

1799-013

Chancery Causes: Richard Williams vs Edward Allen & W

Isle of Wight County

other surnames: Driver,  
Cooper, Godwin

To the worshipful the Justices of Peace of  
Wright County in Chancery sitting

Humblly complaining sheweth unto  
your worships your orator Richard Williams That  
some time or about the day of \_\_\_\_\_ in the  
year of Christ 17 \_\_\_\_\_ the John Driver late of this  
County departed this life intestate, seized and possessed  
of a considerable real and personal estate, leav-  
ing a widow by the name of Elizabeth and two  
children, to wit, Lidia and John, the first by a for-  
mer wife, the last (who has since died under the age  
of 21 years) by the said Elizabeth That admn of  
the personal estate of the said John Driver was  
by this Court granted to one Abraham Cooper  
and that after the death of the S<sup>r</sup>. Cooper, which  
happened on or about the day of \_\_\_\_\_  
17 \_\_\_\_\_ Elizabeth Driver took into her posses-  
sion the estate of her dead husband - That the  
said Elizabeth hath since intermarried with one  
Edward Allen, to whom admn de bonis non of the  
said John Driver has been committed by this  
Court - That soon after the death of the said  
John Driver this Court appointed your orator  
guardian of Lidia Driver - That during  
his guardianship he advanced for the board cloth-  
ing and education of the said Lidia the sum of  
£ 30. 19. 5. That he has only received £ 13. -  
so that there is still a balance of £ 17. 19. 5. besides  
interest due to your orator - And your orator  
further states that he has applied to the said  
Edward Allen and his wife, Elizabeth, and re-  
quested them in a friendly manner to satisfy  
to your orator the balance aforesaid in-  
terest - With which reasonable request your

orator well hopes that the J. Edw. & Elizabeth  
would have complied as in justice and Equity they  
ought to have done, but they have altogeth-  
er refused to pay your orator the whole  
or any part thereof - In tender Considera-  
tion whereof and forasmuch as your orator  
is remediless in the premises & only redressable  
in a Court of Equity where matters of this sort  
are properly cognizable. It is therefore that  
the said Edward Allen and Elizabeth, his wife,  
may be made defendants to this bill of com-  
plaint and may upon their oaths true & per-  
fect answer make to all & singular the pre-  
mises as fully as if the same were here repeated  
and they thereunto particularly interrogated, and  
that your worship will decree that they pay  
to your orator the aforesaid balance of £17.14.5  
with interest thereon from the day of  
when it was advanced by your orator, or  
that your worship will make such ~~other~~ fur-  
ther or other order & decree in the premises as may  
to your worship seem meet and agreeable to  
justice & good conscience. May it please be

N. Faulcon p. G.  
*[Signature]*

*[Faint handwritten notes and signatures]*

Williams  
vs & Bill  
Allen wife

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J. Wright

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The answer of Edward Allen & Elizabeth his wife, Defendants, to the bill of Complaint of Richard Williams, Complainant.

These Defendants, saving to themselves every benefit of excepting to the errors & insufficiencies of the Complainant's bill, answers as follows —

John Driver died intestate in the year 1779, leaving a widow, the Defendant, Elizabeth, with whom the Defendant Edward, has since intermarried — & two children, a son John Read Driver, & a daughter, Leticia — He left a considerable estate in Slaves & personal property, of which the administration was in the same year granted to Abraham Cooper, who sold the whole of it, except the Slaves, in order to provide for the payment of his Intestate debts, & the same has been since so applied — about the end of that year the Defendant, Elizabeth, was appointed guardian of her son John Read Driver, & the Complainant guardian of Leticia Driver, & in consequence she took possession of a tract of land, which had descended to her ward from his father, & the Complainant of a tract, which had descended to his ward from her mother, who was the first wife of John Driver — the Slaves, <sup>having</sup> not been divided, were taken into the management of the Defendant Elizabeth — some of them, while under her directions, she hired out; but several of them, she was obliged to provide, upon the best terms that she could, for the maintenance of — For the first year, 1780, the proceeds, after deducting the expenses of maintenance he amounted to £1246.10. of paper Currencies, of which the Defendant, Elizabeth, received £417. & the Complainant, altho' entitled only to 73, took upon himself to receive the balance —

In 1781 the rice was payable in Indian Corn, & amounted, after providing for the maintenance &c of several women & children, to 20 Barrels, 1 bushel & 7/4, of which 13 was paid to the Complainant — In this year he hired one of the slaves himself for 10 barrels of Corn, & for the ballance, after deducting what he had a right to, these Defendants were obliged to proceed against him by suit — The hire, in 1782, after deducting the expences of maintenance &c was £28.18. in specie, of which 13 has been paid to the Complainant — In 1783, the Defendant, Edo.<sup>d</sup> hired out the Slaves, & the amount was £10.1. after providing for the maintenance &c of the women & children, of which the Complainant has received 13, thro' the hands of Brewer Godwin, the elder — He also hired them out for 1784, in which year the ballance after providing for the maintenance &c of the women & children was only £1.10.6, & of this also 13 has been paid to the Complainant, thro' the hands of Brewer Godwin, the elder, — He continued to hire them out from 85. to 89, but hearing that the Complainant failed to apply, the money already paid to him, for the benefit of Lidia Driver, she was taken to the Defendants house, & the hire retained in his hands till 89, in which year James Morrison became her guardian, & in that year the Defendant, Edo.<sup>d</sup> accounted with him for the 13 of the hire thus retained & paid him the ballance appearing in favour of his ward Lidia Driver, as by his account rendered to James Morrison will fully appear — after this the Complainant account-

