

1854-006 SOUTHAMPTON COUNTY  
CHANCERY PAPERS

GURLEY, ~~FOR~~ US.

DOYLE + al.

etc.  
5/1854

other surnames: Doyal,  
Barham

Gurley  
v } Papers

Douglas adm: &c

1854 May Term

Gunsley

to } Stat. Rules

Loyals now

John M. Gurley who does in behalf of himself and all other creditors of Sally Doyle dec<sup>d</sup> who shall come in & contribute to the expenses of this suit.

<sup>as against</sup>  
Jesse S. Burkhann adm<sup>r</sup>. of Sally Doyle dec<sup>d</sup>. Patsy Doyle. James W. Doyle & Robert Doyle.

1852. September 6<sup>th</sup> Summons issued returnable to October Rules  
" October Rules. Bill filed. Decree nisi to J<sup>st</sup> Burkhann <sup>& Patsy Doyle</sup> adm<sup>r</sup>. Order publication  
as against J<sup>st</sup> James W. & Robert Doyle  
" Nov. Bill taken for conf<sup>g</sup> of cause set for hearing as to J<sup>st</sup> Burkhann adm<sup>r</sup>.  
Patsy Doyle.

1852 May 7. Decree for account.

" Aug 15. Rept.

" Nov 7. Decree & for sale.

1852 May " Rept. final decree.

1853 Nov. 5.

|             |             |
|-------------|-------------|
| Letter fee  | 4.89        |
| future cost | <u>2.50</u> |
|             | 7.39        |

|            |      |
|------------|------|
| Stiff cost | 1.00 |
|------------|------|

|             |      |
|-------------|------|
| Printer fee | 5.00 |
|-------------|------|

|                  |       |
|------------------|-------|
| W.S. Goodwyn Com | 15.00 |
|------------------|-------|

|                |              |
|----------------|--------------|
| Law fee & cost | <u>15.75</u> |
|----------------|--------------|

14.14

Gurley  
Bill  
Joyce

1852 October Rules

To the Hon. Judges of the Circuit Court for the  
County of Southampton

In Chancery

Humbly complaining sheweth unto your  
Honors, your Orator John M Purley who sues  
in behalf of himself and all other creditors  
of Sally Doyle and who shall come in and  
contribute to the expenses of this suit: That  
the said Sally Doyle at the time of her death  
was justly indebted to your Orator in the  
sum of \$      and by simple contract, and  
also to other persons in small sums due  
likewise by simple contract. Your Orator  
further sheweth that the said Sally Doyle  
was at the time of her death seized in fee-  
simple of and well entitled to the following  
real estate, to wit, a dwelling house & lot  
thereunto annexed situated in the town of  
Jerusalem in the said County, and was also  
possessed of and entitled to personal estate  
and effects of some value. And your Orator  
further sheweth that the said Sally Doyle  
died in the year 1852 intestate leaving  
as her only heirs at law her sister Mary  
Doyle and James W & Robert Doyle her  
nephews the sons of her deceased brother  
Doyle: and that at the      term  
of the Court of the County of Southampton before  
J Barkham presiding as her administrator

and give bond and security according to law:  
Your Orator instituted suit on his claim against  
said Barker as administrator and obtained  
judgment in the Circuit Court on which  
judgment execution was issued to be levied  
on the goods & chattels of his intestate in his  
hands to be administered, which execution was  
returned by the Sheriff "no effect" all of which  
will appear by a copy said judgment and exe-  
cution herewith filed marked (A) and pray-  
ed to be taken, as a part of this bill. That the  
said Barker, declares he has administered  
all the effects which have come to his hands  
as administrator as aforesaid, which decla-  
ration your Orator believes to be true.

Your Orator is advised that under these cir-  
cumstances the real estate of said intestate  
ought to be sold and the proceeds applied  
to the payment of her debts. In tender con-  
sideration of all which and in as much as  
your Orator is without remedy in the pre-  
mises save in a Court of Equity where such  
matters are cognizable, To the End therefore  
that justice may be done, he prays your  
Honor that James W Doyle, Robert Doyle, Pat-  
rick Doyle and Jesse S Barkham may be made  
Defendants to this bill, and that they answer  
the allegations thereof; That the real estate of  
the intestate may be sold and the proceeds

thereof applied to the payment of your Orator and  
other creditors of the said Sally Doyle. That the  
ordinary writ of subp<sup>a</sup> may issue &c, and that  
your Honor will grant such other and general  
relief in the premises as Equity may dictate,  
and as in duty bound he will ever pray &c  
May it please your Honor &c.

