

1867 - 06

Santhampton County

Leneer, Jacob vs Ripkin, Isaac

(Petition for Exemption)

Lenox

v { Papers

Pisken 10

To be disposed again

J. R. Kelly p. 2.

E. W. McSpencer

p. 9

Jacob Lenow
Petition for Inspection

1866 Aug 8. Bond^d given
again if -

1727 words

To the Hon Richard H Baker
Judge of the Circuit Court of Southampton County
your own humbly complaining petitioner

Your petitioner, Jacob Senow, of
the said County, respectfully represents to your honor
that at the chambers term of the County Court of the
said County in the year 1865 Isaac Pipkin qualified
as Executor of John P. Smith and Martha G.
Smith, and entered into bonds in the penalty of three
thousand dollars in each case conditioned for the faith-
ful and legal discharge of all such duties as might
be imposed upon him, the said Isaac Pipkin, as such
Executor, being at that a citizen of the said County —

that your petitioner and James Vaughan became
the sureties of the said Pipkin in said bonds —
that the said Pipkin took possession of the whole of
the estate real and personal of which the said John
P. and Martha G. Smith died seized and possessed, —
which said estate consisted, for the most part, of the
farm on which the said Martha G. Smith and her
son John P. Smith resided during their respective
lives, together with the stock, crops, farming imple-
ments, house-hold and kitchen furniture there on —

It is true that the said John P. Smith devised
and bequeathed, by his last will and testament the
whole of his estate of every kind whatever to the said
Isaac Pipkin, subject of course to the payment of
his the said John P. Smith's just debts — this payment
the said Isaac Pipkin before your petitioner would
consent to become his surety, promised your petitioner
should be promptly and fully made at an early
day — and your petitioner well hoped that the said
Isaac Pipkin would have faithfully kept promise
so solemnly made — But the said Isaac Pipkin

disregarding his said several promises to your petitioner
as well as his legal ^{and moral} obligation to discharge without
unnecessary delay the debts of a friend who had been
so kind as to give to him his whole estate, has en-
tirely failed to pay off any of the debts due by the
said John P. Smith or to make, or endeavor to make
any arrangement whatever, as your petitioner is informed
with a view to the liquidation of the said debts; —
but on the contrary, instead of keeping his promises
solemnly made to your petitioner not to remove or
make sale of any of the property whatever till the
whole of the said debts were fully paid and satisfied,
has, by private sale as your petitioner is reliably in-
formed and verily believes, disposed of the whole of
the estate real and personal of the said John P. Smith
has already removed to the ~~State~~ ^{State} of North Carolina with his family, as a perma-
nent residence, with the intention as your petitioner
fully believes of defrauding ^{and depriving} your petitioner and the
said James Vaughan, by ~~retaining~~ ^{retaining} all the assets arising
from the sale of the said estate to North Carolina
where they will be beyond the reach of the process of
the Courts of this State —

That the said John P. Smith was largely indebted,
living at his death debts to the amount of about
one thousand dollars, ^{and your petitioner believes the personal estate wholly insufficient to} discharge the same —

That a judgment has already been obtained
against the said Pipkin as Executor of the said John
Smith at the last term of the Honorable Court for about
the sum of Two hundred and fifty dollars, in fa-
vor of Wm. A. Mopenburg, which ought justly to be
a lien upon the said real estate —

That no deed has as yet been recorded in the

Clerk's office of the said County conveying the said re-
al estate, though the sale has been made —

The said real estate lies in the County of Southampton
near the junction of the Choptank and Black Water
Rivers, is supposed to contain about six hundred
acres and is the same upon which ~~the~~ ^{the} Captain Hen-
ry Smith lately resided —

Your petitioner is advised further that the said
private sale of the said chattel and personal prop-
erty is illegal and intended to operate a fraud on
him and the said James Vaughan — as well also
as the sale of the said real estate —

In tender consideration of all which and as
your petitioner is without remedy save in the Honorable
Court he therefore prays that ^{Wise the Citizens}
of Hancover County North Carolina, to whom the sale
of the said chattel property and a portion of the real
estate ^{as far as he} has been made, James Thomas Beaman to
whom the remainder of the said real estate is said
to have been sold ^{in major part to this bill} — and the said Isaac Pipkin
^{inasmuch as, &c. as appears} be restrained and enjoined by an order of the
Honorable Court, the said Beaman and Nic from
paying to the said Pipkin any amounts which may
be due from them to the said Pipkin in consequence
of said pretended sales — and that the said Pipkin
from removing the ~~after~~ ^{after} proceeds of the sale,
of said property from this State —

And your petitioner ever and ever prays &c.

