

1836-08 SOUTHAMPTON COUNTY
CHANCERY PAPERS

APPLEWHITE'S ADM'X. VS. JONES et al
8/1836

To the Honourable Judge of the Circuit Court
of Law & Chancery for the County of Southampton

Humbly Complaining. Sheweth unto your Honours
your Petitioner Jane Applewhite Adm^r of Thos
Applewhite Dec^d, that in the lifetime of the s^d
Thomas Applewhite, that Junet Jones became indebted
to him by Bond in the sum of \$
that the s^d Jones whilst so indebted to the s^d Apple-
white, conveyed to W^m Jones her son, a considerable
property in which she held a life Estate, in
consideration, a certain Bond executed to her
in the penalty of \$
Conditioned for
the support of the s^d Junet Jones, all of
which will more fully appear by reference
to a copy of s^d Conveyance filed herewith &
prayed to be taken as a part of this Bill,
which is contrary to Law & good conscience
that the s^d Thos in his lifetime instituted
suit upon the claim which he held against
her & that ex^r spent & was rec^d the Effects
that since the death of s^d Thos your Complainant
by Scire facias - renewed the judgment in her
own name as his Adm^r & issued a capias
ad satisfaciendum, vs the Body of the s^d Junet
Jones, & her Body was taken by the Sheriff & thereupon
the s^d Junet took the Oath prescribed by

Law for insolvent debtors & by Schedule duly executed
rendered a Minute of the aforesaid Court. & then set
in the Estate of her ^{late} husband John Jones Dead
and according to ~~John the shff~~ made sale of the same ^{3^d Applewhite} became
but that the 5th Bond was never given up
now can she obtain possession of the 5th interest
Your Compt^y Charges that the 5th Conveyance
was made, with intention to defraud the 5th
The Applewhite, contrary to Law & Equity, & that the
1st Casa still remains unpaid except the two
dollars which she gave at the shff's sale for
the Int af^r the Pay^{mt} of your Compt^y Therefore is that the 5th
John Jones & the 5th Mrs. Jones may be made
Def^ts Liable & made to answer these Charges
fully & amerciously & that your Honour may
decree that the 5th Mrs. Jones release or
deliver up so much property of the 5th John
as may be sufficient to pay the 5th Debt &
or in the event of his having converted it
to pay the same, out of his own proper Est^y
& that your Compt^y may have such other
& general reliefs as is consistent with Equity
as in duty Bound she will ever pray &c.

Ruth for Compt^y

Applewhite

v. 3 Sp. in lch.

Jan 40

1836 August 1840

Executed by delivering a
true copy to each party
29/1856

Wm Drury dep for
Benjamin Griffin s^r

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Jennet Jones and William A Jones*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *August* next, to answer a Bill in Chancery exhibited against *them* in the said Court by *Jane Applewhite administratrix of Thomas Applewhite dec'd*

And unless *they* shall answer the said Bill within 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 *19th* day of *July* 183*6*, in the *61st* year of the Commonwealth.

L R. Edwards

[One Copy to be delivered each Defendant.]

Sept 1836

3 Dec. with Bill

Dec 4

1836 Dec. 11th Dec 8

Brennsville No

at the at dear

Augustine & Co. & Co. & Co.

9 341

13 322

19

Allen Jones's bill

Mills & Co. & Co.

Polk's house in the house

In the name of God Amen; I Allen Jones of the County of Southampton & State of Virginia, being in my perfect senses but weak in body: do make this my last will and Testament; and dispose of my property in the form and manner as followeth (Cizl)

First after the payment of my just debts & funeral Expenses I lend to my wife Simeon, going the use of all my land and Negroes lying and being in the aforesaid County of Southampton and my part of the Grist Mill lying in the aforesaid County for and during her natural life or widowhood for the use of herself and for the purpose of maintaining and Educating my Children provided she keeps in her possession her dower right in the Negroes which descended to her from her first husband

Secondly; If either of my Daughters should get married or when they arrive to the age of twenty one years; My Will and desire is that each one shall receive her equal part of my Slaves, and an equal part of my land lying in Greenville County, which I request my Executor to sell to the best advantage for the purpose of an equal division between them and further that each one shall have one Feather bed, Two Sows & pigs, Two Cows & Calves, and one horse each of equal value.

Thirdly; In case of the death of either of my Daughters before she gets married or arrives to the age of twenty one years; My Will and desire is that my surviving Daughters, shall each have an equal proportion of the dec^d property.

