

1822-004

SOUTHAMPTON COUNTY
CHANCERY PAPERS

DRAKE et al. VS. JAMES' ADMR

1822

Plat

N.B. This folder contains Court papers only.
Plats are filed in Chancery Oversight
Box #4, under this Series and number.

other surnames: Davis,
Gurley

To the Worshipful the County Court of Southampton

In Chancery sitting, Humbly complaining sheweth unto Worshipful
your Orator and Creditors, Amos Drake in Right of his
Wife Elizabeth (formerly James & Elizabeth James, John James, Elizabeth
James Infant children by Mary James, Alice West, Nancy James
Widow ^{and} Relict of the said John James dec'd. and Polly (my
Charles Eliza, Lucy Eliza & Susan Robert James
Infant children of Robert James dec'd. by Mary
Early their Guardian and next friend - That John James
deceased departed this life intestate, seized and possessed of
a considerable Real Estate, - that no distribution of the said
Estate has as yet been made between the distributees of the
said John James dec'd. - that a certain Edwin Davis who
intermarries with Martha (formerly James) who is one of the
distributees of the said John James, has qualified as admin-
-istrator of the said John James and has reduced the said
Land into his possession - your Orator & Creditors, by leave
here to represent, that the said John James, previous to his
Death had made considerable advancements to his Son Robert
James now deceased say to the amount of Six hundred and
Eighty - Three pounds thirty Shillings for the purpose of paying
for Lands, the possession of which was in the said Robert at
the time of his Death - That the said Robert left sundry
children (to wit) who are
intitled to a part of the said Lands of which their Grandfather
deceas'd possessed in Right of their father Robert after deducting
from their proportion the sum of \$683.30 Cents which has
been advanced by the John James dec'd. to the said Robert James
in his life time in payment for Lands - your Orator & Creditors

further to represent, that the said John James in his life
time advanced to Amos Drake one of your Complainants the sum
of fifty Dollars for the purpose of paying for a tract of Land
now in the possession of the said Drake, which sum ought
to be deducted from the value of the said Drake's proportion
of the Lands belonging to the estate of the said John James
de'd. — your Counsel & Cretors by leave further to represent
that the said John James de'd. left a Widow who is entitled to
Dower in the said Estate — They by leave further to state
the Lands of which the said James de'd. seized and possessed
is in several separate and distinct tracts and not adjoining, that
if the said several tracts were severally divided among the
Heirs & distributees of the said James that they proportions
would be so small that it would be impossible for them
to support a settlement on them and would completely destroy
their value; they therefore pray your worship to decree that
the commissioners appointed for the purpose of making the
distribution of said may apportion to each of the complainants
their proportion in one whole body if it can be effected and
if not that the said commissioners effect the same as near as
possible, as it will tend greatly to the interest of all the
distributees of the said John James de'd. Your Counsel &
Cretors by leave to state that Edwin Davis admr. as aforesaid
(who is pray'd a defendant here) refuses a distribution of the
said Estate without the aid and intercession of a Court of
Equity where any fraction of this kind and also cognizable
as several of the legatees are infants under the age of twenty

one year, — All which things and things are contrary to
Equity and good conscience — It tender consideration whereof
& for as much as your Counsel & Cretors, are remedied without the
aid and intercession of this Court, they pray your worship to
compel the said Edwin Davis admr. as aforesaid true & perfect
Answer to make to the foregoing bill and that your worship
will decree a division of the said Lands among the distributees
of the said James, in such proportions as they may be entitled
& grant each other & further relief the premises, considered as
may be consistent with Equity &c. and your Counsel & Cretors
in this behalf will ever pray &c.

The Answer of Edwin Davis admr. of John James de'd
to the above bill of complaint —
This deft. saving and reserving to himself all and every
benefit of exception to the many errors, &c. in the complainant's
bill contained or to so much as he is advised it is material
to answer, Answereth & saith: That it is true as stated in the
complainant's bill that the said John James departed this life
intestate seized & possessed of a considerable real Estate & that
circumstances on the same — He further states that the allegations
in the said bill are true so far as he knows or believes, and
further that he has no objection to the Court decree a division
of the said Land agreeable to the prayer of the bill — This
deft. charging all pains combination &c. proff. hence to be charged
with his Costs &c. & as in duty bound will ever pray &c.

Drake et al.

vs. } In Chancery
Davis et al. vs.

This day this cause came on to be heard on the bill, answer and argument of Counsel, when it is ordered, adjudged and decreed by the Court, that Benjamin Cobb, James Scamwell, George Sims and Samuel Hines or any three be commissioners appointed by the Court to divide the Lands of which John James late of this County died seized and possessed (they being attended by the County Surveyor) in the following manner, that is to say, that the said commissioners do as far as possible assign to each of the distributees ^{having respect to quality as well as quantity} such proportions as they may be entitled to in one entire body - that they first assign to the widow ^{Honey James} one third part of the lands aforesaid as her full dower therein and the remaining two thirds they divide into six equal parts first deducting from the proportion of the complainant ^{Drake} in right of his wife Elizabeth the sum of fifty Dollars and from the proportion of

