

1854-028

SOUTHAMPTON COUNTY
CHANCERY PAPERS

WHITEHEAD, assignee VS. JOYNER & al
val

7/1854

other surnames: Fisher,
Pope

Snyder & Co
vs
Fisher & Co

Pill & Answer.

1853 Dec. Decree as filed

1854 Jan. Ref.

" July- " Confm?

167.
163. 68
3.32

To the Worshipful County Court of Southampton County
In Chancery -

Humly complaining sheweth unto your
worships, your orator John Whitehead, who is a signee of
Rebecca Lane Dwyer and who is also your orator,
and is a party to this bill, that Matilda Pope who
was daughter of Nathan Pope, intermarried with
one Gilliam Dwyer and had issue by that marriage
The said Rebecca Lane Dwyer your oratrix and Susan
Ann Dwyer - that the said Matilda Dwyer subse-
quently intermarried with one James Fisher and had
issue by that marriage, Nathan S. Fisher, and
died - Her said husband James Fisher is also dead.
The said Matilda Dwyer received either by devise or
descent from her father Nathan Pope, a tract of
land lying in the County of Southampton, and containing
about three hundred acres and is bounded by the
lands of Nathan B. Bryant, Rhena Jackson and
others. The said Rebecca Lane Dwyer (who is now
of age) is advised that she together with her sister
the said Susan Ann Dwyer, and her half brother the said
Nathan S. Fisher are legally entitled to the said
tract of land in equal shares. She, the said Rebecca

have (and he signed the said John Whitehead) would respectfully represent to your worships that the most of the said tract of land is wood land and that the remainder which is cleared is quite poor and therefore the yearly rent yielded is very small — Your orator and oratrix are therefore anxious for a sale of the said land in order to effect a division, and humbly pray that your worships would appoint Commissioners for that purpose, as a division in kind could not be advantageously effected — and that

Your worships would make the said Susan Ann Lyner and Nathan S. Fisher, parties defendant to this bill by a guardian ad litem as they are underage, and compel them as bound and perfect answer make to its allegations as if they had been themselves now specially interrogated — and that your worships would do all other things the premises required, as equity may dictate and the nature of the case may require, and as in duty bound, they will ever pray &c.

Kindred
p. 9

Answer of Susan Ann Lyner
+

Nathan S. Fisher
by L. R. Edwards, their guardian ad litem,
to a bill filed against them by Rebecca J. Lyner & John Whitehead

Thundersclaw, saving now and always,
all advantages &c, say that they have no objection
to the above prayer for — and having arrived
hereby to be heard as required.

Kindred
p. 10

Loyner
vs } Deane
Fisher }

1853 Dec. Deane as filed
#

Joyner vs
Fisher

This day this cause was docketed by leave of Court and consent of parties and was heard on the bill, the answer thereto, exhibits and argument of counsel — on Consideration whereof the Court with order, advice and decree that Harrison P. Pope be and he is hereby appointed a Commissioner for that purpose — That he sell to the highest bidder on such credit as he may deem most advantageous to the parties interested, having duly advertised the same, the tract of land in the proceedings mentioned and described, and after paying the expenses attending the execution of this decree, that he divide the remainder into three equal shares, or take three bonds of equal amounts from the purchaser with good security, and assign one to John Whitehead, assignee of Rebecca Lane Joyner, one to the said John Whitehead as guardian of Nathan P. Fisher, and retain the other and remain bond himself as guardian of Susan Ann Joyner, and for her benefit.

The said Commissioner is directed to withhold the title from the said purchaser of the said land till the whole of the purchase money is paid — And he is further directed to give bond with good security in the clerk's office of this County, in the penalty of two thousand dollars, for the faithful performance of the duties connected with him as Commissioner in this decree. And he is directed to report to Court in order to a final decree.

