1808-005 Chancery Causes : Dixon Pinner v ux vs Robert Driver +al

Isle of Wight County

Plat in Oversize Box 2

other SURNAMES: Norsworthy, Lewis, Gibbs, Cutchins

To the worshipfull court of Isle of Wight County in Chancery Sitting

Humbly complaining Sheweth unto the court your Orator and Oratrix Dixon Turner and Nancy his Wife (formerly Nancy Driver) That your Oratrixis father, Robert Driver, departed this life on or about the day of June 1800. intestate, being at the time seized and possessed of about 700 acres of land & the following slaves to Wit. Ned, Kit, Jim, Molley, Peg, Hester, Dick, Mary, Sam, Arthur, Cyrus, little Sall, Rachel, Judy, Stephen Lewis, Dick, Chany, Willis, Angea, Bobb, Moses, and Peg, Milly, and leaving a Widow [illegible] and [illegible] Children to wit Robert Driver, Dolphin [illegible] Prudence Driver who has since departed this life, & Your Oratrix, Who, with Thomas Nonsworthy & Polly his Wife a daughter of Rachell a dec'd daughter of the s'd intestate are Your complainants & are interested & entitled to a due distribution and division of said estate, but your complainants are advised that the said intestate in his lifetime, having made considerable advances to some of the said Children, that before such children pa advance can be admitted to shares in such division and distribution they must bring the value of said advances into hotch pot with the other parts of the estate. Your complainants are informed that among other advances, the said intestate made the following, viz. To Robert Driver. One Negro Slave named Tipper, one [illegible], Sundry Cattle, Hogs, Sheep &c and [illegible] Acres of land. To Dolphin Driver. One Negro Woman Slave named Cursby. One horse [illegible] Cattle, Hogs, Sheep &c. And [illegible] Acres of land. To Pi[illegible] Lewis and Patsey his wife. One negro Woman Slave named Lydia

One other Negroe Woman Named Lucy, One Negroe boy Named Luke, One horse, and a Sum of money the amount of Which is to your complaimants unknown. — To John Gibbs Polly his Wife. One Negroe Woman Named Salty, One negroe boy named Willis, One negroe Girl Named Peany, Sundry Cattle Hogs &c — and a Sum of money to purchase a horse the amount of Which is unknown to your complaimants. — Polly Cutchins (now the Wife of Thomton Norsworthy) One Negroe man Named Ben, One Negroe woman named Peny, One horse and Sundry Cattle &c — Your complaimants state to the Court that Dolphin Driver administered on said estate and that he has not Distributed the Same among the Heirs besides the Widow as before mentioned, and that the Widow Ann Driver is in possession of all the land of Which said intestate died possessed. Your complaimants being intitled as aforesaid have pregantly applied to all the Heirs & to the said Widow to consents to a partition of Dower in the said Land and Slaves agreeably to law, and a partition, division and distribution of the residue among such of the said Heirs as have not been advanced, and such of those Who having been advanced should choose to bring their advances into hotch Pot agreeably to law. But the said Ann the Widow, Dolphin the administrator, and others of the said Heirs have constantly refused to consents to any proceedings which could be upon complaimants to obtain their rights in the premises; Whereupon and because your complaimants are without remedy in the premises except in a court of equity, they pray your worships that the said Robert Driver, Dolphin Driver, Figure Davis & Patsey his Wife, John Gibbs & Polly his Wife, and Thomton Norsworthy and Polly his Wife, and the said Widow Ann Driver may be made defendants to this Bill of complaints, and may answer upon their corporal oaths (not their answers and perfect answers be made to all and singular the allegations & Statemunts herein contained, more especially that the said heirs do State and set forth, what respectively; whither they have received any thing either real or personal from said intestate in his lifetime, What, and What was its value when received. That commission be appointed to lay of and set apart One third part of the lands and One third part of the said Slaves, to the said Widow Ann for life, as her dower therein, and make equall division of the residue of said land and such of the advanced lands as may be brought into hotch Pot, among the unadvanced heirs, and those advanced ones as buy their advances in, and make equall distribution of the residue of said Slaves and of those which may be brought into hotch Pot, among those entitled and Slaves to wit: Dolphin Driver and

Your complaimants pray the aforesaid Writs of Subpa and may any other or further Order or decree in and respecting the premises as may be consistant with Justice and the laws of the State, for their benefit. May it Please and so forth.

