

1871-051

SOUTHAMPTON COUNTY
CHANCERY PAPERS

ARNOLD et al vs. ARNOLD'S ADMINISTRATOR et al
8/1871

See ... of ... 1870 -

other surnames: Adkins

Arnold

v } Stat Rules

Arnolds arm

68
2221
271

In Southampton County Court

Missouri A Arnold, ^{Mayant a, Arnold} widow, ^{Estelle Arnold, Lizzie R Arnold & Isaac Joseph Arnold}, the last four being infants suing by said Missouri A Arnold their next friend against Richard W Arnold as admor: of Isaac M Arnold dec'd in his own right. John W Arnold, Wm G Arnold & Herbert Adkins an infant.

1870 Nov. 15th - Summons issued

1871 Jan. Rules - " Ret'd Ex^r on R. W. ~~John W~~ & Wm G Arnold. In: W Arnold not a resident - Bill filed. ~~D. Wise~~ & Dft Wm G Adkins assigned Gen ad litem to infant Dft. Wm Herbert Adkins - Ans^r of infant G. R. Ap: ^{+ W G Arnold}

Decree nisi to Dft R W Arnold in his own right & as adm^r of Isaac M Arnold - New pro. to Dft J W Arnold

Feb. R. Sum^r to Dft J W Arnold ret^d Not found - Bill taken for Confessed as to Dft R W Arnold in his own right & as adm^r of Wm G Arnold - New pro. to Dft J W Arnold -

Mar. R. - Procep^s to Dft J W Arnold not ret^d - Cause set for hearing as to Dft R W Arnold in his own right & as adm^r of Wm G Arnold & as to infant ^{Herbert Adkins}

New pro. to Dft J W Arnold

Apr. R. - Sum^r to J W Arnold - Ex^r. D. Wise to him

May - Bill taken for confessed as to J W Arnold.

June - Cause set for hearing as to Dft J W Arnold

Aug. 6th Bill Dismissed

Killy p. v

Memorandum A. Arnold
Sal.

to Sch.

Rev. Isaac Arnold
adm

1871 January Rules

line to east of
May 1st

Co. Ct. Southern Co.

To the Hon. J. W. Urquhart, Judge
of the County Court of Southampton
County, Virginia

Complaining shew unto the
Court your Complainant, Mipouri
Arnold (widow) and Margaret A.
Arnold, Estelle Arnold, Lizzie R. Arnold,
+ Isaac Joseph Arnold, the last four
being infants suing by said
Mipouri Arnold, their next friend.

Your Complainants respectfully
say that the Rev. Isaac Arnold
died on the day of June 1870.

in Southampton County, Virginia, Intestate
leaving as his heirs, at law and dis-
tributees, his widow, Mipouri A. Arnold
and the following children - John Arnold,
Ann Gray Arnold, Rich^d W. Arnold, Mar-
garet A. Arnold, Estelle Arnold, Elizabeth
A. Arnold + Isaac Joseph Arnold, ~~the~~
~~last four Infants~~, and one grand
child, Herbert Adkins, Child of
Mipouri, a daughter of said Deceased, &
who (herself) is also dead - the last
five being Infants.

That Rich^d W. Arnold duly
qualified as the adm^r. of said, Rev.
Isaac Arnold; in Southampton County

Court on the 14th day of October 1870, as
will be seen by a copy of the order of
Court filed herewith & marked 'A'.

That the said Isaac Amos died
possessed of a tract of land in said
County, containing
acres, more or less, and adjoining
the land of Benjⁿ. Applewhite,
Henry M. Butts & the Asamus-
sack Swamp; and also a considerable
personal & chattel estate

Your Compliments say that
the said Melvina A. Amos, widow
as aforesaid is entitled to dower in
said land, she prays that the
same may be assigned to her;
That she & the minor children of
said deceased are entitled to the
personal property which by law is
exempt from levy or distress, in
case of a parent or head of a family,
and that the said minor children
are also entitled to a Homestead of
Two thousand acres in any unpaid
estate she may choose, whether real
or personal — all of which she
& they pray may be duly set apart
and assigned to them — Your

