

1843-003

SOUTHAMPTON COUNTY
CHANCERY PAPERS

DRAKE VS. DRAKE

6/1843

other SURNAMES: Blythe

Drake Bill
" 3 ac
Drake 3 Exhibits

1845 December Rules.

(Bals)

To the worshipping County Court of Southampton
in Chancery sitting - Humbly complaining
sheweth unto your worships, your complainant
Jincy Drake, widow of Dempsey Drake decd. some-
times known as Dempsey Blythe, that some time
subsequent to the marriage of your complainant with
the said Dempsey Drake, Anthony M Howell and his
wife Emory of the County of Southampton, by deed
dated 22^d of February in the year 1834, ~~conveyed~~ record
in the clerks office for the County aforesaid, conveyed
unto the said Dempsey Drake, called in the said
Dempsey Blythe, in fee simple, a certain tract
or parcel of land, ~~and~~ its appurtenances, containing
by estimation ~~seventy~~ five acres, more particularly
described and ~~inclosed~~, in the aforesaid deed, which
is herewith filed and prayed to be taken as part
of this bill - That subsequently, the said Dempsey
Drake called Dempsey Blythe, by deed dated 28th of
November 1835, and now of record in the clerks
office for the County aforesaid, conveyed back again
to the said Anthony M Howell in fee simple
the ~~same~~ tract or parcel of land before mentioned
and your complainant avers that she did not
on that occasion, nor has she on any other, relin-
quished her right to have in the said land to the
said Howell, as will more fully appear by the deed
last mentioned, which is herewith filed and
prayed to be taken as part of this bill - Your com-
plainant further shews that the same tract or

parcel of land was afterwards conveyed by the said
Hawell in fee simple to one James Joyner by
deed dated December 11th 1838, and afterwards by the
said James Joyner to Jesse Drake in fee simple
by deed bearing date October 15th 1841. All of which
will more fully appear by an examination of
the aforesaid deeds, which are herewith filed
and prayed to be taken as part of this bill. Your
Complainant avers that the said Jesse Drake is
now in quiet possession of the foretold and fee
simple in the said tract ~~part~~ parcel of land, and
that your complainant has not at any time ac-
quired her right of Dower in the aforesaid
land. To the end therefore that justice may be done
~~in the premises~~ in the premises. Your complainant prays that
Jesse Drake sometimes known as Jesse Blythe
be made a party defendant to this bill, and com-
pelled to answer the premises and that your wor-
ships cause to be assigned unto your complainant
one just and equal third part of said tract or
parcel of land before mentioned and described, having
regard to quantity as well as quality, to hold unto
your complainant for and during her natural
life as Dower - And such other and general relief
as your complainant may be entitled to in
consideration of the premises - and she will as in
duty bound - ever pray &c.

Priddy & Ordway
per *Priddy*

Drate

2 } amend-
Bill

Drate

At 2 December 1842

To the worshipful County Court of Northampton in the sitting - Your complainant Jincy Drake, widow of Dempsey Drake, deceased sometimes called, Dempsey Blythe, having abtained leave to amend her said bill of complaint exhibited against Jincy Drake, sometimes known as Jincy Blythe, for amendment; prays the worshipful Court, that Anthony M Hamel, and James Fay now may be made parties defendants to this bill, and that they be compelled to answer the premises and your complainant would further state that the deed of trust from Dempsey Drake called Blythe to A. M. Hamel, bearing date 26th Feb. 1834, is no objection whatever to her right of claim in the land aforesaid. for two reasons 1st because the deed of trust is dated two days after the deed of bargain & sale from Hamel to Drake called Blythe, and consequently a beneficial interest in the land remained in said Drake called Blythe, which alone is sufficient to entitle your Comptt; to claim in said land And 2nd because your Comptt; is no party to said deed of trust, and consequently claims alone said deed of trust - Your Comptt; therefore prays that, she may be decreed her manifest right of claim in said land, to be laid off by suitable commissioners to be appointed by the Court; and for such other and further relief as she may be in justice and equity entitled to. and she will ever pray &c -

Truly &c your obedient servant
J. S. Ordway

Drake
in
Drake

answer of Leprie
Nelson -

1842 Nov. Leave to command U.S.

" Dec. Am. bill & paper

" May. New Sp.

