

1853-002 SOUTHAMPTON COUNTY
CHANCERY PAPERS

DREWRY, GUARDIAN of HOOD vs. HOOD et al
5/1853

other surnames: Hancock, Kello,
Washington

Drury

to } Stat. Rules

Hood &c

Arthur A Drury guardian
against

William H Hood. Edna Hood. Elizabeth Hood. Rebecca Hood. Robert Hood and
Laura Hood.

1852 Sept. 21st Summons issued returnable to October Rules

" Oct R. Summ. ret. Executed. Bill filed. Debt filed. Wm H Cobb assigned
guardian ad litem to the infants Robert Hood. & Laura Hood. and L R Edwards
assigned guardian ad litem to the infant Wm H Hood. - Answer of Edna. Elizabeth
& Rebecca Hood and of infants by their guardian ad litem. Gen. Rep. to answer of infants -

" Nov. R. Ans. of Wm H Hood. Gen. Rep. Cause set for hearing on Bill. answers
of

1853 May 1. Decree &c

Drawing
v Bill
Hood et al.

1852 October Rules.

1853 May Term

To The Hon. Rich^d. H. Baker, judge of The Circuit Court of Southampton County. In Chancery -

Humbly complaining sheweth unto your honor, your Complainant Arthur H. Drewry, that he is the legal guardian of William H. Hood orphan of William D. Hood dec^d. That his ward William H. Hood is entitled to a tract of land lying in this County, which was devised to him by Morgan B. Hancock dec^d. in his last will and testament - That the said tract of land contains about two hundred acres, and your Complainant supposes it to be worth between three and four hundred dollars. Your Complainant thinks that the interest of his ward will be promoted by a sale of the said tract of land, and states the following facts as the reasons for his opinion. The buildings on the said plantation are of a very ordinary character, and are in a state of rapid decay - That the plantation generally is in bad repair, and in a very bad farming condition, and that the land is constantly deteriorating in value - The said plantation rents annually for twelve or fifteen dollars. Your Complainant states that his ward is over fourteen years of age, and is desirous that the said land should be sold -

The property of the said William H. Hood consists of three or four negroes bequeathed to him by the said Morgan B. Hancock dec^d. which are supposed to be worth \$1500., and that he is entitled to a vested interest in the estate of Mrs. H. Washington dec^d. ^{after the death of Peggy Washington} and also to an interest in the estate of his father, after the death

of his mother Edna Hood. That his interest in the estate of Ino. H. Washington will probably be worth six or seven hundred dollars, and his interest in the estate of his father about one thousand dollars. Your complaint states that in the event of the death of his ward William H. Hood his heirs at law will be Edna Hood, Elizabeth Hood, Rebecca Hood, Robert Hood and Laura Hood.

In tender consideration of the premises, and in as much as your complaint is without remedy save in a court of equity, and to the end that justice may be done, he prays your honor to make William H. Hood, Edna Hood, Elizabeth Hood, Rebecca Hood, Robert Hood and Laura Hood parties defendant to this bill, and that the ordinary writ of subpoena may issue against them, and that all of them answer all and singular the matters hereinbefore stated - That William H. Hood being over the age of fourteen shall answer this bill on oath in proper person, and that a guardian ad litem may also be appointed him who shall also make answer on oath to all the matters stated in the bill - And Robert Hood and Laura Hood being also infants, it is prayed that a guardian ad litem be assigned them who shall make answer to the said bill - And that your honor decree a sale of the said land on such terms as the law directs, and an investment of the proceeds - And that your honor will decree such other and general relief in the premises as equity may dictate, and as in duty bound they

will every pray, &
May it please your honor &
W. W. Cobb atts - Arthur A. Drury

Southampton County to-wit:

Personally appeared before me a justice of the peace for the County aforesaid, Arthur A. Drury who made oath that the facts stated in the foregoing bill are true - Given under my hand this the 30th day of September 1882.

W. W. Cobb (JP)

Drum

W } this was
Good

1852 October Rules

To the Hon. Rich^d. H. Baker, Judge of the Circuit Court
of Southampton County - In chancery.

The joint and separate answer of Edna Hood
Elizabeth Hood and Rebecca Hood to a bill exhib-
-ited against them sothers by Arthur C. Brown.

These defendants saving themselves to them-
-selves all benefit of just exception to said bill & admit
that they would be heirs at law of William H.
Hood in the event of his death - That they
admit the facts stated in said bill to be
true, and that they have no objection
to the decree prayed for, and having their
answered pray to be taxed dismissed with their
Costs &c

By W^m. W. Cobb atty.

