

1844-003

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BELL'S ADM'R. VS. DRAKE + WIFE et al
Bell's admr vs Pretlow's extors & al

11/1844

other surnames: Drewry
Simmons, Butts, Sebrell,
Everitt

~~37~~ ~~27~~ ~~7~~
Bells adm

v. } Papers-

Dewey's adm

4.90
2.85
2.40
Celt 10.15
34 4.84
Com - 5.00
19.99 ~~1843~~
Law. 16.66 ~~1843~~
tax - 75 ~~1843~~
9 37.40

~~1843~~

~~1843~~

~~1843~~

1884 words (

Bells admo

v. } Statement.

Dreury's admo fad

1842.

December 22^d. Sp^a. Speed.

1843

Jan^y. R. Sp^a. ret^d. Ex^t. on Prillor. Drake
twife. & Simmons - Jas Drury &
wife. Drury not found - Bill filed.
& New Sp^a. to Dfts. Jas Drury &
wife. Same Drury adm^t. of Han:
nah Drury ac^t.

Feb^y. R. Sp^a. ret^d. Ex^t. on James Drury
& wife & Same Drury.

Mar. R. Set for hearing as to Dfts. Prillor.
Drake twife & Simmons.

Apl. R. Set for hearing as to Dfts.
~~Jas Drury twife~~ & Same Drury.
Answer of Dfts. Jas Drury &
wife. R Rep.

T. Continued.

June R. Set for hearing as to Dfts
Jas Drury twife -

Oct^r. J. Decree for accounts

1844

March 28th. Report.

May T. Continued

Nov. T. Decree to Dfts.

Bells adm

Bill

Dewrys adm Fed

1843 January Rules

(1170 words)

To the Judges of the Circuit Superior Court of Law &
Chy. in the County of Southampton in Chy: -
humbly complaining, shew, to the Court your
complainant Thomas B. Putnam a son-in-law
of James B. Putnam, with the wife and child of said
B. Putnam of 1st Ampton County, That one Benjamin
B. Putnam sometime ago was indebted to the
said James B. Putnam in his lifetime in the
sum of \$140 and he is indebted, he the
said Benjamin in his lifetime, to wit, on the
20th of January 1823, made his promissory
note under his name and seal, which
he promised to pay two days after date,
to said James B. Putnam \$140 - a copy of which
note is herewith filed marked A & his
promise to be taken as part of this bill -
the said note is subject to credit to \$5
pd. 17th July 1823, or and or in the same.
The said Benjamin he is indebted, excepted
his life interest and one Thomas B. Putnam
of 1st Ampton County, before the said
Court of 1st Ampton became a son-in-law of the
said James and chattels of said Benjamin, which
appears by exhibit B. herewith filed, and
in that character, he possessed himself of
the goods, chattels and credits of said Benjamin
to the value of \$ - and after and
your note is indebted about as in said
note and obtained a judgment thereon of
the said amount and out an execution
the goods &c. of said Benjamin in his hands
to be administered, and the same has
been returned by Mr. Schuch Sept. 2nd
and 20th of 1st Ampton, with the following
return to wit, "see exhibit" - value of
said \$140 note interest from 22 day 1823
the said \$7.17 cents of interest - subject to
the said credit of \$5 pd. 17 July 1823 -

which said debt is still due and unpaid -
The said Benjamin Drury at the time of his
death was the full simple owner of an undivided
- acre interest in a tract of land in the said
County of Southampton adjoining the lands of
Jeremiah Cobb, John B. Williams, Nicholas
Sedell and others, containing by estimation
an acre, which tract of land upon the
death of one Joseph Drury, descended
to his children, Benjamin Drury, Mary Drury,
Sally Drury, Louisa Drury, Mary Drury
and Hannah Drury - the said Sally is
now the wife of Ethelreda Drake. Louisa
is now the wife of James Drury, Mary
is the wife of James Drury and Hannah
Drury is dead a young girl. The said Benjamin
and sister entitled to her share and
the said land to which the said Benjamin
Drury was entitled being 1/4 of an acre
upon his death to the said Sally, Louisa
and Mary his heirs at law. He having
died intestate, without having married
without issue, and leaving no father or
mother but the afore said Sally, Louisa
and Mary his sisters entitled to his
real estate by descent - You or the court
that the said real estate to which the said
Benjamin Drury was entitled at his death
is now in possession of the said Ethelreda
Drake and his wife Sally, Louisa, a Simons,
James Drury and his wife Mary, and
the said real estate is more than suffi-
- cient to pay the debts of the said Benjamin
Drury - and as he is indebted to various
other creditors, the complainant asks
that this suit may be on his own behalf
or such as that of other creditors of the
said Benjamin Drury deceased in such
your or the court's charge, that all the debts made
by frequent applications to the said Thomas
Pettow as administrator of the said