John M Suckey  
by Chambliss Mappenberg  
his attorney

Purley 3  
is. 3  
Dough

To be entered

R. H. Baker

May 2. 1883

Suckley

is 3 feet

Boyle

The bill of the complainant having been taken for copy of the Rules as to the Defendants

Raising Boys and Girls. I Barham, author of Lullaby Song  
and is appearing <sup>that the order of publication has been</sup> ~~in the same~~ <sup>in the same</sup> ~~prescribed by the~~

James W and Robert Doyle, and all the said Defendants

still failing to appear and answer the said bill, the  
cause came on to be tried on the bill by the complain-

month and exhibits thereunto filed and was argued by  
counsel on consideration whereof the court said

adjudge over and over, that a commissioner of  
this court take an account of the transactions of

Jepp. S. Borkum as administrator of Larry Doyle, his  
an account of the outstanding debts against the estate.

of the said Sally Gorge, an account of the real estate  
of which she did seize and the real and personal

the thing; which said accounts the commission  
is directed to state and report to court with an

matters specially stated deemed pertinent & their  
will as to which he expects to maintain as to the other

of the parties - and the said Commission is further

successing in some newspapers published in  
The <sup>City</sup> of New York.

the County of Norfolk, and by advertising at the Court House door of said County notice of the time and place

at which said accounts shall be taken and returning  
the creditors of the said Sally Doyle to produce and  
the said Sally Doyle to produce and

more before than the amount of their respective demands

Gurley & others  
i 3 Copy Deane  
Doyle's admr:

~~Aug 22~~<sup>d</sup> - 1853  
July 18<sup>th</sup>

In Southampton Circuit Court, May term, 1853.  
John M. Gurley who sues on behalf of himself  
& all other creditors of Sally Doyle dec.<sup>d</sup> who shall  
come in & contribute to the expenses of this suit  
Plffs

against  
Jesse S. Barham admr. of Sally Doyle dec.<sup>d</sup> Patsy  
Doyle, James W. Doyle & Robert Doyle Defs.

The bill of the complainant having been taken for  
confe<sup>d</sup> at the rules as to the defendants Patsy Doyle & Jesse  
S. Barham admr. of Sally Doyle (and it appearing that the  
order of publication heretofore awarded at the rules against  
James W. (and Robert Doyle as absent defendants has been duly  
executed (and all the said defendants still failing to appear (and  
answer the said bill, the cause came on to be heard on the bill  
of the complainant (and exhibits therewith filed (and was argued  
by counsel, On consideration whereof, the Court doth adjudge, order  
(and decree that a Commissioner of this Court take an account of  
the transactions of Jesse S. Barham as administrator of Sally Doyle  
(and an account of the outstanding debts against the estate of the said  
Sally Doyle, an account of the real estate of which she died  
seized (and the real (and annual value thereof, which said accounts  
the Commissioner is directed to state, audit (and report  
to Court with any matters specially stated deemed pertinent  
by himself or which he may be required so to state by  
any of the parties. And the said Commissioner is further directed  
to give notice by advertising for four weeks successively in  
some Newspaper published in the City of Norfolk (and  
by advertising at the Courthouse door of said County notice of  
the time and place at which said accounts will be  
taken and requiring the creditors of the said Sally  
Doyle to produce and prove before him the a-  
mount of their respective demands  
Attest, Teste,

Henry S. Howard, D.C.

Surber's  
in  
Boyle's

Σ Dec

To be entered

R. H. Baker

Nov. Term 1853.

Gurley &  
is } Decree  
Doyle &

This day this cause came on again to be heard on the papers formerly read and on the report of Commissioner Goodenough made in pursuance of an order of this court rendered at the May Term 1853 and was argued by counsel, on considerations whereof the court considering the said report doth adjudge order and decree that the Defendant Jesse S Barkham adm<sup>r</sup> of Sally Doyle pay to John M Gurley the sum of \$87.20 with interest from the 31<sup>st</sup> of December 1852, and that unless the Defendants Paisley Doyle James W Doyle and Robert Doyle or some one for them within sixty days from the rendition of this decree pay to John M Gurley the sum of \$381.96 with interest from this day, then Jesse S Barkham who is hereby appointed a commissioner for that purpose after advertising the same for thirty days at the Court House and at two or more public places in the neighborhood of the said house and lot, proceed to sell the same at public auction to the highest bidder on the premises; that he receive as much of the proceeds of sale in cash as may be sufficient to pay the costs of this suit and expenses of sale and for the balance take a bond with security payable in twelve months with interest from date, retaining the title to the said house and lot until the purchase money is paid, and that he report to court in order for a further decree filing the bond with his report