Complainants are advised that they are entitled to all such appurtenments of the property above referred to, whether the estate of said Isaac Arnold is intestate or not, —

In consideration whereof and as this Court has jurisdiction to grant all adequate relief — To the end your Complainant prays that Rich^d. W. Arnold as adm^r of Isaac Arnold dec^d & in his own right, John W. Arnold, Wm^g. Arnold, & Herbert Atkins (the last an Infant) may be made Defendants here to & be required to answer the allegations herein, & that the prayers of your Complainants may be granted.

And your Complainants as in duty Bound &c

John R. Kelly,
p. v.

Arnold K^p
~ { Bill K^p

Arnolds or

To the Hon. Jos. Aughart, Judge of the County
Court of Southampton County Virginia.

Complaining then
unto the Court your Complainant, Missouri Arnold
(widow) and Margaret A. Arnold, Estelle Arnold,
Lizzie R. Arnold, & Isaac Joseph Arnold, the last
four being infants suing by said Missouri Arnold
their next friend — Your Complainants Respectfully
say that the Rev^d. Isaac Arnold died on the —
day of June 1870, in Southampton County, Virginia
Intestate, leaving as his heirs at law, and distributees,
his widow, Missouri A. Arnold and the following Children

John Arnold, Wm. Gray Arnold, Richard W. Arnold,
Margaret A. Arnold, Estelle Arnold, Elizabeth R. Arnold,
& Isaac Joseph Arnold, and one grand Child, Herbert
Atkins Child of Missouri, a daughter of said deceased,
who (herself) is also dead — the last five being Infants.

That Richard W. Arnold duly qualified as the
Adm^r of said Rev^d. Isaac Arnold, in Southampton
County Court on the 17th day of October 1870, as will be
seen by a copy of the order of Court filed herewith
and marked "A".

That the said Isaac Arnold died possessed of
a tract of land in said County, containing
acres, more or less, and adjoining the lands of Benjⁿ.
Applewhite, Harry M. Ratts, & the Cessamoosick Swamp;
and also a considerable personal and Chattel estate.

Your Complainants say that the
said Missouri A. Arnold, widow as aforesaid is entitled
to Dower in said lands, & she prays that the same may
be assigned to her; that she & the minor Children

of said Deceased are entitled to the personal property which by law is exempt from Levy or Distress, in case of a parent or head of a family, and that she & said minor Children are also entitled to a Homestead of Two thousand dollars, in any of said estate she may choose, whether real or personal — all of which she & they pray may be duly set apart and assigned to them — Your

Complainants are advised that they are entitled to all such assignments of the property above referred to, whether the estate of said Isaac Arnold is insolvent or not. —

In Consideration whereof, and as this Court has jurisdiction to grant all adequate Relief — to the end your Complainant prays — that Richard W. Arnold as Adm^r of Isaac M. Arnold dec^d son his own right, John W. Arnold, Wm G. Arnold, & Herbert Atkins (the last an Infant) may be made defendants; hence to be required to answer the allegations herein, & that the prayers of your Complainants may be granted.

And your Complainants as in duty Bound &c

John R. Pilby

p. G.

The Answer of Herbert Atkins an Infant, by S. R. Edwards, his guardian ad litem a Bill in Chancery filed against him in the County Court of Southampton County by Priscilla A. Arnold & others —

This Respondent says that the facts

and statements contained in said Bill may be true, so far as he knows — But being an Infant, is incapable of knowing his rights in the premises, & hence submits the same to the protection of the Court & prays that no decree or order may be made in the Cause inconsistent therewith —

Signed

S. R. Edwards Adm^r

Southampton County Court — October 7th 1890

On the Motion of

R. W. Arnold who made oath as the Law directs — and entered into a bond in the penalty of \$2000 Conditioned according to Law with John Arnold his security — who justified as to his sufficiency, and who waives the benefit of this homestead exemption as to said obligation) and which said bond being acknowledged by the obligors therein and having a Stamp of the Internal Revenue of the U. S. of the Amount of one dollar affixed thereto, and duly cancelled is ordered to be Recorded.