S Barber P. complaimants

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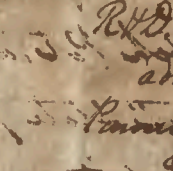
April Augmt 1808

The ~~Joint~~ answers of Robert Driver and Dolphin Driver ~~&~~ of the defendants to a bill of complaints exhibited against them and others in the worshipfull Courts of Isle of Wight in Chancery, by Dixon Pinnix & Nancy his Wife. These defendants acknowledge the allegations in the bill to be true so far as they know and believe. They are entitled with the lands advanced them by their dec^d father and therefore waive the alternative to which they are by law intitled, of bringing the same into Hotch Pot, and claim no parts of the real estate of which their father died possessed. These defendants received in advance the articles charged in the bill and no others, and are willing and ready to bring the articles which were advanced to each of them, of personal Slaves and other personal estate into hotch Pot, or their value at the time of advancement. They cannot state precisely the value of the different articles advanced, but are willing to submit that to the judgment of the commissioners appointed by the courts to make division &c. They will cheerfully submit themselves to such order or decree in the premises as may seem just and equitable, and beg to be hence dismd &c.

Dolphin Driver

Robt. Driver



The answer of John Gibbs and Polly his Wife to a bill of complaints exhibited against them, in the Worshipfull Court of Isle of wight in chancery, by Dixon Pinner and Nancy his Wife. These defendants did not recive any land in advance from Robert Driver dec^d and are they intituled to a due proportion of the real estate of which he died seizd and possesd. they recived the articles charged in the bill, and will cheerfully bring them, or their value at the time they were recived, into hotch pot with the other Personal estate, and share with the others intituled, agreeably to law. These defendants acknowledge the truth of the allegations in said bill contain'd as far as they know and believe, and will cheerfully submitt to any Order or decree of this court, which may seem necessary and just. they beg to be hence dismiss'd &c &c

Gibbs Wilkes
Esq.
Penn Hills

The answer of Thomson Moseworthy and Polly his wife, defendants to a bill of complaints exhebited against them and others, in the Worshipfull courts of [illegible] Isle of Wight in chancery, by Diam Purnis and Nancy his Wife these defendents are perfectly willing that the Value of Such articles as were advanced by Robert Driver in his lifetime Either to their dec^d Mother, or to themselves shall be brought into hotch Pot. they belive the articles charged in the bill, to have been advanced is correct, they know of no others, And are willing to Submitt the value of there advances at the time they were so advanced, to the commissioners appointed to divide the Slaves &c

These defts will cheafully submit to Such order or decree in the premises, as may be considered just and equitable. and beg to be hence dism^d &c

Thos. Norsworthy &c
adv
Penns Heirs
} Ans.

The separate answer of Ann Driver Widow of Robert Driver dec^d a defendant to a bill of complaints exhibited against her & others in the worshipfull courts of ~~Chancery~~ Isle of Wight in Chancery, by Dixon Pinner and Nancy his Wife. This defendant in all things agrees to the truth of the complainants bill, except that she considers herself entitled to five of the Slaves in the bill mentioned, as her absolute right, because she derived them under the will of Joseph Newsum, She however submits that question to the court, who on inspection of said will, will determine whither the s^d Slaves belongs to her late husbands estate or to herself in her own right. Whatever the courts may consider just and equitable in the premises. This defft will submitt to most cheerfully, being perfectly desirous that the estate of her husband should descend to the rightfull heirs, agreeable to Law.

Jn Barber by all Thondy
of Ann Driver —

Am Driver
der
D. Pinion Klopfer
Anst

Isle of Wight County to wit. August Court 1801.

Dixon Driver and Nancy his wife Compts.

against

Anne Driver Widow of Robert Driver dec'd Robert and Dolphin Driver, Thompson Worsworthy and Polly his wife, John Gibbs and Polly his wife, Figure Lewis & Patsey his wife Defts. In Chancery

By consent of the parties by their Attorney, this day the bill and and answers (except as to Figure Lewis and wife) was filed and heard thereon, whereupon it is decreed and ordered that John Barber, Emanuel Wills, Edmond Godwin, and Nathaniel Wills, or any three of them, make partition division and distribution of the land and slaves of which Robert Driver died seized and possessed, and of such lands, slaves, and other property which was advanced by Robert Driver the Intestate; to such of the said heirs as may choose to bring their advances into Hotchpot, - having due regard to the several rules directing hotchpot, in real and personal estates.

but that the said Commissioners shall not proceed in the premises until after the expiration of two Months, unless the said absent Defendants Figure Lewis, and Patsey his wife, file their answer before that period consenting to the passage of the bill. It appearing to the Court that the said Lewis is not an inhabitant of this state. It is ordered that the said Lewis appear here on the second day of the next term to answer the Complainants bill, and that this order be published two Months, successively, in some public news paper, and that the said Commissioners make report thereof to the Court, in order to a final decree.