X  
Gusky { seems  
no }  
Boyle }

To be entered  
R H Baker  
May Co. '54

1854 May Term

Gusley  
as } Deems  
Boyle }

This day this cause came on to be finally heard on the papers formally read and on the report of Commissioners. Jps. S. Barkham made in pursuance of an order of this Court rendered at the November Term 1853, to which report there is no exception, and was argued by Counsel, on consideration whereof the Court confirming the said report doth adjudge order and decree that the bond returned with the said report be delivered to John M. Gusley, and that the said Jps. S. Barkham execute to the said Gusley a writ with special warrant for the removal and lot in the Town of Jerusalem.

Gurley

to } same chs.

Doyals and Ye

1852 October Rules

Executed on Patsy Doyal  
September 14/1852. on Inse-  
d. Barkham Sept. 22/1852 by  
delivering to each a copy.  
Robert Doyal & James H  
Doyal are now residents of  
my County.

J. H. H. H.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon

*Jose L. Barkum owner of Sally  
Doyal. Patsy Doyal. Robert Doyal & James W Doyal*

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 *October*  
next, to answer a Bill in Chancery exhibited against *them* in the said Court by

*John M Gurley who sues in behalf of himself & all the creditors  
of Sally Doyle dec*

And unless ~~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 6<sup>th</sup> day of *September* 1852, in the  
*77* year of the Commonwealth.

*L. R. Edwards*

[One Copy to be delivered each Defendant.]

Lucas  
i { Affidavit  
Soyuzo

1852 October Rules

Southampton County to wit;  
This day John M. Sweeney appeared before me a  
justice of the peace in and for the said County  
and made oath that James W. Doyle and Robert  
Doyle are not residents of the Commonwealth  
of Virginia since under any name this 3<sup>d</sup> of  
Oct 1852

William Bowers J.P.

Copy printed Oct 6 1852

AT Rules held in the Clocks Office of the Circuit Court of Southampton on the 16<sup>th</sup> day of October 1852.

John H. Gurley who sues in behalf of himself and other creditors of Sally Doyle dec<sup>d</sup> who shall come in and contribute to the expenses of this suit

against  
Jesse B. Barham administrator of Sally Doyle dec<sup>d</sup> Estey Doyle James W. Doyle  
and Robert Doyle

Plff } In Chancery  
Dfts }

The object of this suit is to subject the real estate of which Sally Doyle dec<sup>d</sup> seized, to the payment of her debts. and affidavit being made that the Defendants James W. Doyle and Robert Doyle are not residents of this State. On the motion of the plaintiff it is ordered that they do appear within one month after due publication of this order and do what is necessary to protect their interest and that a copy of this order be published once a week for four successive weeks in some newspaper published in the City of Petersburg and posted at the front door of the Courthouse of this County on the first day of the next County Court to be held for the said County.

800 3m  
VIRGINIA.—IN CHANCERY.—At Rules held in the Clerk's Office of the Circuit Court of Southampton county on the 4th day of October, 1852:

John M. Gurley, who sues in behalf of himself and other creditors of Sally Doyle, dec'd, who shall come in and contribute to the expenses of this suit,      Plffs.,  
against

Jesse S. Barnham, adm'r of Sally Doyle, dec'd, Patsey Doyle, James W. Doyle and Robert Doyle,      Defts.

The object of this suit is to subject the real estate of which Sally Doyle died seized to the payment of her debts. And affidavit being made that the defendants, James W. Doyle and Robert Doyle, are not residents of this State. On motion of the plaintiff, it is ordered that they do appear here within one month after due publication of this order, and do what is necessary to protect their interest; and that this order be published once a week for four successive weeks in some newspaper published in the city of Petersburg, and posted at the front door of the Courthouse of this county on the first day of the next County Court to be held for the said county.

