

1850-1/9 SOUTHAMPTON COUNTY
CHANCERY PAPERS

GURLEY

VS. BEALE etal

5/1850

other SURNAMES: Rochelle,
Beale, Barham, Barnes, Everett,
Murdaugh

~~2# 18 75 12 18 5~~

Gurley

v } Papers

Beale &c

1850 May. Dismissed

Gurley

a }

Stat. Rules

Scale of

John M. Gurley

against

Thomas B. Beale & William L. Everett late Sheriff & Committee of the
estate of Nathaniel Rochelle dec^d.

1847 Feby 15. Subpoena & Rest. order issued returnable to March Rules.

" March. R. Bill filed - Subpoena & ret. Executed on Everett. Beale
no inhabitant.

" April R, 26) Cause set for hearing as to Deft. Everett Cont^d. &

" June " - Order publication to Deft. Beale.

" Nov. 8. Continued.

1848 May . Cont^d?

1849 Nov " Continued

John Mc Gowan
vs
Beal & Co. & Co. & Co.

Bill & Co. & Co.

Mark Rules

To the honorable Richard H Baker judge of the circuit
superior court of law and chancery for Southampton
county in chancery sitting

Humbly complaining your
complainant John C. Gentry sheweth unto your Honor that
on the 25th of October 1839 Jesse J Barham executed to him a
bond executed by Thomas B Beal to said Barham for the
sum of \$18.67 bearing date the 21st of October 1839 which bond
is herewith filed and prayed to be taken as a part of this bill
marked exhibit A That on the 8th of September 1840 a judgment
was rendered by Jacob Barnes a justice of the peace for the
county of Southampton against Thomas B Beal in favor
of your complainant for the sum of \$12.50 with interest
from 21st of October 1839 till paid and thirty cents costs
That an execution was issued thereon which was returned
no effects a copy of which judgment and execution is
herewith filed marked Exhibit B and prayed to be taken as
a part of this bill your complainant further states that
the said Thomas B Beal has never paid either of the
above claims since and that he is no longer an inhabitant
of this country having long since removed from the
state of Virginia that at the August term 1836 of the
county court of Southampton John L Barham who sued
for the benefit of Thos. B. Beal. recovered a judgment
vs Stephen Munday adm^r of Nathaniel Rochelle dec^d for
the sum of \$43.78 1/2 with interest from the 4th of Jan^y 1834
and \$8.60 on which an execution was issued and returned
no effects a copy of which judgment and execution
is herewith filed marked Exhibit C and prayed to be
taken as a part of this bill That after the death of
Stephen Munday the estate of Nathaniel Rochelle
was committed to the hands of William L Everett
late sheriff of Southampton county that recently a large
amount of money has come into the hands of the said
Wm L Everett sheriff belonging to the estate of the said
Rochelle which your complainant charges should be
applied to the payment of the debts due from the said
Rochelle's estate especially the judgment debt of Thos B Beal
That the said Thomas B Beal having left the county and
having no property to pay the debts due your complainant
except the debt due from Nathaniel Rochelle to him
your complainant is advised and charges that in law
the money due from Nathaniel Rochelle's estate should
be applied to satisfaction of the debts due from Thos

B. Beal. to your complainant for fuller consideration
whereof and inasmuch as your complainant is without
remedy at law and only entitled to relief in a court of
equity, where these things are judicially cognizable
your complainant therefore humbly prays that your
Honor would make Thos. B. Beal and Mrs G. Everett
late sheriff and committee of the estate of Nathaniel
Kochelle due parties defendant to this bill and compel
them a full and perfect answer make to the allegations
therein as if they had been themselves more fully and
especially interrogated and that your Honor would decree
that Mrs G. Everett committee of Nathaniel Kochelle's estate
pay to your complainant the before mentioned sums of
money due from the said Beal to your complainant
instead of paying it to Thos B. Beal and that your
Honor would grant such other and general relief
the premises considered as equity may dictate and the
nature of this case may require and as in
duty bound your complainant will
ever pray &c

Shanda J. J.

Gmley
13 Decr
Hiale va

This decree cannot
be entered because
the judgment of Everett
has not been reviewed
at law, and when
an effort is made to
review it, the act of
law: will probably
defeat the action.