Benjamin Drury for part of the said demand
you state has been made part thereof -
the said Pettow obliging that as adminis-
- trator of said Drury, no property had come
to his hands to pay said claims - But the
said Ethelreda Drake and Sally his wife,
Louisa Simons, James Drury his wife
Mary who are heirs of said Benjamin, &
also of said Hannah Drury deceased,
the request to pay the same referred to
and is it that the said real estate ought
not to be made responsible for your or the
demand; all which is contrary to right.
In tender consideration whereof, and for
as much as he is otherwise without remedy
in the premises, he is in this Court, he asks
that the said Ethelreda Drake and his
wife Sally, Louisa Simons, James Drury
and Mary his wife, and Thomas Pettow
late of the County of Suffolk and coronator of
the estate of Benjamin Drury, may be
made answerable to this heiro, and
be compelled to make true and perfect
answers to all and singular the allega-
- tions aforesaid - that they set forth
whether the said Benjamin Drury was
not in his lifetime, and at the time of his
death, seized in fee or otherwise of some
considerable estate of inheritance, and what
real estate, and of what absolute and annu-
- al value - whether the said intestate was
not at his death indebted to the said James
Pettow or to your or the court, or to any
mainer herein before set forth, or in any
other and what manner, as they know,
have heard, or believe, and whether the said

out to have been paid? that the said Pullen
shall set forth whether he has possessed himself
of any personal estate of Benjamin Drury
and: one may either admit of its suffici-
ency to pay your orator's demand, or the
juror render an account of his admis-
sion - that the said Heirs of the said
Benjamin Drury may state, whether they
have not possessed themselves of the real
estate whereby the said Benjamin Drury was
seized or otherwise entitled at his death.
and also a particular account of the
same and where the same lie, & in what
possession the same is? and your orator
prays, that in case the personal estate be
insufficient to pay your orator's demand,
and that of other aids may come in &
contribute to the expenses of this suit that
these the lands of said heirs, & that they
be paid their demands with interest &
costs that you will make any other order
in the premises that may comport with
equity &c. - Attest, in p. a.

Bill, Anna &

Drury and

Wills -

Anna and Bill

To the Judge of the Circuit Sup. Ct. of Cal. & Ch.
for S.° apton County - Kindly complains
showing to the Court your complaint
received, being a true & correct copy of James
Bill - that sometime ago, he filed a
Bill in this Court against ~~the~~ Thomas
Pultow then late Chf. of S.° apton
and some of Benjamin Perry and
others seeking to subject real estate
to payt. of a debt - and to get a settle-
ment of the personal funds of the
said Perry estate in hands of said
Pultow - in which certain persons
were had - all which will fully appear
by reference to the original papers in the
said suit to which reference is to be had
as part of this Bill - that since then the
said Tho. Pultow has died having
left a wife and Thomas J. Pultow &
Jane W. Pultow are now: and spec-
tator of said Thomas dead: and
Wm. L. Smith Chf. of S.° apton is now
in honor nor of the said Benj. Perry

and you orator by way of amendment
to said Bill; prays that the said
Thomas J. Pultow and Jane W.
Pultow and Wm. L. Smith & Wm. L. Smith
be made defendants to this Bill &
require to answer the same & that
this cause stand revised on them &
that they be compelled to abide the
order of this Court in the premises -
and they pray that you will grant
such relief in the premises as may
seem correct to -
Alkison p. 9

Butts
vs
Drewry } Aus.^r

1843. April the 6th

The answer of James Drewry and Mary his wife to a bill of complaint exhibited against them and others in the Circuit Superior Court of Law and Chancery for Southampton County by Edwards Butts adm^r of James Bell dec^d. These respondents saving & reserving to themselves all benefit of exceptions to the many errors &c in the said bill contained for answer thereto or to so much thereof as they are advised it is material for them to answer unto, answering sayeth.. That as to the indebtedness of Benjamin Drewry at the time of his death to James Bell, and of the execution of the promissory notes referred to in the complainants bill they know nothing, and call upon the plaintiff for full proof, as to the said indebtedness & execution of the notes.. They admit that the said Benjes Drewry died entitled to a small piece of land derived from the death of his father, independent of his interest in the dower allotted to the widow. the annual and absolute value of which is but small, and these respondents have conveyed their interest in the same to Jeremiah Cobb by deed duly executed & recorded in the County Court of Southampton.

