

1805-024

SOUTHAMPTON COUNTY
CHANCERY PAPERS

WADE

VS

WADE'S ADMX val

12/1805

others SURNames: Denson,
Drake

Wade 1805

17 3 Bill

Wade & others
1805

Sep. Decree mine

No. 100 Decree
1805

Dec. 100 100 100

Final

To the worshipful the Court of Southampton County in Chancery
sitting

Humblly complaining sheweth unto your worships your
Orator Nelson Wade

That several years ago Christopher Wade the Grandfather of your
Orator died leaving a last will and testament in writing in which he
bequeathed his lands to John Wade his Grandson, who was brother
to your Orator and a son of Wilson Wade, but if the said John
Wade died before attaining to the age of twenty one then and
in that case ^{the land} it was provided by his will to go to his grandson Samuel Wade

who was also a brother of your Orator, which said will is referred
to as a part of this Bill

That John Wade and Samuel Wade both departed this
life in their infancy living their father Wilson Wade
only son of the Testator in whom of course the estate
right title and interest of the said John Wade and
Samuel Wade or either of them had in the said land
vested in their father Wilson Wade

That Wilson Wade the Father of your complainant in
whom the land vested as aforesaid (after the death of
his two said sons) died ~~some time after~~ intestate leaving
three Children namely, Nelson (your Orator) Peggy, who hath
since intermarried with David Denson, and Phineas who
hath lately intermarried with Hardy Drake the death of
Wilson Wade happened subsequent to the year 1787 and of
course his lands descended to all his children in equal proportions
That he also left a widow Elizabeth Wade, to whom adminis-
tration of all and singular his goods and chattels rights
and credits hath been duly granted

That the said Elizabeth Wade Administratrix as aforesaid
and the said Hardy Drake and Phineas his wife late
Phineas Wade & David Denson and Peggy his wife late
Peggy Wade have taken possession of the lands of which
the said Wilson Wade was seized and possessed and
hold it from your Orator.

That by the twentieth section of the act of Assembly entitled
"An Act to reduce into one, the several Acts touching the course
of Descent," passed the 2^d of December 1792: It is enacted
That "whenever any lands shall descend from a person dying
intestate to two or more heirs, any one of whom shall be
an infant, feme covert, noncompos mentis, or beyond Sea, and the
Dividends of each heir shall not exceed the value of one
hundred Dollars, in the opinion of any Court hereafter
mentioned it shall be lawful for the high Court of
Chancery, or the Court of the County or Corporation
in which such lands or the greater quantity of them
lie, to direct the sale of the said lands, and the distribu-
tion of the money arising therefrom, according to the rights
of each Claimant &c.
And your orator expressly avers that if the said lands
were sold subject to the dower of the widow they
would not sell for near the sum of three hundred
Dollars.

That the said Elizabeth Wade the administratrix
and the said Hardy Drake and Phineas his wife
late Phineas Wade & David Benson and Peggy his
wife late Peggy Benson do and each of them do
most positively and peremptorily refuse to divide
the lands aforesaid with your orator or to allow him
any profits or advantages arising therefrom

Wherefore he most sincerely prays (and as these
are matters over which Court of equity only hath cogni-
tance, and grievances for which only this Honorable
Court can give redress) That the said Elizabeth Wade
Administratrix as aforesaid Hardy Drake and Phineas
his wife late Phineas Wade and David Benson
and Peggy his wife late Peggy Wade may be
made defendants and respondents to this bill and
an oath may be made to answer all and every
of the allegations contained therein as fully and

candidly as if again herein repeated and says
First.. If John Wade and Samuel Wade did not both
die infants intestate before their father. - Second ~~if the~~
If the said Wilson Wade was not seized and possessed of
the said land as his absolute property at his death. - Third
If he was not the father of the said John Wade and
Samuel Wade as well as of your orator and of the said
Phineas and Peggy - fourthly whether the said lands
if sold would be command one hundred Dollars to each
share after the widows dower is carved out - fifthly
If Administration of the estate of said Wilson Wade was
not granted to the said Elizabeth Wade his widow
That your worships may direct the said lands to be sold
by commissioners for that purpose named and appointed
by the Court, and the money arising from said sale
be equally divided between your orator and the said
Hardy Drake and Phineas his wife and David
Benson and Peggy his wife (reserving one third part
of the land however for the widow for life as her dower) that
is to say (one third part of the money arising from
said sale to be paid to your orator - one third part
to Hardy Drake ^{his wife} proportion and one third
part be paid to David Benson ^{his wife} as his wife proportion
of interest in said land. ~~I do not want to say~~
~~that I want to say that the~~
~~land itself should be divided, and in that case~~
~~enter into a partition suit, and that one third part~~
~~of said land may be conveyed and laid off by~~
that of third part of said land be
said Commissioners by your worships to be appointed
to the widows for life - and that your worships
may grant unto your orator all such other
and further relief as may to ~~them~~ appear

to be consistent with equity and good conscience and
in doing by your orator he will ever sincerely pray he
may it please the parent to grant the Common-
wealths bill of Subsidy &c

Henry Cobb Esq

Southampton

Nelson Wade made oath before me Mills Esq a Justice of
the peace for Southampton County that all the allegations
contained in the within bill are true as far as he knows or
believes

Given under my hand this 17 day of June 1855
Mills Esq

Nelson Wade

Waddis } Sp
in
Chambers
Waddis at the bottom

2 June 1805

May 26th Executed
on all except David
Danson & Copy left
for him

T Standley Bluff
for
Robert Goodwyn

The Commonwealth of Virginia to the Sheriff
of Southampton County, greeting, Now and
herely Commaned to Summon Elizabeth
Wade ad. ex. of William Wade ad. Hardy Drake
and Phiney his wife late Phiney Wade, David
Denman and Peggy his wife late Peggy Wade
to appear before the Justices of our County Court
of Southampton at the Court house of the said
County on the third Monday in June next
to answer a bill in Chancery exhibited against
them Nelson Wade and this they shal do in
povinc ad. under the penalty of
one hundred pounds and have
then then this writ Witness your true
Clerk of our said Court this 18th day
of April 1805 and in the 23
Year of the Commonwealth

Sam^l Kelly &

Wade

n

Wade

Rept

Dec 1805

Report

We James Jones Arthur Bowing Joseph Turner and Jesse Lankford
Commissioners in conformity to the Annexed Decree of the Worshippful
Court of Southampton County to us directed; have sold the Lands in the
S^d Decree mentioned (after having laid off an Assign, d to the Widow
Elizabeth Waile one third part for life as her Dower having regard
to Quantity and Quality) and Taken Bonds payable in the following
manner One Bond from John Cortitt payable to Nelson Waile
for the sum of forty six ^{dollars} The Portion of Interest of S^d Nelson Waile in
S^d Lands; One Bond from J^d Cortitt To Harvy Drake his wife
Portion of Interest in S^d Lands for the sum of forty ~~two~~ ^{three} Dollars
and One Bond from J^d Cortitt to David Denson his Wifes Portion
of Interest in S^d Lands for the sum of forty six Dollars
Which is the Amount of the Annexed Account of Sales after
Deducting twenty two Dollars the Necessary expences attending
The sale of said lands as will appear by the Annexed
Statement of Costs

Given Under our Hands and seals
As Commissioners aforesaid
This 7th day of Decr. Eighteen
Hundred and Five

James Jones (Seal)

Arthur Bowing (Seal)

Joseph Turner (Seal)

Jesse Lankford (Seal)