

1855-005

SOUTHAMPTON COUNTY
CHANCERY PAPERS

CRUMPLER

VS.

JENKINS

5/1855

Other surnames: Herring,
Herrin, Stephenson, Spivey,
Joiner

20.

Crumpler

v. } Papers.

Jenkins

1855 May Term.

Crumpler

v. } Stat. Rules

Jenkins

letks cont.	\$ 6.35
Shuff	1.10
Corn	15.00
Saw: 87	<u>15.75</u>
	38.20

In Southampton Circuit Court.

Mary Crumpler
against
William Jenkins

1853 Nov. 16. Summons issued retble to January Rules 1854.
1854. Jan. R. Sum. ret. Ex. Bill filed & Decree nisi & Def.
" Feb. " Bill taken for confessed.
" Mar " Cause set for hearing 4^o
" May J. July decree
1855 " " Decree do

Crampler

2 } Bell

Jenkins

1854 January Rules

1328 words

To the Honble Richard H. Baker Judge of the Circuit Court
of Southampton County.

Humly complaining sheweth unto your Honor
your Oratrix Elary Brumpher of said County, that Solomon
Brumpher dec'd, the late husband of your Oratrix (to whom
she was legally married) was in his lifetime, to wit on the
16th of August 1833, and during the time he was married to
your Oratrix, (and they were at that time living in Matrimony
& so continued till Feb. 1853 when her said husband departed
this life) seized in fee simple of a certain tract of Land
situated in said County, being the same which was conveyed
by her said husband on the said 16th August 1833 to Mills Lamm
as trustee, as will appear by a copy of the deed of Trust of
that date herewith filed as a part of this Bill (marked "A") -
wherein the same is particularly bounded and described, & containing
by estimation about 125 acres. Your Oratrix states that she did not
unite with her said husband in said deed of Trust, and that therefore
her right to dower in the said Land was not relinquished; that
the said Land was sold under said deed, and in time by sales thereof
subsequently made came to the possession of one William Jenkins who
at the time of the decease of her late husband held the same
as he now does. Your Oratrix further states that as she never
relinquished her right of dower in the said Land, on the
death of said husband her right to dower there became
complete and she now continues ^{& demands} for the same. That her
husband left no other real Estate out of which she can be
ensured; she has frequently called upon the said Jenkins
to assign her her dower in the said Premises but he has
continually refused. Your Oratrix is without ^{adequate} remedy save

in this humble Court, she therefore prays that the said
William Jenkins be made a party hereto; that he be com-
pelled to answer this Bill, and set forth a full description of
of the value of said tract of Land - that an account be taken
by & under a decree of this Court of the rents and profits of the
same from July. 1853 the time of the death of her late husband
and when demand was made by your oratrix to have the
her dower allotted to her - & which have accrued since, &
that one third part thereof may be paid to her; and also
one third part of said Land, by like order of this Court,
may be assigned & set out to her ^{for} her dower, and your
oratrix let into the full and immediate possession
and enjoyment thereof, and to hold the same for her
life; and that this humble Court will grant all other &
complete relief which may be meet & proper in the Premises
and Grant the Commatt Selfproven &c.

Mary Crumpler

G. A. H. Whitfield &c

Attys -

Accession of Mrs H Jenkins

Crampler

to }

Jenkins

1854 May 2^d

Answer of Wm H Jenkins to a bill in chancery in
the Circuit Court of Southampton by Mary Compher
against him

This defendant for answer to the said bill or
as much thereof as he is advised it is material for him
to answer, answering, says that he believes the allegations
of the plaintiffs ^{in bill} to be in the main, correct, that the
plaintiff now relinquished her right to the said land
sold by her husband Solomon Compher and that she
is now entitled to dower in the same. This defendant
further states in answer that this Honorable court will
perceive by the bill, that the plaintiffs husband
Solomon Compher sold this land in his lifetime and
this land after several transfers came into this
defendants possession, Now this defendant here states
that since he has come into possession of this land
he has made valuable improvements on the same in
the way of building &c and that the land is now
worth with its improvements twice what he gave for it
and that he claims the benefit of section 12 Chapter
110 of the Code of Virginia which allows the purchaser
to obtain a possession of land alienated during the
husbands lifetime, on condition of his paying the
widow during her life lawful interest on one third
of the value &c &c and that he has always been
ready to do this and having fully answered groups
hence to be dismissed &c

Shaw for def

William H Jenkins

Southampton County, to wit

May 2nd 1854

This day Wm H Jenkins personally
appeared before me a justice of the peace for the above county and
made oath that the facts set forth as above are true to the best of his
knowledge and belief given under my hand and seal this
2nd day of May in the year 1854 Patrick Cole Jp