Drawing
v } Answer
Hood L

1852 October Rules

To The Hon. Rich^d. H. Baker, judge of The Circuit
Court of Southampton County - In Chancery -

The answer of William H. Hood, by
L. R. Edwards his guardian ad litem, to a bill
exhibited in this Court against him and others
by Arthur W. Drewry & -

This defendant saving & reserving to himself
all benefit of just exception to said bill & for
answer to the said bill, says that he has no
reason to doubt the truth of the allegations & facts
stated in said bill, but being an infant knows
that he cannot legally consent to the sale of
the land mentioned in the bill, and therefore
submits his interests to the care and protection
of this Court - And having thus answered,
prays to be hence dismissed with his costs &

L. R. Edwards for &

Southampton County to-wit:

Personally appeared
before me a Commissioner in Chancery for the
Circuit Court of Southampton, L. R. Edwards
who made oath that the facts stated in
the above answer were true - Given under
my hand this the 4th day of October 1852.
Wm. H. Cobb Com.

Drumy } Answer of infants
N

Hood 2

1852 October Rules

To the Hon. Rich^d. H. Baker, judge of the Circuit Court
of Southampton County - In Chancery -

The ^{joint & separate} answer of Robt Hood and Larena Hood
infants by Wm W Cobb their guardian ad litem to
a bill exhibited against them & others in this Court
by Arthur A. Drewry -

These defendants saving themselves
all benefits of just exception to said bill & say that
they believe the facts ^{stated} in said bill are true, but
being infants submit their interests to the care
& protection of this Court, and having thus
answered pray to be hence dismissed with their
costs &c

Wm W. Cobb guardian
- ad litem

Drury Quad. r

W { Answer of W. H. Hunt

Hood tal

1852 Nov. Rules

To The Hon. Rich^d. H. Baker judge of the Circuit
Court of Southampton - in Chancery -

The answer of Wm. H. Hood to a bill exhibited in
in this honorable court against him & others by
Arthur C. Brewster Guardian &c

This defendant saving everything to himself &
for answer to the said bill, says that he admits
that the facts set forth in the said bill are
true & correct - That he believes it would be to
his interest to sell the plantation referred to
in said bill, and that he is desirous that
it should be sold - And having thus answered
he prays to be hence dismissed with his costs to
Wm. H. Hood

Rockbridge Co. to wit:

This day Wm. H. Hood personally
appeared before me, a justice of the peace for the
above county and made oath that the facts
set forth in the above answer are true to the
best of his knowledge & belief - Given under
my hand this the 29th day of Sept.
1852

And on Withrow J. R.

Drumming

v J Decur

Hood &

To be entered

R H Baker

Nov. 11. 52

Drewry

v

Hood et al.

This day this cause came on to be heard on the bill, answers of the defendants, replications thereto, exhibit and examination of witnesses, and was argued by Counsel; on consideration whereof the Court doth adjudge, order and decree, that Arthur A. Drewry who is appointed a Commissioner for that purpose, after advertising the time and place of sale, for thirty days at two or more places in the neighbourhood of said land, and at the Court house, on one Court day, proceed to sell at public auction to the highest bidder, on a credit of six months, except so much as may be necessary to pay the expenses of this decree and said sale, the tract of land in the proceedings mentioned, belonging to William H. Hood, and which was devised to him by the last will of Morgan B. Hancock decd. containing two hundred acres - That he take bond from the purchaser with approved security, and that he retain the title to the said land until the purchase money is paid, and that he return said bond with his report to this Court in order to a final decree.

Drawn
is } Copy Scene
Hood

In Southampton Circuit Court, November 9th., 1853.

Arthur A. Drewry

Plff

against

William H. Hood, Edna Hood, Elizabeth Hood, Rebecca
Hood and Laura Hood

Defts

In Chancery

This day this cause came on to be heard on the bill, answers of the defendants, replications thereto, exhibits and examination of witnesses and was argued by Counsel; On consideration whereof the Court doth adjudge, order and decree that Arthur A. Drewry who is appointed a Commissioner for that purpose, after advertising the time and place of sale for thirty days at two or more places in the neighborhood of said land, and at the Court house on one Court day, proceed to sell at public auction to the highest bidder on a credit of six months, except so much as may be necessary to pay the expenses of this decree and said sale, the tract of land in the proceedings mentioned belonging to William H. Hood and which was devised to him by the last will of Morgan B. Hancock, dec'd containing two hundred acres. That he take bond from the purchaser with approved security, and that he retain the title to the said land until the purchase money is paid, and that he return said bond with his report to this Court in order to a final decree.

