

1868-11

Southampton County Chancery

Cross, Exors (^{of} Hardy Cross) vs Jenkins, John B. et al

Recover Leins
on Real Estate

Smith - Edwin
Cross - Martha
Dillard - Richard
Kelso - Samuel

Rilby, John R.
Daughtrey, Wm. H. (admi)
Foyner Elijah

Killy B. G.Crop: sum (for
Richard Dillard)

to.	}	chrs.
or.		

John B. Jenkins, sal

So. amp. Cir. cl.

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

Complaining shew unto the Court
your Complainants Edwin Smith & Martha
H. Croft Executors & Executrix of Hardy Croft
dec'd, (who sues for the benefit of Richard Dilland)
— Saml Kello administrator of Milton G. Berman
dec'd, & J. D. Pettow & Saml B. Pettow Executors
of Wm H. Summelle dec'd. —

Your Complainants respectfully rep-
resent to the Court and say that they have
claims and demands against John B.
Jenkins of said County which are liens
on the real estate of said Jenkins, and that
as your Complainants are advised there also
other and numerous liens on the said
real estate — That the said John B. Jenkins
is the owner of a large tract of Land in the
said County, containing four thousand
four hundred acres more or less and known
as "Allen's Quarter", situated on the west
side of the Nottoway River and adjoining
the Lands of the Late Elijah Joyner's estate &
others — That this Land was purchased
by said John B. Jenkins and his father
Ezra Jenkins, and owned jointly by them,
That the said Ezra Jenkins by his will
which was duly recorded in Nassau County

County Court on the 14th day of December 1857
a duly certified copy of which is filed herewith
and marked "A" - , says I give and bequeath
"unto my beloved son John B. Jenkins all my
"Interest in the farm, on which he now resides known
"as the Allen's Quarter farm, together with the
"grip and saw mills thereon, provided he my
"said son John B. Jenkins pays out of his
"own funds all the purchase money for
"which I may be bound, either as principal
"or security for said farm, and pays all other
"claims which I have signed with and for
"him either as principal or security, and he
"my said son John B. Jenkins is to pay unto
"my estate the sum of One thousand dollars,
and the said Exum Jenkins further directs
that if these conditions are not complied
with, that then the said Lands be sold and the
said debts paid and the surplus to go to the
said John B. Jenkins -

Your Complainants say that the \$1000.
referred to in said will was paid into the
said estate by the said John B. Jenkins
but that several of the Bonds to which said
Exum Jenkins is security for the said
John B. Jenkins, remain unpaid and
are liens on said Exum Jenkins part
of said Lands - That the following are the debts

referred to: to wit: 1st a debt due by Bms to
said Hardy Corp for \$102.07 with interest
thereon from the 1st day of February 1852, on
which was a Judgment in the Circuit Court
of Southampton County at the May Term 1861
& docketed on the 1st day of May 1861 & costs of suit
\$6.95 - a copy of said Judgment is filed herewith
marked 'B'. - 2^d a debt due said Hardy
Corp on Bms, on which Judgment was rendered
at May Term 1861, ^{of said Court} for \$94.95, with interest
from the 1st day of February 1852 & \$6.95 costs -
a copy of said Judgment is filed herewith &
marked 'C'. (3^d) a debt due said Hardy
Corp on a Bond, on which Judgment was rendered
at May Term 1861 of said Court for \$90, with
interest from the 1st day of February 1852 till
paid & \$6.95 costs - a copy of which is filed
herewith marked 'D'.

That there is a Bond due by said John B.
Jenkins, to which said Exum Jenkins is the
security payable to said, ^{Samuel Kells adm^r of said} Milton G. Bever dec^d.
for \$170; due 25th December 1856, which under
the terms of said Exum Jenkins' will is also
a Lien on said Land - which Bond is filed
herewith marked 'E'.

That there is also due by said John B.
Jenkins, to which said Exum Jenkins is the
security payable to Wm H. Summerson the sum

of \$4.08: due 25th December 1857 - which Bond is filed herewith marked 'F'.

That the foregoing six claims have as your Complainants are advised the first Lien on said Lands - That said Edwin Smith and Martha A. Culp are the Executor and Executrix of Hardy Culp aforesaid, deceased & that J. D. Pultow and Samuel B. Pultow aforesaid are the Executors of Wm H. Summerville dec'd.

