

1900-04

Southampton County - Chancery

Council, J. G. Adm. vs

Jenkins, Q. S. et al

To sell property
to pay debts

Council, Joe. L.
by Adm.

Jenkins, Massie

Jenkins, W. H.
by Executor

Council's Answer
vs 3. Bice Exhibit
Jenkins & others

Primer & McLenore
vs

1897. 1st. Sept. Rules Filed
L. A. Gay & Co.

795

To the Honorable R.R. Rostler, Judge of the Circuit
Court of Southampton County. Va.

In Chancery.

Complaining Sheweth unto your
Honor your Complainant J.M. Council
advers of Jor L. Council died as follows
That on the 3rd day of July 1897, your
Complainant obtained a judgment
against R.S. Jenkins & Massie
Jenkins Ex^{ors} of W.H. Jenkins and
for 90.49 before a Justice of the Peace
for Southampton County, homestead
warrant, as well as more fully appear
by a certified copy of said judgment
herewith filed as Exhibit A - as a part
of this bill - and that said judgment
was docketed in the Clerk's office of
Southampton County Court on July 12,
1897. That said R.S. Jenkins has no
personal effects out of which to
make the said judgment - That the
said R.S. Jenkins is seized of 200 acres
of land in Southampton County - upon
which the said judgment is a lien.
That W.H. Jenkins Sr. has departed
this life, after making and pub-
lishing his last will and testament,
which was admitted to probate at the
Term 189 of the County Court of
Southampton, and Massie Jenkins
his widow qualified as his Ex^{ors} - all
of which will more fully appear

from a certified copy of the order of probate
and qualification filed herewith as
Exhibit B - as a part of this bill - That
under said will, the said Massie
Jenkins, R. S. Jenkins, W. H. Jenkins
and Eliza Jenkins, all adults are
the devisees of said W. H. Jenkins decd.
The will more fully appears from a
certified copy of said will, filed here-
with as Exhibit C as a part of this bill
That the said Massie Jenkins by virtue
of her qualification has possessed her-
self of all the chattel property of her
testator. but refuses to pay your complain-
ants debt. That the rents and profits
of said R. S. Jenkins real estate will not
pay your complainants debt in
five years. In consideration of which
your complainant prays that the
said R. S. Jenkins, Massie Jenkins, in
her own right and as Exec^r of W. H. Jenkins
decd, W. H. Jenkins & Eliza Jenkins
be made parties defendant to
this bill & compelled to answer the
same - but answers under oath
are expressly waived. That an order may
be entered directing an inquiry as to
the annual and absolute value of
the real estate of which R. S. Jenkins
is seized. and of the heirs therein with
their priorities. and if the same will

not pay your complainants debt
from the rents and profits in five
years, that the same may be sold
for that purpose - and that your Honor
will grant such other further general
and special relief as to Equity may
seem fit on the nature of this case
may require - and as in duty bound
your Complainant will ever pray
&c. - May it please the Court &c.

Perice & Whinnery p^{rs}.

Committed

v

Janssens

Executed this 28th day of
June 1897. by deliver-
ing a copy to the within
parties.

A. J. Branch
Const.

Rec^d. the within Execution
this 3rd day of July 1897. at
11 O'clock A.M.

A. J. Branch
Const.

A Copy -

Test: B. F. McLeese

Exhibit No. 2

State of Virginia: Southampton County - to wit:
To R. J. Branch, Constable of said County:
You are hereby commanded to summon
R. S. Jenkins and Mrs Massie Jenkins, Ex-
ecutrix of N. H. Jenkins Sr. Est. if to be found
in your district, to appear ^{at} the Stephenson Co's
Store, at 9 O'clock, A.M. in said County, on
the 3^d day of July 1897. before me or such
other Justice as may then be there to try
this warrant. To answer the Complaint of
J. R. Council Admr of Joseph L. Council
Est. upon a claim for money, for the sum
of Eighty two & ⁰²/₁₀₀ dollars, due by bond.
And then and there make return of this
warrant.