These respondents are advised that if it be proved that Benjamin Drewry did execute the note referred to in the plaintiffs bill that the real estate of which he died possessed is no way bound for the ~~same~~ payment of the same, as the said note does not bind the heirs. - These respondents having fully answered prayer to be hence dismissed with their costs &c

James Drewry - ✓
Mary Drewry ✓

Southampton County S^c.

Personally appeared before me Saml. Drewry justice of the peace for the County of Southampton, James Drewry and Mary Drewry his wife, who made oath to the allegations ^{contained} in the above answer Given under my hand & seal this 22nd day of March 1843

Saml. Drewry J.P.

Emitt ad. of
Pring
ad!

Butts ad. Beh

answer

to the Judge of the Circuit Superior Court of Law
and chancery for the County of Southampton -
The answer of Wm L. Everett Esq: of S: Carolina
and admin: ex bonis non of Benjamin Drayton
to the bill of complaint in said Court ex libito
by Edward Butts admin: of James Bile against
him and others - This defendant for answer
says he is admin: of the estate of Benjamin Drayton
as administered by the probate, but no report
has come to his hands to be administered,
He is ready to account if the Court shall order
it - and knows nothing of the petitioners,
he requires strict proof - and prays leave
to be dismissed. - (signed,

Wm L. Everett
3

Balt. & L. F. Co.

Drugg. and Chem.

and
Pittsboro, N. C.

To the Judge of the Circuit Superior Court
of Law and Chy. for Southampton County.
The answers of Thomas J. Pretlow &
Jane W. Pretlow a/w: and executrix
of Thomas J. Pretlow dec'd. late sth.
and as such admors of Benja Crumy dec'd.
to the bill of complaint against them and
others in the said Court exhibited by
Reverend Butts admor of James Bell.
The defendants answer say, they
have heard and suppose it to be true
that this testator as sth: he was admor
of Benja Crumy dec'd. but they deny
that he was rec'd. any estate or such.
They are advised that the estate of Crumy
was committed to his hands in order
for the sth: in this suit to preserve
the same. They are ready to account
if indeed under the circumstances any
thing is to be done by them and they
wish the subject disposed of in some
practicable and so far as their con-
-sent can go, they now give it
for a speedy adjournment of this matter.

(signed,

T. J. Pretlow

J. W. Pretlow

Bills adum.

"

Drugs ad. & b.

Worth seen
for the Count

To be entered.

R. H. B.

1943 October Term

Edward Butts answer: with the will annexed
James Bull vs ~~Thomas & Puttlow~~ late sh. &c.
of 1st chapter a case answer: of Benjamin Drury
ans: Ethelone Drake and his wife Sally,
Louisa Simmons, James Drury & his wife
Mary and James C. Drury answer: of
Kamiah Drury &c.

On motion of the complt. the death
of Thos. Puttlow is suggested, an answer
and bill filed making Thomas J. Puttlow
and Jane W. Puttlow exor: next of Thos.
Puttlow, and Wm. E. Smith sh. &c. of 1st chapter
and answer: a bill of the said Benjamin
Drury & family, who filed their answers,
to which the ppl. replied generally and
the sp. in this cause having been duly
executed ~~and the bill of the complt.~~
on the defendants Ethelone Drake and
his wife Sally, Louisa Simmons, and James
Drury & family, to wit of Kamiah Drury
and the bill filed more than 4 months &
they failing to answer, on m. of the
ppl. the bill is taken for confessed as to them,
and the cause coming on to be heard
as to the other defendants, on the original
and amended bills, answers of James Drury
and Mary his wife, Thos. J. Puttlow and
Jane W. Puttlow exor: de ceatrics of
Thomas Puttlow, and Wm. E. Smith asw.
a bill, nor of the said Benjamin
Drury, applications there to, exhibits
filed and was agreed by counsel.
On consideration whereof the Court doth
adjudge, order and decree that a
comr of this Court take the following

accounts - that is to say

1st - an account of the administration of
Thomas Pullen on the estate of Benjamin
Drury -

2 - an af. of the administration of Wm L
Evitts on the estate of said Benj. Drury

3 - an af. of the pl^{ts}: demand

4 - an af. of ^{the} absolute and annual value
of the real estate as entered from the
said Benjamin Drury ^{to any of the executors} here up which

- that the same has been sold & conveyed

if so to whom and for what price?