Fourthly; I lend to my son Peter Jones, an equal proportion of my Negroes and all other property except my land and Mill, for & during his natural life also the sum of Five hundred dollars to be raised out of my Estate for the purpose of buying him a Negro Boy to nurse him

Fifthly; My Will and desire is that my son William Allen Jones after the death of my wife Simeon, shall have all my lands lying in the County of Southampton and an equal share of my Slaves, also stocks of all kinds household and kitchen furniture &c which may be left at his death on the Plantation, when he arrives at the age of Twenty one years

Sixthly; My Will and desire is that my son William Allen Jones shall take particular care of his Brother Peter and at his Brother Peter's death I give the property I have lent my s^d son Peter to my son William Allen

Jones to him and his heirs forever.

Seventhly, My Will and desire is that if my wife Sennet dies before my son William Allen Jones arriving at the age of Twenty one years, that the Plantation shall be kept up and cultivated for the benefit of my S^r son ~~Wm~~ Jones until he arrives to the ^{age of} ~~age of~~ Twenty one ~~years~~ Eighty. My further will and desire is that at the death of my wife Sennet that my part of the Mill lying in the aforesaid County of Southampton that I have loaned my S^r wife be sold and the money arising therefrom to be equally divided between my several Daughters which I give to them and their heirs forever.

And Lastly I do hereby constitute and appoint my son in Law Joseph T. Glaid Executor of this my last Will and Testament hereby revoking all former Wills or Testaments by me heretofore made In witness whereof I have hereunto set my hand seal this Twenty sixth day of March In the year of our Lord one thousand eight hundred and nineteen

Signed sealed published
and declared as and for the
last Will and Testament
of him the S^r Allen Jones

Allen Jones 

In presence of (Interlined before signed)

Wm J Smith

^{his}
Elizabeth Barker

^{his}
Rebecca Harrell

At a Court held for the County of Southampton on the day of June 1819

This Will was presented in Court by Joseph T. Glaid the Ex^{or}. therein named proved by the oaths of William J. Smith and Rebecca Harrell two of the witnesses thereto and ordered to be recorded And at a Court held for the aforesaid County of Southampton the 19th of July 1819 The said Ex^{or} who made oath according to Law certificate is granted him for obtaining a probat. Therof in due form on his giving Bond & Security whereupon the said Joseph T. Glaid together with Edwin Turner den Waller William J. Smith Geo. Jay & Edward Reese his securities entered into and acknowledged their Bond in the penalty of fifty thousand dollars conditioned as the Law directs

Attest

Teste James Rachula CC

Applewhite's do

" { Lecky Record:
 { Ex: with bill.

James H

For

Filed at the Courthouse of Southampton County before the Honorable the Judge of the Superior Court of Law for said County on the day of June in the year of our Lord one thousand eight hundred and thirty one of the commonwealth the fifty fourth -

Be it remembered, that heretofore to wit: on the seventeenth day of March in the year 1830. Thomas Applewhite by John G. Mason his Attorney sued out of the Clerks Office of the Superior Court of Law aforesaid a writ of *habeas corpus* and *respondendum* against Thomas Clifton and Sennet Jones, which writ together with the endorsement and Sheriffs return made thereon is in the following words and figures to wit:

"The Commonwealth of Virginia: To the Sheriff of Southampton County, Greeting - We command you to take Thomas Clifton and Sennet Jones if they be found within your bailiwick and there safely keep so that you have their bodies at the Clerks Office of our Superior Court of Law of the said County at the Rules to be holden for the said Court, on the first Monday in April next to answer Thomas Applewhite in a plea of debt for three hundred dollars. damage twenty dollars - And have them there answer. Witness James Rochelle Clerk of our said Court at the Courthouse this 17 day of March 1830 in the 54th year of the Commonwealth - James Rochelle Clk"

Endorsement - "An action of debt on single bill *habeas corpus* required - Mason p. 9"

Sheriffs Return - "Executed on Sennet Jones. Wm. A. Jones S. bail - Tho. Clifton in custody."

At another day to wit. At Rules held in the Clerks Office of the Court aforesaid on the first Monday in April in the year aforesaid. came the plaintiff by his Attorney and filed his bill against the Defendants in the following words to wit:

"Southampton County 5: Thomas Applewhite plaintiff complains of Tho. Clifton & Sennet Jones. defendants in Custody &c. of a plea, that the said Defendants render to the said Plaintiff the sum of \$300. with legal interest thereon from 19th day of January 1823 which they owe to, and unjustly detain from the said plaintiff. For that the said Defendants heretofore to wit. on the 18th day of January 1823 at the County aforesaid, by their certain writing obligatory sealed with their seals and to the Court now here shown, the date whereof is the day and year last aforesaid, acknowledged themselves to owe and promised to pay to the said plaintiff, the said sum of money on demand, one day after date, yet the said Defendants this often required to do so. have not as yet paid the said sum of money to the plaintiff with the interest thereon, as above demanded, or any part thereof to the said plaintiff: but to pay the same or any part thereof to the said plaintiff the said Defendants have hitherto wholly neglected and refused, and still do, To the damage of the plaintiff of \$20. and therefore he brings suit. &c. Mason p. 9"