Given under my hand this 23^d day of June
1897.

F. P. Pulley Jr. Seal

J. R. Council Admr of
Joseph L. Council's Est. } Plaintiff

against

In Debt:

R. S. Jenkins and Mrs
Massie Jenkins, Executrix } Defendants
of N. H. Jenkins Sr. Est.

Stephenson Co's Store, Va.

July 3. 1897.

Judgment: That the Plaintiff recover of

the Defendants Ninety $\frac{49}{100}$ dollars with in-
terest thereon from the 3rd day of July 1897. Two
said, and two $\frac{30}{100}$ dollars for his costs. Homes lead
waived.

J. P. Pulley J.P. seal

Attest -

Testo: B. F. McLenore CC

POSTAL CARD - ONE CENT.

UNITED STATES OF AMERICA.

THIS SIDE IS FOR THE ADDRESS ONLY.



Geo. W. Sebell Jr. Esq
Courtland Va

Berlin Va Sept. 4th 99

J N Lebrun Jr Esq
Courtland Va

My dear Sir:-

I gave one Summons to Eliza Jenkins
and Massie Jenkins is dead from
been dead two years. Mr Wm Jenkins
say write him at Unity Va & let
him know if it is necessary to
bring Eliza Jenkins to Courtland the 14th
as she is not able to take the trip
Yours
C C Willis. Dep^t Sheriff

Domestic Affairs.

AMERICAN FIGHT LAEWIND
: public. stand no

1899. 1st & 2nd Rules
Levy, 1st

referred to in said bill, and the
referred to in said bill, and the

to read

0.0

James M. Lawrence Jr.

I hereby acknowledge legal service of the within
Writ this 4th day of Sept. 1897.

R. S. Jenkins

This work was done by Chas. J. Southampton

Witness L. S. Stafford

THE COMMONWEALTH OF VIRGINIA,

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

We command you to summon *Messie Jenkins in own right and*
as Ex. of W. H. Jenkins decd. R. B. Jenkins, W. H. Jenkins
and Eliza Jenkins

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 *1st* Monday in *Sept. 1897* ~~next~~, to answer a bill in Chancery
exhibited against *Them* in our said Court by *J. R. Lannice, Adm. of*
Jos. L. Lannice decd.

And this *They* shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, L. A. GAY, Clerk of our said Court, at the Courthouse, this *2nd* day of
Sept., 1897, in the 12th year of the Commonwealth.

Teste:

L. A. Gay

C. C.

Council's Adm.

THE COMMONWEALTH OF VIRGINIA

vs. } Ann. in ch.

Jenkins, Exr & als.

1897. 1st Sept. Rules.

1st. 1st.

Served Sept 4th

Executed Sept 4th 1897

by delivering a copy of this
Ann to each of the within
named parties defendant at
cph R. S. Jenkins who acknowledged legal service.

L. L. Hatfield
for Mr. Williams
Sgt.

(4)

James + M. L. Moore Jr.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

We command you to summon *Messrs Jenkins in her own right and*
as Exec of W. H. Jenkins and R. B. Jenkins, W. H. Jenkins
and Eliza Jenkins
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 *1st* Monday in *Sept.* 1897 next, to answer a bill in Chancery
exhibited against *them* in our said Court by *J. R. Lammie, Adm. of*
Jos. L. Lammie decd.

And this *They* shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, L. A. GAY, Clerk of our said Court, at the Courthouse, this *2nd* day of
Sept., 1897, in the 12th year of the Commonwealth.

Teste:

L. A. Gay

C. C.

R. S. Jenkins

To note

257.²⁸

Exhibit No 1

Nov. 1st 1894

Recd. Eighteen dollars
& thirteen cents in part of
the within

J. L. Bannice

Recd. Apr. 27th 1895 of
R. S. Jenkins Thirty Dollars
on the within note.

