

1814-031 SOUTHAMPTON COUNTY
CHANCERY PAPERS

IVEY and Wife VS. JOHNSON'S ADMINISTRATOR et al

7/18/14

other SURNAMES: Pope

To the Justices of Southampton County sitting in chancery
complaining sheweth unto your worships your orator & oratrix
Joel Ivey and Nancy his wife &c.

That Jacob Johnson departed this life in or about the year
1785 as it was then supposed intestate, whereupon administration
of the goods and chattels of the said Jacob was granted to Wm
Dobson that some months afterwards it was discovered
that the said Jacob Johnson had made a last will and
testament: and some parts thereof were found, in or near
the plantation of the said Jacob; and from such parts
as were recovered - aided by the recollection & memory of two
or three persons who had some knowledge of the making
of such will; and of the disposition of the said Jacobs
Johnsons property in the said will, a copy considered to
be correct was proven in this court, and ordered to
be recorded. - also a statement of the circumstances
attending the case - all of which may be seen by
reference to the records of this Court. That your oratrix
then was an infant daughter to the said Jacob Johnson,
and amongst the other children entitled to her proportion
of the said Jacobs Estate agreeable to his will, wherein he
divides his personal estate "equally between his wife and
her heirs?" and by an inventory and appraisement on record
it appears there was personal property to the amount of
£ 51. 9. 10 in the hands of the said admr. Wm. Lope, no
part of which has your oratrix received. - That
about three years ago she intermarried with Joel Ivey
now her husband who jointly with your oratrix
Nancy Ivey prays the Court will order and decree
that such proportion of the said Jacob Johnsons estate
real and personal as they are entitled to, may be delivered
up and paid to them, neither of them having had, or ever
received any part thereof; and further your complainants
pray that the said Wm. Lope and Bezier Johnson (the only
other surviving heir) may be made defendants to this bill
and be compelled to answer the allegations therein contained

as fully as if the same were here repeated, and that they
 set forth particularly the whole truth of the case, and say, if
 the said Jacob Johnson did not depart this life leaving
 estate both personal and real, as heretofore in this bill
 stated. and if your complainants have ever received
 their proportions, or any part thereof. And they further
 pray too that your worship will decree and order such
 other and further relief to your orator and oratrix as
 may be consistent with justice and equity. ~~and that~~
~~they grant the same as the subpoena commanding~~
 &c. - and may it please the court, &c.

Attest
 J. Fort p²

The death of Mr. Pope a defendant to this Bill, ~~rendering~~
 rendering an amendment necessary thereto. - Your orator &
 oratrix, Joel Joy & wife, pray that Nathan Pope Exec^r
 of Mr. Pope dec^d be made a defendant and notified thereof
 by subpoena, that he may answer the allegations herein
 contained. &c.

Also Jacob
 Joy

Dearden M^{rs} to whom ad^{vs}
 Joy and Wife ^{ad^{vs}} ^{Ben Johnson}

to whom ad^{vs} ^{for complete}
 or the Estate of Jacob Johnson

vs
 Mr. Pope & Ben Johnson

Bill in Chancery

Jan^y 1807 Bill filed
 & ha returnable to Mar

Ben Johnsons Answer
 filed & Rep^d Dec^r
 1814 May dec^r nisi and
 Sci fa revive

Very sincerely
" } Answer
Johnson

July 1808 Answer files
Dreps & Comm as to Benj
Johnson —

The separate answer of Benjamin Johnson to the bill of complaint exhibited against William Pope and himself in Southampton court by Joel Ingham and Nancy his wife -

This Respondent saving to himself all right of excepting to the various errors &c contained in the said bill, for answer thereto or to so much thereof as he is advised is material for him to answer; says, that the personal Estate of Jacob Johnson was given to his widow Ann Johnson during her life, and not left equally between her and her heirs as is stated in the bill. He admits that there was a small personal estate of the said Jacob Johnson which came to the hands of his said wife who administered upon his estate (as this Respondent believes) and who applied the whole thereof (one cow, ^{a naked bed, a pewter dish and an iron pot} excepted) to her own use. And he states that in consequence of his paying a debt of about ten pounds to Robert Goodwin for her (the ^{bed, dish and iron pot} ~~adverse~~) she gave ^{the} cow ^{to} to your Respondent as a ^{partial} satisfaction for the same. He lastly prays to be hence dismissed with his costs in this behalf expended.

Given to before me by ~~Jacob~~ Benjamin Johnson - this 18th August 1807.

Sam^l Blunt Jk.

My wife
vs of Spain Chy
Pope of Johnson

To March 1807

Excute ce
Nath. C. Mabry Ds
For
Robert Mabry Ghy

The commonwealth of Virginia to the sheriff of Sampson
County Greeting you are hereby commanded to summon
^{administrator of Jacob Johnson}
William Pope, and Benjamin Johnson to appear before
the justices of our County Court of Sampson at the
Court on the 3rd Monday in March next to answer
a bill in chancery exhibited ag^t them by Joel Irey and
Nancy his wife formerly Nancy Johnson and have
then there this writ Witness Sam Kella clerk of our said
court at the Court the 23 day of Jan^y 1807 And
in the 31 year of the Commonwealth
Sam Kella

Ivey wife

m 3/3 Lupa

Duncan Hpt L

To July 1814

I acknowledge the services of the within Lieut

Paul H. Landon

The Commonwealth of Virginia to the ~~Court~~ ^{Proper}
of Southampton county greeting whereas at a court
held for Southampton county on the day of
100 Joel Ivey and wife brought their bill in
Chancery agt Wm Papes ad Jacob Johnson and
Benjamin Johnson and such have been the proceedings
in our court since the filing the bill and before
the hearing thereof the said William Papes died
and no person applying for adm. ~~of~~ ^{to} on the ~~1st~~
estate the same was committed to the hands of
Jacob Darden ~~Shff~~ at ~~the~~ ^{the} court as we have
been given to understand and he informed whampson
the said Joel Ivey wife have supplicated us to grant
them their proper remedy in this behalf and
we being willing and desirous to that speedy
justice be done the parties Comr and you
that you make known to the said Jacob
Darden that he be before the justices of our
County Court on the 3 Monday in July next
to ~~address~~ ^{address} cause if any he can why the
said bill and the proceedings whampson has
should not be revived further to do and
renew what our Court shall of him
in this part consider thus he shall not
omit under the penalty of £100 and have then
there this writ Witness Samuel Kello clerk of our
said Court at the place the 9 June
1814 & 38 Year of the Commonwealth

Kello