

1869-08

Southampton County

Massening, William A. Is

Smith, John D's Exor.

(Settlement of debts)
& demands

Isaac Ripken - Executor

Mafsenburg

~ } Papers

Smiths Exr

1869 November Term

Maspembury
to Bill
Tipton Ex. to Smith

1867 March Rules

To the Hon Richard H Baker Judge of the Circuit
for the County of Southampton

In Chancery

Humbly complaining sheweth unto your
Honor your Grace William A. Dwyer being
^{and for himself and all other creditors of John P. Smith}
that in the year 1864 John P. Smith of the
said County died after having made & pub-
lished his last will which was duly ad-
mitted to probate at the term 1864
of the County Court of said County and that
at the Nov. term 1865 of the said Court
Isaac Pipkin the executor therein named
qualified according to law having executed
bond in the penalty of \$3000 with James Leake
and Jacob Lenoir his sureties all of which
will appear from copies of the oaths of probate
& qualifications & bond herein filed marked (A)
and prayed to be taken as parts of this bill
that by his said will the said John P. Smith
^{consisting of property in Southampton County and Henningville, Va.}
devise the whole of his real estate to his said
Isaac Pipkin - That the said John P. Smith
at the time of his death was indebted to your
Grace in the sum of \$210. on which debt
your Grace instituted a suit at law in this
Honorable Court against the said Executor &
secured a judgment therefor at the May term
1866 as will appear from a copy of said
judgment herein filed marked (B) That the
said Isaac Pipkin Executor as aforesaid wasted
and made away with the whole personal es-
tate of his testator so that there remains
nothing but the real estate out of which

The debt of your Grace can be collected that the
said Pipkin is a non resident of the state of
Virginia. In tender consideration of all which
and in as much as your Grace is without remedy
in the premises except in a court of equity where
matters of this kind are only cognizable to the
end therefore that justice may be done he prays
that the said Isaac Pipkin as Executor & devisee
of the said John P Smith may be made Def^t to
this bill and forced to answer the allega-
tions thereof that an order of publication may be made
against the ^{Def^t} Pipkin and that the said real estate
devisee of the said will may be directed to be sold
and the debt of your Grace to be paid out of the proceeds,
and as in duty bound he will ever pray &c
Profructus & for the

A 813

Mafsenburg

✓ } Ex: with bill

Smiths Exr.

Southampton County Court November 20 1865

On the motion of Isaac Pipkin, the Executor named in the last Will and testament of John P. Smith dec^d. which will has been heretofore duly recorded in this Court, who made oath as the law directs and entered into and acknowledged a bond in the penalty of three thousand dollars conditioned according to law, with Jacob Lenox and James Vaughan, his securities therein (who justified on oath as to their sufficiency and which bond being acknowledged by the obligors therein is ordered to be recorded), Certificate is granted the said Pipkin for Stamping & Probate of the said Will (the value of the said estate being declared to be of the value of fifteen hundred dollars) in due form a Stamp of the U. S. internal revenue to the amount of One dollar being affixed hereto, as also one of the same amount on the bond aforesaid.

Know all men by these presents that we Isaac Pipkin and Jacob Lenox and James Vaughan are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of three thousand dollars current 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 20 day of November 1865.

The condition of the above obligation is such that if the above bound Isaac Pipkin, who has this day been of the Executor named in the last Will and testament of John P. Smith dec^d. has this day qualified as such Executor shall faithfully discharge the duties of his said office or trust according to law, then the above obligation to be void, or else to remain in full force and virtue.

Signed, Sealed and delivered
in the presence of the Court }

Isaac Pipkin (Seal)
Jacob Lenox (Seal)
James Vaughan (Seal)

Copy

Teste

GR Edwards Clk

Southampton Circuit Court May 3^d 1866.