In taking the administration accounts, the
Cov. is to ascertain what debts by the admo.
have the heirs of the said Benj. Drury
and liberty is reserved to all the

creditors of the said Benj. Drury

to come in and prove their claims

upon their assign to contribute

proportionately to the expenses of this suit

which is accounts, the Cov. is directed

to examine, state and settle & to the

Court report with any remarks

deemed pertinent by himself or

required by the parties to the state -

Wells am.

v. } Copy Done

Drawings am 2 ad

At a Circuit Superior Court of Law and Chancery held
for the County of Southampton on the 1st day of November 1843
Edward Beatts administrator with the will annexed of James Bell *Plff*
against

Thomas Prindle late Sheriff of Southampton and administrator of Benjamin
Dunwoody dec'd Ethelred Drake and his wife Sally, Luisa Simmons James
Dunwoody and his wife Mary and Samuel Dunwoody administrator of Hannah Dunwoody *Defts*
On motion of the Complainant the death of Thomas Prindle is suggested
an amended Bill filed making Thomas J. Prindle and James W. Prindle
Executors & Executrix of Thomas Prindle: and William L. Everett Sheriff
of Southampton and administrator de bonis non of the said Benjamin Dunwoody
defendants who filed their answers to which the Plaintiff replied
generally: and the subpoena in this cause having been duly executed
on the defendants Ethelred Drake and his wife Sally: Luisa Simmons
and Samuel Dunwoody administrator of Hannah Dunwoody and the Bill filed
more than four months and they failing to answer: On motion of the
Plaintiff the Bill is taken for confessed as to them: and the cause
coming on to be heard as to the other defendants: on the original and
amended Bill answers of James Dunwoody and Mary his wife Thomas
J. Prindle and James W. Prindle Executor and Executrix of Thomas
Prindle and William L. Everett administrator de bonis non of the said
Benjamin Dunwoody replication thereto exhibits filed and was argued
by Counsel. On consideration whereof the Court doth adjudge order
and decree that a Commissioner of this Court take the following
accounts: that is to say: 1st an account of the administration of Thomas
Prindle on the Estate of Benjamin Dunwoody: 2^d an account of the admini-
stration of William L. Everett on the estate of said Benjamin Dunwoody
3^d an account of the Plaintiffs demand: 4th an account of the
absolute and annual value of the real estate descended from the said
Benjamin Dunwoody to any of the defendants herein whether the same has
been sold and conveyed if so to whom and for what price: in taking
the administration accounts: the Commissioner is to ascertain what debts
paid by the administrator Bound the heirs of the said Benjamin
Dunwoody: and liberty is reserved to all other Creditors of the said
Benjamin Dunwoody to come in and prove their Claims upon their agreeing
to contribute ratably to the expenses of this suit which said accounts
the Commissioner is directed to examine state and settle & to the Court
report with any remarks deemed pertinent by himself or required by
the parties to be stated

Attest

J. R. Edwards Ck

Bill, adms

Drury, adms

Topham

for the Court

To be entered

R. H. Baker

1814 Nov Term

residence, both adms. with the wife and
of James Bell adms. left.

~~Thomas Button~~ Thomas Button
~~and Jane Button~~ ~~James Button~~
-trif of Thomas Button adms,
W. L. Smith has shft and adms
author, nor of the estate of Benjamin
Brewery adms: Ethelreda Drake and
his wife Sally, Luccia Simmons, James
Brewery and his wife Sally, Luccia
Simmons, and Saml. Brewery adms
of Hawaii Brewery adms. left.
This case came on again to be
heard on the paper formerly read
and the report of the Comr. made in
pursuance of the order of the 12 day
of November 1843, to which no excep-
-tion has been filed, and was
argued by counsel; On conside-
-ration whereof, the Court confirming
the said report, with a judge, order
and decree, that Saml. Brewery
adms: of Hawaii Brewery, ~~shall~~
~~if the assets of his estate, take in his~~
~~hands, to be administered, pay~~
~~to the plaintiff \$33.75 without~~
~~draw from this day the said~~
~~that the defendant, James Brewery~~
~~pay to the plaintiff: \$47.50 without~~
~~draw from this day; that Ethelreda~~
~~Drake pay to the plaintiff: a like sum~~
~~without as aforesaid; and~~
~~that only the exp. Luccia Simmons~~
~~or her person for her, whole, or~~
~~unless the first day of December~~
~~pay to the said plaintiff \$47.50 with~~
~~draw from this day the said~~

