

1826-015

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BROCK ^{ux} VS. BRACY

1826

Other SURNAMES: Drake,
BRACEY

^{No 439}
Brock & wife

Bracy

Bill in Chancery

Nov. 20th 1820

has filed Spec to Decr

At Rules 3rd Sept. 1821 Oni Ocase

1822 Cont^d for answer.

1823 do. 1824 do. 1825 do.

1826. do.

Mr Bronaall.

To the worshipful the County Court Southampton in Not setting
 Humbly Complacencies there unto your Honours your Orators &
 Petrice Thomas E. Drake & Polly Drake his wife formerly
 Polly Drake. That on the 5th day of September 1795.
 Cordall Drake the father of your Petrice made his last
 will & testament & shortly after died & that subsequently to
 his death set on the 19th day of June in the year 1798
 the same was proved according to law & admitted to record by
 the worshipful Court of this County.

That the said will (which is prayed to be made a part of this bill) after several dispositions of the land of the testator has the following bequest. "My just debts being ^{paid} I give to my loving wife Polly Drake all the unmaning part of My estate of every kind until her death. after her death I give & bequeath the aforesaid remainder part of My estate unto my daughter Polly Drake & to her heirs forever." after which follows a limitation ~~over~~ on the contingency of her not surviving her Mother Polly Drake. the wife of the testator which limitation is now void as the Mother Polly Drake has since died leaving the daughter Polly Drake — that the testator Cordell Drake appointed his wife Polly Drake, whole & sole executrix of his said last will & testament. that among other things there was embraced in the foregoing bequest a certain negro girl named... That subsequently to the foregoing premises

Named. That subsequently to the foregoing premises
the woman Polly Drake intermarried with a certain Jeph Bracy.

In tender consideration
whereof and in as much as your Brother & Sister
are without remedy—at least in the premises—[on account
of the representative character in which the said

Thomas E Brock
Polly Brock

At Rules held in the clerk's office of our County Court of Southampton on the
Third day of Sept. 1871.

Thomas E. Brock and Polly Brock his wife

formerly Polly Drake

against

Jesse Macy

Compt.

Def.

In Chancery

This day came the plaintiff by their attorney, and the defendant
having failed to answer the complainant's bill. Therefore it is
ordered that the said defendant appear, and answer the complainant's
said bill on or before the third morrow in October next.

Teste James Rockwell C.

Brock & wife

as

Bracy

3
3
3

Miss Deere

To Att. Rules 1871-

not found

Edw. & Betts copy of
Geo. Himes Shuff

A Rule, held in the clerks office of our county court of Southampton on the
third day of September 1871.

Thomas E. Brock and Polly Brock his wife
formerly Polly Drake. - - - - - Complainers
against

Jesse Dracy Deft.

In Chancery

This day came the plaintiffs by their attorney and
the Deft. having failed to answer the complainants bill
within the time prescribed by law after the filing thereof -

Therefore It is ordered that the said Defendant appear and
answer the complainants said bill on or before the third Monday
in October next.

Teste James Rochelle Esq.

Brooks

17

Brady

Spa in

Chy.

To February count
1871.

Executed

Edw. & Ruth City of

Geo. Wims slipp

The Commonwealth of Virginia to the Sheriff of Southampton
County Greeting you are hereby commanded to Summon
Jesse Bracy to appear before the Justice of our County
Court of Southampton at the courthouse on the Third
Monday in February next to answer as here in ch=
=argery & libels against him by Thomas E. Brocks
and this he shall in no wise omit under the
penalty of £100 And have then there this writ
Witness James Rochelle clerk of our said County Court
of Southampton at his office the 5th day of Jan^y.
1821 and 45th Year of the Commonwealth -

James Rochelle C.

Fordall Drake's
Allee
Alapoy

At a Court held for the County of Sampson the 9th day of
June 1790. This will was presented in court by Abby
Drake the executrix therein named and proved by
Bailey Oberry, Eaten Layner and Elizabeth Lowe the
witnesses thereto and ordered to be recorded. And on the
motion of the executrix who made oath according to law
certificate is granted her for obtaining a probat thereof
in due form giving Security whereupon H.

Sam^l Wells C. S. C. C.
Attest
James Doehner S.

I Cordall Drake of Southampton County Virginia being sick & weak of body, but of sound sense and perfect mind and memory, knowing the uncertainty of this transitory life, do think proper to make this my last will and testament in manner and form following, First I leave and bequeath unto my beloved wife Polly Drake the use and profits of all my plantations and lands until her death and no longer. I then after the decease of my wife Polly Drake give devise and bequeath unto my daughter Polly Drake my aforesaid plantations and lands to her and to her heirs forever, lest if she should die without lawful heir of her own body, I then give devise & bequeath my aforesaid plantations & lands to be equally divided between my brothers, Silas Drake and Archer Drake and their heirs forever. Secondly My just debts being first paid, I give to my living wife Polly Drake all the remaining part of my estate of every kind until her death. after her death I give and bequeath the aforesaid remainder part of my estate unto my daughter Polly Drake & to her heirs forever, but if she should die before her mother I then give & bequeath the aforesaid remainder part of my estate to my wife Polly Drake and to her heirs forever. Lastly I do hereby nominate constitute (and appoint) my beloved wife Polly Drake my whole and sole executrix to this my last will and testament. In witness whereof I have hereunto set my hand and seal this fifth day of September one thousand seven hundred & ninety five Signed Sealed pronounced and declared by the said Cordall Drake to be his last will and testament In presence of
Bailey Cherry
Eaton Joyner
Elizabeth ^{his} Lowe
mark

Cordall Drake