

1845-014 Chancery Causes. Mary Driver, widow of Wallis Driver vs Wallis Driver's admr +
Isle of Wight County al

other surnames: Whitehead,
Young

14
of Dr. 10
Date 10/10/10

Dr. 10
vs. 10
Dr. 10

Decr. 2^d 1839. bill 10
Katy: decr. 10
May 2^d 1842. Report
made 10/10/10

1845. February 3^d
final decr.

~~10/10/10~~

widow of the said Miller Driver. Saving all manner of
exceptions to the many errors & insipidities in the said bill
for answer, say that as far as they are advised the facts stated
in the bill are substantially true, and that they are willing
that such a decree may be rendered as the Comptroller may
deem and as may be proper. And the said Joseph B. Whitman
admits as aforesaid defending bond shall be given by them who
may be entitled to the slaves respectively. And their expenses being agreed
to be hence dismissed with costs in this behalf expended

Signed

Miller Driver

vs

} in Chancery.

Joseph B. Whitman Administrator of Miller Driver dead ^{Nathaniel Young & Co. Executors of}
The Sarah Catharine, Victoria Joseph mine & cabin Milledor.

This cause came on to be heard the day by current of parties
in the bill and answer & was argued by counsel, on answer was
whereby the adjourned, ordered and decreed that Joseph Goodwin
Christian Charnell & Saml. D. Jordan, or any two of them be appointed
Commissioners to allot the ^{& share part by lot} widows here there in the 3^d land
& slaves in the bill mentioned & to be bound & to certify & agree
ing bond for the law in the following proportions. That is to say
one ^{full} and equal third part of the land in this county whereby
the said Miller Driver died seized as an estate of inheritance, having
in each division regard to quality & to quantity, and ~~last~~ part of
the slaves in the bill mentioned Report &c.

To the worshipful justices of the County Court of Isle of
Wight in chancery sitting. humbly complaining shew unto
your worshipps, your complainant Mary Driver Widow of William
Driver dec'd who died sometime in the year leaving several
children Sarah Catharine, Victoria Josephine, & Carolina Matilda
infants, & who also died seized of considerable property real & personal
the land containing about 250 acres more or less & the personal property
consisting of several slaves, to wit. Randolph, Chloe, Martha, Mary &
and that Joseph B. Whitehead qualified as administrator of the estate of the said
deceased. Your complainant charges that the land & slaves have
never been divided, or the widow's dower set aside, and she thinks that
it is important to all concerned that the Court should do so as
soon as her interest in the slaves according to the proportions in which
each of the parties is entitled. And your Complainant has made repeated
application to the said Sarah Catharine, Victoria Josephine, & Carolina
Matilda, and urged them to consent to such division. But so it is
may it please your worshipps the said infants and heirs of the said
William Driver have so to do contrary to Equity & good conscience. In
tender consideration whereof & for as much as your Complainant
is without remedy save in a Court of Equity, where matters of
this sort are properly cognizable, to the end therefore that the said
Joseph B. Whitehead ~~do~~ and Sarah Catharine - Victoria & Carolina
^{by the sworn & titled Nat. Young.}
may be sworn parties as defendants hereto & may be required to
swear in their several oaths the true & perfect answers
hereto, and that as fully & perfectly as if the same were here
again repeated. That you worshipps will decree a division of
the said land & slaves upon principles of Equity herein
before set forth, as well as ~~as much~~ other relief as may
be necessary & proper under circumstances.

Robt. Whittier D. G.

The joint & several answers of Joseph B. Whitehead & Admrs of
William Driver's estate & ^{Nat. Young} ~~Joseph B. Whitehead~~ as ^{Admrs} ~~guardians~~ of Sarah
Catharine, Victoria Josephine, & Carolina Matilda, ~~owing to their~~
~~obscure manner of exception, to the many errors & insufficiencies~~
~~to the~~ to the her exhibited against them by Mary Driver

Driver *Stephen*
Mrs Greber

Driver

no

3 Rept. in Chy

Driver Vds:

My turn 1842 filed 4.

We the undersigned commissioners named in the annexed decree did in obedience thereto proceed on the

of December 1839 to allot & set apart to Mary Driver one third part of the Land & Slaves which of Willis Driver her late husband died seized and possessed at which time we did allot & set apart the land contained in the following boundaries to the said Mary Driver, commencing at a Cedar on the side of the ravine near the dwelling house thence down the ravine to a small pine thence down the run to John V. Carran's line thence along said Carran's line to a pine on the western side of the Vasco creek road, thence through the field to a persimmon thence to the cedar at the commencement containing forty acres more or less with the privilege of getting fire wood & rail timber for the use of the above mentioned land from the woodland adjoining William Batten's Land as an equal third part of S. Willis Driver's Land, and we did allot & set apart the woman Chloe & the old woman Mason to the said Mary Driver as an equal third part of the Slaves of S. Willis Driver to wit Mauda Chloe Martha Mary & Mason and the said Mary Driver is to receive ten dollars annually during the life of Mason from her children the orphans of said Willis Driver all of which is respectfully submitted Signed Apr. 26. 1842

Arthur Chanell

Joseph Goodwin

Saml. P. Landon

Expend

m.

3

Copy
Acty: decimo

Sum: aduoc: p: 1747

In the County Court of Suffolk, December 2^d 1839.

Mary Davis

Plaintiff

3 July.

Joseph B. Whithead executor of Willis Davis decd.
Sarah C. Davis, Victoria J. Davis and Candice
M. Davis, the three last infants, by Math.
Young their Guardian ad litem. 3 Defs.

This cause, by consent of parties, was this day decided
and came on to be heard on the bills and accounts filed
and was argued by Counsel; on consideration whereof
the Court doth adjudge decree and order that Joseph
Gardner, Samuel P. Jordan and Arthur Channell who are
appointed commissioners for that purpose, do proceed to attend
and sit a party to the said Mary Davis, widow of Willis
Davis decd. her share in the land and slave in the bills
mentioned, that is to say, One equal part of the land in
the County of Suffolk, whereof Willis Davis decd
enjoyed as an estate of inheritance, having in such
division regard to quantity and quality; and also one
equal third part of the slave, Randolph, Chloe, Martha
and Maria in the bills mentioned, that they lay off the
said land by certain maps and bonds, and report their
proceedings in order to a final decree.

Copy Teste Nathl. Plouffe J.C.

Amended
Secree

Driver.

W. Whitehead

Mary Driver

At } Amended Decree in Chy

Joseph B. Whitehead ad inter of William Driver & Sarah C Driver
Victoria J Driver & Caroline M Driver to three last infants
by Nat Jones, & ad litem JTS.

By an amendment to the decree heretofore obtained
in the cause, the Court, upon the cause this day coming up
to be heard upon consent of parties & being argued by
counsel, doth further order, adjudge & decree, that
the commissioners appointed in the former decree
shall proceed for the purposes thereof, to divide the negro
Woman Mary according to the objects & purposes
of the said decree first had & obtained & that
they report to this Court, in order to a final decree
in the cause.