Wm A. Mafsenburg

against

Isaac Pipkin Executor of John P. Smith

Plff

Def

} In Case

On the motion of the Defendant by his attorney who pleaded non assumpsit by his testator to which the plaintiff by his attorney replied generally, the judgment obtained against him in the Office is set aside, and the parties, plaintiffs and defendants, consenting and agreeing that the trial by jury should be waived in this case and that the same shall be tried and decided by the Court, and thereupon the cause came on to be heard upon the evidence adduced. It is considered by the Court that the plaintiff recover against the defendant the sum of Two hundred and ten dollars & fifty cents with interest thereon from the 3^d day of May 1864 till paid and his costs by him about his suit in this behalf expended To be levied of the goods and chattels of the decedent in the hands of the Defendant to be administered

Plffs Costs \$ 6.92 1/2

Attest

Teste

L. R. Edwards Clk

Maffenburg &
n

Smiths En &

Answer of
Isaac Peptkin &

1867 May Term

COMMISSIONER'S OFFICE,

Jerusalem,

July 8th

1867

To

William A. Mapentung

against

Isaac Pipkin as Executor of John P. Smith decd.

Plff

Def

You are hereby notified that I have fixed upon the 22^d day of August next, if fair, if not, on the next fair day thereafter, (Sunday excepted,) to take and settle, at my office, the following accounts, to wit:

An account of the transactions of Isaac Pipkin as Executor of John P. Smith decd. An account of the debts now outstanding against the estate of the said John P. Smith. An account of the annual & real value of the real estate devised by the said John P. Smith to the said Isaac Pipkin. I report the same to Court with any matters specially stated deemed pertinent by himself or which may be required by any of the parties to be so stated. And the Court doth further adjudge order, and decree that the said Commissioner also report whether the said Isaac Pipkin before the institution of this suit sold any of the said real estate

required to be taken by a decree of Southampton Circuit Court, rendered on the _____ day of

18____, in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs, and defendants; at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the day and year first aforesaid.

Henry S. Howard

Commissioner.

To the Sheriff of Southampton County to execute.

We acknowledge service of within notice
O.W. Moberly atty for Plff
J. R. Kilby atty for Defs

77 72

Mafomburg

Stat. Rules.

Smiths Exr

lille

530
126
6.56
911
7.46

Puffs Cost

Colk

Shff

Or. Pub.

Com Howard

Law

746
00

15.00

15.50

Lfts Cost

Colk

Law

2.06

15.00

17.06

In Southampton Circuit Court

William A. Massenburg

against

Isaac Pipkin as Executor & devisee of John P. Smith dec'd.

1867 February 25th Summons issued

" March Rules. Summons returned "to inhabitant". Bill filed. Order of Publication &c. Deft.

" May 7th ^{answ. & Deft. & Rep.} Decree for account &c.

" Oct. 4th Report.

" Nov 7th Decree.

1869 Nov. Report & decree final.

Malsburg.

to } Dr. Pub

Smiths Ex

Posted at C. house Decr March
6. 6r 1867.

At Rules held in the Clerks Office of the Circuit Court of Southampton
County on Monday the 4th day of March 1867.
William A. Mapenburg

Plff } In bancy
Deft. }

against
Isaac Pipkin as Executor and devisee of John P. Smith

This day came the plaintiff by his Counsel and filed his bill in this suit the object of
which is to Subject the real estate devised by the said John P. Smith to the said Isaac
Pipkin to the payment of the plaintiffs judgment recovered against the said Pipkin as
executor of the said Smith for \$210.⁵⁰ with interest thereon from the 3rd day of May
1866 (full paid costs) and affidavit being made and filed that the Defendant is
not a resident of the State of Virginia, it is ordered that ~~the said defendant~~ ^{he} appear
within one month after due publication of this order and do what is necessary to protect
his interest in this suit.

A Copy

Teste L. R. Edwards Clk

Massemburg

to } Aff.

Smiths Exor &c

Circuit Court

Southampton County. In the Clerk's Office Feb'y 26th 1867.

E. W. Maysenburg maketh oath & saith that Isaac Pipkin Defendant in a suit in Chancery depending in the Circuit Court of Southampton County in which W.^m A. Maysenburg is Plaintiff and said Isaac Pipkin as Exor & devisee of John P. Smith is Deft is not a resident of the State of Virginia as he verily believes

L. R. Edwards Ck

Matsubara

Sum. chy

Pinkus

1867 March Rules

No inhabitant

E. L. Story & Co
for S. Wells & Co



THE COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF SOUTHAMPTON COUNTY--GREETING.