The answer of Jesse Blythe to the bill of com-
plaint submitted against by the name of
~~Jesse Blythe~~ ^{Jenny} ~~some~~ ^{some} ~~times~~ ^{times} called Jesse Blythe
by ~~some~~ ^{Jenny} ~~times~~ ^{some} ~~times~~ ^{times} called ~~Jesse~~ ^{Jenny}
Blythe in the county court of Northampton in
chancery -

This defendant before answering the said
bill of complaint states that the proper
persons are not made defendants to the
said bill, as there are others interested in
the said land to wit one Anthony M.
Thornell and James Logans, under whom
he claims title to the said tract of land
and he relies upon this objection as of
the same were formally brought forward
by demurrer, & he insists that therefore
the plaintiff's bill ought to be dismissed
for want of parties, without answering
this objection, but relying and insisting
upon the same, and all these objections
both in form and substance for using
the names to wit parts of the said bill
as he deems necessary he answers unto
undersigned and says, that it is true he is in
possession of the said tract of land under
a deed from James Logans, who claimed
and was possessed of the same under a
deed from Anthony M. Thornell, who as
he is informed held the said tract of land
prior to the said James Logans in
his life time and was entered in deed for
the same to him, but at the same time &
before the said James Logans was in
possession under the said deed, the
said James Logans, executed a deed of
grant to record to the said Jesse Blythe
to have the purchase money, but having

in the to pay for the same, sometime after-
wards, requested the said ~~Mr. Thayer~~
to take the said tract of land back, &
one entered a deed to him, &c. and by
all of which well more fully appears
by reference to copies of the said several
deeds, filed herewith and prayed to be taken
as parts of this answer - Under these
circumstances, this defendant insists that
the said complainant never had any
right of locus in the said tract of land
and having fully answered prayer to be
thence dismissed with his reasonable costs
by him in this behalf expended, &c.

Southampton County to wit
Personally appeared before me
justice of the peace, for the said
County of Southampton, ^{John} ~~John~~ ~~John~~
who made oath that the facts stated
in the above ~~complaint~~ ~~information~~
knowledge of one true and then stated
upon the information of others he
believes to be true I given under my
hand and seal this 15th day of August
1842 —

Very Truly Yours J. B. [Signature]

Drake

i } Decer

Drake

Drake
v
Drake

August term
Decree

It appearing to the Court that more than two more who have eloped since the filing of the bill, and its amendment, and the service of the subp: on the defendants, A. M. Hamel and James Jayner, on motion of the plaintiff, by counsel, the Court doth, take, her bill for completed, as to those defendants, and the same coming on to be heard on the bill the amended bill, answer of the defendant ^{73 by the, sometimes called Drake} and exhibits filed, was argued by counsel, On consideration whereof, the Court doth order & adjudges & decrees that-

he appointed commissioners, any three of whom may act, and that they proceed, at any time within the next thirty days, to lay off and set apart to the complainant Jincy Drake, one just and equal third part of the land in the bill mentioned, and described in a deed of bargain & sale from A. M. Hamel & wife to Dempsey Drake, sometimes called Blythe, bearing date Feb: 22nd 1834, to be held by the said Jincy Drake as dower, for and during her natural life. And that the said Commissioners in making said division, shall reserve both quantity & quality, according to the value of said land on the 28th of Feb: 1834, - and make report to this Court in order to a final decree

Drake

~ 7 Sp^a in lbr

Drake

1842 March Term

Exicuted
J. Massenburg Dy of
The: Preston Sheriff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon

Jesse Drake

before the Justices of our County Court of Southampton
to appear ~~at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the~~
~~County of Southampton~~, at the *Courthouse of said County* ~~Hall to be holden for the said Court~~ on the first ~~Monday in~~
day of March Term Inst ~~next~~, to answer a Bill in Chancery exhibited against *him* in
the said Court by *Jinney Drake*

And unless *he* shall answer the said Bill within ~~four~~ *two* months thereafter, the Court will
take the same for confessed, and decree accordingly. And this *he* 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 *16th* day of
March 1842, in the *66th* year of the Commonwealth.

