

LB22-044

SOUTHAMPTON COUNTY
CHANCERY PAPERS

URQUHART vs. JENKINS' CHILDREN

5/1822

other SURNAMES: Whitfield,
Gualtney, Gwaltney

Morgan
M $\frac{2}{3}$ Rice
Lewkins et al

Dec. 18th 1820. Bill filed on or of
Part.

CB 4:46
Ch 2:40
pub 5:00
Sp -- 1:00
fee - 5:00
\$17:86

Jan'y 1821 on or of pub.
to apl. 1

August 6th 1821 Decree nisi at Rules -
Nov. 1821 H. J. Briggs appointed gen-
-eral to inform defendants to defend
them in this suit

Dec. 1821 Decree nisi to Jan'y.
apl. apl. Gen. atty

July 18th 1822 decree according
to the one filed

Payant atto:

To the worshipful Court of Southamptown in Chancery sitting
Humbly complaining sheweth unto your worships
your orator John Arguehart. That a certain Valentine
Jenkins now dead late of this County being indebted
to your orator in a large amount to wit, in the
sum of £ 324-1-1 did in his lifetime on the 22^d
day of March in the year 1804 execute a deed
of conveyance to your orator and a certain Joseph
Ruffin called in said deed a trustee conveying
to your orator a tract of land whereon the said
Valentine Jenkins then lived lying in this County
containing by estimation three hundred and
twenty five acres for the purpose of securing the
payment of said sum of money with the accruing
interest thereon to the said John Arguehart your
orator. And it was expressly understood and agreed
by the parties to the said deed that if the said
sum of £ 324-1-1 should remain unpaid at or upon
the first day of September next after the date of
the said deed that the aforesaid Joseph Ruffin
his heirs or assigns should after giving reasonable
notice expose the said land to public sale
and with the proceeds of the sale pay and
satisfy the said debt with the accruing inter-
est and the Costs attending the same all which
will more fully appear reference being here
to the said deed which has been legally proved
and admitted to record in the County Court of
Southamptown aforesaid, and which is now here
exhibited as a part of this bill. Your orator begs
leave further to represent that the aforesaid debt
or any part thereof hath not yet been paid
and that the said Joseph Ruffin has been
dead many years and your orator is hereby

Surviving executor - he further states that the said Valentine Jenkins not long since died intestate leaving several children his heirs at law to wit Milton Jenkins, Lucy wife of John Whitfield, Mary Gwatney a widow, Nancy Jenkins Polly Jenkins the widow of John Jenkins a son of said Valentine Jenkins, Edmund Jenkins, Elias Jenkins, Peter Jenkins and Nancy Jenkins ^{Milton Jenkins and} That the said John Whitfield and Lucy his wife are not inhabitants of this commonwealth and that several of the said children to wit

are minors. Your orator is advised that the tract of land conveyed by the said Valentine Jenkins in the deed herewith exhibited, the purpose therein stated cannot be sold ~~for~~ without a decree of this or some other competent tribunal, in as much as the said Joseph Ruffin who alone ^{orator} was authorized to sell, is dead, and your, for whom benefit the deed was made, is the executor to the said Joseph Ruffin dead. In tender consideration whereof and in as much as your orator is remediless in the premises except in a court of equity where matters of trust are peculiarly cognizable he prays that the before named children of said Valentine Jenkins dead may be made defendants unto by the proper process of this Court. He further prays that the said tract of land may be decreed to be sold for the payment of the debt & interest aforesaid, or that this Court and be compelled to answer all and singular the allegations herein contained fully and unequivocally. He further prays that the said tract of land may be decreed

to be sold for the purpose of paying the said debt and interest, or that this Court would make any other or further order or decree in the premises which may be right and proper, and as in duty bound your orator will ever pray &c -

John Arguham

Jenkins by Briggs
add 3/4 answer
Urgent

In the honorable Court of Southampton in Chancery
sitting. The joint and several answers of

infant defendants by their next friend Henry
Briggs to the bill of complaint exhibited by Robert
Arguente against Milton Jenkins. John Whitfield
Henry his wife, and others and themselves.

These respondents now and at all
times saving to for answer to so much of the
said bill as they and advised is necessary
for them to answer answering say.