Jacob Senne
By Mopenburg & Kindred
his Attorneys

State of Virginia —
County of Southampton

This day personally appeared be-
fore me Wm. H. Rutledge a Commissioner in and for the Circuit Court of said
County the above named Jacob Senne and made oath that the statements
made in the foregoing petition are true to the best of his knowledge and belief.
Witness my hand this 7th November 1866. Wm. H. Rutledge Comr.

Learn

m.

Piptin Ex. of Smith
H.

Ann. of
Isaac Piption H.



To the Hon. Richard N. Baker, Judge of the Circuit Court of Southampton County, Virginia,

The answer of Isaac Pipkin, in his own right and as Executor of John P. Smith deceased, to a Bill in Chancery filed in said Court by Jacob Lenow, against him & others.

This Respondent says, that it is true the said John P. Smith died and left a will as set forth in the said Bill & that this Respondent duly qualified as his Executor in Southampton County Court (Va.) and that the said Jacob Lenow and one James Vaughan became the securities in the Executorial Bond required of this Respondent —

That as such Executor he took charge of the chattel estate belonging to said deceased, and had a sale thereof, which amounted to the small sum of \$182.60, as the account of sales will shew — which amount has already been paid out by your Respondent in the payment of Debts due by said John P. Smith to Wm. A. & others. That there is only due, so far as this Respondent knows or believes by said deceased, two or three debts, amounting altogether to some six or seven hundred dollars, and that there is due to the decedent's estate a debt by Miller Eare & Co. sufficiently large to pay the same, but which this Respondent cannot now collect because of the present "Stay Law".

This Respondent denies that he has done any act to injure, defraud or in any manner incommode the said Jacob Lenow or any Creditor of said Decedent — The premises owned by said Decedent, are situated a short distance

from the North Carolina state line, and this Respondent not being prepared to carry on a farm settled in Murfreesboro? North Carolina where his wife's family resided, and distant only 12 or 15 miles from the said farm.

That, as the farm would go down, if left unoccupied, he sold it to James Thomas Beaman for real estate in Murfreesboro? as he had a right to do - The sale was made the latter part of July 1866, and the possession of the premises surrendered to said Beaman, but no deed had been made; that when the said sale was made, there was no suit commenced for the administration of said assets, and no report filed of the debts and demands of those entitled against said decedent. - That by the will of said decedent, this Respondent is the devisee of said Land.

That your Respondent denies that any judgment in favor of Wm. A. Masfening is a lien on said estate, as the judgment is only against this Respondent as such Executor only.

This Respondent denies that in any thing he has done, he has intended to defraud any one, on the contrary he is using every effort to pay the few debts due by said decedent, and will as soon as the laws of the land will allow him to do so, collect the debt of said estate & pay the same.

Having answered the prayer to be hence dismissed.

(Signed) Isaac Perkins

State of North Carolina
Hertford Co. to wit.

I Wm P Beaman a Justice of the peace in and for said County in the State of North Carolina, do certify that Isaac Perkins the Respondent aforesaid, personally came before him and made oath that the facts and statements set forth in the foregoing answer are true to the best of his knowledge and belief.

Given under my hand this
31st Day of July 1867.

W. P. Beaman J.P.

State of North Carolina
Hertford County

I Louis H. Corpey Clerk of the Court of Pleas and Quarter Sessions of the County and State aforesaid, do hereby certify that William P. Beaman being when the foregoing affidavit was made, is an acting Justice of the Peace for the County of Hertford, duly commissioned and qualified, and that full faith and credit are due to his Official Acts as such.

In Testimony whereof I have hereunto set my hand and affixed the seal of said Court at Office in Winton, this 1st day of August
A. M. Corpey Clerk
4th Aug. 1867.



