

1888 ~ 10

Southampton County Chancery - Peebles, E. J. vs Drewry, John W et al

Creditors' suit

Beaton, G. N.
" M. F.

Drewry - M. F.
" , A. F.
" S. B.

To honorable George Blow judge of the circuit
Court of Southampton County in chancery sitting

Humbly complaining your orator E. J. Peebles
begs leave to show unto your honor
that sometime in the year 1878 James
Drewy departed this life testate and
seized and possessed of considerable
property both real and personal leaving
the following parties his heirs at law
Martha Drewy his widow. J. D. H. Drewy
a son by first marriage but who died
during James Drewy's lifetime leaving
four children, namely. James. E.; William.
J.; Thomas and Paul. Drewy and
E. A. Drewy also a son by first
marriage. and V. T. Drewy. Saml. B.
Drewy. John. H. Drewy. M. F. Drewy
A. F. Drewy. Bettie Drewy who died
recently testate and unmarried. Jos E
Drewy who died recently intestate
under age and unmarried and
Mary. J. who married H. P. Sebell
and also died during Mr James
Drewy's lifetime leaving one child
Willie Sebell all of the 8 last named
children being by the second
marriage of Mr James Drewy decd.

That V. F. and Saml. B. Drewy qualified as his Executors that his estate now owes nothing. That among other devised he made the following He loaned unto his widow Martha Drewy for life certain chattel property and his homestead consisting of about $2\frac{1}{4}$ acres of land worth about \$1393.⁶⁰/₁₀₀ and at her death the same was to go to his son Jos. E. Drewy with the further provision that if Jos. E. Drewy died under age or unmarried then the said property was to be then divided among the surviving children of Jos. Drewy by his second marriage with the exception of V. F. Drewy for whom he had already made due provision. All of which will more fully appear from a copy of said will herewith filed marked exhibit A and prayed to be taken as a part of this bill. Your orator further states that Mrs. Martha Drewy has been dead for sometime and that Jos. E. Drewy has come into possession of the aforesaid property and that sometime in the year 1885 he departed this life intestate under

age and unmarried. That his personal
 estate will pay all his debts and leave
 his land That following named brother
 and sisters by his fathers last ^(second) mar-
 riage are his heirs at law. John H.
 Drewy a brother Saml B. Drewy a brother
 M. F. Drewy a sister and A. F. Drewy a sister
 and V. J. Drewy also a brother but who
 according to the terms of his fathers will
 will not inherit anything from him. His
 sister Mary J. who married W. P. Sebell died
 long before he died. in fact during the
 lifetime of his father. so her child gets
 nothing. according to the terms of the
 aforesaid will and another sister; Bettie
 Drewy died but a short time before
 him testate and unmarried. so your
 honor sees he left but four heirs. and
 that John H. Drewy is one of the four
 and so is entitled to a one fourth
 share in the aforesaid land of Jos. E.
 Drewy decd. Now said John H. Drewy
 owes your orator the sum of \$200
 for ^{which} your orator has his bond which
 bond is herewith filed marked exhibit
B and prayed to be taken as
 a part of this bill. your orator
 also shows unto your honor

That said John H. Drury is a non-resident of this State and that your orator has caused an attachment in equity to be issued on his one fourth interest in the aforesaid land of $2\frac{1}{4}\frac{2}{5}$ acres and also had an order of publication against him duly published for four successive weeks in the "Franklin Gazette" a newspaper of this county a copy of which order is herewith filed marked C and prayed to be taken as a part of this bill. Now your orator wishes your honor to appoint a commissioner of this court to make partition of the aforesaid land and then to cause the interest or share of John H. Drury to be sold and funds arising from sale of same to be applied to payment of his debt due your orator. but if the said land cannot be divided then that the same may be sold and John H. Drury's portion devoted to payment of his said bond due your orator and the other shares to be paid to the other parties according to their rights. In consideration whereof and inasmuch as your orator is without adequate relief

done in a court of equity where
 matters of this and of like nature
 are particularly and especially cogni-
 zable. Your orator prays that John
 H. Drury, Saml. B. Drury, A. F. Drury
 and M. F. Drury may be made
 parties defendant to this bill
 and compelled to answer all the
 allegations therein contained as if
 they were thereto more fully and
 specially interrogated. and that the
 court would appoint a commissioner
 of this court to make partition of
 the said tract of land of $2\frac{1}{4}$ acres
 and allot by metes and bounds
 one fourth thereof to John H. Drury
 and cause the same to be ~~sold~~
 and proceeds ~~devoted~~ to payment
 of his said debt due your orator &c
 But if it should appear from the said
 report that land cannot be divided
 then that the same may be sold and
 John H. Drury's share of the proceeds
 devoted to payment of his of said
 debt &c and the other shares laid
 to the other parties interested
 according to their rights therein
 and that the court would

grant such other, further and
general relief as the nature of
the case may require to equity
seem meet. As in duty bound
your orator will ever pray
May it so please the court &c
H. B. Shands & Son

To The Honorable C. W. Hill judge of The
circuit Court of Southampton County in
chancery sitting

Respectfully Petitioning your Petitioner
Jas B Shanda Trustee sheweth unto your Honor
that on the 27th of November 1885 J. N. Beaton
and Martha F. Beaton his wife by a deed of
Trust duly records in the clerk's office of
Southampton County conveyed to your petitioner
all the right, title, and interest which they
had of, in and to a certain Tract of Land
lying in Southampton County containing
some 214 acres more or less to secure three
notes amounting together to the sum \$1044
due to the Ballinon Graus Company
which interest your petitioner states is one
fourth in fee simple in the said Tract of
Land Your Petitioner states that there is
now a suit pending in chancery in the
circuit Court of Southampton for the partition
or sale of the said Tract of Land, Your
Petitioner asks that he may be made a
party plaintiff in the said suit and receive
whatever sums of money may be decreed
allotted to J. N. Beaton and wife Martha F.
Beaton from the same as trustees of the
Ballinon Graus Company, Your Petitioner
desires a sale of the said Land if

partition cannot be made and the Plaintiff
files a copy of the said deed of trust marked
exhibit A and prays to be taken as a part of
this bill all of which is respectfully
submitted to the court by your Petitioner

Wm 13 Shandas

Proles

as 3

Dorway ne

Petition of Wm

13 Shandas

⁴
James Drury
Mile.
see item 14

A. copy

A

Free #1. 75-

In the name of God Amen!

I, James Drury of the County of Southampton and State of Pa. being of sound mind & health, but conscious of the uncertainty of my natural existence, do make and publish this to be my last will and testament in manner & form following hereby, revoking all former wills made by me —

I leave 1st I leave to my beloved wife Martha J.

Drury during her natural life or widowhood the following property to wit: All of my Landed Estate lying on the North side of the road where I reside including my mansion house with all the other buildings & appurtenances on the North side of said road but not hereafter disposed of. All my house hold & kitchen furniture. I also leave her during her natural life or widowhood the following property.

Viz: Three mules and horses of her own choice from my stock on hand, my carriage & harness, two yokes of Oxen broken to work, one ox yoke, ten head of cattle, twelve sheep, five cows with pigs, one ox & horse cart and wheels each, three sets of horse harness and plows of different kinds, axes, hoes, iron wedges, grind stone for conducting a three horse team — such selection shall be out of my stock on hand at the time of my death. She to select the same. Also two thousand

Strands pork, fifty barrels corn, forty-five
bushels of fodder, cotton gin, screws, & hog
boiler. I hereby restrict my wife bidding for
any article sold at my sale under the penalty
of forfeiting the whole loan made to her in
this will, which loan I do hereby revoke if she
violates said restriction, but should she desire
to purchase any property belonging to my
Estate which will be sold, it is my desire that
she shall have it provided she will take
it at the appraised value, and account for the
same to my estate -

Item 3rd It is my will & desire that each of my children
shall be liberally educated.

Item 3rd Having given to my son J. D. H. Denny the
tract of land on which he resides and the
property thereon - it is my will and desire that
his children shall not receive any part of my
estate.

Item 4th I give to my son Emmett A. Denny one third
of the tract of land which I purchased of
B. W. Goddard, he to have choice of lots. pro-
vided he will pay to my son J. D. Denny &
my daughter Mary J. Fells six hundred
dollars this amount to be divided equally
between them said son and daughter inde-
pendent of what I may hereafter give them.
Now the said son refuses to pay the said amt.
then I desire the land to be divided
and each party - award for the same.

