

1772-004 SOUTHAMPTON COUNTY

APPLEWHAITE VS. PATE & al

1772

1/1772

See also 1767-2, PATE VS. THORPE'S EXECUTOR

other surnames: Person,
Tharp, Thorpe, Applewhait
Ridley

Appleton

Pat. & Bill
Thompson

Dec. 1771 Bill
atla vs. Bidley for use
vs. Pat. for non app.
Jan. 1772 Decree
Pro Longfist

filed. Dec. 1771

To the ~~worshipful~~ court of Southampton County sitting in Chancery
Humbly complaining

Sheweth unto your most wise your orator Henry Appleshawe of this County
That one Edw and Pate late of this county died was in his lifetime seized in fee simple
of and in one certain tract or parcel of land lying in the said county on the north
side of the three creeks containing one hundred and fifty acres more or less and being
indebted to one Timothy Tharp late of the said county died in the sum of

for securing the payment of the said sum of money.

did convey the fee simple estate of the said tract of land to the said Timothy Tharp
upon his verbal promise to reconvey the same to the said Edward Pate when
the said sum of

and interest thereon should be paid to the

said Timothy Tharp soon after which the said Edward Pate and the said
Timothy Tharp departed this life your orator further sheweth that the said Edward
Pate by his last will and Testament bearing date the 29th day of Dumber 1768 devised
the lands and premises above mentioned to his son Samuel Pate who having paid

to the executor of the said Timothy Tharp the money and interest due to the
said Timothy when this ~~the~~ ^{the} worshipful court did decree that the executor
of the said Timothy should reconvey to the said Samuel the said lands

and premises ^{to which your orator refers} your orator further sheweth that William Person who was
the acting executor of the said Timothy Tharp hath since the aforesaid
decree departed this life without having performed the same and administration

of the said Timothy ^{of the said Timothy} hath been granted to Day Ridley of the County Your
orator further sheweth that the said Samuel Pate being indebted to your orator
in the sum of thirty two pounds eleven shilling and interest thereon from 24th

day of May 1769 proposed for securing the payment of the same to mortgage
the aforesaid Lands & premises to your orator but having only an estate
for life therein your orator consented to accept of such security provided

one Thomas Pate the heir in reversion of the aforesaid Edward Pate
would join therein which said Thomas Pate your orator prays may be
made party respondent to this bill of complaint he further sheweth

that the said Samuel Pate and Thomas Pate by their certain indenture
of mortgage bearing date the said 24th day of May 1769 did convey their
right and interest in the aforesaid Lands and premises to your orator

his heirs and assigns for securing the payment of the said last over-
paid of money and interest so due to your orator as aforesaid which said
indenture is duly proved and recorded in the court of this county relate

Henry Appleshawe had may more fully appear Your orator further sheweth

that the said Samuel Pate having departed this life without having
received any conveyance from the said administrator of the aforesaid
and without having paid your orator the money ^{due} ~~due~~ ^{joint} ~~joint~~ ^{in the aforesaid} ~~in the aforesaid~~ ^{mentioned}
Timothy Sharp agreeable to the decree ~~of the court~~ ^{before mentioned} ~~actually~~
the title of the said lands & premises ^{are} ~~are~~ now vested in the said Thomas
Pate ~~as well as~~ ^{your orator hath applied} ~~as well as~~ ^{as well as} ~~the said~~ ^{as well as} ~~administrator~~ ^{as well as} ~~your orator hath~~
applied for the performance of the said decree as to the said Thomas
for a release of his equity of redemption in the lands & premises aforesaid
But now to it in may it please your worship that they pretend they
cannot comply with this reasonable request without the decree of the
worshipful court In tender consideration whereof and for that
your orator is remediless without the interposition of your worship
to the end therefore that the said Thomas Pate and the said Day
Reddy administrators with the vicar ^{removed} of the said Timothy Sharp
may upon their corporate oaths give true and perfect answer make
to all and singular the allegations of this bill as fully and particularly
as if the same were herein again repeated and interrogated And
that your worship with decree and order that the said Day Reddy
may be compelled ^{to perform} the decree aforesaid by conveying the fee simple
estate of the lands and premises aforesaid to your orator to the said
Samuel Pate hath conveyed his right and title and that the said Thomas
Pate may from henceforth be barred and foreclosed of and from all
right title and equity of Redemption of and in the premises aforesaid
and the estate of your orator therein become absolute

