1870 - 07 Southampton County Chancery Pope, Benjamin E. vs Jones, Wm. A. et al

recover funds by forcing sale of land

Claud, Joseph W.

Pope

&c } Papers

Jones

Pope
vs 3 Bill & Exhibits.
Jones

Pope
vs 3 Bill
Jones

1870 Manch Rules

Prince h.c.

To the Honorable Ed. P. Pitts, Judge of the Circuit Court of Southampton County. In Chancery.

Humbly Complaining showeth unto your Honor, your orator Ben E. Pope, that on the 12th day of November 1866 he obtained a judgment in the Circuit Court of Southampton County against Wm A. Jones & Joseph W. Cleland for One thousand dollars, with certain credits thereon specified and also payments since made, which judgment was properly docketed, all of which will more fully appear from a certified Copy of the said judgment, as docketed, herewith filed marked A, and prayed to be taken as a part of this bill. Your orator further states that the said Wm A. Jones has not paid the said judgment, and also charges that he has not sufficient Chattel state to satisfy the said judgment.

Your orator is advised & charges that the said Jones is possessed of a very large real estate situated in Southampton County, containing about 1700 acres, and your orator asks that this real estate may be subjected to the payment of his said judgment. In tender consideration of all which, and inasmuch as your orator is without remedy in the premises, save in a Court of Equity, where matters of this kind are peculiarly cognizable, To the end therefore that justice may be done in the premises, he prays that Wm A. Jones & Joseph W. Cleland may be made parties defendant to this bill and compelled to answer the allegations thereof, that Your Honor would direct a Commission of this Court to inquire how much land the said W. A. Jones owns, in annual & fee simple value, and all the judgments outstanding against the said Jones, distinguishing their priorities, together with any ~~other~~ matter, all of which he shall report to this Court, together with any other matter

deemed pertinent by himself, or which may be required to be stated by any party interested. And your orator would further ask, that if it should appear that the said real estate cannot pay your orator's claim by its rents, in five years, then that the said lands may be sold & your orator paid, and that your Honor will grant such other & general relief in the premises, as Equity may dictate and the nature of the case require, and as in duty bound your orator will ever pray &c. May it please the Court &c.

Pennington & Co.

Sons. }
ats. } Ansom.
Pope. } Ft.
Left.

1870 May Term

Pope. vs Jones.

answer of the Defd. William A. Jones. to a bill filed in this Court. vs him by Benj. E Pope.

This Defd. answering says. to the Pltffs. bill—

And for answer says that—it is true the ones the Pltff. the judgment referred to in the bill. and is most ready to pay the same— That—all his property in slaves, has been destroyed by the emancipation, effected by the Govt. & he has nothing left except his land. & a small amount of perishable property, which he has been forced to sell to pay debts & get bread & meat on which to live.

Your Respondent further answers, that—if in the course of the proofs in this cause, it should be necessary to sell his real estate, then he claims that set apart, a "Homestead" not exceeding $2000— in value. under the provisions of the Constitution of Virginia—

And having answered prays that bill may be dismissed—

Wm. A. Jones

St. Augustine Co. to wit.

This day, Wm A Jones. personally before me Clerk of this Circuit Cot. of Southampton & made oath to the foregoing answer.

Given under my hand this 2d day of May 1870.

J.R. Edwards DC

Pope

v. Stat. Rules

Jones

In Southampton Circuit Court

Benn. E Pope

against

Wm A Jones

1870 February 1st Summons issued

" March Rules Sum's Ret'd Ex'd Bill filed D. Nisi v Deft

" April " Bill taken for confessed

" May " Cause Set for hearing Pf

" May 7. Dismissed

Pope
vs
3 Decrees
Jones

Is hereby entered

Geo. R Blow Jr.

May Term 1870

Pope

vs 3/3 Decree.

Jones

This day this cause come on to be heard on the bill, exhibits, ~~xxxxxxx of the the plaintiff~~ Jones - and demurrer to the bill, which demurrer was sustained by the Court; and on the the motion of the plaintiff it is ordered by the Court that this cause be dismissed at the costs of the pltf:.

Memorandum for Clerk—

Copy judgment in favor of B. E. Pope vs W. A. Jones & Jno. Cloud, rendered Nov. 12th 1866 in Circuit Court for $1000—

File with the Copy, a certificate of it being docketed. Mark as Exhibit "A," in this suit—

Prince p.q.—

I went to the residence of Wm A Jones July 6th 1870
he being from home. I left a copy with his wife
who is a white member of his family. over 16
years of age, and explained its purport

G H Vick Dy
for D L Doles Shff

Subpd
Sum. Cty.
vs
Jones
1870 March Rules

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of the County of Southampton---Greeting:

We command you to summon Wm A Jones

if her be found within your bailiwick, to appear at the Clerk's Office of our Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in Orient March next to answer a bill in Chancery exhibited against him in our said Court by Benj: E Pope

And have then there this writ. Osmn White

Witness, ~~LITTLETON R. EDWARDS~~, Clerk of our said Court, at the Court-House, this 1st day of February A. D., 1870, in the 94 year of the Commonwealth.

O White Clk

Pope

v. Mr. Justice

Jones

Southampton Circuit Court Nov 12th 1866

Benn E Pope Plff:

against } In Debt

Wm A. Jones & J. W Cleaud Dft.

Office judgment confirmed against the Defendants for One thousand dollars with interest thereon from 26th day of September 1861 till paid and the costs.

Plffs costs $7.09.

Abstract from the Record

Docketed in Judgment Docket of County Court Southampton Co. Decr. 25th 1866 }.

Teste P.R. Edwards

A Copy

Teste P.R. Edwards DC

March 1. 1870