Certificate is granted the said R. W. Arnold for obtaining letters of Administration on the Estate of Isaac M. Arnold dec^d in due form. It being sworn that the Estate and Effects for said Respect to which such letters of Administration applied for exceeds the value of \$1000 but does not exceed the value of \$2000 — Stamps of the Internal Revenue of the U. S. to the value of \$1.00 being affixed thereto and duly cancelled.

A Copy

Leate

O. White — C. C.

Arnold

2 } Anc. Inft.

Arnolds adv. 45

1871. Jan. Rules

William

The Answer of Herbert Adkins, an infant, by ^{Wm} H. Adkins, his Guardian ad litem to a bill of Complaint filed against himself & others by Missouri S. Arnold & others in the County Court of Southampton County.

This defendant, saving & reserving all just ground of exception to said bill, for answer thereto or unto so much thereof as he is advised it is material to answer, for answer thereto saith: That he is advised that there is no law authorizing this Court to grant to the widow and infant children of Rev J. M. Arnold, or any intestate, the Constitutional exemption of Two thousand dollars as against heirs at law or distributees. Your respondent further says, that he is advised that the Law, commonly known as the "Homestead Law" contemplates this exemption to widows & infants, only in cases where the estate of the decedent is pecuniarily involved, ^{that is against creditors.} and he prays that nothing but the former and the exemption allowed to widows under the "Poor Laws" shall be allowed in this Suit. And having answered he prays hence to be dismissed &c.

Signed. William H. Adkins
Guardian ad litem

Amold H

4

Amold, adu

1871

any or

decree

to be entered

J. W. Wignhart
Judge

Arnold &c

v.

Arnold, adms &c.

This cause came on this day to be heard on the Bice of the Complainants taken for confessed at rules as to the absent defendants, on whom process had been issued (and they were bailing to appear & make defence in the answer of the Infant defendant by his guardian ad litem & an replication to said answer & an exhibit filed with the Bice & was argued by counsel. On consideration whereof the Court doth decide that the plaintiff who are the widow & minor children of Rev^d Isaac Arnold deceased are not entitled to the Homestead & Constitution exemption as prayed for in said Bice, as against the heirs and distributees of said Isaac Arnold Arnold dec^d, does adjudge order decree that the plaintiffs take nothing by their Bice, but that the same be dismissed & that the defendants recover ^{of the plaintiff} their costs expended in this cause.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you to summon *Richard W. Arnold admor. of Isaac M. Arnold dec'd*
& in his own right. Ino. W. Arnold, Wm. Gray Arnold & Mary A. Arnold. Estelle Arnold.
Lozzie Arnold. J. P. Arnold & Herbert Atkins (last 3 infants)

if they be found within your bailiwick, 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 *January next to answer a bill in Chancery exhibited against them in*
our said Court by Missouri A. Arnold

And have then there this writ. Witness, OSWIN WHITE, Clerk of our said Court, at the
Courthouse, this *15th* day of *November* A. D., 1870, in the *95th* year of
the Commonwealth.

O. White *cl*

G. White personally appeared before me Jas
R Tyler a Commissioner in Chancery and made
oath that he did deliver December 19th 1870 to
R W Arnold & Mrs G Arnold a true copy of
the within summons, Geo W Arnold not a
resident of this County

James R Tyler Comr

Arnold

2 { Sum Ch

Arnolds adv W

1871 January Rules

THE COMMONWEALTH OF VIRGINIA

Sergeant of the City of Richmond
To the ~~Sheriff of Southampton County~~, Greeting:

We command you to summon

John W. Arnold

if *he* be found within your bailiwick, 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 *February next* To answer a bill in chancery exhibited against himself
of others in our said Court by *Missouri Arnold & others*

And have then there this writ.
Courthouse, this *2* day of
the Commonwealth.

