

1878-08

Southampton County Chancery -

Booth, P. H. vs Drewry, Wm. H.

Home stead deed + creditors suit

Booth

5 3 Papers

Drewry

To The Honorable George B. Low Judge
of the Circuit Court of Southampton
County in chancery sitting

Humbly complaining your Orator
P. C. Booth of Petersburg sheweth
unto your Honor that Wm B. Drury
on the 13th of May 1876 by a deed duly
recorded in the clerk's office of Southampton
and a copy of which is herewith filed
marked A and prayed to be taken as a
part of this bill set aside a tract of
land lying in Southampton known as
Magnolia and bounded by the lands of
Persons & Thomas James Drury and
J. D. Whitbrook and containing 1011 acres.
This deed was made or dated the 13th
of May 1878 recorded the 11th of May
1878 and a certificate from P. S. Thomas
and J. B. Powell dated 9th of May 1878
appended thereto stating that in their
opinion the cash value of the said
land was \$2000

Your Orator states further that
at the July term 1876 of the hustings
court of Petersburg he obtained a
judgment against W. B. Drury and
S. M. Ginn merchants and partners
trading under the name firm and
style of Wm B. Drury & Co for \$118.55
with interest from 15th March 1876
and \$8.35 20^{cts} which was docketed in

in Southampton County on the 30th July 1878 all of which will more fully appear by a certified copy of the said judgement and its being docketed given under the hand of the clerk of Southampton which is herewith filed marked B and prayed to be taken as a part of this bill.

Your Orator has stated, charges, unequivocally, and avers positively that the deed of the 13th of May 1878 made by Mrs. G. D. Drury and herself as a homestead for himself and family was made for the purpose of hindering, delaying, and defrauding his creditors and is void as to his debt and should be set aside.

Your Orator states and charges that this piece known as Magnolia and which W. G. Drury has set aside as a homestead valued at \$2000 stands appraised on the land book of Southampton at 1011 acres valued at \$4 a cu total valuation \$4044 all of which will more fully appear by a certified copy of the said land book herewith filed marked C and prayed to be taken as a part of this bill.

Your Orator states that this is one of the most valuable farms in Southampton having a fine

house on it and he is informed would bring on reasonable time some \$8000. He states further that the two persons who valued it to wit P. S. Thomas and J. B. Powell were self appointed appraisers and that they were not appointed by any court or ever sworn to make a true valuation and in consequence of this fraud on your Orator he now wishes the aid of a court of equity.

In tender consideration whereof and inasmuch as your Orator is without relief at law and only entitled to relief in a court of equity where such matters are peculiarly cognizable he therefore prays that the court W. G. Drury may be made a party defendant to this bill and that the court would compel him in true and perfect answer make to the allegations therein contained as if he had been summoned more fully and specially interrogated and that the court would have a proper valuation of this Magnolia tract of land made either by its regular commissioners or specify one appointed for that purpose and after the said valuation allot to Mrs. G. Drury \$2000 value in the said land and direct the judgement of your Orator to be paid out of the moneys of the said land either by a sale of the same or renting

it out as the report of the said
 commissioners may make necessary
 and that the court would grant such
 other and ~~general~~ relief the premises
 considered ^{equity may dictate and} as the nature of his case
 may require and as in duty bound
 your Obedt. will ever remain
 Sir Isaac P. S.

1878 October 18th

1300th
 1310th
 1320th
 1330th
 1340th
 1350th
 1360th
 1370th
 1380th
 1390th
 1400th
 1410th
 1420th
 1430th
 1440th
 1450th
 1460th
 1470th
 1480th
 1490th
 1500th

Mr. H. C. Drewry

Homestead Deed

A Copy

(722 40 cents)

