

1871-056

SOUTHAMPTON COUNTY
CHANCERY PAPERS

POPE

VS. JONES etal

2/1871

other surnames: Claud

Pope

a } Stat. Rules

Jones Jr

In Southampton County Court

Ben E Pope

against

Wm A Jones & Joseph W Cland

1870 May 10th Summons issued

" June Rules Sum. Ret^d Ex^d

" July " Bill filed. B. Wise v. Dfts.

" Aug " Bill taken for confessed & cause set for hearing

" " " Decree for Account &c

" Sep 19 - Report.

" Nov " Recommended.

1871 Feby Dismissed

1890 Dec

Chk

Sp:

Com.

Law

117 50

290

20.11

16.00

117 50
290
20.11
16.00
49.00

100
40
150
290

Pope
or 3 Bice & Hildy
Jones &c

1869 July Rules

Price pg

To the Honorable Joseph W. Arpshant, Judge of the County
County Court of Southampton. In Chancery.

Humbly Complaining sheweth unto your Honor
your orator Benj: E. Pope, that at the November Term
1866 of the Circuit Court of Southampton County, he
obtained a judgment against W^m A. Jones & Joseph
W. Claid for one thousand dollars, with certain credits
thereon specified, and also payments since made,
which said judgment was properly docketed, all of which
will more fully appear from a copy of said judgment
herewith filed marked (A), and proposed to be taken as
part of this bill. Your orator further states that the
said W. A. Jones & the said J. W. Claid have not
paid the said judgment. Nor have they sufficient ^{personal} ~~real~~ estate to pay same.
Your orator further states, that he is advised &
charges that the said W. A. Jones is possessed of
a very large real estate in Southampton County,
and that the rents & profits of the same, and the
rents & profits arising from the real estate of
J. W. Claid will not satisfy his demand in
five years. Your orator therefore asks that the
real estate of the said W. A. Jones may be
subjected to the payment of his 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, he prays that Wm A Jones &
Joseph W. Glau, may be made parties defendant
to this bill & compelled to answer the allegations
thereof: That your Honor would direct a Commissioner
of this Court to enquire how much land the
said W. A. Jones owns, its annual or fee simple
value, and ~~all~~ report all the outstanding
unsettled judgments ~~outstanding~~ against the said
W. A. Jones, distinguishing their priorities; all of
which he shall report to this Court, together
with any other matter, specially stated deemed
pertinent by himself, or which may be required
to be so stated by any party interested; and if it
should appear from the report of the Commissioner, that
the reports & profits of the lands of the said Jones
will not pay the demand of your orator in five
years, that it may be sold & your orator demand
paid - and that your Honor will grant such
other general relief in the premises, as equity may
dictate & the nature of his case may require,
and as in duty bound, your orator will
ever pray &c. - May it please the Court
so -

Prince pg
")

Pope
at $\frac{1}{3}$ Secre-
Jones

August Term 1870.

To be entered
J. W. Wigham
Judge

Pope
vs 3 Deane.
Jones

This day this cause, which has been
been taken for confessed as to the defendants
W. A. Jones & Jos. Wilband, came on to be heard
on the bill, exhibits & general replication thereto,
and was argued by Counsel. On consideration
whereof the Court doth advise, order & decree
that a Commiss of this Court take the following
accounts: viz:-

1st. An account of all the judgments outstanding
against W. A. Jones in the Circuit & County Courts
of Southampton County, distinguishing their
priority.

2nd. An account of the annual and absolute
value of the real estate of which the said W. A. Jones
is seized, which accounts the Commiss is directed
to state & report to this Court, together with any
other matter specially stated, deemed pertinent
by himself, or which may be required to be
so stated by any of the parties interested.

Copy of
2d
Jones de
Deerw.

Southampton County Court, August Term 1870

Ben E. Pope
against
Wm^o St. Jones and Joseph W. Cland. -
Plaintiff
Defendants
In Chancery

This day this Cause which has been taken for Confession as to the Defendants Wm^o St. Jones and Joseph W. Cland, came on to be heard on the bill Exhibits and general replication thereto, and was argued by Counsel, on Consideration whereof the Court did adjudge, Order and decree, That a Commissioner of this Court take the following accounts, Viz; 1st An account of all the Judgments ^{rendered} against Wm^o St. Jones, in the Circuit and County Courts of Southampton County, distinguishing their priority.