L. R. Edwards

[One Copy to be delivered each Defendant.]

C.C.

Drakes

v. } Sp. in lchy.

Drakes

1843. January. Rules.

Excerpted
Massenburg L. of
W. L. Everett Schiff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting :

We command you that you summon *Jose Drake sometimes known as*
Jose Blythe

to appear at the Clerk's Office of our ~~Circuit Superior Court of Law and Chancery~~ ^{County Court} for the
County of Southampton, at the Rules to be holden for the said Court on the first Monday in
January — next, to answer a Bill in Chancery exhibited against *him* in
the said Court by *Josey Drake, Plaintiff vs. Dempsey Drake dec^d*
sometimes known as Dempsey Blythe

And unless *he* shall answer the said Bill within ~~four~~ ^{ten} months thereafter, the Court will
take the same for confessed, and decree accordingly. And this *he* 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 *5th* day of
December 1842, in the *10th* year of the Commonwealth.

L. R. Edwards

[One Copy to be delivered each Defendant.]

0.60

Drake

v } Sp. in lby

Drake &

1843 June Drake
Oriented

Imperialburg
Dyoff No 5 Everitt

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Anthony M Howell & James Joyner*

to appear at the Clerk's Office of our ~~Circuit Superior Court of Law and Chancery~~ ^{County Court} for the
County of Southampton, at the Rules to be holden for the said Court on the first Monday in
June - next, to answer a Bill in Chancery exhibited against ^{another} *them* in
the said Court by *Jincy Drake widow of Dempsey Drake dec^d. Sometimes*
known as Dempsey Blythe

And unless *they* shall answer the said Bill within ^{*two*} ~~four~~ months thereafter, the Court will
take the same for confessed, and decree accordingly. And this *they* 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 *3^d* day of
May 1843, in the *67th* year of the Commonwealth.

R. E. Edwards

[One Copy to be delivered each Defendant.]

Howe & wife
to } Dred
Blythe }

Copy

1834-

This Indenture made this 22^d day of February in the year of our Lord 1633
between Anthony M Howell and Emma Howell his wife of the County of Southampton
of the one part and Demsey Blythe of the County aforesaid of the other part, Witnesseth
that the said Anthony M Howell for and in consideration of the full and just sum of
Two hundred and twenty five dollars Current Money of Virginia to be paid by the
said
to them in hand paid or before the executing and
delivery of these presents the receipt whereof the said Anthony M Howell
and Emma his wife doth hereby acknowledge and therefore Equit and discharge
the said Demsey Bly his heirs and assigns forever and themselves therewith
fully and entirely satisfied Contented and paid have granted bargained sold
aliened enfeoffed and Confirmed and by these presents do grant bargain
sell alien enfeoff release set over deliver Confirmed unto him the said
Demsey Bly and to his heirs assigns forever all that plantation messuages
tract and parcel of land whereon the said Demsey Bly now lieth on being the
tract of land I purchased of Anthony M Howell situated being and lying in the
County of Southampton aforesaid and Containing by Estimation seventy five
acres be the same more or less and bounded as followz to wit beginning at
a Elm tree a corner just made there bounded by a large corner tree
marked tree of the said land and in the branch which is a poplar then a
up the branch to a sweet Gum then a line of marked trees to a pine corner
of Joshua Jeyners line then along a line of marked trees to a corner pine
of Bawley Drake then along said line to a red oak a corner of Ristley
Drake then bounded by said line to a pine a corner of said land and
thence a straight line to the beginning with all houses out houses offices
buildings woods waters ways and water passages hereditaments and
appurtenances whatsoever to the same belonging or in any wise appertain-
ing and the reversion and reversionary remainder and remainders unto years
and profits thereof and all the Estate right title interest Claims and
demands of them the said Anthony M Howell of in and to the said ~~land~~
and every part thereof - To have and to hold the said plantation tract
or parcel of land and premises aforesaid unto him the said Demsey Bly
his heirs and assigns forever and the said Anthony M Howell and Emma
his wife for themselves their heirs Executors and administrators or assigns
the said seventy five acres of land and premises with all and every the