the court of this county, that James
~~the~~ Appellant who is for that purpose
appointed a commissioner (after giving
notice of the time and place of sale
at the door of the Court house of
this County and at some other
place than the presiding ^{for 20 days} sale
to the highest bidder for cash,
the lands of Louisa Simmons
which descended to her from
Benjamin Brown - and out of the
proceeds of sale, pay to the said
pett. the said sum of \$35.75 ^{47.50}
with interest from this day, and
that the defendants pay to the
pett. his costs expended in the
prosecution of this suit. - And that the
Court pay the balance if any to
said Louisa Simmons, and make
a deed to the purchaser with that
a warranty ~~and make a deed to~~
~~this Court~~

Bells adm

to } Copy Done

Drawings adm 20

Southampton Circuit Superior Court - November the 8th 1844.
Edwards Butts admor. with the will annexed of James Bell dec^d. Jeff.

against
Jane W. & Thomas S. Peltton Executrix & Executor of Thomas Peltton dec^d.
William L. Everett Sheriff of Southampton County and admor. de bonis non
of Benjamin Drury dec^d. Etheldred Drake and his wife Sally.
Louisa Simmons. James Drury and his wife Mary and Samuel
Drury admor. of Hannah Drury dec^d. Defts.

In Chancery

This cause came on again to be heard on the papers formerly read and the report of the Commissioner made in pursuance of the order of the first day of November 1843 to which no exception has been filed and was argued by Counsel. On consideration whereof the Court confirming the said report doth adjudge, order and decree that the defendants James Drury pay to the plaintiff forty seven dollars and fifty cents with interest thereon from this day. that Etheldred Drake pay to the plaintiff a like sum with interest as aforesaid, and that unless Louisa Simmons or some person for her shall on or before the first day of December next pay to the said plaintiff forty seven dollars and fifty cents with interest from this day, that James D. Maspenburg who is hereby appointed a Commissioner, shall after giving notice of the time and place of sale at the door of the Courthouse of this County and at some other place near the premises for twenty days. Sell to the highest bidder for cash the lands of Louisa Simmons which descended to her from Benjamin Drury, and out of the proceeds of sale pay to the said plaintiff the said sum of forty seven dollars and fifty cents with interest from this day - and that the defendants pay to the plaintiff his costs expended in the prosecution of this suit - and that the Commissioner pay the balance, if any, to the said Louisa Simmons - and make a deed to the purchaser without warranty

Attesty
Teste. J. R. Edwarddible

In Execution of the foregoing decree the Land therein mentioned as descending from Benjamin Drury to Louisa Simmons was sold at February Court - to Jeremiah Butts for fifteen dollars of which fourteen dollars ²⁵/₁₀₀ has been paid to E. Butts adm^r of James Bell as the proceeds of sale after deducting 5 p^{ct} Commissioners the receipt of said Butts is herewith Annexed & Requested to be taken as a part of this Report

J. D. Maspenburg (Commis)

Rec^d May 3rd Eleven hundred and forty five of J. D. Maspenburg fourteen dollars and ²⁵/₁₀₀ being the proceeds of the sale of the abovementioned land after deducting 5 p^{ct} cent the Commissioners charge for selling -

E. Butts adm^r.

c

0.56

Bells adm.

5. } Sp^a in lch.

Dewry's adm: 23
1843 January Rules.

Executive on Tho^s
Pittman & Thelma
Drake & Sally his
wife Laura
Lin mams
James Dewry & wife
Mary & Sarah Dewry
not found
W. McNeill & J
W. L. White & J

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Thomas Bellow late Sheriff of South-*
ampton & administrator of Benjamin Drury dec. Etheldred Drake
and his wife Sally. Louisa Simmons. James Drury and his wife
Mary and Samuel Drury admors of Hannah Drury dec.

