

1866-07

Southampton County - Chancery

Mahone, William et als Mahone, Martha

Mahone, Otelia

Briggs, William

Briggs, Susannah

Manry, Josiah

Manry, Nancy

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Mahone &c

~ } Papers

Mahone

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Malom

1856 October Rules

To the Honorable Richard H. Baker judge of the circuit
court of Southampton County in chancery sitting

Humbly complaining your complainants
William Mahone and Orelia his wife William Briggs
and Susannah his wife Josiah Manry and Nancy his wife
show unto your Honor that sometime in the year
1855 Fielding J. Mahone of Southampton county departed
this life intestate possessed of considerable estate real and
personal and leaving Martha Mahone his wife and
your Mahone and Orelia his wife Susannah Briggs who
was Mahone's daughter to your Briggs and Nancy Manry
who was Mahone's daughter to Josiah Manry this children
his distributees and heirs at law, your complainants
show further that the said Fielding J. Mahone left
among his other estate, a lot and a small piece
of land attached thereto as a stable and carriage supposed
to contain some one or two acres which he purchased
from Benjamin Lamer and known in the plat of
the town of Jerusalem as lot No 17 with the said
piece of land attached, the said F. J. Mahone left but
a small estate and your complainants state that it
is impossible to divide this house and land between
his heirs at law, this suit is instituted for partition
of the property but as that cannot be done a sale
will become necessary, they understand that Mr Mahone
the willow of F. J. Mahone is willing that a sale
should be made, further your complainants would
state that F. J. Mahone is now to some extent
indebted and they desire that the property should
be sold the debts paid and the residue of the
purchase money divided according to the rights of
the parties

In Tender consideration whereof and

inasmuch as your complainants are without remedy at
law and only entitled to relief in a court of equity when
such matters are peculiarly cognizable they therefore humbly
pray that Martha Mahone widow of F. I. Mahone may
be made a party defendant to this bill and compel her
as full and perfect answer to the allegations
therein contained as if she had been present in person
fully and specially interrogated, and if she is willing that
the said Estate and land may be sold without a removal
of doors, then that the court would direct a sale of
the same, and also for a commissioner to take an
account of the debts outstanding against the estate
of the said intestate, then that the commissioner appointed
to sell the said Estate pray the same and distribute
the residue according to the rights of the parties and
that the court would grant such other and further
relief the premises considered as equity may dictate
and the nature of this case may require and as in
duty bound your complainants will ever pray we
Shanda J. J.

Answer of Martha
Malone

received by consent
Jm B Shaw as
consul for J. H. H.

1856. Nov 7.

Answer of Martha Mahon a bill in chancery exhibited
in the circuit court of Southampton by J^{ms} Mahon
and others against her

This defendant for answer to the said
bill or as much thereof as she is advised it is material
for her to answer answering says, that she is willing
that the Estate and appurtenances owned by her
husband should be sold for partition on such terms
as may seem best to the court she taking as
much money in lieu of dower and having fully
answered pray leave to be dismissed with her costs etc
Martha Mahon by
J^{ms} B. Shands her atty.

[Faint, mostly illegible handwriting, likely bleed-through from the reverse side of the page.]

Nov. 25 1861
Lew. Repas
J. W. Conroy

1861 Nov. 7

By Virtue of a Decree of the Circuit Court
of S. Carolina County rendered at November
Term 1856. in cause of Mahon vs V Mahon
I advertised the Lot described in
said Decree & did on the 15th day of
December 1856. sell to the highest bidder
the Lot in the proceedings mentioned
according to the Terms prescribed by
said Decree. And at the said sale
said Saml. Kells became the
purchaser by bidding therefor the sum
of fifteen Hundred Dollars; and
the said Saml. Kells has paid the
full Amount of the Purchase
Money & all the debt of said V Mahon have
been paid. Respectfully Submitted
Nov. 3rd 1861 Wm. Briggs. Clerk

Mahone

& } Court bond

Mahone

Know all men by these presents that we William W. Briggs & William
Mahone are held and firmly bound unto the Commonwealth
of Virginia in the just and full sum of Two thousand dollars lawful money of
Virginia to the payment whereof well and truly to be made we bind ourselves our heirs
executors and administrators, jointly and severally firmly by these presents. Sealed
with our seals and dated this 15th day of ^{December} November 1856.

The Condition of the above obligation is such that Whereas by a decree of the Circuit
Court of Southampton County made on the 7th day of November 1856 in a suit in
chancery in said Court pending between William Mahone & wife others plaintiffs and
Martha Mahone Deft. the above bound William W. Briggs was appointed Commissioner
for certain purposes in said decree mentioned Now if the said William W. Briggs
shall faithfully discharge the duties of his said office or trust then the above obligation
to be void or else to remain in full force and virtue.