WE COMMAND YOU to summon

*Isaac Pipkin as Executor and devisee of Isaac
Pipkin of John B. Smith dec^d.*

to appear at the Clerk's office of our

County

Court of Southampton County, at the

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

*March next to answer a bill in
Chancery exhibited against him in our said Court by William A.
M. Appling*

and have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the
Courthouse this - 25 - day of *February* 1867, in the 91st year of the Commonwealth.

L. R. Edwards

Maspenburg

3 Com. s Report

Smith's Exr.

1867 October 1st

The estate of John S. Smith Dec.
 In account with Isaac Sipekin, Executor

1866		Dr	Cr
Dec	By Amount of account of sales		
	Due this day		182 60
	To Commission on same	9 13	
	" paid R. J. & W. Sterlymbert	200 00	
" 31	" balance Executor		26 53
		209 13	209 13
"	To balance due Executor brot down	26 53	
	with interest therein from		
	this day		
	Respectfully Submitted		
	Henry S. Howard,		
	Att ^y		

An Account of the Debts now outstanding a-
gainst the estate of the said John P. Smith Dec.

J th Clap			
To W ^m R. Lawrence account	27394		
" Interest on same to the 7 th Nov 1867 from 31 st Dec 1861	11263		
		38657	
To E. W. Mapenbury account	2000		
" Int. on same to the 7 th Nov 1867 from 31 Dec 1864	463		
		2463	
To Jacob Snow account	900		
" Int. on same to the 7 th Nov 1867 from 31 Dec 1861	370		
		1270	
To Gillette & Birtlow account	2128		
" Int. on same to the 7 th Nov 1867 from 31 st Dec 1859	1129		
		3257	
To W ^m A. Mapenbury Judgment	21050		
" Int. on same from 3 rd May 1864 to the 7 th Nov 1867	3814		
Less	692		
		25556	
		71203	
To Gillette & Birtlow acct			
due by Mrs Smith	250		
Interest thereon from the 1 st Jan 1859 to the 7 th Nov 1867	133		
		383	
Total Amount to the 7 th Nov 1867		71586	

Respectfully Submitted
Henry J. Howard
Coun.

An Account of the annual & real value of
the real estate devised by the said John P.
Smith to the said Isaac Dipkin.

	Annual Value	Real Value
422 Acres of Land in Southampton County near Hottelway river	200 00	3000 00
Respectfully Submitted Henry J. Howard Coun.		

Commissioner's Office
Jerusalem Sept 1 1867

Pursuant to a decree of the circuit court of Southampton County under
on the 2nd day of May 1867. in a suit in chancery depending in
the said court between Wm A Massenburg Plff and Isaac Pipkin
Exor, Deft. the undersigned one of the Commissioners of said
court, to whom was referred for settlement by said decree the follow-
ing account. That an account of the transactions of Isaac Pipkin
as Exor of John P. Smith died. An account of the debts now outstanding
against the estate of the said John P. Smith. An account of the an-
nual & real value of the said estate devised by the said John P. Smith
to the said Isaac Pipkin report the same to court with any matters
specially stated deemed pertinent by himself or which may be required by
any of the parties to be so stated. And the court doth further ad-
-udge order, and decree that the said commissioner also report
whether the said Isaac Pipkin before the institution of this suit
sold any of the said real estate. reports to the court that on
the 8th day of July last, he issued notices against the several par-
ties aforesaid requiring them to attend the settlement of said
accounts on the 22nd day of August 1867. which were returned to your
commissioner duly executed, that the parties aforesaid appeared
in obedience to the notice. when your commissioner made up &
completed the foregoing accounts. The commissioner further re-
-ports to court that after the completion of the said accounts he
retained the same in his office ten days for the examination of
the parties, and no exception being filed thereto. the said acc-
-ounts with the decree and notes aforesaid I herewith return.
Given under my hand as commissioner aforesaid the
day and year first aforesaid.

Levin's fee \$15.00

Henry C Howard
Commisr.