J. L. Bannice

Recd. August 27th 1895 of
R. S. Jenkins Seventy Dollars
on the within note.

J. L. Bannice

Admt. of Balance due on note
Jan. 10th 1895. \$197.02

Received \$50.⁰⁰ Fifty dollars of
R. S. Jenkins Oct. 10th 1895 on
note

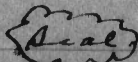
J. R. Bannice Admt.

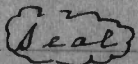
Received \$65.⁰⁰ Sixty five dollars
of R. S. Jenkins on note Jan.
6th 1896.

J. R. Bannice Admt.

23
#257. ^{28/100} On demand after Jan. 1st. /92 we promise to
pay unto ^{James} Jos. Jenkins his heirs, ^{Executors} Administrators
or assigns, the sum of ^{Two} ~~Two~~ ^{and} ~~and~~ ^{Twenty} ~~Twenty~~ ^{Eight} ~~Eight~~ ^{Hundred} ~~Hundred~~ ^{and} ~~and~~ ^{Twenty} ~~Twenty~~ ^{Eight} ~~Eight~~ ^{Dollars} ~~Dollars~~, current
money of the United States, or value received;
and it is a good and lawful debt by the parties that the
interest on this note shall bear the rate of 7%
Int. per annum for the payment
of which we and our heirs, Executors
and Administrators bind us jointly and
separately by these presents, and
we hereby agree to pay the debt of our Homestead
Exemption as 100 / 100 of this debt obligation or contract.

As witness our hands and seal This 14th day
of September, in the year of our Lord one thousand
eight hundred and ninety one.

R. S. Jenkins 

William H. Jenkins 

A copy

Test: B. F. McLawrence

Bancille's Admrs

} Copy. Judgment
vs. of Bancille's Admrs

vs. Jenkins et als

Jenkins et als.

Ex. "A"

In Southampton Justice Court,

July 3rd Term, 1897

J. R. Leuncill, Adm^r of Jos. L. Leuncill, dec^d.

Pltff.

Against

In Debts

R. S. Jenkins & Mrs. Massie Jenkins,

Estate of W. A. Jenkins, dec^d. Def^s.

Judgment for the Plaintiff against the Defendant for \$ 90.⁴⁹ with
legal interest thereon from the 3rd day of July, 1897, till paid,
and costs, \$ 2.³⁰

Extract.

Teste:

B. F. McLeod C. C.

Special

Special appointed by

6

Vol 11

alone or which he may be required to state by any interested party.

With any other matter specially stated deemed pertinent by the Comma-

ndee to J. H. Council, administrator of Joseph L. Council, deceased, to be kept

in the Circuit Court of Southampton County with the papers filed with

the papers in the Circuit Court of Southampton County with the papers filed with

Council's Admin.
vi. 3 Notices
Jenkins 4th & 5th

Wm. Henry Acknowledged
Legal Service of Justice
Notice -

Princed M. L. L. L.
attorney at law

W. H. & A. S. Jenkins

September 1893

Wm. Henry Acknowledged
Legal Service of Justice
Notice -
J. H. Council, administrator of Joseph L. Council, deceased, to be kept

SPECIAL

Vol 11 32nd 1893

SPECIAL COMMISSIONER'S OFFICE,

Courtland, Va., August 23rd 1899 189

To

J. R. Council, administrator of Joseph L. Council, deceased, Massie Jenkins in her own right and as executrix of W. H. Jenkins, deceased, R. S. Jenkins, W. H. Jenkins, and Eliza Jenkins.