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the
County of Southampton, at the Rules to be holden for the said Court on the first Monday in
January — next, to answer a Bill in Chancery exhibited against *them* in

the said Court by *Edwards de Nullis admors: with the will annexed of*
James Well dec

And unless *they* shall answer the said Bill within four months thereafter, the Court will
take the same for confessed, and decree accordingly. And this *they* shall in no wise
omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON

R. EDWARDS, Clerk of our said Court, at the Court-house, the *22^d* day of
December 1842, in the *10th* year of the Commonwealth.

L. P. Edwards Secy

[One Copy to be delivered each Defendant.]

2
10.16

Bells adm

v. } Spa in Chy.

Drearys adm 8^o

1843 February Rules

Exeutece

W m Eventyly
of W. L. Eventyly

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon

*James Drury and his wife Mary &
Samuel Drury admo: of Hannah Drury dec —*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the

County of Southampton, at the Rules to be holden for the said Court on the first Monday in

February — next, to answer a Bill in Chancery exhibited against ^{others} *them &* in

the said Court by *Edwards Bells admo: with the will annexed of James
Bell dec^d*

And unless *they* shall answer the said Bill within ^{*two*} ~~four~~ months thereafter, the Court will
take the same for confessed, and decree accordingly. And this *they* shall in no wise
omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON

R. EDWARDS, Clerk of our said Court, at the Court-house, the *2^d* day of

January

184*8*, in the

67th

year of the Commonwealth.

L. R. Edwards Clk

[One Copy to be delivered each Defendant.]

Bills adm:

Drury 00-

Comm: et alia

Filed with Com. Report
March 28 "44

Ms. ad. manuscripte nomine of the mission
notice -

E. Parillo

Edward Drake

Suprs: Edward Butts adm: with the will an-
- nued of James Bell, Thomas J Prattle and
Jane W. Prattle Executor & Executors of Thom-
as Prattle decd, William S Emell Sheriff &
and adm: the Hon: man of Bej: Drury decd.

Edmund Drake, Lorina Simmons, James
Drury & Jas. Drury adm of Harriet Drury

You are hereby notified that - pursuant
to an order of the Circ: Sup: Court of Law
& Chancery for the County of Southampton
pronounced on the 1st Nov: 1843, I shall
proceed to take the several accounts
therein required on the 15th March next
at the Com:rs: office in Jerusalem, at
which time and place you are required
to attend -

W. S. Goodwyn

Com:rs:

Feb: 16th 1844 -

Bills adm.

8 3

Drawing adm & c

Comm. Report-

1844 March 28

Bills adm.

2

Drury, adm: &c:

Commrs: office March 15th 1844

The Commissioners beg leave to make the following reports, pursuant to the order of the Circ: Disp: Court of the 1st Nov: 1843 - due notice having been given to all parties interested

Estate of Benj Drury closed

In account with Thomas Prettow adm: no appts have come into the hands of the adm: and no debts have been paid. The only charge against the estate incurred whilst in the hands of the adm: is a clerks ticket of \$50/100 -

Estate of Benj Drury closed

In account with Wm. L. Cruik admd: & commis: no appts have come into the hands of the adm: and no debts have been paid. The only charge against the estate whilst in the hands of the adm: is a clerks fee of \$50/100

Account of the plaintiffs demand.

Debt due January 20 th 1823 -	\$140-00
Int to Feb: 17 th 1823 -	76
	140-76
Feb: 17 th 1823 Credited by	5-00
amt due —	135-76

with Int from the 17th Feb: 1823. till paid -

Account of the absolute and annual value of the real estate descended from Benj Drury

The real estate descended from Benjamin Drury, at his death, consisted of a fee simple in papierion, in one fifth of two thirds of the tract of land descended from Joseph Drury, and also a reversion in fee in one fifth of the remaining third, which was allotted to the

widow of Joseph Drury, as her share. At the death of Benj Drury, his interest in said land both in possession and reversion descended to his four surviving sisters to wit: Mary, the wife of James Drury. Sally, the wife of Eshelred Drake. Lurissa Simmons, and Hannah Drury. At the death of Hannah Drury, her interest in the real estate of the said Benjamin descended to her three surviving sisters.

