

1867-07.

Southampton County Chancery

Darden, James T. vs Munger, John S. and Kello, Samuel
(Sheriff of South. Co.)

Killy p. v

James J. Darden

n { Rice

John S. Munger &

1867 July Rules

The clerk will dismiss
this suit. John R. Killy
p. v

July 14. 1867

South. Cir. Ct.

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

Complaining shew unto the Court, Your
Complainant James J. Warden of said
County.

Your Complainant respectfully represents
to the Court and says, That one John S. Mumper
a resident of the State of North Carolina & a non
resident of Virginia is justly indebted to him,
the said Complainant, as follows — to wit: The sum
of \$99.71, due 1st January 1857 & due by Bond —
The sum of \$44.49, due 1st January 1861 by Bond —
The sum of \$30.06 due 1st January 1859, by Bond
The sum of \$43.10 due 1st January 1860, by Bond.
The sum of \$84. due 1 Jan'y 1862 by Bond, The
sum of \$52. due 1st Octo. 1859 by Bond & the sum of
\$38.08, due 4 March 1857, by Bond to Davis Banitt, transferred
to your Complainant — all of which will appear by Bonds
filed herewith & marked 1, 2, 3, 4, 5, 6, & 7.

Your Complainant says that the said
several sums of money, are due, unpaid
and are just: that there is present cause of
action therefor, and that the said John S. Mumper
one of the Defendants in this case is a non resident
of Virginia, and that the said Mumper has
estate in the County of Southampton, Virginia,
where this suit is pending, to wit: a tract
of land in said County containing one hundred
Twenty one 1/2 acres — acres more or less &

adjoining the Lands of Wm. E. Myrick Margaret Barrett
Bennett Barrett & others

That the said Real estate is at this time under the control of Saw Kello Sheriff of said County and is by him advertised to be sold before the Courthouse door of said County on the 17th of this month, to satisfy a judgment in favor of Wm. E. Myrick against said Menger rendered in the Circuit Court of said County & that the proceeds of such sale, will, as your Complainant believes be more than enough to satisfy said Myrick's claim -

In consideration whereof your Complainant prays that the said John E. Menger, a non resident of Virginia, and Saw Kello Sheriff as aforesaid may be made defendants, & be required to answer the allegations herein, that the said aforesaid may be sold to pay your Complainant's demands, & that any surplus from the sale thereof after satisfying any prior lien may be paid to your Complainant, and that all further relief may be granted, consistent with Equity &c.

Signed John R. Kelly

(signed) James J. Darden

The Clerk of Southampton Circuit Court,
will give views in Aug. to July next, 1867 as
follows.

James J. Larden

or

John S. Munger (a non resident of Va) and
Saml Kelso Shff. of Southen Co.

File in the Blank B. of accs & boundary
part as they are described in Wm E Myrick's
attachment — Make out a copy of the
process for Munger & Kelso each, as Munger
may be present at court & then it can
be served on him — Immediately on
spring, direct the Sh. to endorse the usual
attacht "on the Land"

J. R. Kelly
11 June 1867

Swear on Larden to the Bice
after he signs it

The plaintiff in this suit having made the proper affidavit, it is ordered that the officer serving the within writ do attach such debts as are already due or to become due to the defendant John S. Munger (who is a non resident of the Commonwealth of Virginia) from the other defendant Saml Kello Sheriff &c. also any other estate of the defendant John S. Munger whether in his own hands or in the hands of the other defendant Kello. to answer the future order of this Court.

Teste

L R Edwards Clk

Davidson

{ Sum. ch. & attor
Co.

Munger &

1867 July Rules

Executed June 17th 1867
on J. Kello and on
John S. Munger, sume
debt by delivering to
each a copy.

P. Barrow Clk
for J. Kello Sheriff

1864 June 13th Attached exhibit of land lying in Southampton County, bounded by the lands of Wm E Myrick, Margaret Barrett, Bennett Barrett & others containing 17 1/2 acres more or less. Subject to a prior lien to Wm E Myrick.

P. Barrow Clk
for Saml Kello Sheriff

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY--GREETING:

WE COMMAND YOU to summon

Southampton County

John S. Munger & Samuel Wells Sheriff of

to appear at the Clerk's office of our

General

Court of Southampton County, 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 them in our said Court by James J. Darden

and have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-
house, this *13* day of *June* 1867, in the *9th*
year of the Commonwealth.

L. R. Edwards Clk.