

1844-122

SOUTHAMPTON COUNTY
CHANCERY PAPERS

SMITH and Wife et al vs. DAUGHTREY et al
Smith + wife et al vs Daughtrey

11/1844

other surnames: Johnson, Cotton,
Britt, Parker

~~26~~ 1842 ~~25~~ 8.

Smith Jas.

v. } Papers

Daughtrey

1842.

Apr. Bill filed & pro. an.

May. new process

June new process

July new process

Aug. new process

Sep. new process

Oct. Leave to amend bill &c.

1842 Dec. amended bill & pro. &c.

1842 May - Cont.

" Nov. Dis.

Smith wife

v. } Statement.

Daughtrey &c

1842.

April R. Bill filed.

May - R. Proofs awarded

June R. Sup^a. Ret.^d not found -
New Sup^a awarded

July R. Sup^a. Ret.^d not found -

Aug. R. New Sup^a awarded

Sept. R. New Sup^a awarded -

October T. Leave to amend bill &c

Dec. R. Amended bill & Sup^a awarded.

1843.

Jan. R. Sp^a. Ret.^d Ex^o on Dfts Smith.

Vaughan & Cobb. ~~Harrison~~

Daughtry & Drift not found.

New Sp^a v Dfts Daughtry &
Drift -

Feb. R. Sp^a. Ret.^d Ex^o -

Mar. R. Cause set for hearing as to
Dfts. Smith. Vaughan, ~~Harrison~~
& Cobb.

Apr. R. Set for hearing as to Dfts. Drift
& Daughtry -

Oct. T. Continued

1844.

May T. Continued.

Smith wife & ad

& Zephaniah? Bill

Daughter

December Rules 1842.

To the Hon. Richard H. Butler Judge of the
Circuit Sup Court of Law & Chancery for
Southampton County -

Your Complainants Josiah C. Smith and
Martha G. his wife Jesse B. Johnson and
Mary C. his wife and Allan A. Cotton
an infant an infant who sues by Josiah
C. Smith his next friend shew unto y.
Honor that sometime in the year 1830
Belvey D. Cotton of this county departed
this life intestate, leaving a small estate
real and personal which descended to her
children and heirs at Law to wit to Mar
tha G. Cotton who intermarried with y. Com
plainant Josiah C. Smith, to Mary C. Cotton
who married y. Complainant Jesse B.
Johnson, and Allan A. Cotton an infant
and that William B. Daughtry qualified
as administrator with Harrison Parker
and Mills A. Britt as his securities, a
copy certificate of which qualification is
hereto annexed as a part of this Bill
Your complainants would further shew that
the sd. Belvey D. Cotton in her life time, exe
cuted her bond to the said Wm B. Daughtry for
\$72.22½ payable on or before the 17th of au
gust 1830 and secured the payment of the
same by a deed of Trust ~~regularly~~ ~~even~~
a copy of which deed is herewith filed
as a part of this Bill conveying to Edwin
Daughtry as Trustee a certain tract or parcel
of land which was afterwards set up
and sold to satisfy the debt secured.
The bond given by the said Belvey D. Cotton
in her life time and settled by the sale

of the land conveyed. -

Your complainants further shew that this bond though once discharged was again presented for payment by Wm B. Daugherty to Isaac C. Smith one of your complainants, who knowing nothing of its previous payment - the bond of trust being lodged in the office & not recorded again paid it while acting as the Guardian of the heirs of Beloy D. Cotton. The said Daugherty representing to him, that it had not been charged in his administration account.