Maas enburg
v } Report of
payments

Pepkin adv to

Elm M
LL

15 12
21 00

60

To the Circuit Court of Southampton County

The undersigned respectfully reports
to Court ^{by decree of Nov Term 1867 in case of Massenburg} that as required, he has paid the
several debts named in the decree of the
Nov. Term 1867 of said Court made in the
case of W. A. Massenburg v. Isaac Paphin
Exr. of Jno. P. Smith dec &c. to wit:

To W. A. Massenburg	pd \$241.52
pd " Clerk his cuts 74 ⁶ + 2.46.	pd 9.92
pd " W. S. Howard Com. bee	pd 15.00
" E. W. Massenburg Att. fr. pl.	15.50
pd " Printer's Bice	pd 5.00
pd " Wm R. Lawrence (paid Jno. R. Kelly atty.	pd 329.07
" E. W. Massenburg (paid	21.00
pd " Jacob Lennow (paid	pd 10.90
pd " Edlittie Whittens (paid	pd 27.93
pd " do	pd 3.27
pd " A. E. Hall, Coffin bice	pd 36.86

Respectfully submitted.

Isaac Paphin
per Jno. R. Kelly atty

1869 July 1. Rec^d. of Isaac Phipps thro:
the hands of Mr R. Kelly, the several sums
set opposite our names.

John R. Kelly, ^{atty} for W. R. Lawrence	\$ 329. 07
John R. Kelly atty for A. E. Heese	36. 86
John R. Kelly for Gullett & Pullen	31. 20
John R. Kelly " Jacob Lawrence	10. 90
John R. Kelly " Printer	5. 00
W. W. Briggs by Shff for D. E. Doherty + adm ^r of E. W. Massenburg	{ 36. 50

^{Dr}
H. A. Maphurys
Rect.

amount of Wm A. Mapenburg's
Debt against No. Smith dec'd (Isaac
Pipkin adm) and proved & allowed
in a Chancery suit in the Circuit
Court of Southampton County, wherein
W. A. Mapenburg & is plaintiff and
said Isaac Pipkin adm. of No. Smith dec'd
is deft.

Principal of claim	\$210.50
Int. from 3 ^d May 1864 to	
18 Aug ^t 1868 — 4 y. 3 mo. 15 d	54.10
Costs of Judgment at Law	6.92
	<u>\$271.52</u>
By Int. abated	30.00
Balance due W. A. M.	<u>\$241.52</u>

1868 Aug. 18 Rec^d of Isaac Pipkin
adm. of No. Smith dec'd. Two hundred
and forty one dollars and fifty two
cents in full of above claim (Paid
by No. R. Kelly) except costs of suit against
Isaac Pipkin) W. A. Mapenburg.



A. E. Haff
Mr. Smith

[Faint handwritten notes or bleed-through from the reverse side of the page.]

Hanscombed Co
July 20th 1868.

Mr R Kelly Esq.

Dear Sir

Yours of 17th reached me to-day, accordingly I send you note of fifty (50) dollars against the estate of Dr. Hunter dated 18th Apr. 1853. Interest paid up to Jan 1st 1861, with Isaac Lee security.

The note I held against Judge Baker for \$400. with Dr. Hunter security, which you advised to be entered against Dr. Hunter Est. I paid over to Maj Jas Willard, and he Mr. D. will send down to you.

I also send my claims against the estate of Mrs. Martha Smith, (of Southampton) for Coffin &c, which you will please attend to, and I have an open account against the estate of John P Smith for \$8. due Jan 1 1862. for Cot.

Please let me hear if you will have time to attend to any business next Saturday (25th) if I should be able to get down,

Very truly Yrs. &c

A C Hall

(So.ampton)

The estate of Mrs Martha Smith ac.
1864

To A E Hall Dr.

Oct-13. To raise up coffin & case for dec. \$ 35.00.

Due Jan 1st 1865. Interest.

To ~~raise up coffin & case for dec.~~

To V E Hall Dr.

(So.ampton)

1867

Dr Wm A Maphenburg

To Hy S Howard Clerk in Chancery

In issuing notices & making up acct in case of
Smith & Tor. Paid in full

15 00

Wm A Maphenburg

Kassemburg

&

Pipkin Exor Smith

Puffs Costs

Kelke Costs

Shuff: "

Or. Pub:

Com: Hom m?

