

1803-039 Chancery Causes: Samuel Smith v. Catharine Davis, widow of William Davis v. al

Isle of Wight County

Plat in Oversize Box. 4

three or more fit persons be appointed by the court to carry the said
decree into effect without delay, and that such other or further order
or decree may be entered, as to your worshipps may seem proper
or necessary for the promotion of Justice & for the benefit of
your complainants. May it please ~~you~~ Barber for Compts

Smith Wife }
vs } Bill in Ch.
Davis Vab. }

Mar: 1802

Interlocutory

To the worshipping justices of Isle of Wight County in chancery sitting, humbly
complaining shew unto the court your Orator and Oratrix Samuel Smith &
Holland his wife (formerly Holland Davis), that your complainants father ^{Wm} ~~Wm~~
Davis, late of said county, departed this life on or about the ^{intestate} day of 1799
sired and possessed of about One thousand acres of land in said county,
leaving a widow, Catharine Davis, intitled to dower, and five children &
~~a grand child~~ intitled to an equal division of the lands in question
to wit. Catharine Matilda Davis, Sarah Davis, ^{Mary Davis,} William Davis, and John Davis
the son of Wm Davis & grand son of the intestate, and your complainants.

The said Catharine the widow, may it please the Court, has,
in combination with the said Catharine Matilda Davis, Sarah Davis,
Wm Davis - Mary Davis & said John Davis the son of Wm Davis, possessed herself
of all the land in question and refuses to come into a fair and
just division of said land, to the great and manifest injury
of your complainants; Wherefore and because your Orator & Oratrix
are only and properly believable in a court of equity; they pray
your Worships, that said Catharine Davis the widow, the said Catharine
Matilda Davis, Sarah Davis, Mary Davis, William Davis, and John
Davis son of William Davis, ^{him} may be made defendants to this
bill, and may upon their corporal oaths full, true and perfect answers
make to all and singular the allegations herein contained, and that
as fully as if the same were herein again repeated and interrogated.
And ~~that~~ (untill some good cause is shewn to the contrary), that
your Worships will decree a division of said land, as follows,
to wit. that one third part of said land be laid off and set apart
by proper metes and bounds to the said widow Catharine Davis, for
and during her life, ~~and~~ one sixth part of the residue to each
of the other defendants, and the remaining one sixth part to your
complainants, having due regard to quantity and quality, and that

Executed by William Mallory
of Sarah Davis
also by Joseph Hutchings
John Eliza Deff
for Col. Fullingham

Smith & Co.

to

Sp. in Chy.

Davis & Co.

THE Commonwealth of VIRGINIA to the Sheriff of Allegheny county, greeting.

We command you, that you summon Sarah Davis, John Davis, William Mallory Guardian of Mary Davis, Joseph Leutchin Guardian of Catharine Matildaee Davis, And William Davis

to appear before our Justices of our county court of Allegheny 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 Samuel Smith and Holland his wife

And this they shall in no wise omit, under the penalty of 100l. each And have then there also this writ. WITNESS Francis Young clerk of our said court, the 11th day of August 1800. and in the 25th. year of the commonwealth.

F. Young

Smith & Wm?

378
125
253

Davis

Sp. in ch

334
125
209

Entered 7th April 1801

Re: Country Ds.

Philip Jemalton
Sheriff of the County
of King & Queen

388
125 2.90
263 1.25
K 65

422
125
297

3.60
1.25
2.35

John H. Smith

The Commonwealth of Virginia to the Sheriff of ^{King & Queen} ~~Isle of Wight~~ County
greeting. We command you that you summon Mary Davis —

to appear before our Justices of our County Court of Isle of Wight at
their Court house of said County on the first Monday in May —
next then and there to answer a bill in Chancery against ~~her~~
submitted by Samuel Smith & Holland his wife —

and this she shall in no wise omit under the penalty of \$100

And have then there this writ Witness Nathaniel Young
Clerk of our said Court at the Court House the 2^d day of March
1801 in the 25th Year of the Commonwealth —

Nathl. Young
C

Smith's wife

or

Sp. Gen. Chp.