Your complainants would further shew that Wm B. Daugherty is now represented to be insolvent, and that one of his securities on his administration bond of Beloy D. Cotton dec. is also dead to wit Harrison Parker, who left as his Executors Henning J. Smith, Matthew W. Vaughan and Harrison Cobbs a certificate of whose qualification is hereto annexed marked C. as a part of this Bill. Wherefore your complainants pray that Wm B. Daugherty, Mills A. Britt, and Henning J. Smith Matthew W. Vaughan and Harrison ~~Parker~~ ^{Cobbs} Executors of Harrison Parker dec. who was co-security with Mills A. Britt to Wm B. Daugherty be made liable to this Bill and true answers make to all the allegations thereof, and that your Honor would decree against the said Wm B. Daugherty and his securities the re-payment of the said ~~sum~~ said sum of \$72.22, with interest from Aug 17. 1830, that being the sum paid, and that your Honor would grant such other and further relief in the premises as the case may require And agree Truly

Smith's father

vs } Bill

Wm B. Daughtry

Smith & wife vs

" } Bill

Daughtry

Filed May Rules 1842

To the Honourable R. W. B. Baker Judge of the Cir. Sup. Ct. of
Law and Chancery for Southampton; Humbly complain-
ing, Your complainants Josiah C. Smith and
Martha G. his wife, Isepe B. Johnson and Mary C. his
wife, and Allam A. Cotton an infant who sues
by Josiah C. Smith his next friend, shew unto
your Honor that sometime in the year 1830
Belugon S. Cotton of this County departed
this life intestate leaving a small real and
personal estate which descended to her ~~lower~~
children and heirs at Law. to wit Martha G. Cot-
ton who intermarried with yr. complainant Josiah
C. Smith, Mary C. Cotton who married Isepe B. Johnson
and Allam A. Cotton an infant, and that
William B. Daugherty qualified as her adminis-
trator, - a certificate of which qualification is her-
eto annexed as a part of this Bill - Your complain-
ants would further shew, that the said Belugon S. Cotton
in her life time, executed her bond to the said Wm
B. Daugherty for \$72.22½ payable on or before the 17th day
of August 1830, and secured the payment of the same
by a deed of Trust on Lands which she owned &
and which said lands, were sold under the Trust-
deed, and the debt discharged, which said bond
& a copy of the deed of Trust securing it, are hereto an-
nexed, and prayed to be taken as a part of this
Bill - Your complainants further shew that this

though once discharged, was presented for payment
by Wm B. Daugherty to y. complainant Josiah C
Smith, who was then acting as guaranties for
the heirs of Babey D. Cotton Dec, saying that it
had not been charged in his administration
account - and y. complainant ignorant of the
premium paid it a second time. Subt and interest
amounting then to \$98.21. Wherefore y. complain
ants pray that William B. Daugherty may
be made liable to this Bill and true answers
make to the allegations herein contained, and
that y. Honor would decree against him the repay
ment of the said sum of \$98.21 with interest from
the day of and also that he be
decree to settle his administration account before
a court of this Court, and that y. Honor
would grant such other further and general
relief in the premises as the nature of the case
may require - and as y. they will ever pray
Respectfully

686

Smith & wife & c^o

v. { Spain Chy.

Daughter

1842 June Rules.

Not found

James Macfarlane & c^o
Wm. & Everett Shurtz

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting :

We command you that you summon

William B Daughtry

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

June

next, to answer a Bill in Chancery exhibited against him in

the said Court by

Josiah C Smith & Martha C his wife, Jesse B Johnson & Mary C his wife & Allen Cotton an infant who sued by Josiah C Smith his next friend

And unless *he* shall answer the said Bill within ^{*five*} ~~four~~ 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 *2^d* day of

May

1842, in the

66th

year of the Commonwealth.

L R Edwards Clk

[One Copy to be delivered each Defendant.]

656

Smith & wife &
v. Z. Sp. in Chy.

Daughter
1842 July Rules

Not founds -
J Messenburgh Esq
of W L Everitt St

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *William B Daughtry*

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 *July* next, to answer a Bill in Chancery exhibited against *him* in the said Court by

Josiah C Smith & Martha L his wife Jesse B Johnson & Mary C his wife & Allen A Cotton an infant who sues by Josiah C Smith his next friend

And unless *he* shall answer the said Bill within ^{*two*} ~~four~~ 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 *June* 18*72* in the *16th* year of the Commonwealth.

L. R. Edwards

[One Copy to be delivered each Defendant.]