Attest,

Henry S. Howard, C. C.

Bracey
vs } Decree
Hood

To be entered
R. H. Baker
May Co: 53

Drewry
vs
Hood &

This day this cause came on to be again heard on the papers formerly read, and on the report of Commissioner Drewry, made in pursuance of a decree rendered in this cause at ctov. term 1852, to which report there is no exception, and the Court confirming the same doth adjudge, order and decree that Arthur C. Drewry Guardian to William H. Hood, receive from the clerk of this Court (who is hereby required to deliver the same) The bond returned with said report executed by Drewry Pond and Wm. R. Stephenson for the sum of \$170. due the 27th day of July 1853, and when due collect the same and loan it out on bond with good security, real or personal, or invest it in Bank stock ^{bearing} at six per cent interest; but the said Drewry shall not execute any portion of this decree until he enter into bond with good security in the clerk's office of this Court payable to the Commonwealth of Virginia in the penalty of \$500, conditions according to Law, — And the Court doth further adjudge order and decree that on the payment of the said bond, the said Commissioner shall execute to the said purchaser for the said land a deed to the same ~~with~~ with special warranty.

Oct. 1st.
Went to the residence of Wm. H. Hood, and de-
livering from him I left a copy, for him, Edna Hood
a whole person over the age of 16 years & a member
of the family & explained to her the contents.

Charles T. Kello Sept.
for Saml. Kello Sept.

Hood, Geo.

to 8 pa chy.

Hood Geo.

1852 October Rules.

Excellent Mrs. Edna Hood
Elizabeth Hood, Rebecca
Hood, Robert Hood, &
Laura Hood by delivering
to each a copy of the
~~Mr. H. Hood by leaving~~
~~a copy of his volume~~
~~with his mother. Oct.~~

1st. 1852.

to T. Kello Sept.
for Saml. Kello Sept.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *William H Hood, Edna Hood*
Elizabeth Hood, Rebecca Hood Robert Hood & Maria Hood

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 *October*
next, to answer a Bill in Chancery exhibited against *them* in the said Court by

Arthur A Drury guardian to William H Hood —

And unless ~~shall answer the said Bill within four months thereafter, the Court will take~~
~~the same for confessed, and decree accordingly. And this~~ ~~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 *21st* day of *September* 1852, in the
77th year of the Commonwealth.

L.R. Edwards

[One Copy to be delivered each Defendant.]

Drury Quad?
N of Depositions
Hood et al.

Handed in by H. W. Cobb
Oct. 19, 1892

The depositions of Saml. B. Kello & others, taken at Jerusalem on Monday the 18th day of October 1852, in the presence of L. B. Edwards Guardian ad litem to Wm. H. Hood, to be used as evidence in a certain suit depending in the Circuit Court of Southampton wherein A. A. Drury is plaintiff and Wm. H. Hood & others defendants —

Saml. B. Kello being first duly sworn deposes & says as follows.

Question by Plff. State whether you are well acquainted with the land devised to Wm. H. Hood by Morgan M. Hancock dec^d. and what is the condition of the buildings on it & the condition of the land generally — What it annually rents for? and what is the supposed value of it — and whether you think the interests of Wm. H. Hood ^{Hood} will be promoted by a sale of the said land.

Answer —

I am well acquainted with the land devised to Wm. H. Hood by Morgan M. Hancock also the condition of the buildings, most of the latter are in a dilapidated condition and the land, I think, becoming more impoverished every year. I suppose the land rents for twelve or fifteen dollars per year, and may probably be sold for two fifty or three hundred dollars, and think that the interests of Wm. H. Hood will certainly be promoted by a sale of the land.

S. B. Kello

Edw. Pond being first duly sworn deposes and says as follows —

Question — State whether you are well acquainted

with the land devised to Wm. H. Hood by Morgan M. Hancock dec^d. - And what is the condition of the building on it, and the condition of the land generally - What is its supposed value? what it annually rents for? and whether you think the interest of Wm. H. Hood will be promoted by a sale of the said land -

Answer - I am well acquainted with the land devised to Wm. H. Hood by Morgan M. Hancock - The buildings on it are in a very dilapidated condition, and the land becoming more impoverished every year. I suppose the land rents for twelve or fifteen dollars per year, and may probably be sold for two hundred & fifty or three hundred dollars, and I think that the interests of Wm. H. Hood will certainly be promoted by a sale of the said land - and further this deponent says that M. D. Damp

Charles Kelso being first duly sworn, deposes and says as follows.