Witness, OSWIN WHITE, Clerk of our said Court, at the
January A. D., 187*1*, in the *95* year of

O. White

Arnold
Sum. 5. 64

Arnolds adm. 1871
February 1871

Richmond

Note found - dont know any such person
in any barwick.

Thomas M. Dudley, D. Sgt.
for M. M. Lee, Sgt. of Richmond

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you to summon *John W Arnold*

if *he* be found within your bailiwick, 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 himself &*
others in our said Court by Missouri Arnold & others.

And have then there this writ. Witness, OSWIN WHITE, Clerk of our said Court, at the
Courthouse, this *6* day of *February* A. D., 187*1*, in the *95th* year of
the Commonwealth.

O. White *cl*

Richmond

Arnold
to { Edmund S. Perry
Arnold &
1871 March Rules

Came to land March 11. 1871 - too late
to execute -

Thomas M. Dardley, D. Sgt.
for M. M. Sec, Sgt. Richmond

These papers have lain in the
post office because the postage
on them had only been partially paid
M. M. Sec, Sgt.

THE COMMONWEALTH OF VIRGINIA,

Sergeant of the City of Richmond
To the ~~Sheriff of Southampton County~~, Greeting:

We command you to summon

John M. Arnold

if *he* be found within your bailiwick, 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 *April next to a bill in Chancery* exhibited against himself & others in our said
Court by *Mifflin & Arnold & others*

And have then there this writ. Witness, OSWIN WHITE, Clerk of our said Court, at the
Courthouse, this *6* day of *March* A. D., 187*1*, in the *95* year of
the Commonwealth.

O. White

Arnold

to { Sum. Clk

Arnolds den W

1871 April Rules

Richmond

Executed March 14. 1871 by delivering a true
copy of the within summons in chasing to
John W. Arnold -

Thomas M. Dudley D. Sgt
for M. M. Lee, Sgt. Richmond

A.

Arnold

to } Ex. with bill

Arnold 2nd 9th

Southampton County Court October ~~27~~¹⁷ 1870.

In the motion of R. W. Arnold who made oath as the law directs and entered into a bond in the penalty of \$2,000 conditioned according to law with John Arnold his security who justified on oath as to his sufficiency, and who waives the benefit of his homestead exemption as to said obligation, and which said bond being acknowledged by the obligors herein and having a Stamp of the internal revenue of the U.S. of the amount of one dollar affixed thereto and duly cancelled is ordered to be recorded. Certificate is granted the said R. W. Arnold for granting letters of administration on the estate of Isaac M. Arnold dec'd in due form. It being sworn that the estate and effects for and in respect to which such letters of administration applied for exceeds the value of \$1,000 but does not exceed the value of \$2,000 - Stamps of the internal rev. of the U.S. to the value of \$1.⁰⁰ being affixed thereto and duly cancelled.

Attest -

Teste, O. White Cb

Arnold.

~ } Rough Record

Arnold's army *JP*

Pleas before the County Court of Southampton County at the
Courthouse thereof on the 22^d day of August 1871.

Be it remembered that heretofore to wit on the 15th day of November 1870.
came Missouri A Arnold by Counsel and sued out of the Clerks Office
of the said Court a Summons in Chancery against Richard W Arnold admor.
of Isaac M Arnold dec^d & in his own right Jno. W Arnold Wm Gray Arnold &
Mary A Arnold Estelle Arnold Lizzie Arnold I. P. Arnold & Herbert Adkins
which with the return thereon is as follows.

"The Commonwealth of Virginia: To the Sheriff of Southampton County;
Greeting: We command you to summon Richard W Arnold admor. of Isaac M
Arnold dec^d & in his own right Jno. W Arnold Wm Gray Arnold & Mary A
Arnold Estelle Arnold Lizzie Arnold I. P. Arnold & Herbert Adkins (last
5 infants) if they be found within your bailiwick, to appear at the Clerks Office
of our County Court of Southampton County, at the Rules to be holden for the
said Court on the first Monday in January next to answer a bill in Chancery exhibited
against them in our said Court by Missouri A Arnold And have them there
this writ - Witness Gwin White Clerk of our said Court at the Courthouse
this 15th day of November A D 1870, in the 95th year of the Commonwealth
O White Clk"

Return - "I W Vick personally appeared before me Jas R Tyler a Com-
missioner in Chancery and made oath that he did deliver December 19 1870 to
R W Arnold Wm G Arnold a true copy of the within Summons - Jno. W Arnold
not a resident of this County. James R Tyler Comr."