C.S.B

Smith & Co.

v. $\frac{1}{2}$ Sp^o. in Lch^y.

Doughty

1842. August Rules

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of ~~Southampton~~ County, Greeting:

We command you that you summon

William B Daughtrey

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 *him* in the said Court by *Josiah C Smith & Martha C his wife. Jeph B Johnson & Mary C his wife & Ellen A Cotton an infant child, sued by Josiah C Smith his next friend*

And unless *he* shall answer the said Bill within ^{*four*} ~~four~~ 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 *4th* day of *July* 1842, in the *66th* year of the Commonwealth.

L R Edwards Clk

[One Copy to be delivered each Defendant.]

656.

Smith & Co

5.

} Sp^{ce} in City

Daughter

1842. September Rules.

THE COMMONWEALTH OF VIRGINIA.

To the Sheriff of ^{Nansemond} ~~Southampton~~ County, Greeting:

We command you that you summon

William B Doughtrey —

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

September —

next, to answer a Bill in Chancery exhibited against *him* in

the said Court by *Josiah B Smith & Martha by his wife. Joseph B Johnson*
and Mary B his wife & Allen at Cotton an infant who does by Josiah
B Smith his nat friend —

And unless *he* shall answer the said Bill within ^{*two*} ~~one~~ 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 ^{*1st*} day of

August.

1842, in the *6th* year of the Commonwealth.

S R Edwards

[One Copy to be delivered each Defendant.]

686

Smith & Co.

v. } 1/20 in Chy.

Daughter & Co.
1843 January Rules

Come to hand too late
to execute,

John R. Kelly D.
for Wm H. Bodwin R.

THE COMMONWEALTH OF VIRGINIA

Nansemond
To the Sheriff of ~~Southampton~~ County, Greeting:

We command you that you summon

William D Daigtry

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

January next, to answer a Bill in Chancery exhibited against him & ^{others} in

the said Court by *Josiah C Smith & Martha C his wife. Jesse D Johnson*
& Mary C his wife & Allen C Cotton an infant who dies by Josiah
C Smith his next friend

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 *6th* day of

December 1842, in the *67th* year of the Commonwealth.

L. R. Edwards Clk

[One Copy to be delivered each Defendant.]

Smith Gab

v. } Sp^o. in lch

Daughter Gab

1843 January Rules.

Existent on Morning of
Smith Matt Vaughn
& Harrison Cobb
I Mackenbury
Anhowell
of W^t Everett
Mills & Britt William
B Laughry not found

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *William B Daughtrey, Mills & Britt & Hemming & Smith, Matthew W Vaughan & Harrison Cobb* executors of *Harrison Parker dec^d*

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

January next, to answer a Bill in Chancery exhibited against *them* in the said Court by *Josiah L Smith & Martha L his wife, Jesse B Johnson and Mary L his wife & Allen & Cotton an infant* who sue by *Josiah L Smith dec^d next friend*

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 *6th* day of *December* 1842, in the *67th* year of the Commonwealth.

L R Edwards Clk

[One Copy to be delivered each Defendant.]

C

W. S. C.

Smith George Esq

v. } Sp. in lch

Daughtrey Esq

1843 February Rules

Circulated

Wm Howell Esq
Wm M. Russell Esq

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Mills A North & William D*

Daughtry

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

February next, to answer a Bill in Chancery exhibited against ^{& others} ~~them~~ in

the said Court by *Josiah C Smith & Martha & his wife. Jesse D Johnson*
& Mary & his wife. & Ellen A Cotton an infant suing who sued by
Josiah C Smith his next friend

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 *2^d* day of

January 1843, in the *16th* year of the Commonwealth.

L R Edwards C.C.

[One Copy to be delivered each Defendant.]

Isiah C. Smith

William B. Saughey qualified as administrator of Betsey J. Colton
about 1830 - and held her bond for \$72.22½ which
she received by deed of Trust. Land sold & debt
paid - B. J. Colton is dead leaving Martha G. who
intermarried with Josiah C. Smith - Mary C.
who married Lysa B. Johnson, and Allan C.
infant - Smith Guardian -
objects to settlement of acct before court

Dec. 98. 21.

