

1844-008

SOUTHAMPTON COUNTY
CHANCERY PAPERS

DREWRY

VS. JUDKINS and Wife

5/1844

Drawings ~~...~~

n. } Papers.

Jenkins wife

Cell.	16.21
Shff	1.00
Com.	5.00
Saw	14.46
Tax.	75
	\$ 39.62

Dewrys ~~Est~~

v. { Statement.

Judkins Knife

1843.

Jan^y. 18. th Sp^a Sped-

Febr^y. R. Bill filed. Sp^a ret^d Ex^d.

Apr^l " Cause set for hearing on bill.
- 84 -

" J. Order for an account.

Aug. 21st. Report.

Oct. J. Cont^d.

Johnson
+
Tommes }

Drewry
vs { Bill in
chry
Indians & wife &c

1843 February Rules.

(1780 words)

To The Hon Richard H. Baker Judge of the
Circuit Superior Court of Law, and Chancery for
the County of Southampton, your Compt. ~~and~~ ^{F. N.}
~~Drewry~~ ^{Joseph Drewry} an infant by ~~and~~
~~Drewry~~ ^{his next friend}

Humbly complaining shews unto your Honor that
their ~~father~~ Joseph Drewry late of this county departed
this life in the year 1837 having first duly made
and published his last will, and testament which
was admitted to probat at the ^{term 1837} ~~term 1837~~ ^{Drewry}
of the county Court of Southampton and ~~your Compt.~~
on the same day qualified as his 'Exor' - a copy of
said will marked A is herewith filed and prayed
to be taken as a part of this Bill - The said
Joseph Drewry left a widow Martha J. Drewry and two
children to wit Francis H. and ~~Drewry~~ and since
his death ~~Drewry~~ has also departed this life -

Your Honor will perceive by reference ~~by reference~~
to the will of the said Joseph Drewry that his whole estate
is left to the widow during her life in widowhood and
~~your Compt.~~ proceeded to discharge his duties as 'Exor' by
closing and settling up the estate and paying over to the
said Martha J. Drewry the whole of the balance due upon
his last, and delivering up the whole of the estate
to her - A copy of his Account with the receipt of the
said Martha J. thereon is herewith filed marked B and
prayed to be taken as part of this Bill -

Your Compt further shews that after
this, to wit in December 1841 the said Martha J. Drewry was
married with John J. Jenkins of this county, and your Compt
is advised thereby forfeited all right to the property which
she had received under the will of her deceased husband
Joseph Drewry ~~your Honor will see from the will~~

~~about the year 1841 is enjoined to see the provisions~~
~~faithfully executed and to therefore collect upon the~~
~~said Jenkins and his wife Martha J. (after their marriage)~~
~~to surrender the property and pay over to your Compt~~
~~the amount due as per the receipt of the said Martha~~
~~J. exhibited above~~ Yet the said Jenkins and wife have
surrendered only the ~~property~~ ^{property} and have not paid over the
money, but claim various offsets, and allege various reasons

why they should not pay the same
your Compt. acknowledges the receipt
of \$64.98 etc in December 1841, and \$108 September 1st 1842 for a
barouche which had been purchased by the said Martha J
and was sold by ~~your Compt.~~ The Exor - the 2^d party and
amt. was ~~paid~~ ^{paid} to the Exor. your Compt. is advised that for all
the property received by the said Martha J and for the
balance of the \$1095.89 etc paid by ~~your Compt.~~ ^{the Exor.} to her after
deducting the amounts the receipts for which are acknowledged
as above, and other proper charges against ~~the estate of the~~
said Francis H. Drury - the said John T. Rutkins and Wife
(Martha J) are responsible and must account -

In tender consideration of all which
and for as much as your Compt. is remedied in the premises
except in this Court. So the Exor therefore that justice may
be done, she prays that John T. Rutkins and Martha J. his
wife ~~and Francis H. Drury and wife~~ ^{and Francis H. Drury} ~~and wife~~ ^{and wife}
~~by your Compt. and proper persons to defend her in this Court~~
may be made Defendants to this suit, and true answer
made to the allegations thereof - that your Honor will
cause an account to be taken of all property and money
received by the said Martha J under the will of the
said Jos. Drury and of the property & money returned
before or since her marriage with the said John T. Rutkins,
together with an account of any proper charges against the
said Martha J, against Francis H. - that your Honor will
decree against the said Rutkins & wife the balance which
may be thus ascertained to be due from them, and grant
such other relief in the premises as equity will dictate,
And your Compt. as in duty bound will forever pray

May it please your Honor &c

John & Sonnes
for Compt.

Drury; Exr. d.