Davis -

Executed

at Las Animas

Sh for John

Shield Sh

of Norfolk County

for

~~Isle of Wight County Court,~~
The Commonwealth of Virginia to the Sheriff of ~~Isle of Wight~~ Norfolk
County greeting we command you that you Summon John
Davis

to Appear before our Justices of our County Court of ~~Isle of Wight~~
at their Courthouse of said County, on the first Monday in Sept^r
next then and there to Answer ~~to~~ Bill in Chancery against him.
exhibited by Samuel Smith & Holland

his wife

And this he shall in no wise ~~omit~~ ^{transgress} under the penalty
of £100 And have then this Wit. Witness Nathaniel
Young Clerk of our said Court, the 4th day of August 1801
and in the 26th year of the Commonwealth
Nathl. Young

Isle of Wight County, to wit,
Samuel Smith and Hollans, his wife

December Court 1881

Compts:

against
Sarah Davis, John Davis, Mary Davis and
Joseph Dutcher Guardian of Catharine
Mahida Davis and William Davis

Defts:

On the motion of the complainants by their Attorney, and ap-
pearing to the Court that their bill having been regularly taken as confessed under
the division in the said bill prayed for is granted. It is ordered that Richard, Barker,
John Capron, Thomas King, Charles Sulphur, and John Sinclair, or any three of
them do in the same into effect, taking with them the Surveyor of the County &
make report thereof to the Court.

A Copy Test At Lightfoot, D.C. 1881

Isle of Wight Nov. 22nd 1802

Survey for the heirs of Capt. William Davis & the land of said dec^d containing Eight hundred & Sixty six Acres situate upon the south side of James River bounded as followstowit: beginning at the River shore and running along a line between Wilsons land & the Land S. 8° E. 43 pole to the head of a small creek run down & Creek the various corners to Pagan creek - then down Pagan to the mouth of Cross creek in the great marsh; then up Cross creek to Back creek - then up Back creek to a small creek that divides the Land from Cap^t John Woodleys land - then up & small creek to line running upon a ditch by the side of John Woodleys farm N 72° W pole to the corner - then N 60° W 132 pole - S 80° W 41 pole to Davis Dags corner - then N 8° E 32 pole to a dead oak at Lupo hill - N 6° E 160 pole to Colo^d Parkers S.E. corner - N 22° W 30 pole - S 8° E pole to the River shore - then along the River shore to the first Station (and by the Advice & directions of the Commissioners appointed by the honorable court of Isle of Wight county have set apart the Meadows and made partition & division among the several heirs in the following manner: (and the lower line begins at a cedar post standing in Davis Dags line 100 pole from Colo^d Parkers S.E. corner towards Lupo hill and runs N 67° W to the creek next to Capt John Goodrichs & cuts of 243 Acres next the River - The dividing line for Lots N^o 1 John Davis & N^o 2 - 91 Acres Catharine M. Davis begins at a dead oak standing at Lupo hill and runs N 73° W to the creek next to Capt John Goodrichs - The dividing line for Lot N^o 2 - 91 Acres Catharine M. Davis & N^o 3 Sally Catchins 121 Acres begins at a stake standing in Davis Dags line 70 pole from the dead oak at Lupo hill towards John Woodleys line near the corner of Robt. Millers house & runs N 80° W to the creek a fore & the dividing line for Lots N^o 3 - 121 Acres Sally Catchins & N^o 4 - 88 Acres Holland Smith begins at a hickory stump at the corner of the ditch next Capt^t Woodleys and runs N 84° W to the creek a fore & the dividing line for Lot N^o 4 - 88 Acres Holland Smith & Lot N^o 5 & 6 - 116 Acres Polly & William Davis begins at the hickory stump a fore & runs S. 1° E. to Pagan creek - The dividing line for Lot N^o 5 - 116 Acres Polly Davis & Lot N^o 6 - 116 Acres Wm Davis begins at a cedar stake standing from the hickory stump S. 1° E. 32 pole and runs S. 60° E through the great marsh to Cross Creek