Signed, Sealed & delivered
in presence of }

W. W. Briggs
W. Mahone

(Seal)

(Seal)

Southampton Circuit Court. Clerk's Office the 15 day of Dec. 1856
The above bond was acknowledged before me Clerk of the said Court by the
Deftors Thereto and W. Mahone the said W. Mahone
with that his estate after the payment of his just debts is worth the
sum of \$2,000 Dollars the penalty of the said bond

L. R. Edwards Clk

Mahole dat

v $\frac{1}{2}$ Score
Mahone

Nov. Term 1856

To be entered

R. W. B.

Mahome we
as 3 Deem
Mahome

By consent of parties This day
This cause came on to be heard on the plaintiffs
bill. The defendant ^{files this day by the consent of the court} Martha Mahomes answers, general
replication Thurst and the examination of witnesses and
was argued by counsel on the consideration whereof
the court ^{by consent of parties} doth adjudge, order and decree that
William Briggs who is hereby appointed a special
commissioner for that purpose shall after having given at
least twenty days notice of the time and place of sale
by public advertisement at the court house and other
public places proceed to sell in the town of Seneca
at public auction to the highest bidder the House
and lot attached Thurst in the town of Seneca
known in the plat of the said town as lot no 17
belonging to the estate of Fiddling J Mahomes dec'd
on the following terms to wit, one third cash and
and the balance on a credit of six and eighteen
months equal instalments, paying out of the said and
out of the cash payment and taking from the
purchaser bonds ^{payable to the commissioner} with good security for the two deferred
payments carrying interest from date, the title being
reserved until all the purchase money shall have
been paid, and the said William Briggs is directed

to report his proceedings to court in order to a further
decree, But the said Mr Briggs shall not proceed
to act under this decree until he shall have executed
a bond in the clerk's office of this court in the
sum of two thousand dollars conditioned as the
law directs, and the court doth further adjudge
order and decree that a commissioner of this court
take an account of all the debts ^{owing to the estate of} outstanding against
the estate of Fiddling & Mahon ^{deceased} and report the
same together with ^{any} ~~any~~ ^{special} matters stated deemed pertinent
by himself or required to be stated by any party
interested ~~and the~~ ^{and the} court doth further adjudge order and
decree that the ^{same} commissioner also ascertain the amount
of the interest of Martha Mahon in the proceeds of the
sale of the said ^{lot of land of} plot and lot in view of ^{her} decree,
which accounts the said court is directed to
examine, state and report to the court with
any matters specially stated deemed pertinent
by himself or required by the parties to be
so stated.

Mahon vs

vs 3 Decr

Mahon

Malone is also
as 3 Dec
Malone

April co. 1866

To be entered

R. H. Baker

Mahone vs al
vs 3 Decm
Mahone

This day This cause
came on again to be heard on the papers
formally read and the report of Commissioner
Briggs made pursuant to a decree of this
court entered at the November Term 1856
and the court without confirming or rejecting
the said report and it being suggested that
Martha Mahone has been amply provided for
otherwise, The court doth adjudge, order and
decree that This cause be removed from the
docket

Mahone Jals

or } Depositions

Mahone

1856 Oct. 11. handed in by A. S.
Howard Gov. Jr. LRC ci

The depositions of Richard H Blythe and

Richard J Darden taken by consent of all parties
before Henry S. Howard one of the Commissioners in chancery of the Circuit Court of South
ampton County, in the town of Jerusalem the 2th of October 1836,
to be read as evidence in a certain suit now
pending in the circuit of Southampton County
between of Mahone & als vs Mahone

The deponent Richard J Darden having
been first duly sworn deposes and says as
follows, I do not think the 3600th and lot
in the town of Jerusalem belonging to the
estate of Fulding & Mahone could be
divided in kind and that a sale would be
absolutely necessary unless some one of the
heirs would agree to take the property at
a fair valuation and pay the others for
their shares in money, I suppose the
said 3600th and appurtenances would bring
on reasonable credits somewhere between
twelve and fifteen hundred dollars & further this
deponent saith not signed Richard J. Darden

The deponent Richard H Blythe having
been first duly sworn deposes and says
that he concurs in the statement made
above by Mr Rich^d J Darden & further this
deponent saith not signed Richard H. Blythe

Sworn to & subscribed before me Henry S. Howard, a
Commissioner in chancery of the Circuit Court of
Southampton County this 9th day of October 1836.
Commissioner's fee \$1.50 } Henry S. Howard Com.
charged the plaintiffs }
Commissioner

Mahone & Co

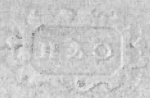
& } Dain. Lbr.

Mahone

1856 October Rules

Order of the within a thousand for
Martin Mahone

Harmon for disbursements



THE COMMONWEALTH OF VIRGINIA:

To the Sheriff of Southampton County—GREETING

We command you to summon

Martha Mahone

to appear at the Clerks office of our Circuit court of Southampton county at the Rules, to be holden for the said court on the first Monday in *October next* — next, to answer a bill in

Chancery exhibited against *her*

in our said court by

William Mahone & Otelia his wife. William W. Briggs & Susannah his wife & Josiah Manry & Nancy his wife

And have then there this writ. WITNESS, LITTLETON R. EDWARDS, Clerk of our said Court at the Courthouse, this *16* day of *September* 185*6* in the *81st* year of the Commonwealth.

L. R. Edwards

Mahone Jr

v. } Stat. Rules.

Mahone

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1820.

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[illegible]

In Southampton Circuit Court

William Mahone & Oteline his wife William Briggs & Susanna his wife & Josiah
Manny Getaway his wife
against

Martin Mahone

1856 Sept. 16. Summons issued

" Oct. R. Summons ret. with service acknowledged. Bill filed & decree nisi 2.

Deft.

" Oct. 11. Depositions filed

Nov. 10. Bill taken for contempt & cause set for hearing

Nov. 10. Decree for sale.

1866 May. Cause removed from the docket