Item 5th - I give to my son T. J. Drury one half of my
Mexican tract of land he to have Choice & let
provided he will pay to my son J. W. Drury
the sum of Eight hundred dollars which
amount shall be paid within two years
after my death. I also give to him an equal
interest in any money and amounts due my
estate after paying the specific legacies
given to my other children in this will.

Item 6th - I give to my son T. B. Drury one third of
the tract of land purchased of E. W. Anderson
west of the new chopped line near Drury's
mill. I also give him an equal share in
all money and amounts due my estate
after paying the specific legacies given
to my other children in this will.

Item 7th - I give to my grandson Willie, son of my
daughter Mary J. Webb one third of the
tract of land purchased of E. W. Anderson
provided he marries or attains the age of
twenty one years. In case he does not marry
or arrive at the age of twenty one years. I desire
that part of the tract to be divided equally
between my other children. I also give him
an equal interest in all money and amounts
due my estate after the specific legacies
given to my other children in this will.

Item 8th - I give to my son J. W. Drury one half

of my Weherville tract of land. I also give him an equal interest in all money and amounts due my estate after paying the specific legacies given to my other children in this will.

Item 9th I desire my grist mill and fixtures and all the land and other property attached to same to be sold, and half the amount for same to be given to my son J. B. Drury, and the balance to be given to my four youngest children equally. In event of either or any of them dying then to three surviving of the four.

Item 10th I give to my daughter W. F. Drury all of the land north of the swamp and north of the line from the old ice house up to W. H. Drury's line at the mouth of the Lane of the old tract, also a small tract of land bought of W. M. Everett's estate. Bounded as follows. East by the lands of J. T. Ridley and Benj. Turner North by the Goddard tract & west by the lands of W. H. Drury. Also an equal share of all money and amounts due my estate after paying the specific legacies given my children in this will.

Item 11th I give to my daughter E. M. Drury all of my land east of the road from the mouth of the Lane (East of my dwelling house) south to the swamp to the land formerly owned by G. B. Glend - also an equal share in all money and amounts due my estate after paying the specific legacies given to my other children in this will. The legacy

5

of which I give to my daughter G. M. Drury
five hundred dollars.

Item 12th I give to my daughter A. F. Drury all the
rest of the Land of my home tract not al-
ready given away. I also give her an equal
share in all money and amounts due my
estate after paying the specific legacies given
to my children in this will one of which I give
to her for one thousand dollars.

Item 13 I give to my son Jos E. Drury all the real
estate and all other property owned to my
wife during her life & widowhood, and
she to give him his board & clothing. I also
give him an equal share in all money
and amounts due my estate after paying
the specific legacies given away in this
will one of which I give to him of one
thousand dollars. It is my intention
that my daughter G. M. Drury shall have
five hundred dollars, my daughter A.
F. Drury, one thousand dollars, and my
son Jos E. Drury to have one thousand dollars
before any division of my monies & amounts
are due to my estate are divided after
they are paid, then an equal division of
the balance between my children except my
son J. D. Drury's heirs & my son G. A. Drury
are not to come in for any share of it.

Item 14th I have any portion of my estate except ^{that} which have been given to them before in this will. In the event of the death of any of my children before arriving at the age of lawful age or marrying, then it is my will the surviving children of my last wife shall have the property equally divided between them with the exception of my own T. T. Denny whom I have already given him his portion of my estate.

Item 15th I nominate and appoint my sons T. T. and S. B. Denny my executors under this my last will and testament & hereby request the Court to whom this will is proven that they will not require security from them. I also appoint them guardians of my children under age. Given under my hand & seal this the 19 day of Dec 1877
James Denny -

signed & acknowledged

by Benj. G. Worrell

Wm. J. Gillette

J. T. Ridley -

At a Court held for the County of Southampton on the 17th day of June A.D. 1878. This last will & testament of James Denny decd. was proved by the oaths of Benj. G. Worrell Wm. J. Gillette & J. T. Ridley The subscribing witnesses thereto & ordered to be recorded. And on the motion of T. T. Denny & S. B. Denny the executors therein named, who made oath according to law, & entered into & acknowledged a bond in penalty of fourteen thousand dollars

Letter
J. R. Edwards G. G.

Teste.

LB Prince C. C.

This deed of Trust made and entered
this 27th day of November 1885 between
G. N. Beaton and his wife Martha
J. Beaton grantors of the first part
and William Shands grantee and trustee
of the second part witnesseth that for
and in consideration of the sum of one
dollar to the said G. N. Beaton and
Martha J. Beaton in hand paid by
the said William Shands and the receipt
whereof is hereby acknowledged

The said the said G. N. Beaton and
his wife Martha J. Beaton have given
granted, bargained and sold and by
these presents do give, grant bargain
and sell unto the said William Shands
trustee as aforesaid the following real and
personal estate to wit first all the
right title and interest which the
said G. N. Beaton and his wife
Martha J. Beaton have of, in and to
a certain tract of land containing
214 acres lying in Southampton.

The interest being one fourth in fee simple
which Martha J. ^{now Beaton} ~~Beaton~~ inherits from
her brother Joseph E. Devry dec'd second
all right title and interest which the
said G. N. Beaton and his wife Martha

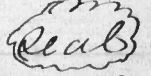
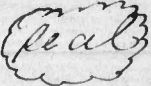
J. Bratton have of, in, and to, The real
and personal estate of Bettie M. Drury
decd it being a fee simple interest of one
third ^{from the share of Bettie M. Drury decd and an} ~~of~~ the same inherited by
Martha J. Bratton from her brother

Joseph E. Drury decd one of the devisees
and legatees of Bettie M. Drury decd and
the said interest in both the tract of
214 acres and the estate of Bettie M.
Drury can be more exactly ascertained
by reference to the suits in chancery
now pending in the circuit court
of Southampton for the division of the
214 acres of land under the style of
Peebles vs Drury and the other
suit for the settlement of Bettie M.
Drury's estate under the style of Drury
vs Drury executrix & als.

In trust to secure the following
notes in full or pro rata should the
funds fall short, a note for \$202
due The Baltimore Guano Company
dated Nov. 17th 1885 and payable
the 15th of January 1886. A note for
\$203 due The Baltimore Guano Co.
dated Nov. 17th 1885 and payable the
15th of February 1886. A note for \$639
dated the 17th of Nov. 1885 and

Payable December 16th 1886. To The
Baltimore Guano Company all these
notes being executed by G. M. Braton
and his wife Martha J. Braton and
the said trustee should the real estate
then conveyed to exit the track of
21.4 acres and all the real estate
of Bettie M. Brury be sold for par-
tition or divisions shall collect the
money arising therefrom for the shares
of G. M. Braton and his wife
Martha J. Braton and also all
shares from the personal estate of
Bettie M. Brury and pay the above said
notes in full and if any surplus
pay over to the grantors in this deed
But should partition in kind be made
in the said 21.4 acres of land and of
the real estate of Bettie M. Brury
then the trustee William Shanks shall
sell the said interest in lands allotted
to Martha J. Braton and her husband
G. M. Braton and pay the above said
note and the balance of the purchase
money pay over to the grantors in
this deed and it is hereby stipulated
and agreed that the trustee shall
receive five per cent commissions on all

money received by him in executing this
trust to be included in the costs of executing
this trust. As witness the following
signatures and seals.

Geo. W. Beaton 
Martha J. Beaton 

Not to all ~~persons~~ and
intimations now made
before the execution of
this deed.

State of Virginia Southampton
To-wit: I W^m M. Beaton
a Notary Public for the county of Southampton
in the State of Virginia do certify that
Geo. W. Beaton whose name is signed to the
writing above bearing date on the 27th day of
November 1885 has acknowledged the same
me in my county aforesaid. And I further
certify that Martha J. Beaton the wife
of Geo. W. Beaton whose name are signed
to the writing above bearing date on the
27th day of November 1885 personally
appeared before me in the county aforesaid
and being examined by me privily and
apart from her husband and having the
writing aforesaid fully explained to her,
she the said Martha J. Beaton
acknowledged the said writing to be

Beaton & wife 9

J. } A. T.

Donated
Baltimore Guano Co's

1886. Mch. 15th Rec'd
+ A.B.

acopy-

act and declared that she had
willingly executed the same and does
not wish to retract it.

Given under my hand this 15th
day of March A. D. 1886.

Wm. W. Braton J. P.

Southampton County: In the Clerk's Office
March 15th 1886—

The foregoing Deed of Trust from Geo. W.
Braton & wife to Baltimore Guaranty Co's
Trustee was this day received and with the
certificate annexed admitted to record.

Testo:

J. B. Poinco Secy.

Atty - Testo. B. A. McLenore Secy.