RHB.

Givley
vs 3 Deane
Beale

The defendant Thomas B Beale who is out of this country and against whom the plaintiff appears to have proceeded in the mode prescribed by law against absent defendants still failing to appear and answer on motion of the plaintiff by counsel the court doth take his bill for confessed as to this defendant and two months having elapsed as well since the filing of the plaintiffs bill as the issuing of the subpoena in this cause, and the defendant William G Everett sheriff and committee of the estate of Nathaniel Rochelee Dec still failing to appear and answer the court doth take the plaintiffs bill for confessed as to this defendant Whereupon this cause this day came on to be heard on the plaintiffs bill and exhibits filed therewith and was argued by counsel upon consideration whereof the court doth adjudge order and decree that the defendant William G Everett do pay to the plaintiff the sum of eighteen dollars and sixty seven cents with interest thereon from the 31st of October 1838 till paid and the sum of twelve dollars and fifty cents with interest thereon from the 21st of October 1837 till paid and thirty cents costs and the court doth further adjudge order and decree that the said William G Everett pay to the plaintiff his costs in this suit expended

To attach the monies debts & effects of the defendant Beale
in the hands of the other defendant, so that he be restrained
from paying, conveying away, or secreting the debts by
them owing to or the effects in ^{his} hands of the said Beale
until the further order of the Court.

Shands p. 7

Teste J.R.E. deacons *llb*

10.4.6

Burley }
at } Apr. in Chy

Beale J.P.

Wm. Morda Beale

~~For Debt~~

~~For Debt~~

Connected or Mr. G. Lunt

J.B. Beale, or Mr. G. Lunt

John Barker & Co.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *William S. Everett late Sheriff of*
said County & as such administrator of Nathaniel Rockledge's
& Thomas B. Cole

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
March next, to answer a Bill in Chancery exhibited against *them* in
the said Court by *John M. Garley*

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 *15th* day of
February 1847, in the *7th* year of the Commonwealth.

L. R. Edwards

[One Copy to be delivered each Defendant.]

Gurley

" } Or. Pub.

Bende Jr

Copy posted at front door
6th Nov. IRE.

At Rules held in the Clerks Office of the Circuit Superior Court of
Law and Chancery for the County of Southampton on the 7th day of
June 1847.

John M. Gurley

against

Pliff:

} In Chancery

Thomas B Beale and William L Everett late Sheriff and Committee of the
estate of Nathaniel Rochelle dec^d.
Defts.

The defendant Thomas B Beale not having entered his appearance
and given security according to the act of Assembly and the Rules of this
Court and it appearing by satisfactory evidence that he is not an inhabi-
tant of this Country it is ordered that the said defendant do appear here
on the first day of the next term and answer the bill of the plaintiff
and that a copy of this order be forthwith inserted in some newspaper
published in the Town of Petersburg for two months successively and
posted at the front door of the Courthouse of this County.

Town of Petersburg, TO WIT:

THIS DAY personally appeared before me, an Alderman for
the Town of Petersburg, *John M. Richards*

Clerk for ——— THE REPUBLICAN,
a newspaper published in the Town aforesaid, who made oath that

the Order of Publication, of which the annexed is a copy, has
been regularly inserted in said newspaper once a week for
eight weeks successively.

Given under my hand and seal, this *17th* day of *September*
in the year of our Lord one thousand eight hundred and

forty- *eight*

John Thomas Q. H. W. { SEAL. }

VIRGINIA.—At Rules, held in the Clerk's Office
of the Superior Court of Law and Chancery for
the County of Southampton, on the 7th day of June,
1847:

John M. Gurley—Pl'ff—In Chancery,
against

Thomas B. Beale and William L. Everett, late
Sheriff and Committee of the estate of Nathaniel
Rochelle, dec'd—Def'ts.

The defendant Thomas B. Beale, not having en-
tered his appearance and given security, according
to the Act of Assembly and the Rules of this Court,
and it appearing by satisfactory evidence that he is
not an inhabitant of this country;—It is ordered, that
the said defendant do appear here, on the first day of
the next term, and answer the bill of the plaintiff;
and that a copy of this order be forthwith inserted
in some newspaper published in the town of Peters-
burg, for two months successively, and posted at the
front door of the Court House of this County.