Know all men by these presents that we Jacob Lenox James
Vaughan M^{rs} W Briggs are held and firmly bound unto the
Commonwealth of Virginia in the just and full sum of One thousand dollars, to
the payment whereof well and truly to be made we bind ourselves our heirs, executors &
administrators jointly and severally firmly by these presents Sealed with our seals
and dated this 8 day of November 1866

The Condition of the above obligation is such that whereas the above bound
Jacob Lenox hath obtained from the Judge of the Circuit Court of Southampton
County an injunction to restrain ^{himself and all others} ~~himself~~ ^{Wise and James T}
Beaman from paying to Isaac Pipkin any amount of property or
money which may be due from them to the said Pipkin, for property real
or personal purchased by them of the said Pipkin as Executor of John P.
Smith in the plaintiffs bill referred to until the further order of the Court
and also to inform the said Pipkin ^{himself and all others} from removing the property in his hands or
the proceeds thereof as Executor of the said John P. Smith, from this State
until the further order of the Court. Now if the said Jacob Lenox shall
pay all costs and damages as may be awarded against him in case the said
injunction be dissolved then the above obligation to be void or else to remain in full
force and virtue.

Jacob Lenox
James Vaughan
W W Briggs

Seal
Seal

Southampton County, Circuit Court Clerks Office Nov 8 1866
The above bond was acknowledged by the obligors thereto and J^r Vaughan &
M^{rs} W Briggs the security therein made oath that their estate after
the payment of their just debts is worth the sum of One thousand dollars the penalty
of the above bond.

L R Edgar Sd Clk

~~78~~ 74

Lenox

to: } Stat. Rules

Pipkin; Beaman & Co

In Southampton Circuit Court

Jacob Penon

against

Isaac Pipkin in his own right and as executor of John P. Smith dec. Wise
& James T. Beaman & Usher

1866 Nov 7. Bill filed & Injor. awarded

" " 8. Bond Security given. Supr. & Injunction issued

" December. Rules. Supr. & Injor. returned - Another Sp. & Injor. awarded.

1867 Jan. " Subp. & Injor. returned executed on Pipkin & Beaman - Wise
no inhabitant. Dece. Nisi. on Dft. Pipkin & Beaman

" Feb. R. Bill taken for confessed as to Dft. Pipkin & Beaman

" Mar. " Cause set for hearing as to Dft. Pipkin & Beaman

John P. Smith

Will

Moody

I John P. Smith of the County of Southampton in the State of Virginia
do constitute and appoint this writing to be my last will and testament in manner and form
following

1st I give to my cousin Isaac Pipkin the plantation with its appurtenances whereon I now
live together with the crops and provisions on hand all the stock of hogs, cattle, sheep,
horses, farming utensils, household & kitchen furniture and personal property of every kind
except my negroes, charged however with the condition that my debts are to be paid out of
the same and further that Judy Harrel is to be boarded, clothed & lodged in the dwelling
house in the same manner she has lived therein during the lifetime of my mother so long as
she may live.

2^d I give one half in value of my negroes to such of the children of James Pipkin dec^d as
shall attain to the age of twenty one years and the other half to such of the children of Isaac
Pipkin as shall attain to the age of twenty one years, and I direct that in the mean time Isaac
Pipkin shall control & manage the said negroes and shall pay to the children of James
Pipkin dec^d annually one half of a fair hire for the same and that the other half of the said
hires shall accumulate in his hands for such of his own children as shall arrive at the age
of twenty one years.

3^d I appoint the said Isaac Pipkin the Executor of this my last will and give him the
balance of my estate if any. Given under my hand this 21st day of October 1864. in
the presence of W. A. Maspemburg and Edwin Daughtry who have signed the same as
Witnesses in the presence of each other.

I Teste

John P. Smith

W. A. Maspemburg

Edwin Daughtry

At a Court held for the County of Southampton on the 19th day of December 1864
This last will and testament of John P. Smith dec^d was proved by the oaths of W. A. Maspem-
burg and Edwin Daughtry the subscribing witnesses thereto and ordered to be recorded

I Teste

L. R. Edwards

Attest

I Teste

L. R. Edwards

State of Virginia - County of Southampton
- This day personally appeared before me,
Henry S. Howard, a Commissioner in
chancery for the Circuit Court of said
County, William Pitman and
made oath that he posted up a copy
the within notice on the premises, of the
said Isaac Pipkin and that he ran
the said Pipkin go to and look at the
said notice as if reading the same

Witness my hand this 6th December
1866.

Henry S. Howard Comm.
in chancery of the Circuit
Court of Southampton County

Nov. 8th 1866 delivered
a copy of the within to
James T. Beaman.

Shello off.