Law 1st

\$ 7.46

00

5.00

15.00

15.50

42.96

} Stat: Costs

Sfto Costs

Kelke

\$ 2.06

Law

15.00

\$ 17.06

Teste

S.R. Edwards Ch

W. A. Mafombury
1867 -

To Clerk Southampton Div. Ct Dr.

Oct. Filing report of Com. & exhibits to Smiths Ex 30

Nov. Entering decree 36. Copy 20. Taxing Costs & Copy 40 Continuance 36 132

⁶⁸ May. Continuance. 36

L R Edwards by 1. 98

W. A. Mafsonburg

1869

To bill Southampton Co 6

d.

May. Rent to Smith 1⁰⁰

36

Filing rept. 15 Filing Post 1⁰⁰ 50

dece & copy 1⁰⁰ 56

J. P. Edwards 66

121
157

To the amount n. Mr Smith

To W. R. Lamm

\$273.94

Int from 31 Dec 1861

110.94

To 1 Oct 1868 - 6 yrs. 9 mo }

\$384.88

To E. W. Mapenbury

\$20.00

Int. from 31 Dec 1864 to 1 Oct. 1868.
3 yrs. 9 mo }

4.50

\$24.50

To Jacob Linn

\$9.00

Int from 31 Dec 1861 to 1 Oct. 1868
6 yrs. 9 mo }

3.64

\$12.64

To Ellipter Pratt

\$21.28

Int from 31 Dec 1859 to 1 Oct. 1868
8 yrs. 9 mo }

11.14

\$32.42

To W. A. Mapenbury

\$210.50

Paid

Int from 3 May 1864
to

Cuts of rent at Low 6.92

pd

Cuts of Chy. rent

\$40

\$45.00

pd

" J. R. Kelly's fees

}

75.00

One but not reported on

To A. E. Hull for Mrs Martha Smith

\$35.00

Int from 1 Jan. 1865. to 1 Oct. 1868
3 yrs. 9 mo }

7.87

\$42.87

\$67.43

To Ellipter Pratt

act

\$2.50

Int from 1 Jan 1839
to 7 Nov 1867 }

1.33

\$3.83

claiming
Isaac Pipkin
Cave of
Mr. Smith

set entry of
suit.

Take to Memphis
In a

Masonburg
is $\sum$ Secus
Lion M $\sum$

Nov. Court 1867
To be entered

R. H. B.

Massachusetts
is
Linnæus Encl.  Sec. 1

This day this cause came on again to be heard on the papers formerly read and on the report of Commissioner Howard made pursuant to the order entered herein at the May term 1867 and was argued by counsel on considerations whereby the Court confirming the said report doth adjudge order and decree that unless the Defendant Isaac Pickett shall within sixty days from the dating this order pay to Wm R Lawrence \$273.94 with interest from Decm 31st 1861, to E W Thompson \$200 with interest from Decm 31st 1864 to Jacob Senow \$9.00 with interest from Decm 31st 1861 to S M H & P M H \$21.28 with interest from Decm 31st 1859, to S M H & P M H \$2.50 with interest from Jan 1st 1859, and to Wm A Thompson \$210.50 with interest from May 3rd 1864, and the costs of this suit, the Sheriff after giving thirty days notice by advertising at the door of the Court House and at two or more public places in the vicinity thereof and to sell to the highest bidder ^{before the Court house door on some Court day} ~~for each the part~~ of land of which John P Smith did seized ~~that one~~ ^{four} ~~of the premises~~ ^{of said} pay the costs of the suit and the debt above named and pay over the balance to the said Isaac Pickett in the disposing of the said John P Smith. But this decree is subject to the provisions of the stay law passed March 2nd 1866

* on a credit of six & twelve months with interest from date, except for a sum in cash sufficient to pay the costs of suit & expense, of all which will be cash - taking Bond & good security from the purchaser & retaining the title till the further order of the Court, & make report to Court.

Southampton Circuit Court, November Term 1867.

William A. Mapenbury

Plff.

against

Isaac Piption as Executor and devise of
John P. Smith decd.

Def.

In Chancery.

