

1872-055

SOUTHAMPTON COUNTY
CHANCERY PAPERS

DRAKE

VS.

DRAKE + al

4/1872

Plat

other surnames: Simmons

1874.

Drake

vs 3 Bill, answers
to Deem

Drakes

1860 Act Deem as filed &
#

1871 March - Rule & Comm^s
July 17 Report.
Chances.

1872 Ap^l. Rep. Confm^s.

To the worshipping County Court of Southampton
County in chancery sitting

Humbly complaining your orator
Comrad B. S. Drake sheweth unto your worshipps that
in the year 1840 his grandfather Bird Sumner by
deed of record in the clerk's office of the County
Court of Southampton and a copy of which is
summitted filed marked A granted a tract of land
lying in Southampton County containing by estimate
440 1/2 acres to your orator and his two brothers
Thaddens F. W. Drake, and John H. G. Drake, that
by the said deed Bird Sumner and Nancy his
wife were to hold during their life at their death
then to the then abovementioned grantees and in the
event of either's death without lawful heirs of their
body to the survivors if all should die to
Caroline Drake wife of John Drake and if she
were dead on that event then to her then living
children, Your Orator states that Bird Sumner
and his wife Nancy have long since been dead
and that all the grantees to wit himself Thaddens
F. W. and John H. G. Drake are living and of age
and that he claims a division of the said tract of
land into three equal parts in value and that
he may be allotted his share.

For Tender consideration whereof and inasmuch
as your orator is without relief at law and only entitled
to relief in a court of equity when such matters are
cognizable he therefore prays that Thaddens F. W.

John H. J. Drake may be made parties defendant
to this bill and compel them as full and perfect
answer make to the allegations herein contained as if
they had been summoned more fully and specially
interrogated, and that the court would direct by its
decree a division of the above named tract of land
into three equal shares in value and allot one
third part thereof to your orator and grant such
other and general relief the premises considered as equity
may dictate and the nature of his case may require
and as in duty bound your orator will ever pray we
Shand. J. J.

The joint answer of Thaddeus F. W. John H. J. Drake
to a bill in chancery by Courace B. S. Drake as therein

These defendants for answer to the said bill
or as much thereof as they are advised it is material
for them to answer answering say, that they admit
the allegations of the above bill and have no objection
to a decree for the division of the said tract of land
and having fully answered pray hence to be dismissed
with their costs &c

Shand. for the dfts

The above answer received by consent
Shand. counsel for plaintiff

Drake
vs 3 decem
Drakes

By consent of parties this day this cause
came on to be heard on the bill, answer, and general
application thereto, and was argued by counsel on
the hearing whereof the court doth adjudge, order,
and decree, that Warren Edwards, Gillum Edwards
and Robert Sereios who are hereby appointed special
commissioners for that purpose, shall after having
given reasonable notice to the parties interested
proceed to divide the tract of land granted by
Bird Sumner to Courace B. S. Drake and others
containing by estimation 440 1/2 acres into three
equal shares in value, and to employ a surveyor
for that purpose if they find it necessary, and allot
one third part thereof to Courace B. S. Drake, one
third to Thaddeus F. W. Drake and one third part
thereof to John H. J. Drake, and report their proceedings
to court in order to a further decree, and the court
doth order that each of the parties abovesaid
to wit Courace B. S. Thaddeus F. W. and John
H. J. Drake pay one third of the costs of this
suit & decem

Drake

vs 3 Decm

Drake

vs H entered

J. W. Myer has Judge

April Term 1872

Drake

vs 3 Decr

Drake

This day This cause came on again to be heard on the papers formally read and the report of Wm Edwards, Gillum Edwards and Robert W Lewis commissioners appointed to divide the land and the plat of survey therewith filed and was argued by counsel on consideration whereof the court doth adjudge order and decree that the said report be confirmed, And it appearing to the court that there is nothing further to be done in this cause it is ordered that the same be removed from the docket

Drake

Rule v. Com

Drake

June Court
1871

Executed

Sas E. Harris Dy
for W. W. Higgins

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command you to summon *Warren Edwards, William Edwards & Robert Perews*

if *they* be found within your bailiwick, to appear before the Judge of our *County* —
Court of Southampton County, at the Court house, on the first day of *June* term
next — to make their report under the decree in the case of *Drake & Drake's*
appointing them Commissioners to divide the lands granted by Bird Sumner to Conrad B &
Drake & others

And have then there this writ. Witness, OSWIN WHITE, Clerk of our said Court, at the Court-
House, this *18th* day of *May* 187*1*, in the *95th* year of the Com-
monwealth.

O. White Clk

Warren, Edwards

Executed

James E. Harris
for W. W. Briggs
Shiff

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command you to summon *Warren Edwards. William Edwards & Robert Lewis*

if be found within your bailiwick, to appear before the Judge of our *County* —
Court of Southampton County, at the Court house, on the first day of *June* — term
mat to make their report under the decree in the case of *Drake v Drake &*
appointing them Commissioners to divide the lands granted by Byrd Sumner to Conrad B.
J Drake & others

And have then there this writ. Witness, OSWIN WHITE, Clerk of our said Court, at the Court-House, this *19* day of *May* 1871, in the *95* year of the Commonwealth.

O. White Clk

1871 July 17th

1871

Re The Commissioners appointed by the County
Court of Southampton Oct 1860, To divide
and allot the lands of Bird Swamp To
Conrad B. Drake & others. by leave to
submit the following report, & plan

To Conrad B. Drake the most northern portion
containing $146\frac{2}{3}$ acres more or less. and divided
by a line beginning at a Cedar on Jerusalem
road running S 84° W. To Mill Swamp.

To John B. Drake the middle portion
with all the buildings thereon divided by
a line on the south. Beginning at an
oak on Jerusalem road and running
S 79° W To Mill Swamp, Containing $146\frac{2}{3}$ acres.

To Thomas F. Drake the southern portion
Containing 147 acres bounded on the south
by the lands of J. B. Miles & others.

Warren Edwards
Gillum Edwards
Robert W. Screws } Commissioners

