

1870-039

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BARNES vs. DRAKE and Wife

2/1870

Plat

597.

Barnes.

no. { success

Drake knife

Aug. et. 1869

1869 Aug. Dierce as filed

" Dec. Report.

1870 Feby. Rep. Confm.?

To the Most Honorable the County Court of Southampton
in Chancery sitting in Chancery.

Humblly complacing sheweth unto your Honor
your Comptrol Thomas H Drake and Martha
~~his wife~~ ^{Hyacinth} ~~Drake~~ ^{Drake} that James
Barnes. the former husband of your female
Comptrol. lately departed this life after making
his last will and Testament, which has
been admitted to probate, by the County Court
of Southampton, a copy of which is herewith
filed as a part of this bill -

That your Petitioner has remained the sole
widow made for her by the said will, and
is now entitled to dower in the real estate
which her said husband died seized -

That he was seized of a tract of land
lying in Southampton containing an acre
which he received by devise from the late
Jacob.

That by his will her husband devised
the said tract of land to Martha S Barnes
the wife of Thomas H Drake.

That your Comptrol. answers your Petitioner
said land. but can not claim the
same without the aid of this Court.

In answer consideration of all which
and in view that your Petitioner may have
justice administered. she begs your wisdom
to make Thomas H Drake and Martha
S his wife, septs to this bill, and compel
them to answer its allegations; that
your will obedient comes to allot to
your Comptrol. her dower, in the land
mentioned, & grant general relief in the
premises.

Chancery 1/4

Answer of Thomas W. Drake & Martha
his wife to the foregoing bill, & of
their depts. sworn to. for answer say.
They admit the allegations of the bill and
can interpret no objection to the answer
asked for by the Deft. showing answer
for the same as required.

By dea. W. Barnes. Deft.
as.

Thomas W. Drake & Martha his wife depts.

This day this cause was assailed
by consent of ~~the~~ ~~parties~~ came on to be heard
on the bill, answer of the depts. replication in
thereof, exhibit filed & was argued by
counsel. On consideration whereof the court
doth agree on an and answer. That
Reck? L. Bryant, James S. Sanders, Wm. E. Myrland
Norfolk B. Cullen and Bep. Hafflin. (any
three of whom may act) be and they
are hereby appointed Com. for the purpose.
Shall, attended by some competent surveyor.
apptd. To. dea. W. Barnes. record of James
Barnes, one third in value of a tract of land
lying in Southampton, of which he husband
and wife, containing 120. acres, & which he
acquired by devise from Jacob Barnes and
as he owns in the same who held by
him for life. The Com. will report
their proceedings to court.

Barnes - account:

Barnes

to } Report

Barnes

1869 Dec. 6th.

Agreeably to a Decree of the County Court of Southampton County, dated August Court 1869. We the undersigned Commissioners in obedience to the requisitions of said Decree, being attended by Tho. W. Morrell as surveyor, who surveyed the tract of land of which James Barnes died seized, and ascertained the same to contain one hundred and fifty seven and half acres, of which we have assigned to Mr. Lydia W. Barnes his widow, fifty two and half acres, as her Dower, which we believe to be equal in value to one third part of the whole tract of land,

The said Dower land is bounded as follows. Beginning at a black gum standing at the run of a branch in William Drake's line; thence along a new line of marked trees N. 52° W. 46 poles to a post; thence N. 87° W. 95 poles to the road near Williams's store house; thence along the road to a corner for Pauline J. Darden thence along her line to William Drake's corner; thence along his line to the beginning. - all of which will more fully appear by reference to the plot of the land returned with this our report. - - Respectfully submitted to the Court.

Given under our hands the 24th day of November 1869.

Richard L. Bryant
Norfolk B. Butler
Benj. R. Griffin,

Plot of the land
of Capt. James Barnes, ^{de.}

Containing $15\frac{1}{2}$ acres.

scale 40 poles
to an inch.