A copy—Teste,
mh 15—W8w L. R. EDWARDS, C. C.

Printer's Fee, \$ *5.50*

Pay the Within rate to John. M. Gurley
Oct 25/1839

Jesse S. Barker

J. B. Beale

498.67

Exhibit A

Gurley }

Beale }

Oct-21th 1839 Due Jesse S. Barham
Eighteen dollars 67 cts for 7 Value Recd. as witness
my hand and seal this 21st

Test Thos B. 12 cal (Seal)
Solomon J. Barham

Guskey

to.

}

Exhibit with bill

Beate 8/2

(B)

To William Holt Constable of Southampton County to wit:

I command you that of the goods and chattels of Thomas B Beale you cause to be made the sum of twelve dollars & 50 cents with interest from the 21st day of October 1837 till paid and costs thirty cents which John M Gurley recovered before Wm H Nicholson a Justice of the Peace for the said County aforesaid, and that you render to the said Gurley the debt aforesaid, and make due return thereof within sixty days. Given under my hand this 8th day of Sept 1840.

Jacob Barnes JP 

Return - "Nov. 5 1840 no effects to be made within my jurisdiction to satisfy the within execution -
Wm H Holt Const."

Attest

True.

L R Edwards 

Gurley

to

}

Exhibit with B. 16

Beale Jr

6

Southampton County Court August 16. 1836.

John L Barham who sues for the benefit of Thomas W Deale Plff } In Debt.
against
William L Rochelle & Stephen Murdough administrators of Dfts.
Nathaniel Rochelle dec.

The defendant William L Rochelle is dead. And this day came the other parties by their attorneys and thereupon came a jury to wit. John Cobb. John Moore. Samuel Smith. Goodman Johnson. Edgerton Sawyer. Thomas J. Brister. Nathan Luter. Newson Holland. Randolph Fowler. Drury Beale. Frederick Jordan & John Wilson who being ~~sworn~~ tried and sworn the truth to speak upon the issue joined upon their oath returned a verdict in these words "We of the jury find for the plaintiff the debt in the declaration mentioned and also his damages to one cent." Therefore it is considered by the Court that the plaintiff recover against the defendant the sum of forty three dollars & seventy eight cents ^{and half} with legal interest thereon from the 4th day of January 1836 together with one cent damages in form aforesaid assessed and the costs by him in this behalf expended. To be levied of the goods and chattels of the decedent in the hands of the defendants to be administered. And the said Defendants in Verdict. *Y.*

Plffs Costs. *Y.* 8.60.

The Commonwealth of Virginia. To the Sheriff of Southampton County. Greeting. We command you that of the goods and chattels of Nathaniel Rochelle dec^d in the hands of Stephen Murdough to be administered late in your writ which you cause to be made the sum of forty three dollars seventy eight and one half cents with legal interest thereon from 4th day of January 1834 till paid which John L Barham who sues for the benefit of Thomas Deale lately in our County Court of Southampton has recovered against the said Stephen Murdough as surrog. admor. of Nath Rochelle for debt: also the sum of eight dollars and sixty cents which to the said Barham for *Y.* in the same Court were adjudged for his costs by ~~him~~ in that behalf expended. whereof the said Murdough adm. is convicted as appears to us of record, and that you have the said sums of money before the Justices of our said Court at the Court house, on the first day of October Term next. to render to the said Barham for Deale of the debt and costs aforesaid. And have them there thus writ

Witness Littleton R Edwards Clerk of our said Court at the Courthouse
this 24th day of August 1886 in the 61st year of the Commonwealth
L. R Edwards Ck.

Return. "No Effects. Wm J. Sebrill Dopy of Mary Griffin Staff".

Copied

True.

L. R Edwards Ck.

Gurley

to. } Filed with bill

Beale & Co

Southampton County Court. April 18. 1842.

Ordered that the undistributed estate of Nathaniel Rochelle dec'd be committed to the hands of William L. Everett Sheriff of this County for administration according to law.

Attest

Teste L. R. Edwards Secy