Example

✓

Lowry

Dear D

be entered

R H Baker

May Co. 64

✓

Crumpler
v.
Lenthins } Decree in Chancery

This cause came on to be heard on the Bill, Answer, Replication & Exhibits & filed & was argued by Counsel; on consideration whereof, the Court doth, as Judge Orde & I agree, that a Commissioner of this Court, ascertain the Value of the Land in the Bill mentioned, now owned by W. H. Lenthins, at the; on the 1st Feb 1853; and also the Value of such permanent improvements as shall have been made by the Defendant & those who may owned the same & his assigns; and also the annual Value of the premises: ~~and report to this Court~~ ^{same} ~~in order to a final decree on the premises.~~ ^{that the said Commissioner} And further report whether any estate & how much was left by the Solomon Crumpler the husband of the Complainant at his death & ~~report to this Court in order to further order on the premises~~ all which accounts the said Commissioner is directed to examine and report with any matters specially shalld desired perement by himself or required by the parties to be stated

Crumpler

~ } Co. Decur.

Jenkins

Southampton Circuit Court - May 3rd 1854.

Mary Crumpler
against
William Jenkins

Plff }
Deft }

This cause came on to be heard on the bill, answer, replication & exhibits filed & was argued by Counsel
On consideration whereof the Court doth adjudge, order and decree that a Commissioner of this Court ascertain
the value of the land in the bill mentioned, now owned by Wm H Jenkins, on the 1st Feby 1853, as also
the value of such permanent improvements as shall have been made by the defendant & his assigns,
and also the annual value of the same, and that the said Commissioner also report whether any estate
and how much was left by Solomon Crumpler the husband of the Complainant at his death, all
which accounts the said Commissioner is directed to examine and report with any matters specially
stated deemed pertinent by himself or required by the parties to be stated

A Copy

Teste. L R Edwards Clk

Ornithology
or
Fauquier

To be entered

R. W. B.

May Co. 1855.

1855 May Term

Crumpston.

v

Leubens:

}

Decree - at day. Court 1855-

This cause came on again to be heard on the papers formerly read, and the report of Commissioner Cobb, made in pursuance of order of Court at the May Term 1854 to which no exception has been filed, and was argued by counsel, on consideration whereof the Court doth confirm the same; and the Court doth further order, adjudge and decree with the consent of parties, that the defendant ~~St.~~ Leubens pay to the plaintiff the sum of thirty five dollars with her costs, the lawyer's fee excepted, in full of her right of dower; and for the payment of the same this decree shall be regarded and deemed a lien on the land in the bill mentioned.

The Commonwealth of Virginia. To the Sheriff of Southampton County.
Greeting. We command you that you summon William 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 first Monday in January next to answer a bill in Chancery
exhibited against him in our said Court by Mary Crumpler. And have there
this writ Witness Lilliston R Edwards Clerk of our said Court at the Courthouse
the 16th day of November 1853 in the 48th year of the Commonwealth

L R Edwards Clk

Executed by delivering him a
copy the 31st. day of December
1853.

C. T. Keller Deput
for S. Keller shly.

Deputy

to { S. Keller

Deputy

1854

Deputy

Comptroller
vs 3 Subpoena
Jenkins

Febry 19th 1855

Executed

A. J. Kello deput
for J. Kello. Shpp

The Commonwealth of Virginia,

To the Sheriff of Southampton County Greeting.
You are hereby commanded to summon Jordan Spivy,
George Spivy, William G. and Alfred G. Stephenson
personally to appear before the undersigned, one of the
Commissioners in chancery, of Circuit Court of
Southampton County, at his office, in the Town of
Jerusalem, on the 19th day of February next, to testify
and the truth to say, in behalf of Wm. Jenkins in
a certain matter of account referred to the said
Commissioner for settlement by a decree of the said
Court, in a suit in chancery then pending, between
Mary Crumpler and William Jenkins. And
this they shall in no wise omit, under the penalty of
£100. And have them this writ. Witness Wm. W. Cobb
Commissioner of the said Court, this the 1st day of
January 1855.

Wm. W. Cobb

Commissioner's office.

Jerusalem, Va. Jan'y 10th 1855.

To Mary Crompton, plaintiff,
and William Jenkins, defendant.

You are hereby notified, that I have fixed upon the 19th day of February next, to take and settle, at my office, the account required to be taken by a decree of the Circuit Court of Southampton, in a suit in Chancery depending in said Court, in which you are parties, plaintiff and defendant. at which time and place you are required to attend.

Given under my hand as Commissioner of the said Court the day and year first aforesaid.

Wm. W. Colburn

I acknowledge receipt of the within notice
D. H. Whitfield
myself

Erumples

27 3 Corners Btla

Jenkins

Comptroller
v. $\frac{1}{3}$ Depositions
Jenkins

Filed with above books report

Mar. 31st 1955.