You are hereby notified that I have fixed upon the 14 day of September 1899 ~~if~~ if fair, if not, the next fair day thereafter (Sunday excepted) to take and settle, at my office, the following accounts, to wit:

What amount is due by R. S. Jenkins upon the note and judgment filed with the papers in the chancery suit styled Council's Admr. vs. Jenkins et als, in the circuit Court of Southampton County with the plaintiffs bill payable to J. R. Council administrator of Joseph L. Council, deceased, together with any other matter specially stated deemed pertinent by the Commissioner or which he may be required to state by any interested party.

required to be taken by a decree of Southampton Circuit Court, rendered at the April term, 1899, 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 said Court the day and year first aforesaid.

[Signature]

Special, Commissioner.

To the Sheriff of Southampton County to execute.

Concilio adus

vs 3 answers of L. S. Jenkins
+ exhibits

Jenkins et al

1898. Apr. 6. filed

To the Hon R R Prentiss Judge of the Circuit
Court of Southampton Co Va

Your respondent R. S. Jenkins, in answer to
the bill of complaint filed by J. R.
Bouncell Administrator of Jos. L. Buncell dec'd,
in the Circuit Court of Southampton
County Va, against him and others,
or as much thereof, as he is advised it
is material for him to answer,
answering says. That on Sept 14th 1891
he executed to Jos. L. Bouncell (who
has since died) a bond for the sum
of \$257²⁸ with one William H Jenkins
as security on said bond, that said
amount at that time due was the
sum of \$250⁰⁰ and that then and there
a usurious rate of interest was computed
on the said amount from the said 14th day
of Sept 1891 up to Jan 12th 1892 which
amount was the sum of \$7²⁸ + was then
and there added to the said sum of
\$250⁰⁰ thus making the sum of \$257²⁸
and which sum was to bear a
higher, than a legal rate of ^{interest} from that
date. Thus ~~the~~ charging an usurious
rate of interest, not only on the principal

as aforesaid originally due, but even on
the usurious interest thus added to
the same.

Not only that, but sometime in the latter
part of Decr 1891 or in Jan'y 1892 the said
Council came to see your respondent
about the bond and agreed to buy
from him enough pounds at the rate
of three cents per pound to pay the
said bond and that then and there
a writing to that effect was at his
request prepared and signed and
acknowledged by both him and your
respondent before H. F. Griffin a Justice
of the Peace for this County; and he
(Council) took and retained the said
writing. That your respondent accord-
ing to the same agreement was ready
to deliver and did offer to deliver
to him the pounds as agreed
but as pounds had fallen in
price (but through no fault or
agency of your respondent) the said
Council refused to take the same
as agreed, in fact did not take
them at any rate; and your ^{respondent} ~~respondent~~

being" Traded thus by said bouncell.
and being prevented from selling the said
penns to others by the said agreement
and holding the same for said bouncell
thus lost the market price of three cents per
pound which they were worth at the time of said
agreement and only realized the realized
therefor the sum of $13\frac{1}{4}$ cents per pound,
thus losing the sum of \$107²⁰ which the
said bouncell should be justly and
truly held to owe your respondent
and for which he should have a credit
on the said bond. That your respon-
dent contends for the above credit
some never having been placed on
the said bond. That your respondent
is entitled to other credits on the
said bond amounting in all
to the sum of \$223.¹² as will fully
appear from a certified copy of said
bond (and on which bond J.P. Pully
a Justice of the Peace for this county
gave the Judgement referred to in
the plaintiffs bill; the original bond
being filed in the county clerks office
of this county in the Judgement
so given thereon by J.P. Pully J.P.)
Filed with this answer marked exhibit

no 1 and prayed to be read as a part
of this answer. That your respondent
does not believe that he owes the
said Jos. B. Bouncell anything & but
the said bond is only paid
your respondent states further that on
June 23rd 1897 one J. P. Pulley a Justice
of the Peace proceeded to issue a
warrant on the said bond summon-
ing your respondent and Mossie Jenkins
Executive of W. B. Jenkins Dr. the William
B. Jenkins who had signed the said
bond as security being dead and
said Mossie Jenkins having duly
qualified as his Exor, to appear at
Stephensboro in said County on
the 3rd day of July 1897. To answer or
attend a trial on said warrant,
said warrant being issued in
favor of J. B. Bouncell ad. of
Jos. B. Bouncell decd. and the said
Justice of the Peace then and there
without any jurisdiction in the
matter proceeded without lawful
authority to give a judgement on
the said warrant against the
your respondent, and said Executive