This day this Cause came on again to be heard on the papers formerly read, and ~~and~~ the report of Commissioner Howard made pursuant to the order entered herein at the May Term 1867, and was argued by Counsel, on Consideration whereof, the Court confirming the said report, doth adjudge, Order and Decree, that unless the Defendant, Isaac Piption, shall within sixty days from the date of this Order, pay to W^m A. Larrance Two hundred and Seventy three dollars and Ninety four Cents, with interest from December 31st 1861, to E. W. Mapenbury, Twenty dollars, with interest from December 31st 1864, to Jacob Linnow, Nine dollars, with interest from December 31st 1861, to Gillette & Pretlow, Twenty one dollars and twenty eight Cents, with interest from December 31st 1859, to Gillette & Pretlow Two dollars and fifty Cents, with interest from January 1st 1859, and to William A. Mapenbury, Two hundred and ten dollars and fifty Cents, with interest from May 3^d 1864, and the Costs of this Suit. The Sheriff after giving thirty days Notice, by advertising at the door of the Court house, and at two or more public places in the Vicinity, proceed to sell to the highest bidder, before the Court House door, ~~on~~ ^{on} ~~Sund~~ Court day, the tract of Lands of which John P. Smith died Seized, on a Credit of Six and twelve Months, with interest from date, except for a Sum in cash sufficient to pay the Costs of Suit and expenses of Sale, which will be cash, taking Bond and good Security from the purchaser, and retain the title till the further Order of the Court, and make report to Court.

But this Deed is Subject to the provisions of the "Stay Law"
passed March 2nd 1866.

Copy

Deeds Costs to wit

Teste

L R Edwards lsk

blk. \$7.46

Shff. 00

Or. Pub. 5.00

Comm Howard 15.00 p.d.

Law 1st 15.50

Deeds Costs

blk. \$2.46

Law 15.00 17.46.

Mafsenburg

to } Co. Deed

Smiths Ex &c

Mafsenburg

n. { Co. Dene

Smiths Co.

At a Circuit Court held for the County of Southampton, at the
Court House thereof, on Thursday, the 2nd day of May, 1867.

William A. Mapson

against

Isaac P. Bishop

Isaac P. Bishop as Exr. & devisee of John P. Smith, dec., Sept. 3

This cause came on this day to be heard upon the bill, answer general
replication thereto & exhibits & was argued by counsel. On consideration
whereof the Court doth adjudge, order & decree that one of the Commissioners
of this Court take an account of the transactions of Isaac P. Bishop as
Exr. & of John P. Smith, dec., an account of the debts now outstanding
against the Estate of the said John P. Smith, an account of the annual
real value of the real estate devised by the said John P. Smith to the
said Isaac P. Bishop, & report the same to Court with any matters specially
stated deemed pertinent by himself, or which may be required by any of the
parties to be so stated - and the Court further adjudge, order & decree,
that the said Commissioners also report whether the said Isaac P. Bishop
before & after the institution of this suit sold any of the said real estate.

Attest

Teste L. R. Edwards Clk

Maplebury
r.

Smiths adm

1869

Wm. Court - Secre -
to be entered.

E. F. Pitts

Mosby v. Phipps &

This cause came on this day to be again heard on the paper formerly read for the report of Isaac Phipps administrator of Mrs. Smith decd, made pursuant to the decree of November Term 1867 - to which report there is no exception, & was argued by Counsel on consideration whereof the Court doth confirm the said report and doth adjudge, order & decree that the proceedings had in the cause be confirmed - and nothing more remaining to be done in this cause it is ordered that the same be removed from the docket.

Professor
No 3 Dec
Smith's Recs

May Court 1867.

To be entered

R. H. Baker

5
Maffenburg }
Pipkin } Dec 18

This cause came on this day to be heard on the bill answer, general replication thereto and exhibits and was argued by counsel for consideration whereof the Court doth as judge over and decree that one of the Commissioners of this Court take an account of the transactions of Isaac Pipkin as executor of John P Smith, and account of the debts now outstanding against the estate of the said John P Smith and an account of the annual & net value of the real estate devised by the said John P Smith to the said Isaac Pipkin and report the same to Court with any matter specially stated demanded further by himself or which may be required by any of the parties to be so stated, and the Court doth further as judge over and decree that the said Comr also report whether the said Isaac Pipkin before the institution this suit sold any of the said real estate.