To restrain and inform the defendants
John against the above
The said John having to Isaac Pipkin an amount of property or money which may
be due from them to the said Isaac Pipkin for property real or personal purchased
by them of the said Isaac as Executor of John P. Smith in the plaintiffs
bill referred to until the further order of the Court. And also to inform the
said Isaac Pipkin removing the property in his hands to the proceeds
thereof as executor of the said John P. Smith from the State until the
further order of the Court that said Isaac Jacob Brown having given bond with
security in the penalty of one thousand dollars be added to pay all costs
and charges as may be awarded against him in case the said information
be disproved
Filed
J R Edwards Clerk

3781-107-02

THE COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF SOUTHAMPTON COUNTY--GREETING.

WE COMMAND YOU to summon

Wise, James T. Beaman, Isaac

Pipkin in his own right and as executor of John P. Smith dec'd.

to appear at the Clerk's office of our

Circuit

Court of Southampton County, at the

Rules to be holden for the said Court on the first Monday in

December next. to answer the petition

bill in chancery exhibited against them by Jacob Simon.

and have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the
Courthouse this *8th* day of *November* 186*6*, in the *9th* year of the Commonwealth.

L R Edwards Clk

To restrain and enjoin the defendants
 their agents and all others from paying to Isaac Pipkin any amount of property
 or money which may be due from them to the said Pipkin for property real or personal
 purchased by them of the said Pipkin as Executor of John P. Smith in the plaintiffs
 bill referred to until the further order of the Court. And also to enjoin the said
 Pipkin his agents and all others from removing the property in his hands, or the
 proceeds thereof as executor, of the said John P. Smith from this State until the
 further order of the Court. The said Jacob Penow having given bond with security
 in the penalty of one thousand dollars, conditioned to pay all costs and damages as
 may be awarded against him in case the said injunction be disobeyed.

Done Attest
 J. E. Edwards Clk

Sumner

{ Sp. & J. J. Beaman

Pipkin
 Beaman & Co

1867 January Rules

Executed Dec. 18th
 1866 at J. J. Beaman
 & Isaac Pipkin by
 delivering a copy to
 each of them. Will
 is no inhabitant - of
 my county.

E. J. Story

For J. J. Beaman

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU to summon

*Wise, James F. Beaman, Isaac
Pipkin in his own right and as administrator of John P. Smith dec'd*

to appear at the Clerk's office of our

Circuit

Court of Southampton County, 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 our said Court by Jacob Lenoir*

and have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-
house, this *12th* day of *December* 1866, in the *91st*
year of the Commonwealth.

L R Edwards Clk

To restrain and injoin the defendants
their agents and all others from paying to Isaac Pipkin any amount of
property or money which may be due from them to the said Pipkin for prop-
erty real or personal purchased by them of the said Pipkin as Executor of
John P. Smith in the plaintiffs bill referred to until the further order of the
Court. and also injoin the said Pipkin his agents and all others from
removing the property in his hands or the proceeds thereof as executor of the
said John P. Smith from this state until the further order of the Court, the
said Jacob Snow having given bond with security in the penalty of one
thousand dollars conditioned to pay all costs and damages as may be
awarded against him in case the said injunction be dissolved -

Wise & James T Beaman

Teste L R Edwards Esq

copy for
Wise

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU to summon.

Wiss. James F. Beaman D. Isaac

Jipkmi in his own right and as administrator of John P. Smith dec^d

to appear at the Clerk's office of our *Superior* Court of Southampton County, 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/them in our said Court by Jacob Lenoir

and have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-
house, this *12th* day of *December* 1866, in the *9th* year of the Commonwealth.

L. R. Edwards

Lenox

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Reuben Hottel

order for expansion

Jacob Linn

^{vs}
Isaac Pipkin, & others

To the clerk of the leicant Court of Southampton County —

On motion of the Plaintiff who has filed his bill and made oath thereto according to Law, an Injunction is awarded to ~~re-~~ ^{their agents & all others} ~~specify~~ the defendants, Wise, & Bearman, from paying to the said Pipkin any amount of property or money which may be due from them to the said Pipkin, for property real or personal purchased by them of the said Pipkin as Executor of John P Smith, in the bill referred to until the further order of the Court and that the said ~~Pipkin~~ ^{his agents, and all others} be also enjoined and restrained ^{from removing} the property in his hands or the proceeds thereof as Executor of the said John P Smith, from this State until the further order of the Court.

But the Injunction is to be suspended until the Plaintiff shall execute in the Clerk's office of the leicant Court of Southampton County, in the penalty of one thousand dollars, payable to the Commonwealth of Virginia, bond with sufficient security, conditioned to pay all such costs and damages as may be awarded against him in case the Injunction be dissolved.

Nov. 7. 1866.

Rich. H. Baker