

1825-002 Chancery Causes'. Thomas Cokes vs Wilson Pierce

Isle of Wight County

other surnames: Johnson,
Marshall, White, Woodley

ISLE OF WIGHT COUNTY, }

February Court, 1824. }

Thomas Cocks,

Compl't }

IN CHAN-

AGAINST

Def't }

CERY.

Wilson Pierce,

THE Defendant not having entered his appearance and given security according to law, and the rules of this Court, and it appearing to the satisfaction of the Court, that the said Defendant is not an inhabitant of this Commonwealth: On motion of the Plaintiff, by his Counsel, It is ordered, that the said Wilson Pierce appear here on the first Monday in May next, and answer the bill of the Complainant; and that a copy of this order be published for two months, according to law, in some newspaper published in the Borough of Norfolk, and that another copy be posted at the Court House door of this County.

A Copy—Teste.

NATHL. YOUNG, C. C.

Feb 37

2mF

Norfolk June 17th 1824 Personally appeared before me, a Justice of the Peace for the Borough of Norfolk, Hamilton Shields, one of the Editors and Proprietors of the "American Beacon", a daily Newspaper published in the said Borough, and made oath that the above officious order of publication in the case of Thomas Cocks vs. Wilson Pierce, has been published for two months successively in the said newspaper, commencing 27th February 1824—

D. B. Starks


affidavit of publication
Locks } commencing
vs }
Pierce } feb. 27th 1826

Know all men by these presents that we Thomas Cook and
John H. Chapman
are held and firmly bound unto Wilson Pierce
his heirs or assigns in the sum of One hundred & ten dollars
current money of Virginia, to which payment well and truly to be made
we bind ourselves and each of our heirs executors and administrators jointly
and severally firmly by these presents sealed with our seals and dated
this 6th day of September 1824

The condition of the above obligation is such that whereas on this said
6th day of ~~September~~ ^{September} 1824
a decree was pronounced in favour of the said Thomas Cook
against the said Wilson Pierce for the sum of \$48.37^{cts} with interest
from the 7th day of May 1824 to be made out of the land in this
county belonging to the said Wilson Pierce

Now provided the said Th. Cook shall abide and perform any further
order or decree which may hereafter be pronounced by the court in the
said suit, then the above obligation to be void or else to remain in
full force & virtue

W. Sighelock

Thomas Cook Seal
John H. Chapman Seal

Bochs

la B. Bon
Piera

A Statement of two executions sold out
of the County Court of Allegheny County
against ~~William Pierce Thomas~~ ~~con~~
& others in favour of John P. Johnson
Jan. 86 to the Bradshaws

Princp \$16

Int 24
Cost 6.28

22 52
1.12
23 64

Princp \$17.03

Int 25
Cost 6.28

23 54
1.17
24 73
23.64
24.73
48 37

Paid of Thomas con the sum of Forty eight
dollars Thirty seven cents in full for the
above named executions Jan'y 7th 84.

Wm Whithead Esq
for a worthy Sheriff

48.37
24.18 1/4

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file as an
exhibit in the
case of born piece

Isle of Wight County September 1821

Thomas Weeks

against
Wilson Pierce

Complaint

In Chancery
Defendant's

This cause this day came on to be heard on the bill and exhibits filed therein and was argued by counsel, and it appearing to the satisfaction of the court that the defendant Wilson Pierce is not an inhabitant of this state and still fails to appear and answer the complainant's Bill and that the order of publication hath been duly published according to law, on consideration whereof the court doth adjudge order and decree that the defendant Wilson Pierce do pay to the plaintiff the sum of \$10.37 cents with interest thereon from the 7th day of January 1821 till paid at the rate of six per cent per annum and the costs of this suit and it appearing from the report of Commissioner or Smalley that there are no personal funds of the defendant in the power of the court and a valuation of the land in the bill mentioned having been returned by the commissioners appointed for that purpose, the court doth further adjudge order and decree that Enoch Coley, Thomas Marshall, John Marshall and Benjamin Loggin commissioners appointed by this court or any three of them, after having given notice thereof at the courthouse of this county on some court day and at some other public places, ten days previously, sell at public sale to the highest bidder the tract or parcel of land in this county containing about fifty seven acres and belonging to the said defendant and designated and described in the plaintiff's bill and the report of the commissioners on the following terms, to wit so much of the purchase money as shall be necessary to pay the expenses of the sale, and the debt and costs of the plaintiff to be paid in cash and for the balance of the purchase money, that the said commissioners take bonds with good security, payable one half in six months and the other in twelve months payable to the defendant Wilson Pierce and make report of their proceedings to the

court, but the plaintiff is not to have the benefit of this decree until he shall give bond with security to be approved of by the court payable to the said Wilson Pierce in the penalty of \$110 and conditioned for performing the future order and decrees of this court.