Appleworth

or

Pate & Ridley

Ma

in

Chas

Ball or Pat Ridley or Appleworth

MSA

George the third by the grace of God of Great Britain
France and Ireland king defender of the faith &c To
the shire of Southampton county We command you
that You summon Thomas Pate & Day Ridley
administrators with the will annexed of James the
Thorp dead to appear before our justices of our court
of Southampton sitting in chancery on the second
Thursday in October next to answer a Bill in
chancery exhibited against them by Henry Applebark
& have then there this writ witness Richard Hells
clerk of ~~the~~ said court at the court house the
fourteenth day of September in the Eleventh
Year of our reign

R. Hells Esq

Applewhatche
24
John Ridley

Q. D.

Thos Ridley

AM

George the third by the grace of God of Great Britain
France and Ireland king defender of the faith &c.
We command You that You attach Thomas
Pate and Day Ridley ~~admitt~~ of Timothy Thorpe
deed so that you their bodies before our justices
of our Court of Southampton on the second
Thursday in January next to answer us as well of
a certain contempt by the said Thomas Pate and
Day Ridley to us offered as it is said as upon
those things which to him then and there shall
be objected & further to do and receive what our
said Court shall in this part consider And
have then then this writ witness Arch Kello
chief of our said court at the thirteenth day of
Decr. in the 11th year of our reign

Arch Kello
J. Kello

In Presence of J^r West.
John Blanks
Oliver ^{has} Lebra
J^r Dale mark.

his
Thos? ^{of} Pate
Mark

At a court held for the county of Southampton
the 12 day of Dec. 1769

This indenture ^{was} ~~made~~
acknowledged by the within named
of Thos? Pate and ordered to be recorded

J^r Wells

Pate & ^{Deed}
to
Applesharts
Dew
Recorded
Co.

This Indenture made this Twenty fourth Day of May, in the year of our
Lord Christ one thousand seven hundred & sixty nine, between Henry Appleshair
of the County of Southampton of the one part, & Sam. Pace & Tho. Pace of the County of the
other part Wm. both, that the said Sam. Pace & Tho. Pace, for & in consideration of the sum of
^{eleven shillings} thirty two pounds, Current money of Virginia, to them in hand paid by the said Henry Appleshair,
have granted, bargained, & sold, aliened, & confirmed, unto the said Henry Appleshair, his Heirs,
and Assigns for ever; all that certain tract or parcel of Land, Situate, lying & being in the County
of Southampton, on the North side of the three creeks, containing by Estimation one hundred & fifty
Acres, or the same more or less; & bounded as followeth) to wit, on the West by Edwards Harris's
line of marked trees, on the South by great Poughquans swamp, & on the East, & North, by the
Land of the said Appleshair's, & all houses, Edifices, Buildings, Gardens, Orchards, Lands, Trees,
Woods, Ways, Waters, & advantages, whatsoever, to the said Tract or Parcel of Land, belonging, or in any
wise appertaining, also all the Right, Title, Estate, Interest, claim, or Demand whatsoever
of them the said Sam. Pace & Tho. Pace, of, in, or to the same. & B) The said Land was bequeathed
to the said Sam. Pace, but not to his Heirs; by his father Edward Pace, & as is Imagined, it will after
the said Sam. Pace's decease, return to the said Pace, Tho. Pace, Therefore the said Tho. Pace in presence of
these Witnesses, to this Indenture Putting, and he all Right, Title, Estates, claim, & demand, he
the said Tho. Pace hath, or ever shall have either himself, or his Heirs, To have & to hold, the said Tract
or Parcel of Land, & premises with the Appurtenances unto the said Henry Appleshair, his Heirs
& Assigns for ever; & the said Sam. & Tho. Pace their Heirs, the said Tract of Land & premises above mentioned
with the Appurtenances, to the said Henry Appleshair, his Heirs, & Assigns against them the said Sam.
Pace, & Tho. Pace, & their Heirs, & against every person, & Persons, whatsoever, shall & will warrant, & for
ever defend, by these Presents. Provided, always & upon Condition that if the said Sam. & Tho. Pace their
Heirs, Exors. and Adms. or either of them shall well & truly pay, or cause to be paid unto the said Henry
Appleshair, his Heirs, Exors. Adms. or Assigns, the aforesaid sum of ^{pounds eleven shillings} thirty two, of like current
Money of Virginia, with lawful Interest for the same, from the Date of these Presents, on or before the 2^d
Day of January that shall be in the year of Lord Christ one thousand seven hundred & seventy, & the Cost
that shall arise for recording these Presents, & that then & in such Cases, these Presents, & every thing here
in mentioned shall cease, determine, & be void, anything herein contained to the contrary, notwithstanding.
In Witness whereof the said Sam. & Tho. Pace, have hereunto set their hands & affixed their Seals, this 26th of May 1769