

1871-15

Southampton County - Chancery

Sennelly, Benjamin J & Wooten, Halladay et al

"Ded from Charlotte Wooten, decd -"
to Benjamin J Sennelly & son
rec'd, Of which ded to
property "

Halladay Wooten &
John Wooten

~~76 42 64~~ 60 50 46

Donnelly

v { Papers

Hoolton

Donnelly
vs
Woolen & } Bill

1867 April Rules

To The Hon. Richard H Baker, Judge of The Circuit Court of Southampton County In Chancery sitting

Humbly complaining sheweth unto your Honor, your Orator Benjamin T Downey, that some time in the year 1863 your Orator purchased of Charlotte Woolen of Southampton County a certain tract of land lying in said County containing acres more or less for the sum of Four hundred dollars in Confederate currency, and that she actually executed to your Orator an absolute deed with general warranty for said land and acknowledged the same before Samuel B Kells a then regularly qualified and acting justice of the peace in and for said County, which said deed was left in his hands to be carried to the Clerk's Office of said County to be admitted to record, but which was not done, and has since been mislaid or lost by the said Samuel B Kells. That in a short time after the execution and acknowledgment of the said deed by the said Charlotte Woolen, the said Charlotte Woolen departed this life leaving Holladay Woolen and John Woolen her only heirs, it hath who deny your Orator's right to said land, and refuse to execute a deed therefor to your Orator according to equity and good conscience they ought to do. Your Orator therefore desires the aid of this Court to compel them to execute a deed to your Orator for the tract of land aforesaid. In tender consideration of the premises, and inasmuch as your Orator is without remedy save in a Court of Equity, where such matters

are peculiarly cognizable and relievable to the and
therefore that justice may be done, your Orator
prays that Holladay Wooten and John Wooten
may be made parties defendants to this bill,
and that and perfect answers to the allegations
thereof be compelled to make, that your Honor
will grant a decree compelling the
defendants Holladay Wooten and John
Wooten to execute a deed to your orator for
the aforesaid tract of land, or that your Honor
will appoint a Commissioner for that purpose
that such other and general relief may be
granted as the nature of the case may re-
quire, or as a equity may seem meet, and as
in law bound your Orator will ever pray
He

Barlow J. S.

Donnelly

v. { Sum. Chy

Wooten

1867 April Rules

Santhampton Co. Va.
April, 1st, 1867. Personally
appeared before me
this day. W. G. Holmes,
of said County and
made oath that he
did on the 26th day
of March deliver to
Holladay & Jno. Wooten
each a copy of the
within notice

M. D. Butler, Jr.
"

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ~~SOUTHAMPTON~~ COUNTY—GREETING:

WE COMMAND YOU to summon

Holladay Wootten & John Wootten —

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

April next to answer a bill in Chancery
exhibited against them in our said Court by Benjamin F. Donnelly —

and have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-
house, this *9th* day of *March* 1867, in the *91st* —
year of the Commonwealth.

L R Edwards *cl*

Woolen

ads 3 ^{Summ} ⁱⁿ filia

Donnelly

Defenses of Holladay Norton vs John Norton
to a bill in chancery by Benjamin F Donnelly
vs them

These defendants by prolation not confessing
or acknowledging all or any of the matters and
things in the said complainant's bill contained to be
true in such manner and form as the same are
therein and thereby set forth and alleged do
deny to the said bill, and for cause of defense
show that the said complainant has not by his bill
made such a case as entitles him in a court
of equity to any discovery from these defendants
respectively or any of them, or to any relief
against them as to the matters contained in
the said bill or any of such matters, and that
any discovery which can be made by these
defendants or any of them touching the matters
complained of in the said bill or any of them
cannot be of any avail to the said complainant
for any of the purposes for which a discovery is
sought against these defendants by the said
bill, nor entitle the complainant to any
relief in this court touching any of the matters
therein complained of, wherefore and for divers
other good causes of defense appearing in the
said bill these defendants do deny them to
and they pray the judgment of this honorable
court whether they or either of them shall be
compelled to make any further or other answer
to the said bill, and they pray to be taxed disbursements
with their reasonable costs in this behalf
sustained