^{vs}
Judson & wife

This day came the Piffs
by their attorney, and the subpoena awarded
in this cause being returned executed on
the defendants Judson & wife, and they still
failing to file their answers, altho' two
months have elapsed as well since the
Piffs filed their bill as since the service
of the U.C. on the said defendants: On
motion of the Piffs, their bill is taken
for confessed as to the said debts - Whereupon
this cause came on this day to be heard
on the bill and exhibits and arguments
of the Piffs counsel - On consideration
whereof the court doth order that a
writ of this court take an acct. of all
monies and property recd by Martha
J. Drury from the estate of Jos Drury dec'd
and that she pay the same to the Exr. Jos Drury

and not paid over, or returned to the Est. of
the said Is. Since her intermarriage with the
defunct Indians - that the said court
ascertain the value of any property not so
returned, at the date of the said marriage.
That the said court is also directed to take
an account of any ^{proper} ~~payments~~ or charges
of the said Maitha against the wife the
J^r. Thomas Drury - and make report
to court with any matters specially stated
deemed pertinent by himself, or which
may be required by any of the parties to
be so stated -

Drawing ~~of~~
to G. Co. Decree
Indians for

Notice to July 18th next
issued June 12/1843

At a Circuit Superior Court of Law and
Chancery held for the County of Southampton
the 10th day of April 1843-

~~Samuel Drury Executor of Joseph Drury~~

Deft

against

John T. Suddkins and Martha his wife & Frances H. Drury Defts

This day came the Plaintiff by his Attorney, and the Subpoena awarded in
this cause being returned executed on the Defendants Suddkins and wife,
and they still failing to file their answer, altho two months have elapsed
as well since the Plaintiff filed his bill as since the service of the Sub-
poena on the said Defendants: On motion of the Plaintiff, this bill
is taken for confessed as to the said defendants, whereupon this cause
came on this day to be heard on the bill and exhibits and argument
of the plaintiffs Counsel - On Consideration whereof, the Court doth order
that a Commissioner of this Court take an account of all monies and
property received by Martha S. Drury from the estate of Joseph Drury
deceased, and not paid over or returned to the Executor of the said
Joseph since her intermarriage with the defendant Suddkins - that the
said Commissioner ascertain the value of any property not so returned,
at the date of the said marriage, and the said Commissioner is
also directed to state an account of any proper charges of the said
Martha against the said Francis H. Drury and make report to
Court with any matters specially stated deemed pertinent by
himself or which may be required by any of the parties to be so stated.

Attest

Jesse. I R Edwards Clk

June 19th 1843 we acknowledge ser-
vice of the within notice *Wm. D. Dwyer*
Ans. J. Jenkins

The above notices were signed & acknow-
ledged before the day above written *Ans. W. Dwyer*

Dwyer & Co }
 Ans. }
 Jenkins & Co }

At a Circuit Superior Court of Law and
Chancery held for the County of Southampton
the 10th day of April 1843

Samuel Drewry Extr. of Joseph Drewry } Plff
against }

Ind. T. Jenkins & Martha J. his wife & Frances H. Drewry } Dfts

This day came the Plaintiff by his Attorney, and the subpoena
awarded in this cause being returned executed on the defendants Jenkins
and wife, and they still failing to file their answer, altho two months
have elapsed, as well since the Plaintiff filed his bill, as since the
service of the subpoena on the said Defendants. On motion of the
Plaintiff their bill is taken for confessed as to the defendants, where-
upon this cause came on this ^{day} to be heard on the bill of exhibits and
~~an~~ argument of Plaintiffs Counsel. On consideration whereof
the Court doth order that a Comr. of this Court take an account
of all monies and property received by Martha J. Drewry, from
the estate of Joseph Drewry dec^d, and not paid over or returned
to the executor of the said Joseph since her intermarriage with
the defendant Jenkins - that the said Comr. as certain the
value of any property, not so returned at the date of the said
marriage, and the said Comr. is also directed to state an ac-
count of any proper charges of the said Martha against
the said Frances H. Drewry, and make report to Court with
with any matters specially stated deemed pertinent by him-
self or which may be required by any of the parties to be so
stated

A Copy Teste L.R. Edwards. Clk

Comr's office Jerusalem June 12/1843

I have appointed Tuesday July 18th next to take up the
accounts directed by the above order of the Court; on which
day the parties are required to attend at the Court house with
their accounts and testimony, for examination & settlement

Geo C. C. Comr.

Hewey }
as }
Judkins & wife }

Hewey

To be entered
R. 14. 13

18th Dec 1844 Henry Jones

Hewey
vs
Jenkins et al

This day, this cause came on again to be heard on the papers formerly read and on the report of Court. Cobb. made an order to a decree of April Term 1843 to which report there is no exception, and was argued by counsel. On consideration whereof, the court doth confirm said report, and adjudge order, and decree that the defendant Jenkins wife pay to the plaintiff F. H. Hewey \$972. 14, with interest from Sept^r 1842, the said, and her costs in this suit expended—

The counsel for both parties in this cause
 agree that this cause may most properly
 be carried on in the name of F. H.