That they are not privy to any of
the facts stated in the bill. but if it should
satisfactorily appear to the Court that the
statement therein contained is true and the
plaintiff entitled to the relief prayed for they
can hear nothing to object and having
answered they pray what heard dismissed be

Wright

Mr
Jenkins

Rough draw

Urguharte - - - - - Pff
Jenkins & - - - - - Defts
In Chancery

This cause was this day heard on the ^{answers} bills and exhibits filed and arguments of Counsel and it appearing to the satisfaction of the Court ^{that} the order of publication heretofore awarded against the above defendants John Whitfield and Lucy his wife and Milton Jenkins has been inserted in a newspaper published in the Town of Petersburg and posted at the front door of the Court house according to the provisions of an act of assembly in such cases made and provided and the decreed nisi against the above defendants except such as have answered having been regularly served and they having failed to answer as to them the said bill is taken for confessed. Whereupon and after due consideration thereof heard the Court doth adjudge order and decree that the tract of land lying in this County containing three hundred and twenty five conveyed by Valentine Jenkins in his lifetime by the said filed in this cause for the purposes therein mentioned be sold at public auction for the best price that can be had for the same ^{to the amount of the Urguharte claim and the balance of \$12 mules} in Cash ^{within twenty days of sale} public notice of the time and place being first given and that the debt mentioned in said bill be due to the plaintiff John Urguhart to wit \$324.1.1 with intent ^{to avoid in the hands of Abby Miss adm. of V. Jenkins} the 22^d day of March 1804 and the costs of this suit be satisfied out of the proceeds of the sale and the balance if any be paid over to the heirs at law of said Valentine Jenkins according to their respective rights. And it is moreover ordered that Edmund Rutt, Philip Summrell do carry the foregoing part of this decree into effect and make a conveyance in fee simple to the purchaser or purchasers of said land and make a report to this Court of proceedings herein in order to a final decree.

Wright
No. 15
Jenkins 15
oro: of
Pub: To

March Court 1821

Wright

Wright

Wright

Virginia Southampton County December Court 1820

John Warguhart

Complainant

against

Wilton Jenkins, John Whitefute and Lucy his wife, Mary
Gualney, Nancy Jenkins, Polly Jenkins, Widow of
John Jenkins) Edmund Jenkins, Elias Jenkins, Betsey
Jenkins and

Jenkins

Defendants

In
Chancery

and Wilton Jenkins

The defendants John Whitefute and Lucy his wife, not having
entered their appearance and given Security, according to the Act of
Assembly and the rules of this Court, And it appearing to the Court
that they are not inhabitants of this Commonwealth, It is
therefore decreed and ordered that the said John Whitefute and Lucy
his wife, do appear here, on or before the third Monday in
March next, and answer the said Complainant's bill, and that a
Copy of this order be forthwith inserted in the Petersburg
Intelligencer for eight weeks successively, and posted at the front door
of the Court house of this County on two several Court days

a Copy Teste

A. M. Isolation D.C.

Virginia Southampton County January Court 1821

John Merguhat Complainant
against

Willow Jenkins, John Whitely, and Lucy his wife, Mary
Gwenny, Nancy Jenkins, Polly Jenkins (widow of John
Jenkins), Thomas Jenkins, Elias Jenkins, Betsey Jenkins
and Jenkins Defendants

In
Ch. J.

The defendants John Whitely and Lucy his wife and Willow Jenkins
not having entered their appearance and given security according to the Act
of Assembly and the rules of this Court, And it appearing to the Satisfaction
of the Court, that they are not inhabitants of this Commonwealth. It is
therefore decreed and ordered, that the said John Whitely and Lucy his wife
and Willow Jenkins, do appear here, on or before the third Monday in
April next and answer the said Complainants bill, And that a Copy of
this order, be forthwith inserted in the Petersburg Intelligencer, for
eight weeks successively, and posted at the front door of the Court
house of this County on two several Court days —

A Copy test A. M. Johnston D.C.

Wright 3
15 Mi. Sec. Decees
Jenkins 3

To September Conts 1875

Executors on Nanay Jenkins
Polly Jenkins. Widow of
John Jenkins. Edward
Jenkins. Silas Jenkins. Peter
Jenkins and Stan of Jenkins
Mary Gwaltney no
inhabitants. Aug. 30/1871.