Shaneles for Defts

The joint and severa plea of Golladay Wooten
and John Wooten to a bill in chancery by Bryan
J Donnelly against them

These defendants by protestation not confessing
nor confessing or acknowledging all or any of
the matters and things mentioned in the said bill
to be true in such manner and form as the
same said parties and party set forth and
alleges, do plead in bar to the said bill and for
cause of plea say that the plaintiffs ought not
have this bill of complaint against these
defendants for this cause to wit, that at the
April term 1867 of the county court of Southampton
an action of action of forcible entry and detainer
was brought by these defendants together with
one James E Wooten against the plaintiffs
in this bill ~~that~~ the tract of land mentioned
in this bill, that the same was then and
there tried and that there was a verdict and
judgment for these defendants against the
plaintiffs, and a writ of habeas facias
proseque non awarded all of which will
more fully appear by a copy of the said
papers in the cause herewith filed marked
A and prayed to be taken as a part of this
plea, and therefore they pray whether they
shall be compelled to make any further
or other answer thereto, And these defendants
pray to be hence dismissed with their reasonable
costs and charges in this behalf most wrongfully
sustained

Shands for Deft

Wooton's

to } Copy Record

Donnelly

Donnelly

to } Ex. with off. ple

Wooton's

A-

Be it remembered, that on the 1st day of April 1867. John Wooton, James Wooton & Holladay Wooton by their attorney, sued out of the Clerk's Office of the County Court of Southampton County, a summons against Benjamin T. Donnelly, of unlawful detainer. which summons together with the return of the Sheriff thereon is in the words and figures following to wit:

"The Commonwealth of Virginia - To the Sheriff of Southampton County: Greeting - We command you to summon Benjamin T. Donnelly to appear before the Justices of our County Court of Southampton County, at the Courthouse on the 1st day of April Term Inst. to answer the complaint of John Wooton, James O. Wooton & Holladay Wooton, that he the said Donnelly is in the possession and unlawfully withholds from them a tract of land lying & being in the County of Southampton, containing 115 acres, more or less, bounded by the lands of Burton Travis, Ben. Travis, Eliza Wellons & Polley Oney - and have them there this writ. Witness Lilliston R. Edwards Clerk of our said Court, at the Courthouse the 1st day of April 1867. in the 91st year of the Commonwealth -

L. R. Edwards Clk."

Sheriff's Return - "Executed April 2^d 1867, by delivering a copy to his wife at his house and explaining to her its purport, he being absent from home -

Wm. G. Holmes Dep. for
S. Kello Shff."

And at another day to wit. At a Court held for the County aforesaid at the Courthouse thereof on Monday the 15th day of April 1867 -

This day came the parties by their attorneys and the defendant pleaded not guilty and thereupon came a jury to wit. James F. Boykin, Wm. H. Stephenson, Franklin Vick, Richard Clayton, Kenneth M. Urquhart, Geo. Moore, Charles E. Bryant, Wm. Saunders, Frank Williams, Wm. R. Norrell, Parker D. Story & John B. Jenkins who having heard the evidence upon their oaths returned a verdict in these words. "We of the jury find for the plaintiff and that Benjamin T. Donnelly unlawfully detains from them a messuage of land containing 115 acres of land." Therefore it is considered by the Court that the plaintiffs recover against the defendant possession of the tenement aforesaid and their costs by them in this behalf expended. And a writ of Habere facias possessionem is awarded to cause

Memorandum for clerk

Copy Japan case of forcible entry and detainer
Whitman vs Donnelly and file with plea
exhibit A

Shanley

80. 77 76

Donnelly
Wooten

v. }

Stat. Rules

Wooten
Donnelly

In Southampton Circuit Court

Benjamin T. Donnelly

against

Holladay Wooten & John Wooten

1867 March 9: Summons issued

April Rules Summons returned & executed. Bill filed & Dura Nisi in Affs

May Bill taken for Confessed & cause set for hearing &c

1871 Nov. Dismissed