Drury as agent by his new friends said
 Drury as ~~agent~~, and that the act taken
 by Wm. B. H. shall be considered as
 properly taken between the parties - but
 I & my kind wife are at liberty to
 prove any wrong done against the
 will of any time before the next term
 of the court - Dec. 2. 1842

Ridley Gordon
 Counsel for F. H. & Drury
 Wm. B. H. on
 for Drury.

1843 February 2nd
 Drury's wife
 Wm. B. H. Drury's wife
 Drury's wife

Drury's wife
 Drury's wife
 Drury's wife

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *John T. Jenkins & Martha his wife late Martha J. Drury*

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 *them* in

the said Court by ~~*Samuel Drury*~~ *Em of Joseph Drury dec'd?*
F. H. Drury an infant, by her next friend
Samuel Drury —

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 *18th* day of *January* 184*2*, in the *67th* year of the Commonwealth.

L. R. Edwards

[One Copy to be delivered each Defendant.]

Drewry Est^o } Com^o
vs
Judkins de } Report

1843 August 21st

July 19th 1843

Drewry
vs
Juddkins &c } In Chancery

The notices were executed and acknowledged by the parties before the Court. The defendant then stated that he should not attend; and the plaintiff who handed me a statement of his demand, also stated that he should not attend; and neither did attend.

The Court is directed to take an account in the first place of all monies and property received by Martha J. Drewry from the estate of Joseph Drewry dec'd, and not paid over or returned to the executor of said Joseph since her intermarriage with the defendant Juddkins - that the said Court, ascertain the value of any property not so returned at the date of the said intermarriage -

It appears from an account reported to the County Court of Southampton of Sam^l. Drewry's transactions on the estate of Joseph Drewry dec'd, that there was a balance due the said estate of \$1098.89 on the 30th day of June 1838, and which amount the said Executor paid over to the said Martha J. Drewry on the 17th day of July 1838 as her receipt shews. The marriage of the said Martha with the defendant Juddkins, it appears took place in December 1841, and the plaintiff admits that he then received a bond against Drewry & Little for \$64.98 & also a Barouch and Harnes which he sold on a credit till Sept 1st 1842 for \$100. which are credits to the amount received by the said Margaret - No claim is exhibited by the defendants against Frances H. Drewry

Continued forward

1841

Deer- To this amount paid Martha Drewry
under the will of her dec'd husband

Es. Drewry as of her receipt

\$1095.89

" By D. Bottles bond in part

64.98

1030.91

To interest on this balance to Sept. 1/1842

41.23

1072.14

1842

Sept 1st By sales of Parson & Harnes deer this day

100.00

" To balance due the plaintiff as ent. in
with interest thereon from this 1st day of September

1842 till paid -

The Comr. is directed by the plaintiff to state that the
had received property which he had put in the possession
of the said Martha, which he sold for \$389.89 beside
the negroes belonging to the estate. he does not know nor
can he ascertain what property was not surrendered
of any

Respectfully submitted
J. J. Webb Comr.

Comrs for July 18th 3 Hours

" " " 19 2 ditto
\$5.00

Sworn to before Wm Briggs this
1st day of August 1843

William Briggs J. D.

Drawings ~~Ex~~

" } Exhibit (A)

Jenkins' wife

(~~Ex~~)

In the name of god amen I Joseph Drewry of the County of
Sonthampton and state of virginia do make and publish this to be
my last will and testament in manner and form following that
is to say - Item 1st I lend unto my loving wife Martha J Drewry
the whole of my estate both real and personal during her natural
life or widowhood and it is further my will and desire that
my Children shall be raised out of the profits of my estate as
well as to be schooled out of the same unless my Executor may
consider the profits arising out of the estate insufficient to raise
and schooled them should that be the case it is my desire
that my Executor shall expend any money due my estate for
that purpose. Item 2^d it is my will and desire if my wife
and Executor should think proper at any time after my death
to make sale of my negro man so that it shall be as they
conclude on and should he be sold it is my desire the money
arising from the sale thereof to be lended to my wife together
with the balance of my estate on the Condition as above named
Item 3rd it is my will and desire in case of the death of either
of my Children before arriving to lawfull age or marrying that
the survivors or survivor shall heir the deceased respective part
which they would of been intitled to had they been living at
the time of the distribution of my estate; it is further my
will in the event of all my children dying before arriving to
lawfull age or marrying I give to my wife Martha J. Drewry
the hole of my estate real and personal except five acres of
land off of the corner lying on the creek, at my wifes death
I give the five acres of to my brother Samuel Drewry. Item 4th
it is my will and desire that the Inventory of my estate shall
be all that is required of my Executor that is I do not require
of him to take any refunding bond for any property or money
lended my wife but I do request that he my Executor will
see my estate lended properly managed and the intention of
my will carried out Item 5th I Constitute nominate and appoint
my brother Samuel Drewry my whole and sole Executor to this
my last will and testament revoking all others and declaring
this to be my last. In witness whereof I have hereunto set
my hand affixed my seal this twenty third day of January
the year of our Lord Eighteen hundred and thirty seven

