

1840-15 SOUTHAMPTON COUNTY  
CHANCERY PAPERS

MARLIN et al vs. DREWRY and Wife  
5/1840

other surnames: Applewhite,  
Simons, Drury, Simmons

1346

|             |   |       |
|-------------|---|-------|
| Marlin      | } | Rice  |
| VI          |   | Arman |
| Bury & wife |   | +     |
|             |   | over  |

1838 Dec. Doore as filed of  
#  
1840 May - Rep. & final doore

To the Worshipfull Court of Southampston, In Chancery.

Humbly complaining shew unto your worships, your  
complainants. Louisa Martin, Benjamin Apfelewh  
ite & Mary his wife formerly Simons, & Edwin Simons.  
That Rebecca Simons widow of Simons departed  
this life seized & possessed of a clover estate in the Land  
& personally of her deceased husband. leaving your  
complaints, together with the defendants here to  
who are the heirs at Law of her deceased husband.  
they represent, that there is a small tract of ninety  
six acres of Land, which cannot be divided to advantage  
so that they are compelled to pray a sale of the  
same. That there are about eight negroes, which  
they wish divided in kind. but as it is as they are  
advised, that it cannot be done, but by & through  
the interposition of the Court sitting in Chancery  
where all matters of this kind are alone cognizable.  
they therefore pray the Court to grant these their  
reasonable prayers, and grant them such other  
an general relief in the premises as may be consonant  
to justice and the rules of the Court. and  
praying the Comonswealths writ of Habeas  
directed & they will ever pray. &c.

The answer of Joseph Drury & Emma his wife.

These Respondents saving to themselves all benefit of exception to the Compells bill. For answer say. that believing the allegations of the bill to be true. that they can raise to objection to the same prayed for and having answered pray to be ~~dismissed~~ dismissed -

Martin & others

vs

Drury & wife

} In Chancery.

This day this cause was docketed by leave of Court and consent of parties and came on to be heard on the bill and answer and was argued by Council. On consideration whereof the Court doth order adjudge and decree, that Nicholas M. Schell, Joseph Little Zebulon Simons & John James be appointed commissioners any three of whom may act. that they sell to the highest bidder. (after advertising the time & place of sale for three weeks) the dower lands whereof Rebecca Simons died seized upon a credit of twelve months. except enough money to pay the cost of this decree which they are to receive on the day of sale, and that they take of the purchaser four bonds of equal amount, and assign one to Louisa Martin one to Edwin Simons, one to Benjamin Applewhite in right of his wife and the other to

Joseph Drury in right of his wife. that they also divide the dower negroes, into four equal parts according to value, and allot one to Louisa Martin, one to E. Simons, one to B. Applewhite in right of his wife and the other to Joseph Drury in right of his wife, and report their proceedings to the Court in order to a final decree.

Agreeably to an order of the County Court of Southampton made at December Term 1838. We after advertising the time & place of sale for three weeks made sale of the dower lands whereof Rebecca Simmons died seized upon a credit of twelve months and Edwin Simmons became the purchaser for the sum of  $\$815.00$

Deduct expenses & court costs fees 2.32 Land tax  $\$10.00$   $\$12.32$   
 Commissions  $40.75$   $53.07$   
 Henry Pettyway for crying -  $1.00$   $\$760.93$   
 Leaving the sum of -  
 to be divided into four shares to wit

Louisa Martin  $\$190.23\frac{1}{4}$   
 Edwin Simmons  $190.23\frac{1}{4}$   
 Bery<sup>e</sup>. Applewhite  $190.23\frac{1}{4}$   
 Joseph Drury  $190.23\frac{1}{4}$   $\$760.93$

We took bonds of the purchaser for the above sums & assigned them to the parties entitled -

We then proceeded to make division of the Dower Mares as directed in the said decree as follows - to wit

- No 1 to Louisa Martin to wit Nanny & child Dick & boy Tom and to receive of Joseph Drury  $\$87.50$  Cents -
- No 2 to Joseph Drury & wife to wit Boy Henry - to pay Louisa Martin  $\$87.50$  and Benjamin Applewhite  $\$37.50$  Cents - & to Edwin Simmons  $\$12.50$  -
- No 3 to Benjamin Applewhite & wife to wit Man Benson & girl Fanny and to receive from Joseph Drury  $\$37.50$  Cents -
- No 4 to Edwin Simmons to wit boys Dennis & Charles & to receive of Joseph Drury  $\$12.50$  Cents -

Given under our hands this 18<sup>th</sup> day of February 1839 -

N. M. Selwell  
 Jesse Little  
 J. Simmons

Marlin J<sup>d</sup>

or } Copy Drove

Drewryville

For Commissioners-

Southampton December Court 1838

Louisa Martin Benjamin Applegate and Mary his wife  
formerly Simmons and Ederin Simmons  
against

Joseph Drewry and Emma his wife

Plffs  
Dfts.

In Chancery

This day this cause was docketed by leave of Court and consent of parties and came on to be heard in the bill and answer and was argued by Counsel. On consideration whereof the Court doth order adjudge and decree that Nicholas M. Sebell, Jesse Little, Zebulon L. Simmons and John James be appointed Commissioners, any three of whom may act, that they sell to the highest bidder (after advertising the time and place of sale for three weeks) the donor lands whereof Rebecca Simmons died seized upon a credit of twelve months, except enough money to pay the costs of this decree which they are to receive on the day of sale; and that they take of the purchaser four bonds of equal amounts, and assign one to Louisa Martin one to Ederin Simmons, one to Benjamin Applegate in right of his wife and the other to Joseph Drewry in right of his wife. That they also divide the donor negroes into four equal parts according to value, and allot one to Louisa Martin, one to E. Simmons, one to B. Applegate in right of his wife and the other to Joseph Drewry in right of his wife, and report their proceedings to the Court in order to a final decree.

Clks costs \$2.32 }  
Law fee: 10.00 } \$12.32.

Attest Teste J. R. Edwards Clk

Received of the Clks \$2.32 the Clks fees

J. R. Edwards

we Nicholas M. Settle Lape Little & J. Simmons having been appointed Commissioners by a decree of the County Court of Southampton to divide the dower negroes whereof Rebecca Simmons did stand, do set & divide said negroes as follows namely N<sup>o</sup> 1. Nanny Child Dick & Boy Tom. N<sup>o</sup> 2 Boy Henry. N<sup>o</sup> 3 Fanny & man Boson & N<sup>o</sup> 4 Boys Dennis & Charles. with this condition that N<sup>o</sup> 2 pay unto N<sup>o</sup> 1 \$87.50 Cents N<sup>o</sup> 3 \$37.50 & unto N<sup>o</sup> 4 \$12.50 Joseph Brewry (in right of his wife) having drawn Boy Henry has to pay unto Louisa Marling who drew N<sup>o</sup> 1 Nanny Child Dick & Tom \$87.50 unto Benjamin Applewhite a legatee in right of his wife who drew N<sup>o</sup> 3 namely Boson & Fanny \$37.50 & unto Edwin Simmons who drew N<sup>o</sup> 4 namely Dennis & Charles \$12.50