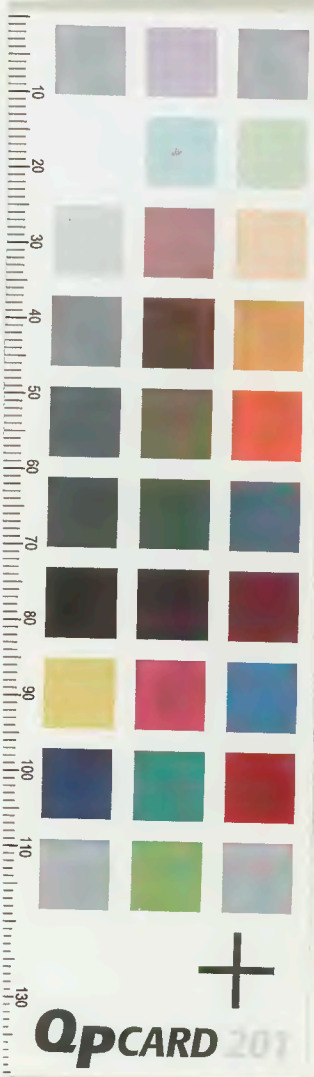
Thos Smelly su. of S.W.

2
3
3



Pursuant to an Order from the Worshipful Court of Isle of Wight County to us directed, We the Subscribers along with the Surveyor of the County, Met on the Land of William Davis dec^d; and have set apart each Claimants proportion of that Land, having regard to quality, as well as quantity: Reference being made to the above plat, and Surveyors Certificate will fully explain the boundaries &c.

John Cannon
Charles Pugh
In Testimony



Isle of Wight Nov. 22nd 1802

Surveyed for the heirs of Capt. William Davis dec'd the land of said dec'd containing Eight hundred & Sixty six Acres situate upon the south side of James River bounded as follows to wit beginning at the River shore and running along a line between Wilsons land & the Island S 8° E. 43 pole to the head of a small creek then down S Creek the various compass to Pagan creek - then down Pagan to the mouth of Cross creek (in the great marsh) then up Cross creek to Back creek - then up Back creek to a small creek that divides the Island from Capt. John Woodleys land - then up S small creek to line running upon a ditch by the side of John Woodleys land N 72° W. pole to the corner - then N 6° W. 132 pole - S 89° W. 41 pole to Davis Dags corner - then N 18° E. 82 pole to a dead oak Sapos hill - N 6° E. 160 pole to Col. Parkers S.E. corner - N 82° W. 30 pole - S 68 pole to the River shore - then along the River shore to the first station (and by the Advice & directions of the commissioners appointed by the honorable court of Isle of Wight county have set apart the Meadows and made partition & division among the several heirs in the following manner) toward the lower line begins at a cedar post standing in Davis Dags line 106 pole from Col. Parkers S.E. corner towards Sapos hill and runs N 67° W. to the creek next to Capt. John Goodrichs & cuts off 243 Acres next the River - The dividing line for Lots N. 1 John Davis & off 91 Acres Catharine M. Davis begins at a dead oak standing at Sapos hill and runs N 73° W. to the creek next to Capt. John Goodrichs - The dividing line for Lot N. 2 - 91 Acres Catharine M. Davis & N. 3 Polly Cutchins 121 Acres begins at a stake standing in Davis Dags line 70 pole from the dead oak at Sapos hill towards John Woodleys line near the corner of Robt. Millers house & runs N 80° W. to the creek a fore R.

The dividing line for Lot N. 3 - 121 Acres Sally Cutchins & Lot N. 4 - 88 Acres Holland Smith begins at a hickory stump at the corner of the ditch next Capt. Woodleys and runs N 84° W. to the creek a fore R. The dividing line for Lot N. 4 88 Acres Holland Smith & Lot N. 5 & 6 - 116 Acres Polly & William Davis begins at the hickory stump a fore R. and runs S. 1° E. to Pagan creek - The dividing line for Lot N. 5 - 116 Acres Polly Davis & Lot N. 6 - 116 Acres William Davis begins at a cedar stake standing from the hickory stump S. 1° E. 32 pole and runs S. 60° E. through the great marsh to Cross Creek