(Bill of Costs)

Declaratory fee	\$5.55
Att. in V. tan	6.00
Shiffs	.03
Comm. Smellys fee	.75
Printers fee for pub.	2.03
	<u>\$15.76</u>

Attesty T. S. S. Attest Young & Co.

books
vs Pierce
Pierce

Attesty

Thos. Cooks complt.

Wilson Pierce ^{by} ^{his} ^{att} ^{ys} ^{septs} -

The defendant Wilson Pierce who is out of this country and against whom the complt. Thos. Cooks appears to have proceeded against in the mode prescribed by law against absent depts. still failing to appear and answer; In motion of the complainant by his Counsel and on satisfactory evidence adduced to the Court of the justness of the complainants charge in the Bill, the Court doth take the said Bill for confessed against the said depts., and the cause coming on to be heard on the Bill & the exhibits filed, was argued by Counsel; On consideration whereof the Court doth order that master Lewis Smalley of this County take an as of the estate belonging to the sd. depts., subject to the power of the Court, and which the sd. Court is directed to report to this Court, with any matter deemed pertinent by himself especially stated, and which may be required by the parties to be so stated; and the Court doth furthermore adjudge

order and decree that Eben Ely, Henry Coggin and
Thomas May, lay
or any of them so value the land, belonging
to the sept, lying in this County, containing
about 57 - acres, and adjoining the land
of Wiley Turner, ~~John Edwards~~, Edwin Gray and
James Hittin and others —
and which s^d. Court for such purpose appointed,
after having on oath fairly valued the s^d.
lands, are furthermore directed to report
such valuation to this Court, with any
matter, seems pertinent by the way, or
which may be required by the parties concerned to
be specially stated -

Shirley's County, Sept. Court 1824
Harris vs. Cook,

Wilson vs. Pierce

2 Ely

This cause this day came on for
hearing on the plea and exhibits filed therein &
was argued by Counsel; and it appearing
to the satisfaction of the Court that the deft.
Wilson Pierce is not an inhabitant of this State
and still fails to appear and answer the
compt. bill and that the order of publication
hath been duly published according to law
on condition whereof, the Court doth
adjudge, order and decree that the deft.
Wilson Pierce do pay to the plff the sum of
\$48.37 ~~being~~ with interest thereon from the 1st
day of January 1824 till paid, with the cost of
prosecution per annum, and the costs of this writ,
and it appearing from the report of Coram
Smalley that there are no personal goods of
the deft. in the power of the Court, and a
valuation of the land in the bill mentioned
having been returned by the Court appointed for that
purpose; the Court doth further adjudge, order
and decree that Ely ^{Thomas Alaphale} ~~Benja. Boggis~~ and John
Marshall and Benja. Boggis ~~any other~~
~~after~~ Commissioners appointed by this Court, or any
three of them, after having given notice thereof
at the Court House of this County, or some Court
day, and at some other publick place, ~~ten days~~
previously, sell at publick sale to the highest bidder
the tract or parcel of land in this County contain-
ing about fifty seven acres and belonging to the
said defendant and designated & described

in the 1stst view of the report of the Commissioners
on the following terms to wit: so much of the
purchase money as shall be necessary to pay to the
creditors of the sale and the debt of the
1stst to be paid in cash, and for the
balance of the purchase money, that the
said Commissioners take bonds with good
security, payable one half in six months &
the other in twelve months, payable to the ex^{or}
Wilson Pierce, and make report of this
proceeding to this Court. But the 1stst
is not to have the benefit of this decree unless
he shall give bonds with security to be
approved of by the Court, payable to the ex^{or}
^{Wilson Pierce} ~~the 1stst~~ is the penalty of \$114. and
condition for performing the ^{future} ~~present~~ order &
orders of this Court in