James Drury and his wife Mary sold their interest in the said Benj's real estate to Jere Cobb, who is now in possession of it. It is impossible for the Commission to ascertain the price paid by Cobb, as the interest of the said Drury & wife in the land descended from Joseph Drury is included in the sale. The whole of which sold for the sum of \$142.50

Eshelred Drake and his wife Sally sold their interest in Benj Drury's portion of the reversion and it is now owned by Jere Cobb. The Commission cannot ascertain the price paid by Cobb as other interests of the said Drake's wife, were included in the sale. They still retain their interest in said Benj Drury's portion of the two thirds.

Lurissa Simmons still retains her interest in the whole of the real estate of said Benjamin Drury.

The absolute value of the real estate of the said said Benj Drury is estimated at \$125.00, and the absolute value of each portion descended to his heirs is 1/4 of that amt. or \$33.75.

The Commission is advised that the annual value of said real estate, if any thing, is merely nominal.

Respectfully submitted
W. L. Goodenough
Comms.

Fee \$5.00. Charged to Bills adm.

23-75 3/142-50
 47.50

Bells adm.

v. } Exhibit
D

Drearys adm. 80

24. 8/13.

Two days after date I promise to pay or cause to be paid unto
James Bell the just and full sum of one hundred and
forty dollars for value received of him as Witness my hand
and seal this twenty eth day of January 1823

Test

William J. Maget

Benjamin Drewry *ad*

Attest. Teste. L R Edwards Sec.

Southampton County Court. February 21st 1842 -
ordered that the estate of Benjamin Drewry deceased be committed
to the hands of Thomas A. Perlow Sheriff of this County for
administration according to law

Attest.

Teste. L R Edwards Sec.

Bill adm.
to Execution
Denny's adm;

The Commonwealth of Virginia

To the Sheriff of Southampton County
Greeting We command you that of the goods and chattels of Benjamin
Drewry dec'd in the hands of Thomas Prutton late Sheriff & and to be
administered late in your bailiwick you cause to be made the
sum of one hundred & forty dollars with legal interest thereon from
the 22 day of January 1823 till paid which lately in our Circuit
Superior court of law and chancery for Southampton County hath
recovered against the said Thomas Prutton late Sheriff of Southampton
County of Ben^a Drewry dec'd for debt also seven dollars and 17
cents which to the said Bell in the same Court were adjudged
for his costs by him about this suit in that behalf expended where
of the said Prutton late Sheriff & dec'd is convict as appears to us
of record and how you shall have executed this writ make known
at the Clerks office of our said Circuit Superior Court of law and
Chancery, at the next to be holden for the said Court on the first
Monday in February next and have then there this writ Witness
Littleton R Edwards, Clerk of our said Court at the Courthouse, this
11 day of November 1842 in the 63rd year of the Commonwealth
L R Edwards Cky

This Execution is to be credited for five dollars p^d February 17th
1823 L R Edwards Cky

This debt was contracted before the 1st day of August 1837

Sheriff returns

"No effects" Wm J Lebrill Deputy of Wm I Everett Sheriff
L R Edwards Cky

Attest

Teste L R Edwards Cky

Butt & Co.

For my
dear and

statement of
the case

Bill, adma: & Breck's adma:

This is to subject real estate as concerns to
the part of debt. The act of assembly, passed
17 March 1862, makes the land liable to
the debt, the heirs not mentioned in the
obligation - but, if there be any mortgage
or bond, in which the heirs are bound
in the bond, ^{but the heirs of the act} then they are to be paid
on act 1861 & 1862

suit is in favor of Edward Butts ad. James
Bull with his wife annexed in Ethelred
prose & his wife Sally, Loren's Sinner
James Breckley his wife, Wm. & Emily
shff. of 1000 aupter & adma: on basis now
of Breckley Breckley sec. d.; James W. Peltor
Other of Peltor's adma: of the Peltor
late adma: of Breckley Breckley - also
James Breckley Peltor his wife, Ten-
annexed -

But, a new Bill

⁷
~~proposed~~ to

This suit is to recover out of the real estate
of the ancestor, the amt of a promissory
note. - It is supposed the estate left no
personal estate whatever - The act of
assembly passed 17 March 1842, see act, 1831
1842 - page 55, declares that in the case
of debt by ~~contract~~ ~~debt~~

" makes the real estate responsible
for all the just debts of the ancestor
, as well debts due by simple contract
as on specialty - The Judge is desired
to decree an ap of the personal
assets if in his opinion necessary &c.

G. Alkern
attor for plffs