Henry wife 13
To ³/₄ D.F.
Norrell's Trustees

no. 10000 2000 1000 3

This deed made this 3rd day of
May 1886 between S. B. Dewey &
Roberta A. his wife of the first
part and F. P. Pope trustee of the
second part; Witnesseth That in
consideration of Five Dollars to me
in hand paid receipt of which is
hereby acknowledged the said
parties of the first part do hereby
grant & convey unto the said
trustee the following property
to wit, All of my right title and
interest in 2 1/4th Acres of Land
which I hired from my Brother
Joseph E. Dewey under the will
of my Father Jas Dewey and
known as the Old Home Strad
and bounded as follows On the
north by the lands of Martha F.
Beaton & H. H. Dewey On the South
by the County road leading from
Pleasant Plain Church to Ponds
Shop. On the East by Lands of F. P.
Pope & on the West by Land of
H. H. Dewey. Also all my right
title & interest in a piece of Land
that I hired from my Brother
Joseph E. Dewey which was given

to him by my Sister Bettie M.
Drewry in her last Will & testa-
ment, and bounded as follows,
On the North by the County road
leading from Pleasant Plain
Church to Ponds Shop On the South
by the Land of Robert Cobb On
the East by the Land of F. P. Pope
& On the West by the Land of
Anna F. Drewry. In trust to secure
a bond for Four hundred & fifty
Dollars due by S. B. Drewry &
Robert A. Drewry to B. G. Horrell
bearing date of May 3rd 1886.
Witness the following signatures
& seals.

S. B. Drewry (seal)
Robert A. Drewry (seal)

State of Virginia Southampton County
Do-wit: I H. M. Beaton a
notary public for the County afore-
said in the State of Virginia certify
that S. B. Drewry whose name is
signed to the writing above bearing
date May 3rd 1886 - has acknowledged
the same before me in my County
aforesaid, And I further certify

That Roberto A. Drury the wife,
of S. B. Drury whose names are
signed to the writing above bearing
date on the 3rd day of May-1886-
personally appeared before me
in the County aforesaid and
being examined by me privily
and apart from her husband
and having the writing aforesaid
fully explained to her, she
the said Roberto A. Drury acknow-
ledged the said writing to be
her act, and declared that
she had willingly executed the
same and does not wish to retract
it. Given under my hand this
4th day of May A.D. 1886

Wm. W. Beaton A.P.

4 ———— 11 ———— 11

Southampton County: In the Clerk's Office
May 6th 1886:

The foregoing Deed of Trust from S.
B. Drury wife to B. G. Horrell Trustee
was this day received, and with
the certificate annexed - admitted
to record.

Teste

J. B. Priner cc
" " "

Putles & c. }
w. }
Denny & c. }

80

Santa Cruz Circuit Court, May Term 1886.

Peebles.

Plff.

vs.

Dewey & als.

Def.

In Chancery

This day this Cause came on again to be heard. On the papers formerly read, the Report of Commissioner McQuinn made pursuant to a decree of this Court entered at the November Term 1885, and to which report no exceptions have been filed, the petitions of Wm B. Shands & Robert A. Dewey wife of Samuel B. Dewey, asking to be made parties to this suit and was argued by counsel. On consideration whereof the Court doth adjudge, Order and decree, that Wm B. Shands be made a party plaintiff & Robert A. Dewey a party defendant, with her husband S. B. Dewey, that the report of Commissioner McQuinn be confirmed, and it appearing from a receipt filed in the papers by Shands & Son, that S. B. Dewey has paid to one of the plaintiffs C. J. Peebles his bond in full, and ordered the dismissal of the attachment the said attachment is dismissed and the name of C. J. Peebles is stricken from the bill as a party plaintiff, and the Court doth further adjudge, Order & decree, that Geo. Dick, Sheriff of Santa Cruz, who as such is appointed Commissioner, for that purpose, shall after having given at least twenty days notice of the time & place of sale, by

advertisement in the immediate vicinity of the
Land, & at Jerusalem, proceed to sell at Jerusalem,
on some County Court day, at public auction, to the
highest bidder, the tract of Land of 214²/₅ acres,
whereof Joseph E. Drury died seized & possessed,
on the following terms, to wit: One third Cash,
and the balance of the purchase money on a
Credit Nine & eighteen Months, equal installments,
taking from the purchaser, bonds with approved Security,
Carrying interest from the day of Sale, or with the
Option ^{to} the purchaser of paying all the money
down at once, Making him a Trust with Special
Warranty, & dividing the purchase money received after
paying the Costs of this Suit and expenses of Sale,
into four equal Shares, and allot one fourth thereof
to S. J. W. Drury, One fourth to A. F. Drury,

One fourth part, ^{share of} to Wm B. Shands (Trustee) and assignee of
G. N. Beaton, & his wife, M. F. Beaton, for the
benefit of the Baltimore Guano Company, & the other
fourth belonging to Saml B. Drury, retain until the
further order of the Court; and the Court doth further
adjudge, Order and decree, that One its Commissioners,
after the Sale, ascertain the present value of Robert
A. Drury's Contingent interest to down in the
Saml B. Drury's Share, and report to Court, but should
the purchaser elect to pay only one third of the
money, the Commissioners will make no deed until the
further order of this Court, and return the bonds for the
deferred payments to Court, along with his other

receipts with his Report for its further order.
And the Court doth further adjudge, order and decree,
That One of the Commissioners of this Court, take an
account of all the docketed judgments against
Samuel B. Quincy, with their dignity and priorities,
and report the same to Court, together with any
matters specially stated, ^{deemed pertinent} by himself, or which may
be so required to state, by any of the parties inter-
ested. And the said J. W. Dick, will deposit the
Share of Samuel B. Quincy, in the Bank of
Franklin, and return the Certificate of deposit, along
with his Report to the Court.

A Copy,

To the

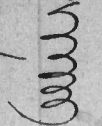
J. B. Trimmer, Clerk

An Account of the docketed judgments
against Saml. B. Drewry - arranged accor-
ding to their respective legal dignities and
priorities - taken by B. F. M. Lemoore Commis-
sioner in Chancery of the Circuit Court of
Southampton County - pursuant to decree of
said Court entered at the May term 1886,
in the Chancery Cause of "Peebles vs Drewry
& als: - Oct 23" 1886. - & to wit:

- 4th Class -

1 st	{	A judgment in favor of H. P. Pope for	\$ 83.35	
		Int: to Nov 1 st 1886 - obtained 18th June 1886 docketed 20th June 1886	4.16	87.51
	{	A judgment in favor of H. P. Pope for	94.50	
		Int: to Nov 1 st 1886 - obtained 18th June 1886 docketed 20th June 1886	2.83	97.33
2 nd	{	A judgment in favor of P. H. Booth for	45.78	
		Int: to Nov 1 /86 -	5.37	51.15
obtained		18 th of September 1886 docketed 20 th of September		\$ 235.99

Respectfully Submitted
B. F. M. Lemoore
Comm^r in Chancery

Peebles & Co. ¹⁴
14"  Report

Greory & als.

1886. Oct. 25. "filed."

Commissioner's Office.
Jerusalem Va.
Oct. 23^d. 1886.

To the Circuit Court of Southampton Co.
In Obedience to a decree of the Circuit
Court of Southampton County - entered at
the May term 1886 in the ~~Docket of~~
Chancery Cause of Peebles &c. vs Drury
et. als: the undersigned, one of the Com-
missioners of said Court, to whom the said
decree was referred. reports to Court:
That on the 23^d day of October 1886, he
proceeded to take an account of the
~~debited judgments against~~ ~~Saml~~
B. Drury, with their dignities and
priorities, and finds judgments
against said S. B. Drury, amounting
to \$235.⁹⁹ inclusive of interest to Novr
1st 1886. which have been arranged
according to their priorities: That all
of said judgments are of the 4th Clap.
The Commissioner reports specially, that
on the 3^d day of May 1886, S. B. Drury
and Roberta A. his wife. Executed a
Deed of Trust to F. P. Pope Trustee, on all
their interest in the Estate of Jos. E.
Drury dec^d. and also, on their interest
in the Estate of Bettie M. Drury dec^d.
to secure the payment of one bond

due by J. B. Drury to B. E. Warrell, for
the sum of \$450.⁰⁰; That said deed was
admitted to record in the Clerk's Office
of Southampton County Court on the 5th day
of May, 1886.

Respectfully Submitted

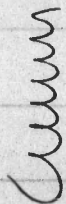
B. F. McLeod

Coun^r in Chancery

Commissioner's fee

\$2.⁵⁰

Ch Plaintiffs.