Ribach

" 3rd Jan

Pierce

In Obedience to the annexed Decree of the Honour-
-able Court of Suffolk County to us directed bearing
date September Court 1824. in which Decree we
were directed to make sale of the tract of land belong-
-ing to Wilson Pierce an absconding debtor, to satisfy
a Debt due Thomas Cooks, We the Commissioners have
therefore on this 26th day of October 1824 on the
premises after having advertised the time & place of
sale as directed by the said Decree made Sale of
the said Tract of land and Henah Th Chapman being
the highest bidder became the purchaser thereof at
the sum of One Hundred and ten Dollars and we
the Commissioners have rec^d of the said Henah Th Chap-
-man the sum of Seventy one Dollars and Sixty six
cents in cash it being the amount of said Thomas Cooks
Claim including Interest and cost & commission and have
taken honor for the sum of nineteen Dollars and two
cents payable in six and the sum of Nineteen Dollars
and two cents payable in twelve Months it being the bal-
ance of the Purchase Money which we have ready to
deliver as the Court may direct Given under our hands
this 26th day of October 1824

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B. baggin
Thos Mayhall

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Isle of Wight County July Court 1824

Thomas Locks

against

Wilson Pierce

Plaintiff

In Chancery

Defendant

The Defendant Wilson Pierce who is out of this commonwealth, and against whom the Plaintiff Thomas Locks appears to have proceeded in the mode prescribed by law, still failing to appear and answer, On motion of the Plaintiff, by his Attorney, and on satisfactory evidence adduced to the Court of the justness of the Plaintiffs charge in the bill. The Court doth take the said bill for confessed against the said Defendant, and the cause coming on to be heard on the bill and the exhibits filed, was argued by Counsel.

On consideration whereof the Court doth order that Master Commissioner Smalley of this County take an account of the estate belonging to the said Defendant, subject to the Power of the Court, and which the said Commissioner is directed to report to this Court with any matters deemed pertinent by himself especially stated, and which may be required by the parties to be so stated.

Attest

Barth. Lightfoot Jy. 6.

Commissioners office Isle of Wight County, August 31st 1824

Pursuant to the annexed order of the honorable Court of Isle of Wight County I have proceeded to carry the said order into effect, and upon examination find that the said Wilson Pierce hath no personal property within the power of the Court which your Commissioner report to the Court.

Thos. Smalley M.C.

Commissioners fee
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Cocks
or 3 Report
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Isle of Wight County, July Court 1824

Thomas Leach

against

Wilson Pierce

Plaintiff

In Chancery

Defendant

The Defendant Wilson Pierce who is out of this commonwealth and against whom the Plaintiff appears to have proceeded in the mode prescribed by law against absent Defendants, still failing to appear and answer. On motion of the lessor plaintiff by his counsel, and on satisfactory evidence adduced to the court of the justness of the Plaintiff's charge in the bill, the court doth take the said bill for confessed against the said Defendant, and the cause coming on to be heard on the bill and exhibits filed, was argued by counsel. On consideration whereof the court doth adjudge order, and decree that Eum Ely, Benjamin Coggin and John Marshall or any two of them do value the lands belonging to the Defendant lying in this county containing about fifty seven acres, and adjoining the lands of Wiley Ferris, Edwin Gray, James Fletcher and others. and which said commissioners for such purpose appointed after having on oath fairly valued the said lands, are furthermore directed to report such valuation to this court with any matters deemed pertinent by themselves, or which may be required by the parties concerned to be specially stated

Attest Teste

Wm. Lightfoot Jy. 6.

In obedience to the annexed decree of the Honorable Court of Isle of Wight County to us directed bearing date July Court 1824 We the undersigned Commissioners have viewed the land mentioned in said Decree, and valued the same at two Dollars per Acre, the said tract of land is the one which formerly belonged to Bennet Pierce decd. which contained by estimation one hundred and twenty five acres and we the commissioners are informed that the Heirs of said Bennet Pierce have sold a part of said tract to James Fletcher about seventeen & a half acres, and that the said Wilson Pierce as mentioned in said Decree has purchased the right in said Land of two of the said Heirs and that the said Wilson Pierce is entitled to three fifths of the said Land but the same is subject to the dower of Ann Pierce the Widow of said decd. Given under our hands this 10th day of July 1824.

Eum Ely
B. Coggin

July 10th 1824, This day Eum. Elly, and Benja. Loggin
came before me, and ^{made} oath that they would value the
Lands, within specified, and that they would make report
thereof to the court — — —

Jordan Parr J.P.

Bochs

W.