2^d An account of the annual and absolute value of the real Estate of which the said Wm^o St. Jones is Seized - Which accounts the Commissioner is directed to state and report to this Court, together with any Matter Specially Stated, deemed pertinent by himself, or which may be required to be so Stated, by any of the parties interested -

At Copy

Teste,

James R. Tyler, C. C.

Pope
at 3 hours
Jones

Nov: 4th 1870

To be entered.
J. W. Morganhart Judge

Rope

vs $\frac{1}{3}$ Deere

Jones

This day this Cause came on to be heard again on the papers formerly read, and the report of Commissioner Sebell, and was argued by Counsel. And the Court without deciding any matter in this Cause, doth advise, order, & decree that the said report be recommitted for a further account of the outstanding unsettled payments against the said ~~Wm~~ A. Jones. which account the Commr is directed to audit & report to Court, to intermix with any matter deemed pertinent by himself, or which may be required by any of the parties interested to be so stated.

Pope
vs 3 Deane
Jones &

Feb'y: Term 1871

To be entered.

J. W. Myerhart Judge

Pope

vs. 3 Deere.

Jones

This day This Cause came on to
be heard on the papers formerly read, and
on the motion of the Plaintiff's Counsel,
it is ordered by the Court that this
Cause be dismissed from the docket.

Popel

to { Sum's Chy.

Jones

1870 June Rules

Executed.

Wm D. Briggs

THE COMMONWEALTH OF VIRGINIA,

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

We command you to summon

M^{rs}. A Jones & Joseph W. Claud

if *they* 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 *June next to answer a bill in*

Chancery exhibited against them in our said Court by Ben. E. Pope

And have then there this writ.

Osmin White

Witness, ~~LITTLETON R. EDWARDS~~, Clerk of our said Court, at the Court-House, this *10* day of

May

A. D., 18*70*, in the *94* year of the Commonwealth.

O White Clk

Pope

Notices

Exeuted

W W Bnygo
Att

Commissioner's Office,

JERUSALEM, Aug, 17th 1870

To Ben E. Pope
Against
Wm A. Jones and Jas. W. Glauz Defts
Plffs
In Chancery

You are hereby notified that I have fixed upon the 13th day of September 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 all Judgements outstanding against Wm A. Jones, in the Circuit and County Courts of Southampton County, distinguishing their priority - Also an account of the annual and absolute value of the real Estate of which the said Wm A. Jones is seized, which accounts the Commissioner is directed to report to this Court, together with any other matter specially stated, deemed pertinent by himself or which may be required to be so stated by any of the parties interested

required to be taken by a decree of Southampton ^{County} Circuit Court, rendered on the 13th day of August 1870, 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.

In Sebrall Commissioner.

To the Sheriff of Southampton County to execute.

Pope
Is
mes } Summons

Exeuntia

di W Brigg
24th

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--- Greeting :

WE COMMAND YOU to summon *Wm A. Jones & Jos W. Glanville*

to appear before ^{me a Comr} the *Comr* of our *County* Court of Southampton County, at the Court-house,
on the *13th* day of *September* ~~1870~~ *1870* to testify and the truth to say, on behalf of

Ben E Pope

in a certain matter of controversy in our said Court, depending and undetermined between

Ben E Pope

Plaintiff, and

Wm A. Jones & Jos W. Glanville

Defendants

And this *you* shall in no wise omit under the penalty of £100. And have then there this writ.

Witness, *Dr. Schell Comr in Chancery*
~~OSWIN WHITE~~, Clerk of our said Court, at the Court-house, this *24* day of *August*

1870, in the *95th* year of the Commonwealth.

Dr. Schell
Comr

Rape

M
Jones

} Commisarius Rept

1870 Sept 19th

An account of all the Judgements outstanding against ~~Wm~~ A. Jones in the Circuit & County Courts of Southampton, distinguishing their priority.