A copy—Teste,

oc 12 w4w

L. R. EDWARDS, C. C.

~~NOTICE~~ OF PETERSBURG, TO-WIT:

*City* Personally appeared before me, an Alderman of said ~~County~~ *City*, John D. Hancock, Clerk of the Intelligencer Office, and made oath that the annexed Order of Publication has been published weekly for ~~four~~ weeks successively. Given under my hand, this 17<sup>th</sup> day of Nov<sup>r</sup> 1852.

*Printed for \$2.50*

*W E Hunter A W*

Gusly & c

i 3 Cour: Report  
Dough & dnr: & c

1853 Aug. 15<sup>th</sup>

Gurly &c

2

Doyle admr: &c

Commissioners office - July 18<sup>th</sup> 1853.

Pursuant to the decree of the Circuit Court of Southampton County, the undersigned Commr. has come to make the following report - having given due notice to the parties concerned according to the terms of said decree

The Estate of Sally Doyle died:

In account with J. P. S. Barham admr:

| 1852                                                                          |                                   | Dr.    | Cr.       |
|-------------------------------------------------------------------------------|-----------------------------------|--------|-----------|
| Nov: 5 <sup>th</sup>                                                          | By amt. sales due this day        |        | 116 00    |
|                                                                               | To amt. Commission on same        | 3 80   |           |
|                                                                               | " " account due admr: reserved    | 6 00   |           |
|                                                                               | " " paid funeral expenses         | 15 00  |           |
|                                                                               | " " Comr: fee, former account     | 1 00   |           |
|                                                                               | " " Clerk's Ticket                | 1 00   |           |
| Decr: 31                                                                      | By bal. due Estate                | 87 20  |           |
|                                                                               |                                   | 116 00 | 116 00    |
|                                                                               | By bal. due Estate not shown      |        | \$ 87 20  |
|                                                                               | with Int. thereon from this day - |        |           |
| Account of outstanding debts against the estate of Sally Doyle                |                                   |        |           |
| Judgment due John C. Gurly - Int on \$273.75 from Decr: 25 <sup>th</sup> 1851 |                                   |        | \$ 282 30 |
| Account due Same - Nov: 5 <sup>th</sup> 1852 -                                |                                   |        | 9 34      |
| "                                                                             | "                                 | "      | 3 39      |
| "                                                                             | "                                 | "      | 83 00     |
| "                                                                             | "                                 | "      | 33.17     |
| whole amt. debts -                                                            |                                   |        | \$ 433.80 |

Account of the real Estate of which Sally Doyle died seized - its real and annual value -

The real estate of which Sally Doyle died seized consist of a house and lot, in the village of Jerusalem - containing about one half an acre - Real value of

of some \$300.00 - Annual value \$50.00 -

Respectfully submitted

Cour: fee - \$15.00

Printer's fee -

Chd to John. M. Gurly - Cour:

W. L. Goodwyns Esq

Burley

Report of Commr.  
~~to the~~

Doyals and 8<sup>th</sup>

1854. May 3<sup>rd</sup>. Rept. int<sup>d</sup>.

John W. Burley  
\$201.00

Southampton Circuit Court November the 8<sup>th</sup> 1853.

John M Gurley who sues in behalf of himself and all other creditors of Sally Doyle dec<sup>d</sup>.  
who shall come in and contribute to the expenses of this suit

Plffs.

against  
Josef S. Barham adm<sup>r</sup>. of Sally Doyle dec<sup>d</sup>. Patsy Doyle. Jas W.  
Doyle & Robert Doyle

Defts

This day this cause came on again to be heard on the papers formerly read and on the report of Commissioner Goodwyn made in pursuance of an order of this rendered at the May Term 1853, and was argued by Counsel. On consideration whereof the Court confirming the said report doth adjudge order and decree that the defendant Josef S. Barham adm<sup>r</sup>. of Sally Doyle pay to John M Gurley the sum of \$87. 20¢ with interest from the 31<sup>st</sup> day of December 1852. and that unless the Defendants Patsy Doyle. James W Doyle. and Robert Doyle or some one for them within sixty days from the rendition of this decree pay to John M Gurley the sum of \$381. 96 with interest from this day then Josef S. Barham, who is hereby appointed a Commissioner for that purpose, after advertising the same for thirty days at the Courthouse, and at two more public places in the neighbourhood of the said house and lot, proceed to sell the same at public auction to the highest bidder on the premises. that he reserve so much of the proceeds of Sale in cash as may be sufficient to pay the costs of this suit and expenses of Sale, and for the balance take a bond with Security pay able in twelve months with interest from date. retaining the title to the said house and lot until the purchase money is paid, and that he report to the Court in order to a final decree, filing the bond with his report.