opportunity against him the said Anthony M Howell and his
heirs and against all persons whatsoever sums or demands the said or any part
shall and with warrant and force defend by their presents. In witness
whereof the Anthony M Howell have hereunto set their hands and
affixed their seals this day and year above mentioned -

Witness
Signed Sealed and
Southampton County SC

Anthony M Howell Seal
Emma M Howell Seal
mark

We Nicholas M Petrell and Jeremiah Cobb Magistrates
of the aforesaid County do hereby Certify that Emma Howell wife of
Anthony M Howell parties to the within used of Conveyances bearing
date the 22^d day of February 1834 personally appeared before us in our
County aforesaid and acknowledged the same to be her act and deed and
desired us to Certify the said acknowledgement to the Clerk of the County Court
aforesaid in order that the said deed may be Recorded - Given under our
hands and seals this 26th day of February 1834

Jeremiah Cobb Seal
N M Petrell Seal

Southampton County For the Clerk Office the 26th day of February 1834
This Indenture was acknowledged by Anthony M Howell and together
with the Certificate thereto annexed of the proper examination and relinquish-
-ment of dower of Emma Howell wife of the said Anthony M Howell
parties thereto admitted to Record. And at a Court held for the County
aforesaid the 17th day of March 1834 the said Indenture and Certificate
were entered upon the proceedings of the day -

John James Rochelle Clk
Attest
John L R Edwards Clk

Blythe
to } Trust Deed
Howells Trustee

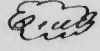
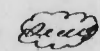
Alleg.

1884

This Indenture made this 26th February Eighteen hundred and thirty four
between Demsey Blythe of the County of Southampton of the one part and Anthony
M Howell of the said County of a second part and Thomas C Jones of the aforesaid
County of the third part- Witnesseth That whereas the said Demsey Blythe stands
indebted by a bond to the said Anthony M Howell in the sum of two hundred and
seventy five dollars and whereas for the further assurance of the payment it is
agreed by the parties herunto that a Conveyance in trust shall be made to the
said Thomas C Jones for the benefit of the said Anthony M Howell in case the
said bond shall not be punctually paid with lawful interest thereon on or before
the first day of May 1834 Now this Indenture witnesseth that the said Demsey
Blythe for and in consideration of the premises and for the further sum of two
hundred and seventy five dollars to him in hand paid the receipt of which is
acknowledged has bargained and sold and by these presents doth for himself his
heirs Executors and administrators give grant bargain and sold unto the said
Thomas C Jones his heirs and assigns all that tract or parcel of Land whereon
the said Demsey Blythe now resides lying and being in the ^{said} County of Southampton
Containing by estimation seventy five acres be the same more or less and
bounded by the known and reputed boundaries thereof and also all the buildings
woods waters advantages and appurtenances to the same belonging or in any
wise appertaining and the reversions and reversion rents issues and profits
thereof and all the Estate right and title of him the said Demsey Blythe of in
and to the same and two horses one Cart and wheels - To have and to hold
the aforesaid granted premises with every of the appurtenances unto the said
Thomas C Jones his heirs and assigns in trust forever and it is hereby declared
to be the true intent and meaning of these presents that if the said Demsey
Blythe shall punctually pay to the said Anthony M Howell his heirs or assigns
the said sum of two hundred and seventy five dollars and interest agreeable to
the term of the said bond to the said Anthony M Howell then the said
Thomas C Jones his heirs and assigns shall hold the said land and premises
above granted to the sole and proper use and behoof of the said Demsey
Blythe and the said Thomas C Jones covenants and agrees with the parties
hereto that in case the said ~~the said~~ Demsey Blythe his heirs Executors
or administrators shall fail to make payment to the said Anthony M
Howell his heirs or assigns on or before the first day of May 1834