Judgement in favor of Samuel Drewry who sues for the benefit of Jesse B. Vick, obtained August Term 1862, Cir. Ct.	78 56	
Int from 19 th January 1849 to 19 th Sept '70	102 12	
	180 68	
Paid May 27 th 1856	7 65	
	\$173 03	
Costs	6 37	
Amount due Sept 19 th 1870		\$179 40

Judgement in favor of Ben E. Pope obtained November Term 1866, Cir. Ct.	1000 00	
Interest from 26 th Sept 1861 to 26 th Sept 1870	540 00	
Costs	7 09	
Amount due Sept 26 th 1870		\$1547 09

Judgement in favor of W. W. Briggs Sheriff of the Est. of J. G. Steves obtained August Term 1867, County Court	3900 00	
Int from 30 th Dec. 1859 to Jan'y 28 th 1860	19 50	
Am't due	3919 50	
Paid Jan'y 28 th 1860	237 47	
	3682 03	
Int on \$3682.03 to Dec'r 30 th 1860	202 51	
Am't due	3884 54	
Paid Dec. 30 th 1860	237 47	
	\$3647 07	
Int on \$3647.07 to Feby 17 1862	24 35	
Am't due	\$3671 42	
Paid Feby 17 th 1862	300 00	
	\$3371 42	
Int on \$3371.42 to Aug 7 th 1862	89 89	
Am't due	\$3461 31	

Amt due	\$346.31
Paid Aug 7 th 1862	<u>400.00</u>
	\$306.31
Int on \$306.31 to Jan'y 24 th 1863	<u>84.18</u>
	\$314.49
Paid Jan'y 24 th 1863	<u>1100.00</u>
Amt due	\$2946.49
Int on \$2946.49 to Apr 6 th 1863	<u>27.26</u>
amt due	\$3072.75
Paid Apr 6 th 1863	<u>30.00</u>
Amt due	\$2022.75
Int on 2022.75 to Dec 20 th 1869	<u>814.21</u>
	2836.96
1869 Dec. 20 th Amt of several payments to date	<u>759.00</u>
amt due	\$2077.96
Int to Sept 20 th 70	<u>93.50</u>
Balance due Sept 20 th 70	\$2171.46

Judgement in favor of W. W. Briggs late Chff & Admr with the will annexed of A. G. Neves for Jos. A. Drewry obtained Nov. Term 1867, Cir. Ct.	\$100.00
Int from 30 April 1852 to Sep 30 th 70	<u>50.50</u>
Amt due	150.50
Paid May 10 th 1855	<u>7.00</u>
	143.50
Costs	<u>6.17</u>
Amt due Sept 30 th 1870	\$149.67

Judgement in favor of Susan St Harris Admr Wm. P. Harris obtained May Term 1868, Cir. Ct.	35.25
Int from 22 nd Sept 1859 to 22 nd Sept 70	<u>23.26</u>
Amt due	58.51
Paid March 16 th 1868	<u>15.90</u>
	42.61
Costs 61	<u>6.17</u>
Amt due Sept 22 nd 70	\$48.78

In account of the value, annual and
absolute, of the real Estate of W. A. Jones.

	annual value	absolute value
1600 acres Land in Southampton Co	\$400.00	\$4800.00

Respectfully submitted
D. Sebell Comr

Commissioners Office
Jerusalem Va

Sept 17th 1870

To The County Court of Southampton County,

Pursuant
to a decree of the County Court of Southampton County
rendered at the August Term 1870, in a suit in Chancery
depending in the said Court between Ben E. Pope Plff and
W. A. Jones and Joseph W. Claud Deft, The undersigned one
of the Commissioners of the said Court to whom was re-
ferred by said decree, to be stated and reported the fol-
lowing accounts, viz.

"That a Commissioner of this Court take the following
Accounts- 1st an account of all the judgements out-
standing against W. A. Jones in the Circuit & County
Courts of Southampton County distinguishing their prior-
ity- 2nd An account of the annual and absolute
value of the real Estate of which said Jones is seized
which accounts the Commissioner is directed to report
to Court with any matters specially stated deemed
pertinent by himself or acquired by any of the in-
terested parties to be so stated" Report to ^{the} Court That
on the 1st day of September 1870, he issued notices to-
against the several parties aforesaid requiring them
to attend the stating of the said accounts before him
at his Office on the 13th day of September; That the parties
aforesaid appeared before the Commissioner in o-
bedience to the said notices and he thereupon stated

an account of the Judgements, according to their priority, and upon the evidence produced before him he also stated an account of the annual and absolute value of the real Estate of W. A. Jones; that by consent of parties the report was returned to the ^{clerk} Office without remaining in your Commissioner's Office ten days, which with the decree and notices aforesaid are herewith returned.