B. D. Cotton
To
Gate #72 "22"

Smith & wife &
r. 3

Daughter

Filed with pass. bill

On or before the seventeenth Day of August in the
year of our Lord one thousand eight-hundred and thirty
I promise to pay or cause to be paid unto William P
Daughtrey or his heirs the just and full sum of
seventy two Dollars 22¹/₂ Cents Current money of
Virginia with lawful interest- as witness my hand
and seal ~~to~~

Witness

James Scossin

Bely

D. L. M.

Seal

Seal

Smuck & wife of
w { Exhl: with bill

Daughter

This Indenture made the 17th day of August in the
year of our Lord one thousand eight hundred & thirty. Between
Betty D Cotton of the first part, Edwin Daughtry of the second part
both of the County of Southampton in the State of Virginia (and
William Daughtry of the County of Nansemond and State aforesaid
of the third part: Whereas the said Betty D Cotton is justly
indebted to the said William Daughtry in the sum of seventy two
Dollars dollars & 22^c cents to be paid on or before the 17th day of
October next ensuing as by bond bearing date with this indenture
with legal interest thereon from this day until paid: also one bond
for the sum of Paia dollars & - cents due James Scoggin whereof
I am security which debts the said Betty D Cotton is willing and desir-
ous to secure. Now therefore this indenture ^{further} witnesseth that for
& in Consideration of the premises and also for the further Consideration
of one dollar of Lawful money of Virginia in hand paid by the said
Edwin Daughtry at or before the sealing and delivery of these presents.
(the receipt whereof is hereby acknowledged) She the said Betty D Cotton
hath given, granted, bargained and sold, aliened, enfeoffed and confirmed
and by these presents doth give grant bargain sell alien enfeoff and
Confirm to the said Edwin Daughtry his heirs and assigns a Certain tract
a parcel of Land, lying and being in the aforesaid County of Southampton,
It being the same which the said Betty D Cotton purchased from James
Scoggin containing sixty three acres more or less - marked and bounded
as follows, Beginning at a sweet gum in the Cypress Swamp a Corner of
Jeremiah Gardner; thence on N 86 W. 142 poles to a small pine a Corner
on the heir of Henry Gardner and then S 63 W 84 p. to a Corner on said
Gardners heirs; then S 57 E 49 p. to a white oak a Corner on S^r James Scoggin;
then along S^r James Scoggin line N 83 E. 152 p. to a gum in the Cypress Swamp
then up S^r Swamp 20 p. to the beginning: together with all & singular the appurte-
nances to the said tract a parcel of Land belonging or in anywise appertaining
To have and to hold the said tract a parcel of Land with the premises
and appurtenances before mentioned unto the said Edwin Daughtry his heirs and
assigns forever upon Trust: Nevertheless that as soon after the default of the pay-
ment of the aforesaid debt as the said William Daughtry shall think pro-
per, or shall request by a written notice, the said Edwin Daughtry shall proceed
to sell the Land aforesaid to the highest bidder for ready money at public auction.
after having fixed the time and place of sale by three several advertisements, one

of which shall be posted up at the door of the Courthouse of S^d County
of S^tampton on some one Court day previous to the day of sale and out of the
monies arising therefrom first pay the necessary expenses attending the sale, and
then pay the debts afore^d and legal interest thereon and the balance ~~if any~~ he
shall pay to the said Belvy Cotton or her heirs executors & assigns.

But if the whole of the said debts with interest thereon shall be fully paid
off and discharged to the said Mr Daughtry & James Scoggins on or before the ten
herein specified when the same is made payable. So that no default of payment
be made, then this indenture to be null void and of no effect & otherwise to
be and remain in full force and virtue.

In witness whereof the said parties to these presents have herunto set
their hands and seals the day and year first above written.

Signed sealed and delivered
in presence of

Belvy Cotton Seal
Evan Daughtry Seal
William Daughtry Seal

Lawrence Daughtry
James Scoggins
Maleny S Pitman