Whereupon the defendant Jones being arrested and not appearing. on the motion of the plaintiff by his Attorney it is considered by the Court that the plaintiff recover against the said

Defendant owes the sum of three hundred dollars with legal Interest thereon from the 19th day of January 1823 till paid. the debt and interest in the declaration mentioned, unless the said defendant shall appear at the next Rules and plead to issue - And the Sheriff having made return that the defendant is not an inhabitant of his bailiwick it is ordered that this writ abate and be dismissed. At Rules held in the Clerks Office aforesaid on the first Monday in May in the year aforesaid. came the plaintiff by his Attorney and the Defendant still failing to appear. On the motion of the plaintiff it is ordered that the writ or order made against the defendant in this cause be confirmed -

And now at this day to wit. At a Superior Court of Law held for the County aforesaid on the day and year first herein before said, to wit on the 5th day of June in the year aforesaid. The defendant Janet Jones being arrested and not appearing. On the motion of the plaintiff by his Attorney it is considered by the Court that the plaintiff recover against the Defendant the sum of three hundred dollars with legal Interest thereon from the 19th day of January 1823 till paid the debt and interest in the declaration mentioned and his Costs by him about his Suit in this behalf expended. And the said Defendant in Mercy &c. This judgment is to be credited for One hundred and forty three dollars forty Seven cents paid August 1827.

The following is a copy of the execution which issued upon the foregoing judgment. The Commonwealth of Virginia To the Sheriff of Southampton County. Greeting. We command you that of the goods and chattels of Janet Jones late in your bailiwick you cause to be made the sum of three hundred dollars with legal Interest thereon from the 19th day of January 1823 till paid which Thomas Applewhite lately in our Superior Court of Law of Southampton County hath recovered against her for debt - also seven dollars and thirty three cents for his costs in that Suit expended. whereof she is comitt as appears to us of record: and how you shall have executed this writ. make known at the Clerks Office of our said Superior Court at Rules to be holden for said Court on the first Monday in September next. and to have then shew this writ. Witness James Rochelle Clerk of our said Court at the Courthouse the 8th day of June 1830 in the 5th year of the Commonwealth. James Rochelle Clk

This execution is to be credited for One hundred and forty three dollars forty Seven cents paid August 1827. J. Rochelle Clk

Sheriffs endorsement & Return. "Committed June 14/1830. - No property in my bailiwick whereof this execution can be made or any part thereof. Stephen Mendenhall Dy of J. Rochelle Shff."

Pleas at the Courthouse of Southampton County before the Honorable the Judge of the Circuit Superior Court of Law & Chancery for the County of Southampton on the day of July in the year of our Lord one thousand eight hundred and thirty four. one of the Commencement the fifty ninth.

Be it remembered, that heretofore to wit on the seventh day of February in the year 1824 was issued from the Clerks Office of the said Court a writ of Subpoena, which with the return thereon is in these words: "The Commonwealth of Virginia: To the Sheriff of Southampton County. Greeting. Whereas at a Superior Court of Law held for Southampton County on the 5th day of June 1830 before the Judge of the said Court by the judgment of that Court Thomas Applewhite had recovered against Janet Jones three hundred dollars with legal interest from the 19th day of January 1823 till paid for debt. and seven dollars thirty three cents for his costs in that behalf expended. to be credited for one hundred and forty three dollars forty seven cents paid August 1827. whereof the said Janet Jones is comitt as appears to us of record. And whereas since the rendering of the said judgment the said Thomas Applewhite hath departed this life intestate as it is said and administration of all and singular his goods chattels and credits hath been in due form committed to Jane Applewhite. And now on behalf of the said Jane Applewhite administration as aforesaid, we are informed that altho judgment in form aforesaid be given execution thereof still remains to be made. Therefore we command you that you make known to the said Janet Jones that she be at the Clerks Office of our Circuit Superior Court of Law & Chancery for the County aforesaid at the Rules to be holden for the said Court on the first Monday in March next to shew if any thing for herself she hath or can why the said Jane Applewhite administration as aforesaid execution of the judgment aforesaid may not have if to her it seems expedient, and further to do and receive what our said Court shall in that part consider. And have shew there this writ. Witness James Rochelle Clerk of our said Court this 7th day of February 1831 in the 5th year of the Commonwealth. James Rochelle Clk"

Return - "Executed Sife Drury dep. of Lean Bowers Shff."