Edw. & Ruths depy of
Geo. Wines sheriff

At Rules held in the Clerk's office of the County Court of Saratoga
on the 6th day of August 1831

Sohn Ingham vs. Campbell

against

William Perkins Sohn Ingham and Lucy his wife In Chancery
Mary Groatney Nancy Perkins Polly Perkins
+ Per. Ingham
Edward Perkins Elias Perkins Jesse Perkins
and Nancy Perkins Defendants

The Complainant's bill in this case having been filed more
than three months and the defendants Mary Groatney Nancy
Perkins Polly Perkins (widow of John Perkins Edward Per-
kins Elias Perkins Jesse Perkins and Nancy Perkins
being also served with the subpoena in this case more than three
months and failing to file their answer Therefore the motion of
the Complainant by his attorney It is decreed and ordered that
unless the said defendants appear and answer the Complainant's
Bill on or before the third Monday in September next the same
shall be taken for confessed as to them and the matter and things
therein contained decreed according to the prayer thereof and it
is further decreed and ordered that the Clerk serve the defend-
ants each with a copy of this order

Attest
Jesse F. Schell

Arguehant

to

Senkins & Co.

Miss Denee

To September Comb 1874.

off Piles

At Rules held in the clerk's office of the county court of
Southampton on the 6th day of August 1891-

John Argubrant - - - - - Compt.
vs
Jagant

Wilton Jenkins, John Whitfield & Lucy his
wife, Mary Swathney, Nancy Jenkins,
Polly Jenkins (widow of John Jenkins)
Edward Jenkins, Elias Jenkins, Patsy
Jenkins and - - - - - Defendants.

The complainants bill in this case having been
filed more than three months and the respondents Mary
Swathney, Nancy Jenkins, Polly Jenkins (widow of John
Jenkins), Edward Jenkins, Elias Jenkins, Patsy Jenkins
and - - - - - Jenkins being also served with the subpoena
in this case more than three months and failing to file
their answer - Therefore it is ~~ordered~~ ^{decreed} and
the motion of the complainant by his attorney - It is
decreed & ordered that unless the said defendants appear
and answer the complainants said bill on or before
the third Monday ⁱⁿ September ~~next~~ ^{as to them} next the same will be taken
for confessed, and the matters and things therein
contingent decreed according to the prayer thereof - and
it is further decreed & ordered that the Sheriff serve the
defendants, each with a copy of this order -
Attest Teste
J. B. Rochelle &

Defendants, the service of
the within deed."

Henry Greenleaf

Wright & Co } Deeds
Jenkins & Co } Deeds

To January Court 1862

Isa of right

At a Court held for the County of Southampton on the 17th day of Dec:
1821 —

John Wargrath Complainant,
against

Wilton Jenkins, John Whitfute and Lucy his wife, Mary
Swatney, Nancy Jenkins, Polly Jenkins, widow of
John Jenkins, Edward Jenkins, Silas Jenkins, Patsy
Jenkins and — Jenkins Defendants

per Chy.

The Complainant's bill in this case having been filed more than three months, and the defendants Mary Swatney, Nancy Jenkins, Polly Jenkins (widow of John Jenkins) Edward Jenkins, Silas Jenkins, Patsy Jenkins and — Jenkins having been also served with the Subpoena in this case, more than three months but of failing to file their answer — Therefore on the motion of the Complainant by his Counsel It is decreed ordered and adjudged that unless the said defendants do appear and answer the Complainant's said bill on or before the third Monday in January next the same will be taken for confessed as to them and the matters and things therein contained decreed accordingly. and it is further decreed and ordered that the Sheriff of Isle of Wight County serve the defendant Mary Swatney ^{only} with a copy of this order —

a Copy teste A. Middleton D.C.

Compt's cts. 85: 86

Urquhart 3 } Decree
17 }
Jenkins 8. } Copy

Copy
Fete
La Rochelle E.

May 1822

Rept. Ret. & Final
Decree

Southampton February Court 1822

John Urquhart - - - Complainant

against

William Jenkins John Whitfield and

Lucy his wife Mary Graftney

Haney Jenkins Polly Jenkins

widow of John Jenkins Edwards

Jenkins Selas Jenkins Patsy Jenkins

and Jenkins - - - Defendants

John Chancery

This cause was this day heard on the bills answers and exhibits
filed and arguments of Counsel and it appearing to the satisfaction
of the Court that the order of publication heretofore awarded
against the absent defendants John Whitfield and Lucy
his wife and William Jenkins has been inserted in a News-
paper published in the Town of Petersburg and Posted at
the front door of the Court House according to the
provisions of an act of assembly in such cases made
and provided and the decree nisi against the
home defendants except such as have answered having
been regularly served and they having failed to answer
as to them the same will be taken for confessed Whereupon
and after due consideration thereof had the Court doth adjudge
order and decree that the tract of Land lying in this
County containing three hundred and twenty five
conveyed by Valentine Jenkins in his life time by
the deed filed in this cause for the purposes therein
mentioned to be sold at Public Auction
for the best price that can be had for the same
in cash to the amount of John Urquhart's
claim and the balance on a credit of twelve
months to secured bond with good security