10
Petition
of
Mrs Robert A. Drury

To The Honorable Judge & Lord judge of the
circuit court of Southampton in chancery sitting

Respectfully petitioning your Petitioner Robert
A Drury sheweth unto your Honor that she
is the wife of Samuel B Drury and as such
is entitled to down in one fourth of The Tract of
Land which They are seeking to sell in
The unit of Pueblo or Drury & also your
Petitioner ask to be made a party to The
said and she hereby consents to The sale of
her down interest in The said Land and
ask The court her The present value in fee
simple of The said down to be ascertained
by a commission The same to be paid in
full for her claim to and down interest
in The said Land and as in duty
bound your petitioner will ever pray &c

Robert A Drury
by Thomas W Lee attorney

Peebles Order
v { Publication-

Drury

C

Virginia:

In the Clerk's Office of Southampton
Circuit Court: April 6th 1885-

E. J. Peebles

Plaintiff -

Against

J. M. Deury, M. F. Deury,

& A. F. Deury -

3 Defendants. -

In Equity, and upon Attachment. -

The object of this suit is to subject J. M.
Deury's undivided interest in 214 ³/₄ Acres
of land in Southampton County, to the Plain-
tiff's debt. And affidavit having been made,
that John M. Deury, M. F. Deury and
A. F. Deury are now residents of this State
it is ordered that they appear here, in one
month after due publication of this order
and do what is necessary to protect their
interest in this suit.

Testo.

L. H. Prince C. J.

Shands & Son. p. j.

Pebbles

16

17 { Comrs Bond
Dreary & others

1886 Nov 22

Know all men by these Presents, That we *William Shands*
and Wm B. Shands

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of

Eighteen hundred

Dollars, to the payment whereof, well and truly to be

made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. And we, the obligors herein, hereby waive the benefit of our homestead exemption as to this obligation, and also waive any claim, right or privilege to discharge any liability arising under said bond in any currency, funds, counter-claims or offsets other than legal tender currency of the United States.

Sealed with our seals and dated this *22* day of *November* A. D. 18 *86*.

THE CONDITION of the above obligation is such that if the above bound

William Shands

who is appointed Special Commissioner, to make sale of the tract of land of which Joseph E. Drury died seized and possessed, ~~in~~ *under* a decree of the Circuit Court of Southampton County, entered at the November term 1886, in the Chancery cause of "Peebles vs Drury & als: shall faithfully discharge the duties required of him by the aforesaid decree, or any other decree which may be entered in this cause

~~shall faithfully discharge the duties of~~
or else to remain in full force and virtue.

~~office or trust~~ according to law, then the above obligation to be void,

Signed, sealed and delivered }
in presence of the Court.

William Shands
Wm B Shands



Letter of
consent from
J. W. Downing

Present Value &c.

6-1-85

Colt Shandz.

Comms of your note. I accept
proposition. If I pay prior to rule day of Nov.
hope there will be no cost attached.

These I am with a statement of note, date
of credit and amount including interest to Nov 1st.

Yours Very Truly
J. H. Dewey,

Publles

to 3 order of
Publication

Donny be

Printers for \$5-

1885. June 25. Filed

L.B.P. c.c

VIRGINIA.—IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF SOUTHAMPTON, April 6th, 1885.

E. J. PEEBLES.....Plaintiff
against
J. W. DREWRY, M. F. DREWRY and A. F. DREWRY.....Defendants

IN EQUITY AND UPON ATTACHMENT.

The object of this suit is to subject J. W. Drewry's undivided interest in 214 2-5 acres of land, in Southampton county, to the Plaintiff's debt. And affidavit having been made that the said John W. Drewry, M. F. Drewry and A. F. Drewry are non-residents of this State, it is ordered that they appear here in one month after due publication of this order and do what is necessary to protect their interest in this suit.

Tests:

J. B. PRINCE, C. C.

Shandy & Son, p. g.

I certify that the above has been published in the Franklin Gazette once a week for four weeks.

M. B. Daugherty
Editor.

Printed for -

Peebles }
vs. } Decree } In Southampton Circuit Court:
Drumy & als } November Term 1885

It appearing to the Court that the Plaintiff has proceeded in the mode prescribed by Law against John W. Drumy, M. F. Drumy and A. F. Drumy who are non residents of Virginia at the time of the institution of this suit, and they still failing to appear and answer the Plaintiff's bill, the same is taken for confessed as to them on this bill taken for confessed as to G. H. Drumy, the exhibits filed, and the petition of G. H. Beaton & his wife Martha F. Beaton who was Drumy, and who has intermarried with G. H. Beaton since the institution of this suit, and asking to be made parties Plaintiff therein and asking either the division or sale of the land in suit, and was argued by counsel. On consideration whereof the Court doth adjudge, order and decree that G. H. Beaton and his wife Martha F. Beaton be made parties Plaintiff with E. J. Peebles in this suit and that one of the Commissioners of this Court enquire and report to Court whether the 21 1/2 acres of land of which Joseph E. Drumy did seize & possess can be divided among the parties entitled thereto and in which E. J. Peebles has attached the share of John W. Drumy in this suit for \$500; and if partition cannot be conveniently made whether the entire subject may be allotted to any party who will accept and pay therefore to the other parties such sums of money as their interest therein may entitle them to, and if partition cannot be conveniently made if the interests of those who are entitled to the subject or its proceeds, will be promoted by a sale of the entire subject or allotment of part and sale of the residue, and the Com-

Missioners will report the ^{evidence} ~~report~~ taken by him as to the
sale or partition, and such other matters specially
stated or deemed pertinent by himself, or which he may
be so required to state by any of the parties interested

A. Copy
Jesse L. B. Prince C. G.

Puebler
17 3 Copy done
Dreary &

Pebbles²

vs 3 attachment

Drewry &

1885. 1st day May
Term. Cir Ct.

To attach the interest
of John W. Drewry in
real estate in
Southampton Co. Va.
containing $214\frac{3}{5}$ acres
same being conveyed
one undivided fourth.

L.P.P. 6.6

Executed April 4th
1885 by attaching the
above described land
now held by J.W. & B.
McH & A. G. Drewry

G. W. Vick Sheriff

Virginia Southampton County Court:

To the Sheriff or any Constable of said
County.

Whereas E. J. Peebles Plaintiff in a certain
suit in Equity now pending in the Circuit
Court of Southampton to recover from J. W.
Drewy a debt of \$200, with interest thereon
from June 6. 1873 at 8% subject to credits
as follows. Nov 1. 1880 for \$60.⁸⁴ & Apl 1. 1882 for
\$57.¹² has made affidavit before H. B.
Peebles, Clerk Supr. Ct. Southampton Co. Va. that the said
J. W. Drewy is justly indebted to him as above
set forth; that he has present cause of
action thereon; that the said J. W. Drewy is
a non resident of this State and that the
said Drewy has an interest in real
estate within the County of Southampton;
There are therefore in the name of the
Commonwealth of Virginia to require you
to attach the said real Estate of the said
J. W. Drewy for the amount of the said
debt, with interest thereon as aforesaid
and such Estate so attached in your hands
so to provide that the same may be liable
to further proceedings thereupon to be had
before the Circuit Court of said County on
the first day of the next Term thereof, and
that you then and there have this warrant.
Given under my hand this 1st day of Apl 1885.
L. B. Purice C. C.

Beaton wife

4 } Notice

Drury et al:

1886. Mich 20.

Executed March 10th
1886 by delivering to
each of the within parties
a copy of this notice

G. W. Vick
Shelf

Commissioner's Office,

Jerusalem, Pa. Feb 22 1886

To G. A. Beaton &
M. F. Beaton, his wife. - Plaintiffs

J. W. Drury. S. B. Drury.
M. F. Drury & A. F. Drury. - Defendants.

You are hereby notified that I have fixed upon the 20th day of March next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit: Whether or not the 214^{3/4} acres of land of which Jos. E. Drury died seized & possessed, can be divided among the parties entitled thereto, & if partition cannot be conveniently made, if the entire subject can be allotted to any party who will accept it and pay therefor to the other parties such sums of money as their interest therein may entitle them to, or if the interest of those entitled would be promoted by a sale of the entire subject matter, or by allotment of part and sale of residue -
Together with any other matter specially stated deemed pertinent. &c. &c.

required to be taken by a decree of Southampton Circuit Court rendered at the November term, 1886, in a suit in Chancery depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

Given under my hand, as Commissioner in Chancery of the said Court, the day and year first aforesaid.

B. F. McLenora

Commissioner.