3 Acres for valuation
3 of other land

Pure

The Commonwealth of Virginia to the Sheriff of Isle
of Night County greeting. You are hereby commanded
to summon Wilson Pierce to appear before the Justices of
our county court at the courthouse on the first Monday in
February next to answer a bill in Chancery exhibited
against him by Thomas Cochrane and this he shall in no
wise omit under the penalty of \$100. And have them then
this writ. Witness Nathaniel Young Clerk of our said court
at the courthouse the 24th day of January 1824 in the 40th
Year of the Commonwealth

Nathl Young

Came to hand Aug. 9. 1884

W. L. Hall head of
for a woodys

locks

24.  Sp. in lery

Cura

4 February 1884

Atkinson pg

February 1884
order of publication

William Price no Charlesland
of H. J. Stan

To the County Court of Isle of Wight sitting in
Chancery, humbly complaining, I sheweth unto
unto your honor your orator Thomas Cooks
that sometime past time, on the day of
18th. He and a certain Wilson Pierson
became secuties for a certain Lechman Pierson
in a specialty executed to a certain John P
Johnson - that suit hath been prosecuted there
- upon against them ^{which notes are drawn with file money to be}
^{considered as a part of the debt} ~~and a certain Lechman Pierson~~
and judgment rendered; ~~in satisfaction of the debt~~
^{in satisfaction of the debt} ~~and the said Lechman Pierson~~
Wilson Pierson and your orator were taken under
the said process - Lechman Pierson was committed
to jail in this County and hath taken the
oath of an insolvent debtor, and thereby
obtained his discharge from the said jail;
your orator and the said Wilson Pierson
who were co-securities for the said Lechman Pierson
entered into a forthcoming or delivery bond
the conditions of which were forfeited; and
executions upon the said bonds ~~were~~ awarded
at the Court of Isle of Wight County in
the month of January 1824, against your
orator and the said Wilson Pierson who were
principals in the said forthcoming bond
as ^{also} ~~and~~ against a certain Melia
^{and Thomas Mackay} ~~sum~~ security for the said complain-
-ant and the said Wilson Pierson - since
which time your orator has been compelled
to pay in discharge of the said execution
the sum of \$48.37 ^{cents} your complainant
is advised that as the said Lechman Pierson is
notoriously insolvent, that the said Wilson Pierson
who with him was bound as security for the said
^{illegal} Pierson, is bound in law and Equity to
pay to your orator one half of the said sum

paid by virtue of the said execution and
your orator charges that by virtue of the said
~~execution~~ ^{executions} he hath paid to Joseph B White
- head Deputy Clerk for Andrew Noobly Clerk
of the County the sum of \$48.37 -
as will appear by reference to the said receipt
which is hereto annexed marked A and prayed
to be taken and considered as a part of this
bill - but so it is may it please your excellency
the said Wilson Pierse hath left the state of
Virginia in a secret manner and is now
supposed to be beyond the limits of the Com-
- monwealth without having paid any part
of the said debt for which one half of which
said sum of \$48.37 - the said Wilson Pierse
is responsible to your orator - He furthermore
charges that the said Wilson Pierse has no estate
goods or effects in this state except a piece or
parcel of land lying and being in the said
County containing by estimation 57 acres,
out of which the debt due your complainant
can be paid and he is informed that the
land cannot be disposed of for his benefit
without the aid of this Court of Chancery
in which matters of this kind are alone
properly cognized and relievable and that
he is without remedy except by your intercession
In tender consideration whereof and for as much
as your orator is without any remedy at law
he prays that the said Wilson Pierse and all
other persons holding or claiming the said land
or having any effects in this County belonging
to the said defendant may be made defend-
- ants hereto and that they be compelled upon
their corporal oaths full, true, perfect and
direct answers to make to the allegations aforesaid
as fully as if the same were herein again repeated
and they be more particularly interrogated;

and that by a decree of this honorable Court
the said Wilson Pierse may be compelled to pay to
your orator the sum of \$24.18 ³/₄ being one
half of the debt paid as security in a debt
in which the said Wilson Pierse was equally
bound, together with the interest thereon from the
said 7th day of January 1824 and the costs
of this suit and that the lands belonging to the
said absent defendant may be held responsible
for the payment of the same; that he may
be allowed to proceed against the said Wilson
Pierse in the mode prescribed by law against
absent defendants having lands or effects in this
Commonwealth and that your worship will
make any other or further decree in the
premises for his relief, as may become necessary
in relation to the premises and to award
one or more writs of ^{sp}ea' commanding
the defendant to appear &c -

Attest this 10th day of



Thos. Cocks
in 3 Bills in
Chancery
Pierce

vide 1 R. C. p. 475.

February 1824 Bill filed
and order of publication.

July 5th 1824 came on to be
heard & Intertly decred, order for
sal. of Defts. Land &c.

February 1825 Report set
& decred accordingly

At the inns. att.