twenty days public notice of the time and place of
 sale being first given and that the debt mentioned
 in said deed to be due to the said plaintiff John
 Urquhart, subject to a credit in the hands of Henry
 Briggs am^t of Voluntary Sentiments to Mch 324: 1: 0 with
 interest thereon to be paid from the 22nd day of March
 1864 and the cost of this suit to be satisfied out of
 the proceeds of the sale and the balance if any
 to be paid over to the heirs at Law of J^d Voluntary
 Sentiments according to their respective rights and
 it is moreover ordered that Edwards Butts and
 Gidas Summell do carry the foregoing part of
 this decree into effect and make a convey-
 ance in fee simple to the purchaser or purchasers
 of said Land and make a report to this court
 of proceedings hereon in order to a final decree

Compt^s costs 75: 86

Urquhart }
 107 } Decree
 Jenkins & } Copy

Copy
 Fete
 La Rochelle & Co.

May 1822

Rept. Ret^s & Final
 Decree

Merchant 3
in 3
Sensim 3
Spa in Chely

To Nov^r cont 1820

Executed on
Mary Gwaltney
No other in my County
Jas. D. Duff

The Commonwealth of Virginia,

TO THE SHERIFF OF *Isle of wight county* COUNTY—GREETING;

You are hereby commanded to summon *Wilton Jenkins, John Whitfuto, and Lucy his wife Mary Hazatney, Nancy Jenkins, Polly Jenkins (widow of W. Jenkins) Cornelia Jenkins, Elias Jenkins, Betsey Jenkins, and Nancy Jenkins* to appear before the Justices of our County Court of Southampton, at the Courthouse, on the *first* ~~Monday in November~~ next, to testify and the truth to ~~say, on behalf of~~ *answer a bill in Chancery exhibited against* in a certain matter of controversy in our said court depending and undetermined, between ~~them by John Unquarhart~~

~~plaintiff~~, and ~~defendant~~; and this *they* shall in no wise omit, under the penalty of £ 100 each. And have then there this writ. Witness JAMES ROCHELLE, Clerk of our said county Court, at his Office, the *16th* day of *October* 1820; in the *4th* year of the Commonwealth.

James Rochelle

Arguheart
185
Sinking H³ 3
Spae in
Ch⁴
C

To Decⁿ county court.

1820

Granted on all
except Wilton
Sutkins. John Whitefield
and Lucy his wife

Edw. & 1 Bull, City of
Geo. Wirus shiff

The Commonwealth of Virginia to the Sheriff of Southampton County
Greeting You are hereby commanded to summon Milton Senkin, John Whitted
and Lucy his wife, Mary Swattney, Nancy Senkin, Polly Senkin widow of
John Senkin, Edmund Senkin, Silas Senkin, Betsey Senkin & Nancy Senkin
to appear before the Justices of our county court of Southampton at the
courthouse on the third Monday in December next to answer a bill
in chancery of libels against them by John Urquhart and that
they shall in and use omit under the penalty of \$100 each
and have then there this writ - Witness James Rochelle
Clerk of our said county court of Southampton at ^{his office} ~~the courthouse~~
on the 25th day of October 1820 and 45th Year of the comm^d.
James Rochelle C.

VIRGINIA:
Southampton County, Jan. Court,
1821.

John Urquhart,

Compt.

Against
Wilton Jenkins, John Whitfield, and Lucy,
his wife; Mary Gwaine, Nancy Jenkins, Polly
Jenkins, (widow of John Jenkins), Edmund
Jenkins, Sims Jenkins, Betty Jenkins, and
Jenkins, Defts.

IN CHANCERY.

THE defendants, John Whitfield, and Lucy,
his wife, and Wilton Jenkins, not having
entered their appearance and given security ac-
cording to the Act of Assembly and the rules of
this Court, and it appearing to the satisfaction
of the Court that they are not inhabitants of this
Commonwealth. It is therefore Decreed and Or-
dered, That the said John Whitfield, and Lucy,
his wife, and Wilton Jenkins, do appear here on
or before the third Monday in April next, and
answer the said Compt's bill; and that a copy
of this order be forthwith inserted in the Peters-
burg Intelligencer, for eight weeks successively,
and posted at the front door of the Court-
house of this County on two several court days.