To the Sheriff of Southampton County to Execute.

Beaton st. 264:

" } Spia

Beaton st. als:

1886. Mich 20

Executed March
9th 1886 by delivering
to J. P. Pope & B. F. Hoop
a copy of this same

A. H. Vial

Stth

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

*J. P. Pope and ~~S. B. Dancy~~
B. J. Fox*

to appear before B. F. McLEMORE, a Commissioner in Chancery for the *Circuit* Court of Southampton county, at his office, in Jerusalem, Va., on the *20* day of *March* 188*6*, to testify and the truth to speak on behalf of —

Geo. N. Beaton wife & others

in a certain chancery suit in our said court depending and undetermined between

Geo. N. Beaton wife - - - - -

Plaintiffs

and

Anna J. Breary & others - - - - -

Defendants

and this *they* shall in no wise omit under penalty of law. And have then there this writ.

Witness, B. F. McLEMORE, Commissioner of our said Court, at his said office, this *24th* day of *March* *Febry* 188*6*, in the *110* year of the Commonwealth.

Teste:

B. F. McLeMore Comm'r

Puebles Jr 7
" Report

Drewry et. als:
1886. app 10" filed

The Depositions of F. P. Pope and B. F. Fox - taken by B. F. M. Leman, Commissioner in Chancery - to be used as evidence in the Chancery suit of Beaton wife v. v. Drury &c. - April 2nd 1886 -

Witness. F. P. Pope, being duly sworn, deposes as follows:

Q: Where to you reside and do you know the land of which Jos. E. Drury died seized?

A: I reside in Southampton County, on the farm adjoining the one above mentioned and know the land well.

Q: Do you think the land can be divided among the parties entitled?

A: I do not -

Q: Will you state why you do not think it can be divided?

A: The tract is a long, narrow strip or tract. very poor, except around the house. has no timber except on one edge. the buildings - which are worth more than all the balance of the land, are situated on one side of the tract - and would unavoidably fall to the share of one party. the other shares would be almost worthless - it is impossible

to divide the land without destroying the value of the same.

Q: You evidently think, from the above, that the interest of all parties would be promoted by a sale of the entire subject. Do I so understand you?

A: I do. there is no doubt in my mind upon ~~this~~ point.

and more this defendant says etc not.

A. P. Pope
"

Witness B. F. Fox being duly sworn, says as follows:

Q: Where do you reside and do you know the tract of land of which Jos. E. Drury died seized.

A: I reside near the land mentioned in Southampton Co. and know the land well.

Q: Do you think the land can be divided among the parties to this suit? If not, why?

A: I do not think it can be divided, and for the reasons given above by Mr. Pope, I fully concur in all he has said.

Q: Do you think the interest of the parties would be promoted by a sale of the entire tract?

B. F. Fox

A. Yes, I do.

And more than dependent say etc not.

B. F. Fox

Pueblo No. 7
 r^o  Report

Brewer, et. als:
1886. Apr 10. Filed

Commissioner's Office
Jerusalem. Mich 29th 1886.

To The Circuit Court of Southampton Co.
Pursuant to a decree of the Circuit Court
of Southampton County, rendered at the
November Term 1885, in the Chancery
Cause of Peebles et al: vs Drury et al:
the undersigned, one of the Commissioners
of said Court, to whom was referred,
the question as to whether or not the
214³/₅ acres of land of which Jos. E.
Drury died seized and possessed could
be divided among the parties entitled,
and if partition could not be convenient
by made, if the interest of the parties
would be promoted by a sale of the sub-
ject matter. and also to report if any
party interested would take the entire
subject, and pay a reasonable price
therefor: Reports to the Court, that on
the 22nd day of Feby 1886 he issued Notices
against the parties, Plaintiffs and De-
fendants, requiring them to attend the
settlement of the aforesaid account,
before him, at his Office, on the 20th day
of March 1886. which Notices have been
returned executed. The Commissioner
also summoned F. P. Pope and B. H. Fox.

to appear before him, at the same time and place - as Witnesses: That the said Witnesses, and some of the parties to the suit appeared before the Commissioner in obedience to said Notice, at the time specified therein, and he thereupon examined said Witnesses touching the divisibility or indivisibility of the said land, (the evidence of the witnesses have been reduced to writing and is filed herewith - to which the attention of the Court is specially directed) and is of opinion that it cannot be divided - and is satisfied that the interest of all parties interested, will be promoted by a sale of the entire subject matter and division of the proceeds. The Commissioner states further, that Dr Jno. W. Drewry, one of the parties to this suit, is willing to take the entire tract of land, and pay therefor the sum of \$1600.⁰⁰, this, the Commissioner considers a very liberal offer, considerably more than its assessed value, the land being assessed at only \$1391.⁰⁰ In as much as the above land is the Drewry Homestead, the parties being anxious that it should remain in the

family, and all of the adult parties being willing that Dr Drury should have the property at the price offered, the Commissioner respectfully recommends that he (Dr Jno. W. Drury) be permitted to do so, if, in the opinion of the Court, a clear title can be made to the land, under the circumstances; The Commissioner deems it pertinent to state to the Court, that a number of judgments are docketed in the Clerk's Office of this County, against J. W. Drury, one of the parties hereto, which causes doubts to arise in the mind of your Commissioner, as to whether or not a clear title can be made to the purchaser of said land, unless the same should be sold to the highest bidder, & at public auction.

Respectfully Submitted
 B. F. McLeod
 Commr in Chancery

Comm's fee \$10.00 5
 chg Plaintiff 3
 Witness: H. P. Pope .90¢
 " B. F. Fox .98¢

Pebbles &c

vs $\frac{3}{4}$

Denny & also

Decree.

This day this cause came on again to be heard on the papers formerly read the petition of F. D. Pope and the report of Commissioner B. F. McLenore made pursuant to a decree of this court entered at the May term 1886 and to which report no exceptions have been filed and was argued by counsel. In consideration whereof the court both adjudge, order, and decree that the said report be confirmed and that F. D. Pope on his petition be admitted a party plaintiff in this cause and it being suggested to the court that since the last decree entered in this cause George W. Vick Sheriff of Buchanan County has departed this life and before he had made sale of the $2\frac{1}{4}\frac{2}{5}$ acres of land in the decree mentioned. The court both further adjudge, order, and decree that the decree entered at the May term 1886 of this court be amended so as to read as follows that William Thands who is appointed special Commissioner for that purpose in place of George W. Vick do & shall officiate.

appended to his notice of the sale and
the original certificate returned along
with report to Court.

A Copy - Teste -

J. B. Prince C. C.

Cash.	13.94	Paid J. B. P. C. C.
Shff. G. W. V.	3.00	" H. S. for adm's of G. W. V.
" "	1.00	" " " " " " " "
Comm. B. F. M.	12.50	Paid B. F. M. Com'r
J. P. Pope - Wm.	.90	paid J. P. Pope
B. F. Fox "	.58	" B. F. Fox for J. P. Pope
Dr. Pub.	5.00	
Law &c.	16.50	Paid H. B. S. Son atty
	<u>53.42</u>	

17
Deeds &c

vs 3 Deeds
Dummy v. al.

A. Copy -

having given at least twenty days notice
of the time and place by advertisement
in the immediate vicinity of the land
and at Jerusalem proceed to sell at
Jerusalem or some county court-day at
public auction to the highest-bidder the
tract of $214\frac{1}{2}$ -acres of land whereof
Joseph O. Drury died seized and Joseph
did on the following terms to wit one third
cash and the balance of the purchase
money on a credit of nine and eighteen
months equal installments taking
from the purchase bonds with ap-
proved security carrying interest from
the day of sale or with the option of
the purchasers of paying all the
purchase money in cash and making
a deed with special warranty and
divide the purchase money received
after paying the costs of this suit
and expenses of sale into four equal
shares and allot one fourth-part
thereof to Dr. J. W. Drury, one fourth-
part thereof to H^{on} Thoms Trustee and
assignee of G. W. Beaton and M. F.
Beaton who made the deed of trust
for the benefit of the Baltimore Guano
Company, one fourth-part thereof
to A. J. Whitehead formerly Drury

and wife of John Whitehead and
out of the other fourth part to F. D. Pope
trustee for Benjamin O. Worrell the sum
of \$450 with interest on the same
from 3rd of May 1886 should there be
any surplus money in cash and making
a deed with special warranty and
divide the purchase money received
after paying the costs of this suit
and expenses of sale with four equal
shares and allot one fourth part
thereof to Dr. J. W. Drury, one fourth
to 1. B. L. - & 1. M. on the 1. B. L. and
that F. D. Pope on his petition be admitted
a party plaintiff in this cause and it
being suggested to the Court that since
the last decree entered in this cause
George W. Vick Sheriff of Southampton
has departed this life and before he had
made sale of the 214 ²/₅ acres of land
in the decree mentioned. The Court
with further adjudge, order, and decree
that the decree entered at the May
term 1886 of this Court be amended so
as to read as follows that William
Thands who is appointed special
commissioner for that purpose in place
of George W. Vick do & shall after.

