mentioned, to wit, Toby, Phil,
Rachel, Milly, Dick, Bet, and Bob, seven in number in the following
manner, that is to say, one full and equal third part, is to be laid
off and set apart unto the said Samuel Carroll, and Mary his wife,
as and for the dower of the said Mary in the slaves of her first husband
and Slaughter Coffield; and the said commissioners or such of
them as may act, will then proceed to divide the remaining two thirds
into three equal parts, a share one of which they will allot to the
compt^s Elizabeth Anne one of the compt^s Slaughter - and the residue
or remaining third part of the said 2/3 they will divide equally between
the compt^s Samuel Carroll in right of his wife Mary and the infant
Elizabeth Anne - the said last mentioned third being the share to
which Will was entitled, and which by his death descended and passed
to his mother the said Mary, and his sister Elizabeth Anne, exclusively,
and the court ~~perceiving~~ perceiving that some difficulty may, possibly

arrive in a division in kind, doth further adjudge and decree, that
the said commissioners or such of them as may be in order to effect
a just and fair division in hereby authorised to sell or ^{one} ~~more~~ of the
said slaves either for cash or on a credit having advertised the time,
place and terms of such sale ten days at least and from the proceeds
of sales make equal division. The said com^{rs} if a sale be found
unprofitable will exercise their discretion in the selection of such slave
or slaves as will be least prejudicial to the interest of all parties
concerned, and do further by the court decree, that refunding
bonds according to law, be executed by such of the distributees as
are of age, and make report of their proceedings to this court
in order to a final decree. Liberty is reserved the infants in this
suit to shew cause if any they can against this decree at any
time within one year after they shall severally attain the age
of twenty one years.

A Copy Teste

Wmth Youngd. M^{re}

Isle of Wight County

September Court 1820

Samuel Carroll and Mary his wife, late
Mary Coffield widow and relict of Slaughter
Coffield decd. Elizabeth Anne Coffield, and
Slaughter Coffield, which said Elizabeth Anne,
and Slaughter are infants under the age of
Twenty one years, suing in this behalf by the
said Samuel Carroll their next friend

Complainants

against

In Chancery

Benjamin Drew late Sheriff of the county of
Isle of Wight and committee of the estate of
Slaughter Coffield decd.

Defendants

By consent of the parties and with the assent
of the court this cause came on this day to be heard, on the
bill and answer filed therein, and was agreed by counsel,
On consideration whereof the court doth as judge, order and
decree that James already, William Parkers, Arthur Channell
and Joseph Holladay or any three of them proceed to divide
the slaves in the bill mentioned, to wit Toby, Phil, Rachel,
Milly, Dick, Bet, and Bob seven in number in the following
manner that is to say, One full and equal third part, is to
be laid off and set a part unto the said Samuel Carroll,
and Mary his wife, as and for the dower of the said Mary
in the slaves of her first husband Slaughter Coffield. and
the said commissioners or such of them as may act will then
proceed, to divide the remaining two thirds into three equal
parts or shares, one of which they will allot to the complain-
-ant Elizabeth Anne and one to the complainant Slaughter,
and the remaining third part of the said $\frac{2}{3}$ they will
divide equally between the complainant Samuel Carroll
in right of his wife Mary, and the infant Elizabeth Anne
(the said last mentioned third being the share to which Willis was
entitled and which by his death descended & passed to his mother

the said Mary and his sister Elizabeth Anne exclusively) and
the court perceiving that some difficulty may possibly arise in
a division in kind, doth further a judge order and decree, that
the said commissioners or such of them as may act, in order to
effect a just and fair division are hereby authorised to sell one
or more of the said Slaves either for cash or on a credit having
advertized the time, place and terms of such sale, ten days at
least, and from the proceeds of sales make equal division. the
said commissioners if a sale should be found necessary, will
exercise their discretion in the selection of such slaves or
slaves as will be least prejudicial to the interest of all
parties concerned: and it is further by the court ordered &
decree'd that refunding bonds according to Law be executed
by such of the distributees as are at age, and make report
of their proceedings to the court in order to a final decree.

Liberty is reserved the infants in this suit to shew
cause if any they can against this decree at any time
within one year after they shall severally attain the age
of Twenty one years —

Attest

Nathl Young C. J. W. C.
(C)

Done this 3rd day of June 1775.
Attest
James M. Smith
Clerk