The due on the bond aforesaid that then the said Thomas C Jones his heirs and
 assigns shall stand seized of the above granted and bargained premises for the
 purpose following that is to say that at the request of the said Anthony M
 Howell his heirs or assigns in the said Thomas C Jones his heirs Executors
 administrators or assigns or either of them shall give twenty days notice and sell at
 public sale above mentioned tract of land and shall pay the money arising
 therefrom to the said Anthony M Howell his heirs or assigns so far forth
 as shall be then due and after satisfying the said bond and interest and all
 the expenses remaining or arising from the notice and sale shall pay the
 surplus money to the said Demsey Blythe or his assigns = And Money whereof
 the said parties have unto set their hands and seals this day and year
 above written -

Signed sealed and delivered }
 In presence of

Demsey Blythe 
 Anthony M Howell 
 Thos C Jones 

Southampton County For the Clerk's Office the 26th day of February 1834
 This Indenture was acknowledged by Demsey Blythe Anthony M Howell and
 Thomas C Jones the parties thereto and admitted to Record - And at a Court
 held for the County aforesaid the 17th day of March 1834 the said indenture
 was entered upon the proceedings of the day

Teste James Rockwell Clk
 Attesty
 Teste L. R. Edwards Clk

Blythe & wife
to } Deed
Howell

Alcopff

1835

This Indenture made and entered into this 28th day of November in the year of our Lord One thousand Eight hundred and thirty five between Dempsey Blythe and Janey his wife of the one part. And Anthony M Howell of the other part - Witnesseth that for and in Consideration of two hundred and twenty five dollars Current Money of Virginia to them in hand paid by the said Anthony M Howell they the said Dempsey Blythe and his wife have bargained and sold and by these presents do and each of them doth bargain and sell unto the said Anthony M Howell his heirs and assigns One certain tract or parcel of land Containing by estimation seventy five Acres be the same more or less being the tract formerly purchased by Dempsey Blythe of the aforesaid Howell and bounded as follows - Beginning at a persimmon tree thence by a line of Marked trees to a corner tree in the branch thence up the branch to a sweet gum thence by a line of Marked trees to a corner pine thence by a line of Marked trees to Baldy Drakes Corner to a red oak Ridly Drakes Corner thence to another Corner tree and thence to the beginning and the reversion and reversions remainder and remainders yearly and other rents issues and profits and every part and parcel thereof - Do have and to hold said tract of land with the tenements hereditaments and all and singular the premises herein before mentioned or intended to be bargained and sold with every part and parcel thereof - with every of their rights Members and appurtenances unto him the said Anthony M Howell his heirs and assigns forever. And the said Dempsey Blythe and his wife Janey for themselves and their heirs the said tract of land with all and singular the premises and appurtenances herein before mentioned unto the said Anthony M Howell his heirs and assigns forever. free from the claim of them the said Dempsey Blythe and Janey his wife or either of them or their heirs or any person claiming under them - For Writings whereof they have hereunto set their hands and seals this day and year before written -

Dempsey ^{his Blythe} ~~thurs~~ 

Southern County Ind the Clerk Office the November 26th 1835

This Indenture was acknowledged by Dempsey Blythe party thereto and admitted to Record. And at a Court held for the County aforesaid the 21st day of December 1835 the said Indenture was entered upon the proceedings of the day -

Test L R Edwards C.C.

Happy

Test L R Edwards C.C.

Howell } Dead
to }
Jouner }

Abney

1857

46.