Question - State whether you are well acquainted with the land devised to Wm. H. Hood by Morgan M. Hancock dec^d. - And what is the condition of the buildings on it, and the condition of the land generally - What is its supposed value? what it annually rents for? and whether you think the interest of Wm. H. Hood will be promoted by a sale of the said land?

Answer - I am well acquainted with the land devised to Wm. H. Hood by Morgan M. Hancock dec^d.

The buildings on it are in a very dilapidated condition, and the land generally becoming more impoverished every year. I suppose the land to be worth two hundred and fifty or three

hundred dollars - It rents annually for twelve or fifteen dollars - I think the interest of Wm. H. Hood will be promoted by a sale of the said land. and further this deponent says that -

Charles T. Kelso

All of the above depositions were sworn to and subscribed to before me the day & year above mentioned.

Wm. W. Cable Com.

Fee for taking the above depositions \$2.50

Charged to the plt -

Com.

Drum

11

Report

Howe

1853 Apr 18

The accompanying decree, directing the sale
of the land belonging to ^{Wm} H. Hood, has been
complied with, the land was sold for two
hundred and twenty (\$220) Dollars. Mr Denny
Ford was the purchaser; and executed his
bond with security for One hundred &
seventy dollars. The Commissioner
retains fifty dollars (\$50) for the purpose
of defraying the expenses of sale
and of which is respectfully submitted:
Apr. 16th 1853

Arthur A. Denny
Comr

He should have

B. M. Hancock's Will

Handwritten signature

Handwritten signature

Handwritten signature

Filed by Clerk: Apr. 11. 1850.

This I make and ordain as my last Will being rather unwell though sound in mind do think proper to dispose of my property according to my wish and desire commencing as follows -

Item. 1st I give and bequeath to James C. Brille five hundred dollars in cash of my Est. when collected, to him and his heirs forever.

Item 2^d I give and bequeath to William D Hood the remainder of my estate both real and personal, all matters which I am interested in, money or what not, to him and his heirs forever. Amen.

It's my wish and desire William D Hood to administer on my Est.

Scaled and signed by my own hand and seal,

this 11th day of Decr. 1839.

} Benjamin M Hancock (Seal)

At a Court held for the County of Southampton on the 20th day of January 1840.

This writing bearing date the 11th day of December 1839 purporting the last Will and Testament of Benjamin M Hancock was produced in Court and there being no subscribing witnesses thereto A. S. H. Burges, Robert Drury, Samuel M Pond and John A Hill being sworn severally deposed and said they are well acquainted with the hand writing of the said Testator, that they verily believe the said writing as well as the signature to be in the hand writing of the said Benjamin M Hancock. Whereupon it is ordered that the said writing be recorded as and for the last Will and Testament of the said Benjamin M Hancock decd. And on the motion of William D Hood, who is appointed administrator of the said will, who made oath and with Samuel Drury, Nicholas M Sebrill and James D Maspensbury his security entered into and acknowledged a bond in the penalty of twenty thousand dollars conditioned as the law directs certificate is granted him for obtaining letters of administration on the said Benjamin M Hancock's estate with his said Will annexed in due form.

Just. J. R. Edwards

Attest

Just. J. R. Edwards

Drury
to Bond
Commonwealth

KNOW ALL MEN BY THESE PRESENTS, That we *Arthur A Drury & William A Bell*
are held and firmly bound unto the Commonwealth of Virginia, in the just and full sum of *five hundred* Dollars, for the payment of which, well and truly to be made, we bind ourselves, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents.
Sealed with our seals and dated this _____ day of _____, 1853

The Condition of the above Obligation is such, That whereas the above bound *Arthur A Drury as guardian of William A Hood*
has by a Decree of *Circuit Court of Southampton County*
pronounced on the *3rd* day of *May* 1853, in
a cause therein pending wherein *Arthur A Drury*
Plaintiff and *William A Hood & others* Defendant,
been appointed ~~Commissioner~~ *require a certain bond* to ~~make sale of certain~~ *Estate* in
the said ~~cause~~ *described*.—Now if the said *Arthur A Drury*
~~Commissioner~~ shall faithfully discharge his duties ~~as such~~
under said decree, then this obligation to be void, else to remain in full
force and virtue.

Signed, Sealed, and delivered }
in presence of }

Arthur A Drury L.S.
William A Bell L.S.
L.S.