Elk's Costs \$ 7.39

Shff. 1.00

Printers fee 5.00

W. S. Goodwyn Com 15.00

Law fee & 15.75  
\$ 44.14

Received Elk's fee \$7.39

JRG

Attest

Teste. L. R. Edwards

The Commissioner reports that in pursuance of the within order he proceeded to sell the said house & lot in the Town of Leesylvania to the highest bidder and that John M. Dickey became the purchaser for the sum of \$201, that he received so much in cash as was required to pay the costs of this suit & expenses of sale and for the balance took the bond of the said Dickey payable on the 17<sup>th</sup> of January 1855 - which is herewith returned —

|                                        |           |
|----------------------------------------|-----------|
| Am't of sale                           | \$ 201.00 |
| Costs of suit & expenses of sale       | \$ 54.14  |
| Am't of Dickey's bond                  | \$ 146.86 |
| All of which is respectfully submitted |           |

John G. Barham

Balance due the estate on the 7<sup>th</sup> of Nov. 1853 ~~\$~~ 91.66  
Amount of outstanding debts " " " ~~\$~~ 473.62  
Balance against the estate on the 7<sup>th</sup> of Nov. 1853 ~~\$~~ 381.96

146.86  
(100)

~~\$146.86~~ <sup>86</sup>/<sub>100</sub> On demand this 17<sup>th</sup> Jan'y 1855.  
We promise to pay J<sup>as</sup> A Ben here  
or his assignee to sell the lot belonging to the Est  
of Sarah Dayal the sum of one  
hundred & forty six Dollars & 86 cents  
Witness my hand and seal this  
17<sup>th</sup> April 1854

John McGady *End*  
*End*

Gumley

2

} Exhibit with bill

Doyle's own

(at)

Southampton Circuit Court. May the 3<sup>rd</sup> 1852.

John M. Gurley

against

Jose P. Barkham admr. of Sally Doyal

Plff.

In Case

Dft.

This day came the plaintiff by his attorney and thereupon came a jury to wit. Robert Fitch, Nathl. Simmons, John I. Crump, Seth St. Bishop, James Mayet, James D. Bryant, Rich<sup>d</sup> H. Joyner, Joseph Joyner, Wm. S. Barnett, Everett T. Hill, Wm. C. Myrick and Irvin. Griffin who being sworn diligently to enquire of the damages in this suit upon their oath returned a verdict in the following words and figures to wit. "We the jury find for the plaintiff and assess his damages at \$273.75. with interest from December 25<sup>th</sup> 1851." Therefore it is considered by the Court that the plaintiff recover against the Defendant two hundred and seventy three dollars and seventy five cents with legal interest thereon from the 25<sup>th</sup> day of December 1851 till paid the damages and interest assessed as aforesaid and his costs by him about his suit in this behalf expended. To be levied of the goods and chattels of the defendant in the hands of the Defendant to be administered.

Plffs' costs \$8.60

The Commonwealth of Virginia. To the Sheriff of Southampton County. Greeting. We command you that of the goods and chattels of Sally Doyal deceased in the hands of Jose P. Barkham her administrator to be administered take in your bailiwick you come to be made the sum of Two hundred & seventy three dollars seventy five cents with legal interest thereon from the 25<sup>th</sup> day of December 1851 till paid. which John M. Gurley lately in our Circuit Court of Southampton County hath recovered against the said Barkham admr. as aforesaid for damages & interest thereon. Also eight dollars and sixty cents which to the said Gurley in the same Court were adjudged for his costs by him about his suit in that behalf expended. whereof the said Barkham admr. is convicted as appears to us of record. And how you shall have executed this writ make known at the Clerk's Office of our said Circuit Court at the Place to be holden for the said Court on the first Monday in July next. And have done these things. Witness William R. Edwards Clerk of our said Court this 11<sup>th</sup> day of May 1852 in the 7<sup>th</sup> year of the Commonwealth.

Wm. R. Edwards Clk

Sheriff's return. "No effects. James A. Gillette Dpy. for Jose Parker Shff."

Copies. True.

Wm. R. Edwards Clk