Afterwards to wit. At Rules held in the Clerks Office of the Circuit Superior Court of Law & Chancery for the County aforesaid came the plaintiff by his Attorney and the Defendant having been duly warned and not appearing. On the motion of the plaintiff it is ordered that the plaintiff may have execution against the Defendant for the debt interest and costs in the writ aforesaid specified, unless the said Defendant shall appear and plead to issue at the next Term of the said Court.

And now at this day to wit. At a ^{Special Session of the} Circuit Superior Court of Law & Chancery held for the County aforesaid on the 11th day of July in the year aforesaid (the day and year first aforesaid) The defendant still failing to appear on the motion of the plaintiff by his Attorney it is considered by the Court that the plaintiff may have execution against the Defendant for.

the sum of three hundred dollars with legal interest thereon from the 19th day of January 1823 till paid the debt and interest and 33 cents the costs in the writ aforesaid specified, and also that the plaintiff recover against the defendant her costs by her expended in prosecuting and suing forth this writ. And the said defendant in Mercy &c.
This judgment is to be credited for one hundred and forty three dollars forty seven cents paid August 1827.

The following are copies of the Executions which issued upon the foregoing judgment
"The Commonwealth of Virginia: To the Sheriff of Southampton County - Greeting -
We command you that you take Jennett Jones if she be found within your bailiwick and her safely keep so that you have her body at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County aforesaid at the rules to be holden for the said Court on the first Monday in October next to satisfy Jane Applewhite administratrix of Thomas Applewhite dec^d the sum of three hundred dollars with legal interest from the 19th day of January 1823 till paid and 33 cents which she in our former Superior Court of said County recovered against the said Jennett Jones as well for a certain debt and interest thereon as for her costs in that behalf expended: whereof the said Jennett Jones is convict as appears to us of record: and also five dollars and twenty one cents which to the said Jane Applewhite administratrix as aforesaid lately in our Circuit Superior Court of Law and Chancery for the said County were adjudged for her costs by her expended in suing forth and prosecuting against the said Jennett Jones an writ of Scire facias: and whereupon it is considered by our said Court that the said Jane Applewhite administratrix as aforesaid have execution against the said Jennett Jones of the debt, interest and costs aforesaid. And have then there this writ. Witness James Rochelle clerk of our said Court at the courthouse this 15th day of July 1834 in the 59th year of the Commonwealth.
James Rochelle cl^k

This execution is to be credited for one hundred and forty three dollars forty seven cents paid August 1827.
J Rochelle cl^k

Sheriff's endorsement & Return - "Came to hand July 20th 1834 - Not found -
Jesse Drury dep. of
Benj. Drury Sh^{ff}"

The Commonwealth of Virginia: To the Sheriff of Southampton County - Greeting -
We command you that you take Jennett Jones if she be found within your bailiwick and her safely keep so that you have her body before the Judge of our Circuit Superior Court of Law and Chancery for the County of Southampton on the first day of the next Term to satisfy Jane Applewhite administratrix of Thomas Applewhite dec^d the sum of three hundred dollars with legal interest thereon from the 19th day of January 1823 till paid and 33 cents which she in our former Superior Court of Law of said County recovered against the said Jennett Jones as well for a certain debt and interest thereon as for her costs in that behalf expended

whereof the said Jennett Jones is convict as appears to us of record - also five dollars & 61 cents which to the said Jane Applewhite administratrix as aforesaid lately in our Circuit Superior Court of Law and Chancery for the said County were adjudged for her costs by her expended in suing forth and prosecuting against the said Jennett Jones an writ of Scire facias and whereof it is considered by our said Court that the said Jane Applewhite administratrix as aforesaid have execution against the said Jennett Jones of the debt interest and costs aforesaid. And have then there this writ. Witness James Rochelle clerk of our said Court this 9th day of October 1834 in the 59th year of the Commonwealth - James Rochelle cl^k
This execution is to be credited for \$143.47 cents paid August 1827 - J Rochelle cl^k

Sheriff's Return - "Arrested the within named Jennett Jones who availed herself of the privileges of an insolvent debtor and was discharged from custody - Schedule of property delivered up herewith returned.
Jesse Drury dep. of
Benj. Drury Sh^{ff}"

Schedule of property delivered up by Jennett Jones an insolvent debtor, at the suit of Jane Applewhite administratrix of Thomas Applewhite dec^d this 30th day October 1834 -

Any and all the interest or claim which I may have secured to me by any conveyance or bond executed by William A Jones to me if such bond or contract be in existence -
Any claim which I may have in Allen Jones's estate under his will or as his widow

her
Jennett Jones
made.

Sheriff's Return - The property within delivered up was advertised & sold according to law for - - - - - \$10.00
deduct arrest - - - - - 63
Sh^{ffs} fee - - - - - 13
\$8.74

Jesse Drury dep. of
Benj. Drury Sh^{ff}