Peebles

3

Sum

Brewery & others

1884 aff. Pebles

bit. bit -

Execution April 4th
1885 - by delivering to
to G. B. Brewery a copy
of the within summons.

J. W. Brewery, M. J. &
A. J. Brewery not residents
of this State, living
in S. Carolina

G. W. West Sheriff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

*J. H. Drury, Saml^B Drury
M. F. Drury and A. F. Drury*

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court
on the first Monday in *april* next, to answer a bill in Chancery exhibited against *them*
in our said Court by *E. J. Peebles*

And this *they* shall in no wise omit; and have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, this *1st* day of *April*, 188*5*,
in the *109th* year of the Commonwealth.

Teste. *J. B. Prince* *cc*

✓
Anna. F. Downy
To $\frac{2}{3}$ Agreement
To $\frac{1}{3}$ Sells Land
J. W. Downy

OFFICE OF

—GEO. N. BEATON,—



WITH

GEO. E. BEATON.

DEALER IN

GENERAL MERCHANDISE,

HARRELL'S PRINT, WELDON, N. C.

Branchville, Va., 1888

Dear Brother Johnnie,
I agree
to take four hundred
dollars for my entire
interest in the old home-
stead. I consider this
a sale & will make you
a right to come, when-
ever you wish me to do so.
You can instruct me.
I shall do act in regards
to the matter for you.
Your sister
Anna F. Denny.

Roberta A. Drury

D. ^S agt-

Jno. W. Drury.

Oct 26th 1856
To the Hon Judge of the
Circuit-Court of Southampton County

I will agree & hope the Court will
confirm the bid of D. F. W. Drury
of \$1600⁰⁰ for the 214 acres of land
belonging to the Est of Jos C. Drury
of which my Husband S. B. Drury
owns $\frac{1}{4}$ interest - under the will of
his father Jos Drury, provided
I am allowed a fair compensation
of ~~his interest~~ for my dower
interest

Very Respect-
Roberta A Drury
wife of S. B. Drury

Pebles

" } Sum

Drury

1885. April Rules

Ans: Ch

Not a resident of

this State

G. W. Vick Smith

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

John W. Drury

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court
on the first Monday in *April* next, to answer a bill in Chancery exhibited against *him*
in our said Court by *E. J. Tubbs*

And this *he* shall in no wise omit; and have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, this *28th* day of *March*, 188 *5*
in the *109th* year of the Commonwealth.

Teste.

J. B. Prince C. C.

Pebbles

17 3 Affidavit

Drawing 10

1885. apt. 3

State of N. Carolina }
Northampton County } To wit

This day E. J. Peebles personally
appeared before me, Clerk of the Superior
Court of Northampton County, North Carolina, and
ex officio a notary public,
and made oath that J. N. Downey a man

Resident of Virginia and living in
an ^{other} ^{one} ^{on} ^{fourth} ^{plot} ⁱⁿ ^a ^{tract} ^{of} ^{land} ⁱⁿ
^{Northampton County} ^{containing} ^{about} ^{214 1/2} ^{acres}
Northampton County, State of N. Carolina
is justly indebted to him by bond for
\$200 carrying 8 per cent interest from
1st of June 1873 and date that day
and year with the following arrear
\$60.84 cts paid Nov 1st 1880 and \$57.12 cts
paid April 1st 1882

Given under my hand and the seal
of said Court, at office in Jackson,
this March 30th, 1886. A. W. Peckley
Clerk Superior Court.

Publics in

as 3

Donny is also

Petition of F. P.
Pope

To The Honorable George B. Low - Judge of The
ancient Court of Southampton in chancery
sitting

Respectfully petitioning your Petitioner
F. P. Pope sheweth unto your that on the
3^d of May 1886 Samuel B. Drury and
Robert A. Drury his wife by a deed of
Trust conveyed all his interest in the
estate of his brother Joseph B. Drury dec'd
it being one fourth in $2\frac{1}{4}\frac{2}{5}$ - acres
of land to secure to Benjamin E. Worrell
the sum of \$4.50 and that the said
deed was recorded on the 5th of May
1886 all of which will more fully appear
by a certified copy of the said deed
of Trust herewith filed marked A and
prayed to be taken as a part of this
petition Your petitioner states that
there is a decree for the sale of the
said tract of land and he asks that
the commission of sale shall be
ordered to pay him as Trustee of B. E.
Worrell the sum of \$4.50 out of
Samuel B. Drury's share and as in
and to bind your petitioner will we
pray &c

F. P. Pope
by Shanderson his
attorney

Peebles & C.

vs } Deere

Drewry & C.

May Term 1888

To be entered.

C. W. H. H.

May 8, 1888

✓

Peebles &c

vs 3 Deere

Drewry &c

This day this cause came on again to be heard on the papers formerly read and on the report of ^{*Mr. Shand} *Special Commissioner of the sale of land of Jos. E. Drewry deed & receipt of purchase money and disbursement of the same supported by proper vouchers to which report no exceptions were filed and was argued by counsel on consideration whereof the court doth adjudge and decree that the same be confirmed. There being nothing further to be done in this cause the court doth adjudge order and decree that the same be removed from the docket

5

188

Pebbles

W 3 In chasing

Drury "als

Petition of George H
Beaton and his wife
Martha F. Beaton

1885. Oct. 7. filed

To the Honorable George Blinn Judge of
The circuit court of Southampton County
in chancery sitting

Respectfully petitioning your petitioners
G. N. Beaton and his wife Martha F.
Beaton who before her marriage was
Dorsey shew unto your Honor that
sometime since E. S. Peckles filed his
bill in the circuit court of Southampton
making John W. Dorsey Samuel B.
Dorsey, Anna F. Dorsey and your
Oratrix Martha F. Beaton as ^{parties defendant}
that time was Dorsey and asking
that the tract of land containing
214 $\frac{1}{2}$ - acres owned by them should
be divided and if that could not
be done be sold and the interest
of John W. Dorsey be applied to
the payment of a debt due to
the said E. S. Peckles Your petitioners
shew further that that cause has
been matured as to all the
defendants and is now ready for
a hearing. The main object is
that suit being to attack the interest
of John W. Dorsey as an absent
defendant he being a resident of

North Carolina and apply it to the
payment of the said E. J. Peoles
debt

Your Petitioners shew further
that since the institution of that
suit and since the service of the
process. Your Petitioners G. H. Beaton and
Martha F. Beaton who was Doremy
have intermarried and that Martha
F. Beaton desires that her name
may be stricken out as party
defendant and the names of herself
and husband be inserted as parties
plaintiff to the said bill and suit
and they also desire that commissioners
may be appointed to divide the said
tract of land according to the prayer
of the bill and if that cannot be
done then that the said 214 $\frac{2}{5}$ -acres
may be sold and the purchase money
divided according to the rights of
the parties interested and as in duty
bound your petitioners will ever
pray &c

George H. Beaton and
Martha F. Beaton
By Their counsel
Jm B Shands & Son

Puables & C

18

vs

Dreury & C

Report of

Wm. Shands Special Comr

1888 Apr. 30. filed

To the Hon. C. W. Hill Judge of the Circuit Court
of Southampton Co Va

Your undersigned commissioner begs leave to
report that in pursuance of a decree of this
Court rendered at the Nov^r Term 1886. in the
chancery case of Peebles &c vs Drewry &c. that
after having given the required notice of
the place, time & terms of sale. he proceeded to
sell on December 20th 1886 (County Court-day)
at public auction in the town of Jerusalem
to the highest bidder the tract of land whereof
Jos. C. Drewry died seized and possessed con-
taining $2\frac{1}{4}\frac{2}{5}$ acres more or less, that R. W.
Musgrove being the highest bidder became
the purchaser thereof for the sum of \$2471.⁰⁰;
a very good price & satisfactory to those interested
therein; that he paid one third cash and
has since paid the balance and taken
a deed for the said property that your Honor
has paid the same out as follows