Given under my hand as Commissioner aforesaid the day and year first aforesaid,

M. Sebrall Com'r

Commissioner's fees \$20.00

Judgement in favor of Albert L Francis	
obtained Nov. Term, Cir. Ct. 1869	500 00
Int from 16 th Mich 1868 to Sept 16 th 70	75 00
Costs	7 50
Quit due Sept 16 th 70	\$582.50

Judgements in favor of Pope & Woodward who sue for the benefit of Geo. C. Pope, obtained at the November Term 1869 Cir. Ct.	89 42
Int from 18 th October 1862 to Sept 18 th 70	42 46
Costs	7 12
Quit due Sept 18 th 1870	\$139.00

Judgement in favor of A. F. Francis who sues for the benefit of Drury & Backley obtained May Term 1870 Cir. Ct.	475 00
Int from 16 th Mich 1868 to 16 th Sep 70	71 25
Costs	7 50
Quit due Sept 16 th 70	\$553.75

Judgement in favor of Albert L Francis, obtained at the Aug. Term 1870, Cir. Ct.	500 00
Int from 16 th Mich 1868 to Sep 16 th 70	75 00
Costs	7 81
Quit due Sept 16 th 70	\$582.81
Total Amount of Indgts	\$5954.46

Respectfully Submitted

M. Sebrall Com'r

Pope

v } Co. Judd
Exhibit 'A' filed
with bill

Jones & Co

f

Southampton Circuit Court November Term 1866

Ben. E. Pope

Plff

} In Debt.

against
Wm A Jones & J. H. Cland

Defts

The judgment obtained at the Rules not having been set aside and the plaintiff being not entitled to a final judgment, it is therefore considered that the plaintiff recover against the defendants Eleven hundred dollars, the debt in the declaration mentioned with legal interest thereon from the 19th day of March 1864 till paid and his costs by him about his suit in his behalf expended

Plff's costs \$9.12

At Copy

Docketed December 25th 1866

Teste. O. Wm White C. C.

Pope

to { copy papers

Jones

To the Honorable Joseph W. Arghuwart, Judge of the County Court of
Southampton - In Chancery -

Humly complaining sheweth unto your Honor, your Orator Benj. E. Pope, that
at the November Term 1866. of the Circuit Court of Southampton County, he
obtained a judgment against Wm. A. Jones & Joseph W. Cland for one thousand
dollars with certain Credits thereon specified, and also payments since
made, which said judgment was properly docketed, all of which will more fully
appear from a copy of the judgment herewith filed marked, A, and prayed to be
taken as a part of this bill. Your Orator further states that the said W. A.
Jones, nor the said J. W. Cland have not paid the said judgment, nor have
they sufficient chattel estate to pay same. Your orator further states, that the
said W. A. Jones is advised & charges that the said W. A. Jones is possessed
of a very large real estate in Southampton County, and that the rents & profits
of the same, and the rents and profits arising from the real estate of J. W.
Cland will not satisfy his demand in five years. Your orator therefore
asks that the real estate of the said W. A. Jones, may be subjected to the
payment of his judgment. In tender consideration of all which, and in as
much 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 he prays that Wm. A. Jones & Joseph W. Cland may be made
parties defendants to this bill & compelled to answer the allegations thereof: that your
Honor would direct a Commissioner of this Court to inquire how much land the
said W. A. Jones owns, its annual free simple value, and report all the outstand-
ing unsettled judgments against the said W. A. Jones distinguishing their priorities:
all of which he shall report to this Court, together with any other matter, specially
stated deemed pertinent by himself, or which may be required to be so stated by
any party interested. And if it should appear from the report of the Commis-
sioner that the rents and profits of the land of the said Jones will not pay the
demand of your orator in five years, that it may be sold & your Orators
demand paid. And that your Honor will grant such other and general
relief in the premises, as Equity may dictate & the nature of his case may
require. And as in duty bound, your orator will ever pray &c. May it
please the Court &c.

Prince P. D.

Exhibit A:

Southampton Circuit Court November Term 1866.

Ben. E. Pope

Plff

} In Debt

Defts

against
Wm. A. Jones & J. W. Cland

The judgment obtained at the Rules not having been set aside and the plaintiff being now entitled to a final judgment it is therefore considered that the plaintiff recover against the Defendant Eleven hundred dollars the debt in the declaration mentioned with legal interest thereon from the 19th day of March 1866 till paid, and his costs by him about his suit in this behalf expended

Plffs Costs \$9.12

At Copy-

Docketed December 25th 1866-5

Test, Osmun White Ck

Copies.

Teste

Osmun White Ck