A Copy Teste

B. Lightfoot D.C. Cur.

Pinner Mtg.

15: Copy decree

Davies vAS.

Isle of Wight County to wit, February Court 1802

Robert Davis, Dolphin Davis, Figures Lewis, and Patsey his wife, John Gibbs & Polly his wife

Compts.

against

In Chancery

Dixon Pinner and Nancy his wife Defts.

By consent of the parties by their Attorneys, this day the bill and answer was filed and heard thereon, whereupon it was decreed and ordered that John Barber, Emanuel Wills, Edmond Godwin, and Nathaniel Wills or any three of them, make sale of the land of which Reuben Davis died seized, to wit, About one hundred Acres, and four Slaves, - upon a credit of six months, and the money arising therefrom to be divided in the following manner to wit, to Robert and Dolphin Davis one fifth part each, to Figures Lewis and Patsey his wife, one fifth part, to John Gibbs and Polly his wife one fifth part, - and the remaining one fifth to the Defendants Dixon Pinner and Nancy his wife, - and that they make report thereof to the Court in order a final decree

A Copy Teste

B. Ballard D.C.C.

Drivn 1/28.

m. Zloty dwie.

Pinner 8/28

In obedience to a decree of the Honorable court of Isle of wight County bearing date August court 1801 — we the undersigned Commissioners have made partition and division of the lands whereof Robt Driver died seized and possessed, in the following manner (towit) to the widow Ann Driver, 130 Acres of land as her dower Including the mansion house and other adjacent Improvements, bounded as follows, towit beginning at a hickory stump by the side of a marked pine, standing in Thos Pitts line thence along Sd Pitts line N. 30° W. 163 pole to a White oak near a pond then along a line of marked trees S. 43¾ W. to Henry Pinders line thence along Sd Pinders line S. 49° E. to a pine a cornertree in Barnaba Beals line then along Sd Beals line N. Eastwardly to a post oak at the fence then S. 52° E. to a cornertree of a dividing line between the Sd Dower land and a part assigned to Dixon Pinner and Ann his wife then N. 7½ E to the first Station which Sd land is assigned to Thompson Norsworthy who agreed to wait till a decision of the widows dower before he would take possession of the same — To Dixon Pinner & Ann his wife 177¼ Acres of land upon the S. & E. side of the dower land bounded as follows towit beginning at the hickory stump aforesd and Runing S. 7½ W. to Barnaba beals line then along Sd Beals line to John R. Dixons line then along Sd Dixons line to Joseph Bullocks line then

along

along the said Bullocks line to John Bullocks line
thence along his line to Jordans Mill Swamp
thence up the S.d Swamp to a White oak near
the run of S.d Swamp Then along along a line of
marked trees to the first Station — To Figures
Lewis and Martha his wife 177½ acres of land
upon the N.E & W. side of the dower land bounded
as follows to wit beginning at a white oak near a
pond before mentioned and Running S. 43¾ W to
Henry Prudens line Then along S.d Prudens line
N. Westwardly to a Red oak a corner tree standing
in Norsworthys line thence along the S.d line
to a pine a corner tree of a dividing line be-
tween the S.d Land & a part assigned to John Gibbs
and Polly his wife — To John Gibbs & Polly
his wife 75 acres of land being a part of the
Manour plantation bounded as follows to wit
beginning at the white oak aforesaid and running
S. 43¾ W. 62½ pole to a Stake in the orchard Then
N. 50° W. to a pine in the purcoson Then N. 35°
E. to a white oak a corner tree in Thos Pitts line
Then along S.d Pitts line S. 50° E. to the first Station
also 125 acres of land known by the name of
Lyons bounded as follows to wit beginning in a
branch at the Road & Running S. 36° W. to Colo.
Parkers line Then along S.d Parkers line to Thos Pitts
line Then along S.d Pitts line to John Newmans
line Then along S.d Newmans line to Colo. Parkers line Then along Parkers line
to the first station — To Prudence Driver
220 Acres Cald Garnes bounded as follows
to wit beginning in the branch afore.d at the
Road and runing along the Road N. to a pine
a corner tree in Robt Drivers line standing
near the fork of the Road Then along the.d
Drivers line to Col.o Wills line Then along
Wills line to Col.o Parkers line Then
along Parkers line to the Dividing line
Then to the first Station a reference
to the anext plat will mak the before mentioned
discriptions more fully appear

John Barber

Edmond Godwin Jr.
Test Wills

All Available Text Successfully Captured

Divers Heirs
vs
Divers admrs &c } Rept & Rat.