			\$.	cts	\$.	cts
1886						
Deer	20	To Com's on \$2471. ⁰⁰ @ 5 + 2 per cent	58.	42		
"	"	By cash payment $\frac{1}{3}$			821.	00
"	23	To paid J. B. Pounce clerk's fees	13.	94		
"	22	" " J. L. Gillette crier	10.	00		
"	23	" " Com's M ^c Lemore	12.	50		
"	22	" " for advertising	12.	75		
"	"	" " Sheriff's fees	4.	00		
"	"	" " H. B. Shands & Son	20.	00		
"	"	" " F. P. Cope ^{2d} + B. F. Fox 2 ^d			143.	49
		and to be carried over			\$	727.61

1886

Dec 23 amt brought over \$727.51

1887

Feby 23 Paid Dr J. H. Drewry's assignee \$181.38

" 10 " G. H. Beaton & wife's " 181.38

" 10 " S. B. Drewry's " 181.38

" 10 " A. F. Whitehead (formerly Drewry) 181.38 = 725.52

" 24 Balance in hand \$1.99

1888 Feby 14 By bal' of purchase money & interest \$1709.00

" 23 Paid Dr J. H. Drewry's assignees \$427.25

" 27 " S. B. Drewry's " 427.25

March 5 " G. H. Beaton's & wife's " 427.25

" 5 " A. J. Whitehead (formerly Drewry) 427.25

1709.00

Balance retained to pay costs &c \$1.99

receipts for all of which payments are filed with this report and prayed to be taken as as proof thereof. That there remains no funds in the hands of your Comr and there is nothing further to be done by him. all of which is

Respectfully submitted by

Wm. Shand

April 14th 1888

Special Comr

Wm. Shands

Received March 5th 1888 of Wm Shands special Commissioner
in the chancery suit of Peebles &c against Drewry &c the
sum of \$427.²⁵ as payment in full of the amount
due me from the sale of my brother Joseph Drewry's land
Witness }
 }
 }
 }

Anna F. Whithead,

Received March 19. 1888 of W. Shands Special
Comr in the Chancery case of Peebles & vs
Drewry & \$119.⁸⁷ as payment in full of
the amount due S. B. Drewry from the sale
of his brother Jos. E. Drewry's land and
which amount is part payment of
Judgements due F. P. Pope by S. B. Drewry
F. P. Pope

Received March 5th 1888 of H. Shands Trustee four hundred
and five $\frac{89}{100}$ dollars. The same as payment in full
of amount collected by him as trustee for us from sale
of G. H. Beaton + wife's interest in the real estate of
Jos' Drewry dead

The Baltimore Guano Co."

J. C. Maher Pres.

Witness

3
3
3
3

Received Feby 27. 1888 of W. Shands special Commissioner in the
Chancery case of Peebles &c against Drewry &c \$307³⁸ as part
payment of the amount due S. B. Drewry from the sale of his brother
Jos. E. Drewry's land and which amount is payment in full
of a bond due B. E. Norrell by said S. B. Drewry

L. P. Pope Justice
for B. E. Norrell

1

Received Feby 27. 1888 of W. Shands special Commissioner in the
chancery case of Peebles &c against Drewry &c \$269.¹⁹ as
payment in full of the amount due J. H. Drewry from
the sale of his brother Jos. B. Drewry's land and which
amount is in part payment of a bond ^{due} and by
said J. H. Drewry

Benj. E. Worrell

February 23^d 1888 Received from Williams
Shanks commission in the case of Peoples
Drawing is also the sum of \$158.06cts in payment
of bond and costs of suit in case of

Jarratt is low as Drawing is Shanks Commission balance
of bond being \$130.84cts and \$27.22cts cost

Wm F. Shanks atty
for J. S. Jarratt

Received Feb'y 11th 1887 of H. Shands
Special Comr in the chancery case of
Peebles &c against Drewy &c one
hundred and eighty one $\frac{38}{100}$ dollars
as part payment of the amount
coming to me from the sale of my
brother Joseph Drewy's land

Witness } Anna F. Hitchcock.
Mrs H. R. Sebell. }

Received Feby 10th 1887 of H. Shands Special
Comr in the chancery case of Peebles &c
against Drewry &c one hundred and
eighty one $\frac{38}{100}$ dollars as part payment
of the amount due S. B. Drewry from the
sale of his brother Joe^E Drewry's land and
which amount is to be credited upon
a bond due B. E. Worrell by said S. B. Drewry
&c

H. P. Pope Trustee
for B. E. Worrell

February 10. 1887 Received from Wm. Shands
special Commissioner in the chancery case
of Peebles &c against Drewry &c one hundred
and eighty one $\frac{38}{100}$ dollars as part pay-
ment of the amount coming to M. F. Beaton
from sale of her brother Jos. Drewry's land
and which amount is paid to me as
Trustee for Baltimore Guano Co. I being trustee
in a certain deed of trust from G. H. Beaton &
M. F. Beaton for the benefit of said Baltimore
Guano Co } Wm. Shands Trustee for

February 23rd 1887 Received from
William Shands special commissioner
in the chancery case of Paolo vs
against Drury the sum of one hundred and
eighty one dollars and thirty eight cents
in part payment of the amount
coming to J. W. Drury one of the
legates the said amount being paid
to me as attorney of J. J. Sarrett & Son
on the order of D. J. W. Drury

Wm B Shands
attorney for

J. J. Sarrett & Son

Received Dec 22 1886 of H. Shands special
commissioner in the chancery suit of Peebles &c vs
Prewy &c thirty dollars as payment in full
of attys' fee in said suit

H. B. Shands & Son

attorneys at Law

Mr. Shando & Sons

1885 In account with Franklin Leggett
April 16 To Publication of Legal advertisement
of E. J. Peapack vs. J. W. Drewry & others
Do with 4 times \$300

Feb 24th 1887.

Revised Payment

M. E. Doughty

**COMMISSIONER'S SALE OF VALU-
ABLE REAL ESTATE IN SOUTH-
AMPTON COUNTY, VA.**

By virtue of a decree rendered at the November term, 1886, of the Circuit Court of this county, in the chancery case of Peebles, &c., against Drewry, &c., I shall proceed to sell on

DECEMBER 20TH, 1886.

(County Court day) at public auction, in the town of Jerusalem, to the highest bidder, a VALUABLE TRACT OF LAND containing 214 3-5 acres, more or less, siting the old homestead of James Drewry, deceased. This is one of the most desirable homesteads in the county, having on it a FINE RESIDENCE and all such necessary out-buildings as are usually found on a first-class farm. The land is well adapted to the growth of such crops as are usually grown in this section. There is also sufficient timber upon the farm for all plantation purposes. Persons seeking either a desirable home or a good investment would do well to examine this property.

TERMS—One-third Cash and balance of the purchase money on a credit of nine and eighteen months, in equal instalments, purchaser giving bonds with approved security for the same, carrying interest from day of sale, with the option to the purchaser of paying all the purchase money cash and taking a deed for said property.

WILLIAM SHANDS,

Nov. 20, 1886. Special Commissioner.

Peebles
vs.
Drewry } In Chancery.

I, J. B. PRINCE, Clerk of the Circuit Court, of Southampton, do certify that Wm. Shands, Commissioner in above-entitled suit, has executed bond with security approved by me.

Given under my hand Nov. 23, '86.
J. B. PRINCE, C. C.

Printing Executed with Neatness and Dispatch.

Franklin, Va.,

188

Shands Commissioner in case of Peebles vs. Drewry
Southampton Circuit
Franklin Gazette, No.

Subscription \$1.50 Per Year.

18 bills

1 25

in ad of same 4 times

8 50

9 75

variant press run - have a

run

Dec 22 86 W. H. Shond

Subscription \$1.50 Per Year.

If convenient please meet - have a
note to meet
aid Dec 22 to W. H. Shond

Oct 24 To 20 1/8 bills

" 25 " $5\frac{1}{2}$ in. ad of same 4 times

128

8	50
---	----

975

B. F. McHenry

to} Receipt

H. Shands Special Comm

\$12.50

\$12.⁵⁰

Rec^d Dec 23^d 1886, of Wm Shands
Spec^l Comm^r in the Chancery Cause of
Peebles & Drury the sum of twelve
+ 50/100 dollars - as Compensation for in
said suit:

B. A. M. Leunard
Comm^r in Chancery
Cir: Ct

J. B Prince C.C.

To } receipt

K. S. H. S. Special Comm.

\$13.94

Recd Dec 23. 1886 of Wm Shaver & Co.
in Chancery suit Publer & Co. vs Drury &
Thirteen & $94\frac{1}{100}$ dollars in full clerk fees

L. B. Primes C.C.

Received This day of Th. Shands special
com'r in case of. Peebles re against Drewry
re ten dollars as payment in full of
auctioneer's fee for selling the Drewry
property

Decr 22nd 1886

J. J. Gullett Esq.

J. G. Bicknell Crier

To 3 Receipt

H. Shaw to Special Comr.

\$10.⁰⁰

Rebels $\frac{3}{4}$ In Chancery.