for the sum of \$90⁴⁹ with interest thereon
from July 30th July 1897 till paid and
\$230 costs. all of which will fully
appear from a copy of said bond
& warrant. return thereon and Judgement
given thereon herewith filed marked
exhibit nos 1 & 2. and prayed to
be read as a part of this bill.
That the said Justice having no
right to render the said Judgement,
the same is a mere nullity and
of no effect. That the plaintiff has
no Judgement to enforce and
his said bill should be dismissed
at his cost. That your respondent
owns no land or interest in
land other than that given him
by the will of his father William
St Jenkins and having fully
answered your respondent prays
hence to be dismissed
with his costs & all of which
is more respectfully prayed &
R. S. Jenkins
by Counsel

Council's Adm.
vs. { Statement of Rules
Jenkins et al.

J. R. Bannell, Admr of }
Jos. L. Bannell, decd } Plaintiff
vs.

Messrs Jenkins in her own right }
and as Ex^{or} of H. H. Jenkins, decd, }
R. S. Jenkins, H. H. Jenkins Ad. } Defendants
Eliza Jenkins }

1897. 2nd. Sept. Process issued to 1st. Sept. Rules
1897. 1st. Sept. Rules. Process returned executed.
Bill and exhibits filed.

Decree nisi vs. Defendants

1897. 2nd. Sept. Rules. Bill taken for confessed
and cause set for hearing

Lancaster Adm'r

78.

1897 Lancashire Extra et al.

Sept. 7 Sum. 25. Cop. 65. Receipt 18. aty. 10. Book 18= 1.36

another Sum. 25. Cop. 13. Receipt 18. Receipt 18= 74

Rules 1.00. Entering, return 35. Fil. bill 15= 1.50

Do Ex. 15. Do R. Lancashire answer 15. repl. 15= 1.45

Copy Ex. 1.55. 2 Deacons & copy 1.08 = 2.63

2 Continuances 50. Two extra re. 40. 90

Fil. away papers 25. For two extra 3.6
com. 25= 2.0

11/20/99 PD. by admr. L.A. Gay to wife 8.19

Shpp. 2.50

Law re. 16.50

Nov. 17th 1899

1899

A copy, Teste: L.A. Gay

7
Bancroft's Address
? Copy with Jones
V.S.) Will be
Jenkins & Co

Est. 1846

In the name of God. Amen.-

I, William H. Jenkins, of the County of Southampton and State of Virginia, being of sound mind and memory, do make, constitute and ordain this my last Will and Testament, in manner and form as follows, to wit:

Item 1" I desire all of my just debts shall be paid.

Item 2" I leave to my beloved wife Massie H. Jenkins to have and to hold as long as she lives, all of my estate both real and personal, just as it is at the time of my death.

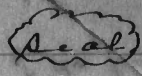
Item 3" I desire my sister, Eliza Jenkins, to have a home and support off my estate, as long as she lives, if she will accept it.

Item 4" At the death of my wife I give to my son William H. Jenkins Jr. the farm on which I now reside, conditionally - that he pay to my son Robt. S. Jenkins, the sum of three hundred dollars, my chattel estate, at the death of my wife. I desire to be equally divided between my sons, Robt. S. Jenkins and William H. Jenkins Jr. without sale, if it can be done satisfactorily to them.

Item 5" I hereby nominate and appoint my ^{beloved} wife Exeutor of this my last Will and Testament, without being required to give security. And I do hereby revoke all former Wills heretofore made by me.

In witness whereof I have hereunto set my

my hand and affixed my seal this 16th day of
December 1893.