That a number of suits have been brought against said John B. Jenkins & judgments obtained thereon and said judgments duly docketed and have become Liens on said Lands in the order in which they have been docketed - That in addition to those already named, a judgment was rendered also at May term of the Circuit Court of said County in favor of said Hardy Culp's representatives, against said John B. Jenkins for the sum of \$175. with interest from the 1st day of January 1836 & \$7.05 cents - a copy of said judgment is filed herewith marked 'G'. - also at said May term of said Court (1861) a judgment was rendered in favor of said Hardy Culp's executor for \$3106.07 with interest from the 1st of February 1852 & \$7.05 cents - subject to a credit of \$1000 on 18 July 1854 - which judgment is against said John B. Jenkins & Abram Riddick - a copy of said judgment is filed herewith and

Kelly p. 8

Corp' Exam. for Oilead
re

3 Rice

John B. Jenkins sal

1868 October Rules

Cir. Ct. Soamp

The exhibits filed in this case I have withdrawn

John R. Kelly

May 3^d 1869.

marked 'H' -

That various Judgments were at different times rendered against said John B. Jenkins, and docketed, among them one in favor of Wm. H. Daugherty and of Elijah J. Jones Dec. 2^d at the 16th July 1866 for \$378.57. with interest from the 1st May 1861 there paid \$5.92 cts and which was duly docketed - a copy of which is filed hereunder marked 'I'.

That the said John B. Jenkins has become and is insolvent, and was on the 6th day of June 1868 in the District Court of the United States for the District of Virginia adjudged a Bankrupt, as will be seen by certificate thereof filed hereunder marked "K"

and that by Decree duly executed under the Laws of Congress all estate of said John B. Jenkins has been assigned to John R. Kelly assignee in Bankruptcy of said John B. Jenkins - a copy of said Decree is filed hereunder and marked 'L'.

Your Complainants pray that the priority of the several Liens on said Lands may be ascertained, and that the said Lands may be sold to pay the same.

In consideration whereof and as this Court has jurisdiction to grant all proper Relief,
To the End your Complainants pray that

John B. Jenkins, John R. Kilby assignees
in Bankruptcy of said John B. Jenkins &
Wm H. Daughtry admrs of Elijah Joyner decd.
may be made defendants hereto & be compelled
to answer the allegations herein - That the priority
of all liens on said Lands may be duly
ascertained and that the said Lands
may be sold to pay the same, and that
all other relief may be granted consistent
with equity &c. and your Complainant
will ever pray &c.

John R. Kilby p. v.

Cross' Exam. &
Stat. Rules

Jenkins &

In Southampton Circuit Court.

Edwin Smith & Martha A Cross Executors & Executrix of Hardy Cross dec.
who sues for the benefit of Richard Dillard - Sam Kello administrator of Milton G
Bisaw & C. D. Pretlow & Sam. B. Pretlow Exors. of Wm. H. Summerville dec.

^{against}
John B. Jenkins, John R. Kilby assignee in bankruptcy of said John B. Jenkins &
Wm. St Daughtry admors of Elijah Byner dec.

1868 Sep. 22^d Summons issued

" Oct. Rules. Summons Ret. Executed on Jenkins & Daughtry - Bill filed.
D. Nisi to Dfts. Jenkins & Daughtry adm.

" Nov. R. Bill taken for confessed as to Dfts. Jenkins & Daughtry ad.

" Dec. " Cause set for hearing as to Dfts. Jenkins & Daughtry ad.

Crop En
m.

Jenkins

order

Toke Entno

E. F. Pitts



Hardy Cup. Sam. for R^d. Dillard &

This case is on motion of the
plaintiff's attorney dismissed & the p^{ts};
atty is authorized to withdraw from the
case the several exhibits filed with
the Bill

Cross' Exr

v. } Sims. Chy.

Jenkins & Co

1868 October Rules

Executed Oct The 1
1868 on John B Jenkins
and wife & daughters
by delivering to said John B Jenkins
John P. Talley no
president of my
County

P. Carson Sept
for J Talley shff

The Commonwealth of Virginia,

To the Sheriff of Southampton County—Greeting:

We command you to summon *John B Jenkins, John R Kilby assignee in bankruptcy of said Jenkins Wm H. Daughtry admr of Elijah Joyner dec*

if *they* be found within your bailiwick, to appear at the Clerk's Office of our
Ordnr — Court of Southampton County, at the Rules to be holden for the said
Court, on the first Monday in *October next to answer Edwin Smith Exor. of Martha S. Cross*
Exor. of Hardy Cross who sue for the benefit of Richard Dillard, Saml Kelto admr of
Milton G. Brown dec. of J. D. Pritlow & Saml. B. Pritlow Exor. W. H. Summerville dec.

and have then there this writ.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, this
22^d day of *September* A. D. 1868, in the *93^d* year of the Commonwealth.

L. R. Edwards Clk

Copy for John A. Kilby -



The Commonwealth of Virginia,

Norfolk County
To the Sheriff of ~~Southampton County~~ Greeting:

We command you to summon *John B. Jenkins, John B. Hilby assignee in bankruptcy of said*
Jenkins & Wm H. Daughtrey adm: of Elijah Jagers decd

if *they* be found within your bailiwick, 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 *October next to answer Edwin Smith Exr: & Martha N. Crof*
Exr: of Hardy Crof who sue for the benefit of Richard Lillard, Same heirs adm: of Milton
G. Beran decd - & J. S. Fisklow & same B. Fisklow Exrs: of W. H. Sammons decd

and have then there this writ.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, this
22^d day of *September* A. D. 1868, in the *93^d* year of the Commonwealth.

L R Edwards, Clk