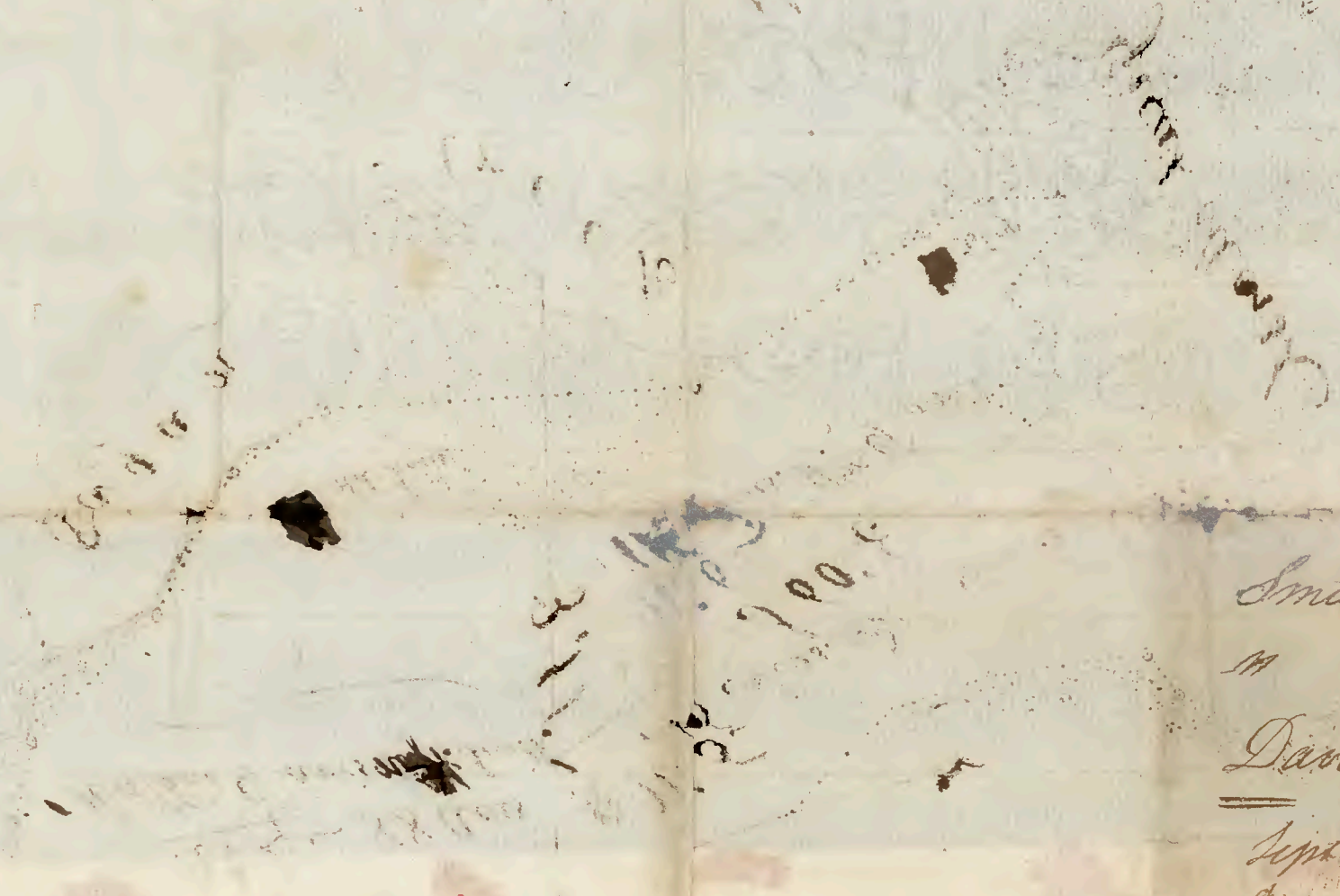
Thos. Smelly sw. of 1000+



Pursuant to an Order from the Worshipful Court of Isle of Wight County to us directed, We the Subscribers along with the Surveyor of the County, Met on the Land of William Davis dec'd; and have set apart each Claimants proportion of that Land, Having regard to quality, as well as quantity: Reference being made to the above plat, and Surveyors Certificate will fully explain the boundaries &c. &c. &c.

John Coffin
Charles Hughes
In Testimony

[Faint, mostly illegible handwritten text at the top of the page, possibly bleed-through from the reverse side.]



Smith House
11 1/2 Repe
Davis Park

Sept 1803 Repl. at
Pacifica

September
Indep. records
1813



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