This Indenture made this Eleventh day of December in the year of our Lord One thousand Eight and thirty seven between A M Howell of the County of Southampton of the one part. and James Gogner of the County aforesaid of the other part. Witnesseth that the said A M Howell for and in consideration of the full and just sum of Three hundred dollars Current Money of Ore to be paid by the said James Gogner to them in hand paid on or before the executing and delivery of these presents the receipt whereof the said A M Howell doth hereby acknowledge and therefore quit and discharge the said James Gogner his heirs and assigns forever and themselves therewith and entirely satisfied Contented and paid have granted and bargained and sold aliened enfeoffed and Confirmed and by these presents do grant bargain sell alien enfeoff release deliver and Confirm unto him the said James Gogner and his heirs and assigns forever all that plantation messuage tract and parcel of land whereon the said James Gogner now lives it being the tract & purchased of A. M. Howell Situate lying and being in the County of Southampton aforesaid and Containing by estimation seven five acres be the same more or less and bounded as follows to wit. beginning at a persimmon tree a corner just made thence bounded by a line of marked trees to a corner tree of said land and in the branch which is a poplar thence up the branch to a sweet gum thence a line of marked trees to a pine corner of Joshua Gogners line thence along a line of marked trees to a pine a corner tree of Baldy Drake thence along said line to a red oak a corner of Ridley Drake thence bounded by said line to a pine a corner of said land and thence a straight line to the beginning with all houses out houses outhouses buildings woods ways water ways hereditaments and appurtenances whatsoever to the same belonging on it any wise appertaining and the reversion remainder and remaining rents issues and profits thereof all the estate right and title interest of Claim or demands of them the said A M Howell of in and to the said - every part thereof - To have and to hold the said plantation tract or parcel of land and premises aforesaid unto him the said James Gogner his heirs and assigns forever and the said A M Howell for themselves their heirs Executors and assigns or assigns the said seven five acres of land and premises with all appurtenances aforesaid against him the said A M Howell and his heirs and against all persons whatsoever claims or demands the said or any part thereof shall and will warrant and forever defend by these presents. In Witness whereof the said A M Howell have hereunto set their hands and affixed this day and year aforesaid

A M Howell

Southern County In the Clerks office the 13th day of December 1837

This Indenture was acknowledged by Anthony M Howell to be his act and deed by admitted to Record - and at a Court held for the said County the 18th day of said Month the said Indenture was entered upon the proceedings of the day -

Test J R Edwards CL
Henry Train L R Edwards & Co

Faynervs wife } Dord
to }
Blythe

Abby

1841

This Indenture made this 5th day of October in the year of our Lord One Thousand Eight Hundred and forty One between James Fozner and Nancy his wife of the County of Southampton and State of Virginia of the one part and Jesse Blythe of the aforesaid County of the other part. Witnesseth that the said James Fozner and Nancy his wife for and in Consideration of the sum of Three Hundred dollars Current Money of Virginia to be paid by the said Jesse Blythe on or before the sealing and delivery of these presents the receipt whereof the said James Fozner and Nancy his wife doth hereby acknowledge and therefore acquit and discharge the said Jesse Blythe his heirs assigns & forever and themselves therewith entering satisfaction Contented and paid and do hereby hath granted bargained sold unto the said Jesse Blythe One Certain tract or parcel of Land lying and being in the County of Southampton and parish of Netoway Containing by estimation seven five acres be the same more or less and bounded by the foreknown boundaries being a tract of Land transferred from Anthony McWell to James Fozner lying on the road leading from Williams Tavern to Franklin with all houses and out houses ices, buildings ways and water courses and all appertaining to the same to him the said Jesse Blythe to him and to his heirs forever. and the said James Fozner and Nancy his wife for themselves hath sold to the said Jesse Blythe and forever warrant and defend all right title Claim of any person or persons claiming or demanding the same or any part thereof. In Witness whereof the said James Fozner and Nancy his wife hath hereunto set their hands and seals this day and date above written -

Witness

L R Edwards

Augustus West

Mrs A Spark

James his Fozner Seal
mark