Know all men by these presents, that I Wm H. Drewry of the City of Petersburg in the State of Virginia, being a householder and head of a family in said City do hereby declare my intention to claim and do hereby claim the benefit of a homestead as provided for by the Constitution of the State of Virginia and the act of the General assembly of said State passed in pursuance thereof and approved June 27th 1870 and also an act of said General assembly approved July 11th 1870 supplementary to the act aforesaid also all acts passed by the Congress of the United States, giving protection to said Homestead acts: and I do hereby claim as such Homestead the following property to wit: a certain tract or parcel of land lying, being and situate in Southampton County Virginia, near Drewryville and known as "Elaynsia" bounded by and adjoining the lands of P. J. Thomas, James Drewry and S. D. Westbrook and estimated by me to be of the value of two thousand dollars and which estimate is also made by P. J. Thomas, and J. B. Powell, as will appear by papers marked A hereto annexed & to be recorded with this deed as a part thereof. The said parcel or tract of land was devised to me by the last will & testament of my deceased father John Drewry, which was admitted to probate by the Court of Southampton County, reference to which is hereby made for a fuller description of the same. Witness the following signatures & seal this 13th day of May 1876

W. H. Drewry {seal}

City of Petersburg to wit:

I Thos G. Watkins a notary Public in and for the City aforesaid in the state of Virginia, do certify that Wm H Drewry whose name is signed to the above writing bearing date the 13th day of May 1876 has acknowledged the same before me in my City aforesaid. Given under my hand this 13th day of May 1876.

Thos G Watkins

Notary Public

A

Drewrysville

Southampton Co Va

May 9th 1876

We the undersigned having made careful examination of the premises & do hereby certify that, in our opinion, the following described property would constitute a fair and appropriate homestead for W. H. Drewry (Should one be set apart for him) viz: The Farm upon which he formerly resided situate in this County and known as "Elagnolia" near Drewrysville together with all the improvements thereon, and, that we estimate said property at present Cash value - at not exceeding two thousand dollars

Witness our hands & seals this day and year above written signed & acknowledged

before Mr. Geo. M. Hughes

J.P.

P. S. Thomas (seal)

T. B. Powell (seal)

Southampton County In the Clerk's Office May 16th
1876.

This Deed of Homestead made by Wm St Drewry was
this day received, and together with the Certificate
thereto annexed, admitted to record.

Teste.

J. P. Edwards Clerk.

A Deputy

Teste:

J. P. Edwards Clerk.

Boothe
vs Exhibits
Brewery & Co.

In the Hastings Court of the City of Petersburg July
Term 1876.

P. H. Booth

Plaintiff.

against

W. H. Drewry and S. M. Green Partners trading under
the firm and Style W. H. Drewry & Co. Defendants.

Judgment rendered for the Plaintiff against the
defendants for one hundred and eighty $\frac{5}{100}$
dollars, with interest from March 13th 1876
till paid, and \$8³⁵ costs

Extract.

Teste;

Moreau B. Mann Clerk

Friend & Davis p. q.

The above is a copy docketed in the County Court
of Southampton County on the 30th day of July
1878,

Teste

J. P. Edwards Clerk

Booth
to Y. Sims Esq.
Dewey
1878 October Rules

Executed Sept. 31st 1878 by
delivering a copy of the within
to Wm. H. Dewey
for W. H. Briggs

The Commonwealth of Virginia:

To the Sheriff of Southampton County :---Greeting.

We command you to summon

Wm A Drury

if *he* be found within your bailiwick 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 *October next* to answer *a bill in Chancery exhibited against them in our said Court by E. A. Booth*

and have then and there this writ. Witness, **LITTLETON R. EDWARDS**, Clerk of our said Court at the Court House, this *18th* day of *September* 187*8* in the *103^d* year of the Commonwealth.

L R Edwards cc

Memorandum for clerk

Please copy and file with the vice the following papers

1st Ind 13th May 1876 of Wm. H. Drewry selling
aside as homestead Mapolia farm A

2nd P. H. Booths docketed judgment
vs W. H. Drewry Co dated 30th July 1878 B

3rd Copy from the Land book, the farm
Mapolia 1011 acres at 4 annuities total
valuation \$4044

Shand p. 5.

Booth

2 } Stat. Rules

Drawry

In Southampton Circuit Court

J. H. Booth

Plaintiff

against
Wm. H. Drewry

Defendant.

1878. Sept. 18th Summons issued
" Oct. 18th Summons returned Executed Bill filed and
" Nov. " Bill dismissed by order of the court D. nisi to Sept.