Joyner

& } Co. Deans

Fisher

\$ 850.00

Wm. T. James

Credit 9 months except

4/100 cash.

for

Southampton County Court December Term 1853

Joyner

Fisher

Plff

Deft

In Chancery

This day this cause was docketed by leave of Court and Consent of parties and was heard on the bill, the answer thereto, exhibits and argument of Counsel. On consideration whereof the Court doth order, adjudge and decree that Harrison P Pope be and he is hereby appointed a Commissioner for that purpose that he sell to the highest bidder on such credit as he may deem most advantageous to the parties interested, having duly advertised the same, the tract of land in the proceedings mentioned and described, and after paying the expenses attending the execution of this decree, that he divide the remainder into three equal shares, or take three bonds of equal amounts from the purchaser with good security, and assign unto John Whitehead assignee of Rebecca Jane Joyner, one to the said John Whitehead as guardian of Nathan S Fisher and retain the other and remaining bond himself as guardian of Susan Ann Joyner, and for her benefit.

The said Commissioner is directed to withhold the title from the said purchaser of the said land till the whole of the purchase money is paid. And he is further directed to give bond with good security in the Clerk's Office of this County, in the penalty of two thousand dollars, for the faithful performance of the duties connected with him as Commissioner in this decree. And he is directed to report to Court in order to a final decree.

Let's costs \$3.00

Law fee 10.00 } \$13.00

Attest

Teste J R Edwards Ck

Bope to P.

1.70

hair

Harrison P Pope Com.

1853

To the Clerk Southampton County Cr.

Dr.

Decr. Bill, answer, decr. &c. for sale of negro land

1.70

JR Edwards lb

Wm H. Basdon
Receipt \$1.00

(6)

1854 Jan 10th Recd am Dollar (in full
of my fee as agent for selling the Fisher
Tract of Land) of H. P. Pope Comr.
Wmth Buschman

Jno Whitehead
} Receipt
}

as Agent of Rebecca
C. James Joyner.

(B)

1854 Janry 16th Recd of Harrison P. Pope Commissioner
(acting under a Decree Joyner vs Fisher), obtained Decr Court
1853) a Bond for Two hundred and seventy Dollars, due nine
months after date and dated 10th day Janry 1854, the same
being one third of the purchased money for a tract of land men-
-tioned in the proceeding also in full of my fee after paying the
expenses of said Decree, also in full of my portion as
Assignee of Rebecca Jane Joyner John Whitehead
assign of R. J. Joyner

12507

Jno Whitehead
Recd
As Guardian of
Nathan S. Fisher

3

(A)

1854 Januy 16th Rec^d of Hammon. P. P^rs Commissioner, acting
under a Decree, (Layner vs Fisher) obtained Decr. Court
1853,) a Bond for Two hundred & seventy Dollars due nine
months after date, and dated the 10th day of Januy 1854,
The same being one third of the purchase money for a tract
of land named in the proceedings, after paying the expense
incurred by selling said land, and obtaining said Decree, Also
the same being in full of my portion as Guardian of
Nathan S. Fisher who is a legatee in said Estate —

Jos^r Whitehead
Guardian for Ch^o S. Fisher

Pope H 2

1.30

paid

H. P. Pope Comr.

1854

To the Clerk Southampton County Co. Dr.

June Recording report & of sale Joyner's land

1.00

L. R. Edwards Cash

J. I. Kunder's
Receipt \$10.

(2)

Received June 3rd 1854, of Harrison
P. Pope Ten dollars in full for obtaining decree to
sell land at the December County Court 1854,
Joyner vs Fisher.

Jno L. Kindred
Atty at Law.

KNOW ALL MEN BY THESE PRESENTS, That we

Harrison P. Pope & Richard J. Darden

are held and firmly bound unto the Commonwealth of Virginia, in the just and full sum of *Two thousand* Dollars, for the payment of which, well and truly to be made, we bind ourselves, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated this *1th* day of *January*, 185*4*

The Condition of the above Obligation is such, That whereas the above bound

Harrison P. Pope

has by a Decree of *Southampton County Court*

pronounced on the *19th* day of *December* 185*3*, in a cause therein pending wherein *between Joyner & Fisher*

Plaintiff and

been appointed Commissioner to make sale of certain *Land* Defendant, Estate in the said cause described.—Now if the said *Harrison P. Pope*

shall faithfully discharge duties as such Commissioner under said decree, then this obligation to be void, else to remain in full force and virtue.

Signed, Sealed, and delivered }
in presence of }

H. P. Pope L.S.
Richard J. Darden L.S.
L.S.