Dr. Copies of Mr Lewis's
July 30th 1834. to be
returned with the reports

Isle of wight January 19th 1802

Survey'd for the heirs of Robert Driver dec.d the land of s.d dec.d whereon he liv'd containing 560 Acres of the following Bound (to wit) begining at a Red oak standing in Henry Pruden's line thence S. 52° E. 34 pole to a pine at the Road — S. 56° E. 74 pole to gum — S. 50° E. 12 pole to a pine — S. 43° E. 26 pole to a Red oak — S. 49° E. 63 pole to a pine a corner tree between s.d Pruden & Barnaba Beal — N. 51 E. 8 pole to a pine — N. 40° E. 26 pole to a pine — N. 67 E. 36 pole to the Road — N. 71° E. 8 pole to a pine — N. 60° E. 26 pole to a post oak at the fence — S. 52° E. 74 pole to a Redoak — S. 56° E. 20 pole to a Redoak — S. 67° E. 24 pole to a post oak — S. 70° E. 24 pole to a pine three ways — S. 74° E. 26 pole to a post oak a corner tree in Jo. Bullocks line — N. 40° E. 44 pole to a post oak at Joseph Bullocks fence — N. 38° E. 88 pole to a Red oak — S. 67° E. 54 pole to a White oak at y.e Branch S. 70° E. 58 pole to a White oak — S. 66° E. 10 pole — S. 74° E. 10 pole to a pine at the Branch — S. 71° E. 48 po. to a pine in John Bullocks line — N. 24° E. 55 pole to Jordans Mill swamp then up the s.d Swamp the various Courses thereof to a white oak near the run then S. 38° W. 28 pole — S. 50° W. 22 pole — S. 22° W. 56 pole to a ~~hickory~~ stump near a marked pine — N. 30° W. 352 pole to a white oak in the percoson — S. 35° W. 233 pole to the begining — And have divided the s.d Land as follows (to wit) a dividing line between Dixon Pinner & Thompson Norsworthy begins at y.e hickory stump and runs S. 71° W. to Barnabas Beal line — A dividing line between Thompson Norsworthy & Figure Lewis begins at a white oak by the side of a pond & runs S. 43° 15' W. to Henry Prudens line — and a dividing line between Figure Lewis & John Gibbs begins in Thomp.s Norsworthys line 62 po — [illegible] at the pond & runs N. [illegible]

Tho. Smelly s.r I.O. wight

Isle of wright Feby 2nd 1802

Survey'd for the Hon.r of Rob.t Driver agreeable the land called Garnes & Lairs containg 345 Acres of the following bounds (to wit) begining at large Pine in the pocoson and runing S. 75° E. 86 pole to a large white oak thence N. 72° E. 16 pole to the Road at the head of a branch thendown the branch to the main branch neat to John Newmans then up the main branch the various courses to the Road leading to the Red point then N. 29° E 14 pole then N. 82 pole to a pine near the fork of the Road – S 79° W. 40 pole to a small branch – S 62° W. 26 pole – S 70° W. 68 pole – S 60° W. 23 pole to a small white oak a corner tree between Robt. Driver & Colon.l Wills – N. 75° W. 46 pole to the Road at the head of branch then down the branch to the forke then up another branch to a white oak then along a line of marked trees S. 23° E 57 pole to a pine at the Road – S. 66° E 14 pole to a white oak – S 23° E. 17 pole to a post oak S. 56° E 8 pole to a live oak – S 7° W. 14 pole S. 35° E. 117 pole to the begining And have divided the above as follows (to wit) a dividing line between John Gibbs & Prudence Driver begins in a branch at the Road & Runs along a line of marked trees S. 36° W. to Parkers line

Tho.s Smelly sur.r Isle of wright

Platt of the Land of
Robt Driver decd