And at Rules held in the Clerks Office aforesaid on the Second day of January
(being the first Monday in the month) 1871, came ^{Missouri A Arnold widow & Margaret A Arnold} the Complainant by Counsel
, and filed their bill in Chancery against the Defendants which is in these words, to wit,

"To the Hon. Jos W Uppshart Judge of the County Court of Southamp-
ton County, Virginia.

Complaining shew unto the Court your Complainant, Missouri
Arnold, (widow), and Margaret A Arnold, Estelle Arnold, Lizzie R Arnold,
& Isaac Joseph Arnold (here insert bill)

The following is exhibit A, referred to in the foregoing bill
(here insert exhibit)

An on the motion of the Compt by Counsel Wm G. Adkins is assigned guardian ad litem to the infant defendant Herbert Adkins to defend him in this suit who thereupon filed his answer in the following words to wit.

Here insert answer.

To which answer the Complainant by Counsel replied generally - and the summons in this case being returned executed on the Defendants Richard W Arnold as adm of Isaac M Arnold dec and in his own right Wm G Arnold and they not appearing it is ordered that the Complainant's bill be taken for confessed as to them unless they appear and plead, answer or demur thereto at the next Rules. And the summons not having been executed of the Defendant John W Arnold and he not appearing it is ordered that another summons be issued against him to be directed to the Sergeant of the City of Richmond returnable here to February Rules next - which summons with the return thereon is in these words to wit.

Here insert Sum's Return.

And at another day to wit At Rules held in the Clerks Office aforesaid on the 6 day of February (being the first Monday in the month) 1871 came the Complainants by Counsel and the defendants Richard W Arnold as adm of Isaac M Arnold dec and in his own right and Wm G Arnold continuing in default it is ordered that the Complainant's bill be taken for confessed as to them. And the summons awarded at the last Rules against the Defendant John W Arnold not having been executed, another summons is awarded against the said Defendant returnable here to March Rules next - and which with the return thereon is in the following words.

Here insert Sum's Return.

And at another day to wit At Rules held in the Clerks Office aforesaid on the 6 day of March (being the first Monday in the month) 1871, came the Complainants by Counsel and on their motion the cause is set for hearing as to the Defendants Richard W Arnold as adm of Isaac M Arnold dec in his own right Wm G Arnold & the infant Defendant. - and the sum^s awarded at the last Rules against the Dft John W Arnold not having been executed, another summons is awarded against him returnable to the next Rules - and which with the return thereon is in these words.

Here insert Sum's Return.

And at Rules held in the Clerks Office aforesaid on the 3rd day of April (being the first Monday in the month) 1871 came the Complainants by Counsel, and the summons awarded against the defendant John W Arnold having been executed, and he not appearing, on the motion of the Complainants it is ordered that their bill be taken

for confessed as to him unless he appears & plead, answers or demurs to the said bill at the next Rules -

And at another day to wit At Rules held in the Clerks Office aforesaid on the 1st day of May (being the first Monday in the month) 1871 the Defendant John W Arnold continuing in default it is ordered that the Complainant's bill be taken for confessed as to him -

And at another day to wit At Rules held in the Clerks Office aforesaid on the 5th day of June (being the first Monday in the month) 1871, on the motion of the Complainant by Counsel this cause is set for hearing as to the Defendant John W Arnold.

And now at this day to wit At a County Court for the County of Southampton held at the Courthouse thereof on the day and year first aforesaid to wit, on the 22 day of August 1871. This cause came on this day &c (here insert decree)