Signed sealed } William H. Jenkins 
and acknowledged }
in presence of }
M. Joyner }
Charles M. Joyner }

Southampton County Court: The 20th day of May 1895
A writing purporting to be the last Will and
Testament of William H. Jenkins decd. was
produced in Court and proved by the oaths
of M. Joyner and Charles M. Joyner. The
Subscribing Witnesses thereto and ordered
to be recorded as the last Will and
Testament of the said William H. Jenkins
deceased, and on motion of Massie B. Jenkins,
the ^{therein} Executrix named, who made oath accor-
ding to law, entered into and acknowledged
a bond in the penalty of Four Thousand
Dollars, Conditioned as the law directs, (but
without security, the Will directing that none
be required and the Court requiring none)
which bond is ordered to be recorded, Certifi-
cate is granted the said Massie B. Jenkins
for obtaining a probate of the said Will
in due form, and on further motion of

Said Executors, C. M. Joyner, Martha Joyner
and M. E. Stephenson are hereby appointed
appraisors, who, being duly qualified,
will appraise the estate of said decedent
and return the same under their hands
as the law directs.

Teste: B. F. McLeure C. C.

A Copy.

Teste: B. F. McLeure C. C.

Council's Admt.

vs } Statement of Costs

Jenkins et al.

Lawrence's Adm.

vs. } Statement of Costs
Lawrence's Ex. or als.

1897

Sept. 2nd, Sum. 25. Ex. 65 another Sum. 25. Ex 13 = 128

Receipts for both 36. atty. 10. Docket 18 = .64

Rules 1st entering return 35. fil. bill 15 = 1.50

Do Ex. 15-00 R. S. Lawrence answer 15. fil. 15 = .45

Copy Ex. 1.55 2 Docket & 1 copy 1.08 = 2.63

2 Continuances 50. Tax Costs &c. 40. fil. and any papers 25 = 65

11/20/97 PD. by admr L. A. Gay to clerk 8.79

Jd J. Williams Shff. 2.50

Lawrence 16.50

Nov. 4th. 1899

Teste: L. A. Gay b. f.

27.19

Council's Administrator

vs Decree

Jenkins et als.

Entered April 4, 1899.

Robert A. Jenkins

Entered. Page 257

1 copy

Council's Administrator

vs

Jenkins et als.

This day this cause which has been regularly matured at rules came on to be heard on the bill and exhibits filed upon the answer of R.S. Jenkins, filed ^{April 6, 1898,} ~~during the term~~ with general replication thereto, bill taken for confessed as to Massie Jenkins, W. H. Jenkins and Eliza Jenkins, and was argued by counsel.

On consideration whereof the court doth adjudge, order and decree, that this cause be referred to John N. Sebrell Jr., who is hereby appointed a special commissioner for the purpose, with directions to inquire and report to court what amount is due by R.S. Jenkins upon the note and judgment filed with the papers of this cause with plaintiffs bill payable to J.R. Council administrator of Joseph L. Council deceased, together with any other matter specially stated deemed pertinent by the commissioner on which he may be required to state by any interested party.

Council's Adm
to 3 Diere
Jmkin chali.

1898 Apr. 6.

Enter Robert H. Hentis

He consent to this

Truce & McLeary & Co.

Shads Am actys for
R.S. & H. H. Hentis for pd.

Ent d - 214 -

Councils' Adm.

vs.

Jenkins et al.

By Consent of parties given in open Court, it is ordered that this cause may be submitted to the Judge of the Court in Vacation, for such decision and decree therein as might be made in term.

Council's Admr.,

v. DECREE.

Jenkins et als.

Apr. 3, 1900.

Enter this

Robert R. Jenkins

Entered Page 300

Council's Admr.,

v.

DECREE.

Jenkins et als.

On motion of the plaintiff this suit is ordered to be dismissed and removed from the docket.