Signed sealed and acknowledged

in the presence of

Charles Magel-

Joseph Drury *Test*

At a Court held for the County of Southampton the 19th day of June 1837 This last will and testament of Joseph Drury deceased was produced in Court and the subscribing witnesses thereto being out of the state of Virginia Jesse Drury and Joseph T Chant were sworn who severally deposed that they are well acquainted with the hand writing of the said Joseph Drury and verily believe that the body of the said writing as well as the signature thereto is in the proper hand writing of the said Joseph Drury deceased and the Court being satisfied it is ordered that the said writing be recorded as and for the last will and testament of the said Joseph Drury decd and on the motion of Samuel Drury the Executor therein named who made oath and together with William B Goodwyn and Peter Edwards his securities entered into and acknowledged a bond in the penalty of twelve thousand dollars conditioned as the law directs Certificate is granted him for obtaining a probate of the said will in due form

Teste J R Edwards *Clk*

Attest Teste J R Edwards *Clk*

Present

Master Commr. Cobb's
report on Jos. Drew &
Wm. Lamb. Dr. &
also Martha J. Drew
No 3 Receipts
J. Drew

Cobb

Lamb. & Drew

Herbert

The estate of Joseph Drewry dec
In account with Samuel Drewry Executor

1837			Dr	Cr	Ant
July	1	To paid W. Whitehorn bond off Recd	7 62		
	6	" " T. Petcher's Executor "	56		
	"	" " J. J. Drewry acct "	35 20		
Oct	12	" " Shff Taxes de "	14 65		
Dec	8	" " S. B. Woodward adm J. Woodward acct "	39 63		
	27	" " Jno G. Mason acct "	66 00		
	"	" " my acct retained "	15 35		
	"	" " sundries for the family "	16 75		
		By Cash found in the house	"	570 00	
		" R. Parrell's Note	"	150 00	
		" E. Myricks Accts	"	2 75	
		" 1065 ^{lb} Cotton sold in Petersburg	"	101 17	
		" Bacon & Lard sold in Norfolk	"	482 25	
		" ditto sold to J. Williams	"	41 98	
				1348 15	
				195 96	
"	31	By balance due the Estate	"	\$1152 19	
1838		To paid Shield & Walk of Recd	11 35		
	"	" " J. McKiel R. R. Agent "	20		
	"	" " Deets Parham acct "	55 00		
Feb	9	" " Dennis, W. K. Kwaian & Brownly "	22 35		
Mar.	20	" " J. T. H. Claus adm R. T. Musgrave "	30 50		
April.	9	" " R. Ridley ally "	5 00		
	16	" " Jno H. Barnes acct "	100 00		
		By Cash of ditto	"	150 00	
June	30	To paid J. G. Mason acct "	19 00		
		By Cash of ditto	"	1 00	
		" " W. Mays acct	"	7 00	
				1310 19	
				243 50	
"	"	By balance due the Estate	"	\$1066 69	
"	"	" Interest on the balance \$1837	"	34 56	
		Cash forward	"	\$1101 25	

Frederick & wife

to E. Colburn

George Cox

E. Colburn (B)

1838

June 30

By amount brought forward \$1101.25
To be left for letters of administration fees
" out to recording inventory 1.50
" do order to settle estate .36
" do forwarding this out 50
" Comd. for report do & copy 2.00 5.36

" " By balance due the Estate \$1095.89
with interest on \$1061.33 part thereof from this
date till paid

Respectfully Submitted
E. Colburn

A copy of the
of B. the Estate charges } Estate
on Comd. }

E. Colburn

Do Sir

Your note of demand; also the vouchers of Joseph
Drew's Estate, transacted by yourself; was recd. last evening
and agreeably to your request, you have the
result in the above statement

Very Respectfully
E. Colburn

1838 July 17th Received of Saml. Drew Executor of Wm. Drew
the sum of one thousand and ninety five and 00/100 dollars it
being the amount found to be due agreeably to Master Commr. (Cobb)
whom as above stated which legacy is received on loan agreeably
to the last will and Testament of my husband. I have also received
all the balance of the Estate of which my husband died seized
and proposed given under my hand the day above written
Witness
Chartha S. Drew

Blindly Wm Briggs
The vouchers as exhibited before Master Commr. (Cobb) has been shown to me
which I am satisfied with and wish the settlement to be final
Witness
Blindly Wm Briggs
Chartha S. Drew