Children and heirs of Robert James dec'd in right of their father Robert the sum of six hundred and eighty three Dollars & thirty Cents - and assign one sixth to Calvin Davis in right of his wife Martha, one sixth to Amos Drake in right of his wife Elizabeth, one sixth to Samuel Jones, one sixth to John Jones, one sixth to Eliza Jones and the remaining sixth to the children & heirs of Robert James dec'd. and that the said Commissioners do report their proceeds to this Court in order to a final decree -

copy 17th 1818 per record

Done at

14th 3rd Dec^r 1818

Charles C. Drake

Widow's Dowry at home 497 Valued @ 5% } \$
 Mrs. James's lot ~~at home~~ } 3085-00
 at Carys Place 120 Valued @ 5% }

Edwin Davis's lot Island 464 acrs @ 2.50 ^{8 c} — 1160

Amos Drake's lot 244 1/2 @ 4 \$ — 978

Advancement added ————— 50
1028

Samuel James's lot 258 acrs @ 4 \$ — 1028

John James's lot 257 @ 4 \$ — 1028

Eliza James's lot 257 @ 4 \$ — 1028

Robert James's Children 230 @ 1.50 ^{8 c} — 345

Advancement added ————— 683-30
 \$ 1028-30

1028
 6
 6168
 3085
 3 | 9273
 309

1160
 1028
 1132
 33

Measurements of the lands whereon John James formerly
 lived (to wit) Beginning at a Pole from ^(on a NW corner) NW corner

- N. 81 - W - 1.2 - 24 Pole to first ^{on a NW corner} on small parcels
- N. 85 - W - 1.7 - 34 Pole to 2nd ^{on a NW corner} on Branch
- N. 71 - W - 1.0 - 20 Pole to the corner of Mr. at Henry's field
- N. 6 - W - 5 - 10 Pole
- N. 47 - W - 4 - 8 pole
- N. 17 - E - 1.1 - 22 pole
- N. 55 - W - 1.3 - 26 Pole to highwood. Log. crop. 10.
- N. 45 - W - 8 ^{ch} - 16 Pole 8. 3 166
- N. 75 - W - 1.5 - 30 Pole
- N. 85 - W - 1.1 - 22 Pole to a large forked Pine Log
- N. 78 - W - 2.2 - 44 Pole to the Pole at a road 166

150
 110
 25-22
 257
 995-4
 224
 177
 257

Sum of John Urquhart & John James Estate 158

- N. 48 - W - 2.4 - 48 Pole to the corner of Urquhart
- N. 21 - E - 1.9 - 38 Pole to head Pine C. of Indian
- N. 14 - E - 1.9 - 158 Pole to head Pine C. of Indian

- N. 58 - E - 2.5 - 50 Pole to
- N. 43 - E - 5 - 10 pole to head Pine stump
- N. 47 - E - 3.8 - 76 Pole C. of Indian Land

to the old field at the Pole goes to Mr. James

- N. 81 - E - 2.0 - 40 Pole to James fence
- N. 59 - E - 4.0 - 80 Pole little below Mr. James
- N. 59 - E - 4 - 8 pole to Post Office C. of James
- N. 25 - E - 4.5 - 90 Pole to William Cap. at field

C. of Mr. James

- N. 61 - E - 1.0 - 20 pole to narrow lane
- N. 65 - E - 4.7 - 94 pole to Post Office C. of

George James - 40 pole

- N. 14 - E - 2.0 - 40 pole
- N. 10 - E - 3.8 - 76 Pole to a large Pine C. of
- N. 49 - W - 5.0 - 100 pole to old Pole
- N. 57 - W - 2.2 - 44 Pole where Marked fence
- N. 46 - W - 9 - 18 pole to path goes to the house

V. 83 - M - 4 - 3 - 86 Olin to 1st Street

Agreeably to the above decree of the Worshipful Justices
of Southampton to us directed, We the undersigned attended by
the County Surveyor, have proceeded to make distributions
of the lands of which Geo. James died seized in the following
manner, to wit, To Mary James the widow as her dower we
have assigned the manse house together with 49 $\frac{1}{2}$ acres, as
also 120 acres lying on Nettonay River, (commonly called Cory,
old place) to Mrs. Davis widow of Edwin Davis decd.
the land, commonly designated the Island plantation, conty.
464 acres & to pay Lotts No. 1. 2. 3. Each the sum
of thirty three dollars; to Elizabeth James late No. 4
Conty. 25 $\frac{1}{2}$ acres, late No. 2 to Geo. James conty. 3
25 $\frac{1}{2}$ acres, late No. 3 to Saml. James conty. 25 $\frac{1}{2}$
acres & late No. 5 to Amos Drake containing 244 $\frac{1}{2}$
acres, and to the heirs of Robert James late No. 4. Conty.
230 acres, which makes in valuations ^{of said} after adding the
advancements made to Amos Drake the heirs of
Robert James decd. each the sum of \$1028. returned
to the Plates of the County Surveyor, which we
make a part of our reports the particulars may
more fully appear — Given under our hands this 18
day of ^{March} 1822 —

James Davis
Geo. Davis
Wm. Noble