ted with Nathaniel Gray, with whom she had intermarried, paid him all that she was entitled to in every respect, & took his receipt in full of all demands — as to the complaints having made considerable advancements for the board, clothing &c of Lidia Driver, these Defendants suppose, & conclude, that it could not have been, as she lived the greater part of the time, previous to her marriage, with her relations, except several years, that she was with the Defendant Edo.<sup>d</sup>, & for which he made no charge; & he believes, that her relations, with whom she had previously resided, also made no charge against her either for board or clothing — admitting too, that he had made such advancements, yet, if inconsistent with the profits of the Estate of his ward, & by the Complainants own showing they were, he must lose them; & at any rate, he must look for reimbursements to Nathaniel Gray, who has intermarried with his late ward, & received all her estate — and finally, these Defendants, denying so much of the Complainants bill as they have not herein already answered to, admitted, or denied, pray hence to be dismissed with their costs in this case expended

Edw. Allen

Eliza Allen

Stammond County, To wit,

This day, Edward Allen & Elizabeth  
his wife, severally, made oath, before me a Justice of the Peace  
for the County aforesaid, that the foregoing answer is true, as  
far as they know & believe. Given under my hand this  
10<sup>th</sup> day of <sup>September</sup> ~~10~~, 1798 — James Buaton

Allen done.  
do. } Answer  
Williams

THE Commonwealth of VIRGINIA to the Sheriff of Isle of Wight county,  
greeting, We command you, that you summon Edward Allen Administrator *vs* of  
John Lewis decd: & Elizabeth Allen formerly Elizabeth Lewis, wife of the  
said Edward Allen

to appear before our Justices of our county court of Isle of Wight at their courthouse  
of said county, on the first Monday in November next, then and there  
to answer a bill in Chancery against them exhibited by Richard Williams

And this they shall in no wise omit under the penalty of 100l. And have  
then there this writ, WITNESS James Young clerk of our  
said court, the first day of August 1780 and in  
the 21<sup>st</sup> year of the commonwealth,

James Young



parties licensed  
Licenses at Potts. Ct.

Williams

on  
Damon & wife  
Damon Damon

Specialty

Executed

1. 5  
25  
10  
25  
10  
20  
20  

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2-23 45-0  
40  

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2-03

Mrs. Atkinson Dohff  
for Crs. Weller Sheriff

June 1797  
bill filed & time

apl. 98  
bill taken for unpaid

Nov. 98  
bill taken for debt

Dec. 1799.      J. J. J. J.  
Executed

Depts. Cts. J. J. J. J.

The Commonwealth of Virginia to John Casper and  
James Hunter Gentlemen's greeting. Know all ye that We  
trusting to your fidelity and provident circumspection in  
diligently examining Brewer Godwin

a Witness as well on the behalf of Edward Allen Adm<sup>r</sup>. John Driscoll  
& Elizabeth his wife <sup>Deft<sup>s</sup></sup> as on the behalf of Richard Williams J<sup>r</sup>. —

Command you or any two or more of you, that at such cer-  
-tain days and places you shall appoint you a s<sup>e</sup>mble your  
-selves and the Witness — aforesaid before you or any two or  
more of you, you call and cause to come and diligently ex-  
-amine on the Holy Evangelists of Almighty God, and return  
the said examination into our County Court of Isle of

Wight distinctly and plainly without delay. you shall  
send & certify inclosed returning also to us this writ, Witness

James Young clerk of our said Court at the Court House  
the 1<sup>st</sup> — day of July — 1799. in the 23<sup>d</sup> Year of  
the Commonwealth —

J. Young  
Clerk

Lewis Adams

Ad.

Booth  
Cann  
Williams & Wit.



The Depositions of Brewer Godwin Sen: taken  
in a certain matter of controversy now depend-  
ing in the County Court of the County of Wight and  
undetermined wherein Edward Allen Com: of  
John Driver and Elizabeth his wife are  
defendants and Richard Williams is plaintiff  
are made by a Commission from the said  
Court to us directed and which is hereunto  
annexed.

This Deponent being of lawful  
age and having first sworn on the  
Holy Evangelist of Almighty God  
to depose and speak the truth at the  
Request of Edward Allen this <sup>deponent</sup> ~~deponent~~  
settled with Richard Williams ~~the~~  
for Lydia Drivers proportion of her  
father's Estate due for the years of 1783  
and 1784 - for which said Lydia the  
Plaintiff Williams was Guardian for  
this deponent on settlement with Williams  
Guardian as before mentioned, found a  
balance due the orphan of Three pounds  
seven shillings and three pence, which  
balance this deponent paid unto Williams  
and for the this deponent doth not.

The above taken at the House of Richard  
Paylor Tavern Keeper in the Town of Smithfield  
between her time and her set of the 1. day  
of July 1799 - Richard Williams being  
present

John Casson (Seal)  
James Johnston (Seal)

B. Godevici's Lepo.