^{or}
Drewy & J. J. B. Price clerk of the
Circuit Court of Southampton do
certify that Wm. Shands Comr. in above
styled suit has executed bond with
~~security~~ ^{affirmed by me} given under
my hand Nov 22. 1886.

J. B. Price c. l.

15

79

Pueblo ne

on 3 Decr.

Downy state

Nov Term 1886

To be used

Nov Term 1886

Geo Blod. J.

✓

his notice of the case and the original
certificate returned along with report
to court

Peebles vs

vs 3

Deane

Drury vs

This day This cause came on again to be heard on the paper formerly ^{made} The Petition of F. P. Pope and The report of Commissioner B. F. McLean made pursuant to a decree of this court entered at the May Term 1886 and to which report no exceptions have been filed and was argued by counsel. On consideration whereof the court doth adjudge, order, and decree that the same report be confirmed and that F. P. Pope on his petition be admitted a party plaintiff in this cause and it being suggested to the court that since the last decree entered in this cause George W. Vick sheriff of Southampton has departed this life and upon his last made sale of the $2\frac{1}{4}$ acres of land in the decree mentioned the court doth further adjudge, order, and decree that the decree entered at the May Term 1886 of this court be amended so as to read as follows That William Shandas who is appointed special commissioner for that purpose in place of George W. Vick dec'd shall

after having given at least twenty days
notice of the time and place by advertisement
in the immediate vicinity of the land and
at Jerusalem present to see at Jerusalem
on some court day at public
auction to the highest bidder the tract of
214 $\frac{2}{5}$ - acres of land whereof Joseph E
Downy did seized and proposed on the
following terms to wit one third cash
and the balance of the purchase
money on a credit of nine and eighteen
months equal instalments taking from
the purchase bonds with approved security
carrying interest from the day of sale
or with the option to the purchaser
of paying all the purchase money
in cash and making a deed with special warranty
and divide the purchase money
received after paying the costs of this
suit and expenses of sale into four
equal shares and allot one fourth part
thereof to J. W. Downy, one fourth
part thereof to Wm Shanks Trustee and
~~assignee of~~ the Baltimore assignee of
G. M. Beaton and M. F. Beaton who made
the deed of trust for the benefit of the
Baltimore Iron and Company One fourth
part thereof to A. F. Whithead formerly

Dorsey and wife of John Whithead
and out of the other fourth pay to
F. P. Pope Trustee for Benjamin &
Woman the sum of \$4.50 with interest
^{should there be so much}
on the same from 3^d of May 1886
and should there be any surplus
remaining after paying F. P. Pope
pay the same to the creditors of
Samuel B. Dorsey who have proved
their docketed judgments in the last
report of B. F. McLeeson according to
their priorities But should the purchaser
elect to pay only one third of the
the purchase money the commissioners
will make no deed until the
further order of this court and
return the bonds for the deferred payments
along with report ^{his} to court But the said
William Shanks shall not proceed to act
under this decree until he shall executed
in the clerk's office of this court bond with
approved security in the sum of ~~eighteen~~
hundred dollars conditioned for a faithful
performance of this or any other decree
which shall be entered in this cause
And ^{accompanying} the certificate of the clerk of this
court this court that he has executed
the said bond shall be appended to

Publis ~~re~~

~~as 3 Decem~~
3

Downy & als

May term 1886

Enter Vm

Geo B. Brown

✓

Pebles

as 3

Deere

Downy " als

This day This cause came on again to be heard on the papers formerly made. The report of Commissioner McLemore made pursuant to a decree of This court entered at the November term 1885- and to which report no exceptions have been filed, the petitions of Mrs B Shandas and Roberta A Downy wife of Samuel B Downy asking to be made parties to the suit and was argued by counsel On consideration whereof The court doth adjudge, order, and decree that Mrs B Shandas be made a party plaintiff and Roberta A Downy a party defendant with her husband S. B. Downy That the report of Commissioner McLemore be confirmed and it appearing from a receipt filed in the papers by Shandas & Son that Dr J. W. Downy has paid to one of the plaintiffs E. J. Pebles his bond in full and ordered the discharge of his attachment the said attachment is dissolved and the name of E. J. Pebles is stricken from the bill as a party plaintiff And the court doth further adjudge, order, and decree that George W. Vick sheriff of Southampton who as

such is appointed commissioner for that purpose shall after having given at least twenty days notice of the time and place of sale by advertisement in the immediate vicinity of the land and at Jerusalem proceed to sell at Jerusalem or some county court ^{day} at public auction to the highest bidder the tract of land of 214 1/2 acres which Joseph & Drury did acquire and proposed on the following terms to wit one third cash and the balance of the purchase money on a credit nine and eighteen months equal installments taking from the purchase bonds with approved security carrying interest from the day of sale or with the option to the purchaser of paying all the money down at once making him a deed with special warranty and divide the purchase money received after paying the costs of this suit and expenses of sale into four equal ^{shares} and allot one fourth thereof to D^r J. W. Drury, one fourth to A. F. Drury, one fourth of part thereof to Mrs B. Shandas Foster and apportion of G. M. Beaton and his wife M. F. Beaton for the Ballinson ^{grains} company and the other fourth belonging to same & B. Drury retain until the further order

of the court and the court doth further
adjudge order and decree that one of its
commissioners, after the sale ascertain the
present value of Roberts & Drury's
contingent interest to donee in Land. B.
Drury's share and report to court but
should the purchaser elect to pay only one
third of the money the commissioner will
make no deed until the further order
of this court and return the bonds for
the deferred payments to court along with
his other receipts with his report for its
further order

And the court doth further adjudge
order and decree that one of the
commissioners of this court take an
account of all the docketed judgments
against Samuel B Drury with their
dignity and priorities and report the
same to court together with any matters
specially stated deemed pertinent by himself
or which he may be so required to
state by any of the parties ^{interested}
and the said J. W. Vick ~~with~~ ^{with} deposit
the share of Samuel B Drury in the
Bank of Franklin and return the
certificate of deposit along with his
report to the court

Peetles

vs 3

Decees

Drewry vs al

It appearing to the court That
The plaintiff has proceeded in the mode
prescribed by law against John W Drewry
M. F. Drewry and A. F. Drewry who were
now residents of Virginia at the time of
the institution of this suit and they also
failing to appear and answer the plaintiff's
bill, on the bill taken for confession as
to S. B. Drewry, The exhibits filed, and the
petition of J. M. Beaton and his wife Martha
F. Beaton who was Drewry and who has
intermarried with J. M. Beaton since the
institution of this suit and asking to
be made parties plaintiffs therein and
asking either the division or sale of
the land in suit, And was argued by
counsel On consideration whereof The court
doth adjudge, order and decree That J. M.
Beaton and his wife Martha F. Beaton be
made parties plaintiffs with E. J. Peoles
in this suit and that one of the
commissioners of this court enquire and
report to court whether the 21 1/2 acres
of land of which Joseph E. Drewry
did seized and possessed can be divided

among the parties entitled thereto and
in which E. J. Peole has attacked the
claim of John W. Drury in this suit
for debt, and if partition cannot be
conveniently made whether the entire
subject may be allotted to any party, who
will accept, and pay therefor to the other
parties such sums of money as their
interest therein may entitle them to, and
if partition cannot be conveniently made
if the interests of those who are entitled
to the subject, or its proceeds, will be
promoted by a sale of the entire subject
or allotment of part and sale of the
residue, and the commissioner will
report the evidence taken by him as
to the sale or partition, and such other
matters specially stated decessum pertinent
by himself, or which he may be so
required to state by any of the parties
interested

6

Pebbles

as 3 Decree

Drawn

✓

To be entered

Nov Term 1885 -

Geo. V. Blaw.
—

746.

96
—
650

Peebles 138

vs Stat: Rules

Dreway &c

In Southampton Circuit Court.

E. J. Peebles. Plff.

against

W. Denny, S. B. Denny, M. F. Denny

& A. F. Denny. Defs.

} In Chancery

1885

Nov

Summons to A. F. Denny.

A. F. Denny.

" Exts on S. B. Denny - other expts returned

"No inhabitants" & Dr. Park.

May "

Bills filed with exhibits. Dr. Park. completed.

Decree nisi vs defts

June "

Cause set for hearing