A Copy—Teste,

A. MIDDLETON, D. C.

February 27

2m.

Town of Petersburg to wit:

This day personally appeared before me, an
Alderman of said Town, Jas. J. Gancey, one
of the Editors of the Intelligencer Newspaper,
who made oath that the annexed
order of Southampton Court hath been
regularly inserted in said paper for
two months successively. Given under
my hand this 20th day of June
1821.

John H. Brown Recorder

Agreeably to a decree of the County Court of South-
ampton, bearing date February Court 1822 and hereunto
annexed, We have, after giving Public Notice by adver-
tisements, for twenty days previous, of the time and place
of Sale, proceeded to sell a certain tract of Land
lying in the County of Southampton, Containing three
hundred and twenty five acres, Conveyed by Valentine
Jenkins in his life time, to secure the payments, of
a certain sum of money to John Urquhart, which will
appear by a reference to said Decree, Robert Murray
became the purchaser, for the sum of sixteen hundred
dollars, Out of which sum, we have in the first place,
paid to John Urquhart, the sum of eleven hundred
and eighty dollars and thirteen Cents, for the balance of
his debt, and nine dollars and seventy five Cents, for his
Cost, making eleven hundred and eighty nine dollars and
eighty eight Cents, paid to him, we have retained 50 Cents
Commissions, on the amt. for making the Sale, executing
a Decree &c, which amt. is eighty dollars, and taken Robert
Murray's bond, with John Urquhart security there to, for
the sum of three hundred and thirty dollars and twelve
Cents, payable 12th day of March 1823 which bond, we
have paid over to Henry Briggs, into whose hand the
Estate of Valentine Jenkins has been committed by
The Court for Settlement.

Given under our hands this 12th day March 1822

Edw. & Batts

Vilas Summerell

Jenkins } Deeds
to }
Merguhamt } in trust
October 1864 proved
by 2 wit. & having been
before proved by Mr. Cook
is OK

Examined

345

At a court held in the County of Hampton the 15th day
of October 1844 this Deed of Trust was proved by the
oaths of James Clayton and Mildred Carters of
the witness and having been before proved by
the oath of John Cook another witness there to
and added to amended —

Wm. H. Hutton

Know all Men by these presents that I Valentine Jenkins of the County of Southampton being indebted to John Urquhart of the said County in the just & full sum of Three Hundred & Twenty four pounds current Money of Virginia with lawfull Interest thereon from this date & being willing & desirous to secure the the payment thereof; have as well for the consideration of the aforesaid Sum of Three Hundred & Twenty four pounds 1/1 — as also for the Sum of One dollar to me in hand paid by Joseph Ruffin Trustee for the said John Urquhart the receipt whereof is hereby acknowledged; I the said Valentine Jenkins have bargained & sold, & by these presents do bargain & sell unto the said John Urquhart that Tract or parcel of Land whereon I now live containing by estimation Three Hundred & Twenty five Acres

to which Tract of Land I do for myself my Heirs &c. relinquish to the said John Urquhart, all right title & claim to him this Heirs &c. forever & will in him the right forever Warrant & defend against all Persons & the same Tract of Land — shall remain my property, untill the signing this Deed when it becomes the right & property of the said John Urquhart to have & to hold unto the said John Urquhart all the aforesaid property, to the only use & behoof of him the said John Urquhart his Heirs &c. Assigns forever, in special trust & confidence to the said intent & purpose that if the said Sum of Three Hundred & Twenty four pounds 1/1 — shall remain unpaid to the said John Urquhart his Heirs Executors Admors or Assigns at or upon the first day of Septem^r next that then the aforesaid Joseph Ruffin his Heirs or Assigns, shall after giving reasonable notice, expose the aforesaid Land &c. —

to public Sale, at any time after the said 1. day of September next & with the Money arising thereupon first pay & satisfy the aforesaid Sum of Three Hundred & Twenty four pounds One Shilling & a penny with lawfull Interest thereon & costs as also the expence attending the said Sale & the surplus (if any) to be returned to me the said Valentine Jenkins — my heirs or assigns. In Witness whereof I have hereunto set my hand & seal this 22 day of March A.D. 1804

Signed Seal & delivered in presence of

James Clayson

John A. Cook

Mildred Hart

Valentine Jenkins Seal