The deposition of Wm. Herring Taken before the undersigned to be used as evidence for the P^lff in a certain matter of account before me ~~totally~~ in making up a report in the suit of Christopher vs Jenkins.

Wm. Herring being first duly sworn said as follows.

I think the land purchased by Wm. H. Jenkins from Schuman Campbell was worth on the 1st. day of February 1853 ~~was worth~~ \$250. I think the permanent improvements put on said land were worth \$100. and with the improvements would have annually rented for \$20. and without the improvements that would have annually rented for \$10. or \$15. 00. I think the land was worth at the time of the purchase by Mr. Jenkins ~~approximately~~ \$165. and further this deponent saith not.

Wm. J. Herring

Elias Luter being examined for the same party & for the same purposes. deposed to said.

I think the land above mentioned at the time that Mr. Jenkins purchased it was worth \$175. and further this deponent saith not.

The above depositions

sworn to before me the 19th day of February 1858.

Wm. Cobb Comm

Crampden
v. E. Deposition
Lentini

Filed with Crampden report
Mar. 31. 1855

The depositions of Jordan Spivey, George Spivey, William G. and Alfred J. ^{Benjamin Crompler & James G. Jones} Stephens, taken before William M. Cobb a Commissioner of the Circuit Court of Southampton County, to be us as evidence before the Commissioner ^{in behalf of the defendant} touching certain accounts referred to him by a decree of the said court rendered at May term 1854.

William G. Stephens on being first duly sworn deposes and says -

Question by depts counsel. State what was the value of the land belonging to the late Solomon Crompler in his life-time, and now owned by William H. Jenkins, on the 1st day of Feby 1853: also the value of the permanent improvements which have been made by said Jenkins: also the annual value of the same, and also what estate and how much was left by Solomon Crompler the husband of Mary Crompler?

Answer. I think the land was worth \$275: on the 1st day of February 1853: That the permanent improvements made on said land by Wm. H. Jenkins were worth \$100: That the land would annually rent for \$20. with the present improvements. Without the improvements it would have rented for nothing - I know nothing of the estate left by Solomon Crompler.

And further this deponent saith not -

^{Wm. G. Stephenson}
^{Benjamin Crompler & James G. Jones}
Jordan Spivey, George Spivey, and Alfred J. Stephens on being first duly sworn, the same questions were asked them as were propounded to William G. Stephens, ^{that the land at the time of the purchase by Mr. Jenkins} and the same answers given, and was worth \$175.

further they said not.

Jordan Spivey
Geo W Spivey
Alfred T. Stephenson

The deposition of James J. Brambles taken for
the plaintiff on the 19th day of February 1855 -
Deposant being first duly sworn before said -
In answer to the question proposed to him -
deposant's witness, deposed & said -

I think it was worth \$400 on the 1st day
of February 1853. I don't know the value
of the permanent improvements put by Mr. Jenkins.
that the land agreed have annually rented for \$30.
or \$35 with the ^{present} improvements and \$30. without
the improvements - I am the son of the Plff -
And further ~~the~~ said not.

James J. Brambles

The above depositions were sworn to and subscribed
to before the undersigned Commissioner of the
Circuit Court of Southampton County the 19th
day of February 1855.

Wm W. Cobb Commissioner

Comptroller

vs 3

Jenkins

Commissioner's Report

Filed Mar. 31st 1855

11

Mary Crumpler

285

3

William H. Jenkins,

Commissioner's office.

March 15th 1855.

In pursuance of a decree of the Circuit Court of Southampton County rendered in the above cause at May term 1854, the undersigned gave due notice to the parties that he would proceed to take the accounts required by said decree, at his office, on the 19th day of February last - At which time both parties appeared before him by counsel, and he proceeded to take the examinations of several witnesses both for the plaintiff and defendant, which examinations are herewith returned with this report. Your Commissioner reports that the land sold by the late Solomon Crumpler to Wm^h H. Jenkins, and now owned by the said Wm^h H. Jenkins, was worth on the 1st day of February 1853, \$275. That the permanent improvements put upon the said land are valued at \$100.⁰⁰/₁₀₀. That the land would annually rent with the said permanent improvements for \$20.; without them it would not rent for any thing. Your Commissioner further reports that the said land at the time it was purchased from the said Solomon Crumpler was worth \$175. 00. He further reports specially at the request of the defendant's Counsel, that one third of the value of the said land, at the time of the death of Solomon Crumpler, after deducting the permanent improvements put on it by Wm^h H. Jenkins was estimated at \$58.³³/₁₀₀. Your Commissioner further reports that none of the witnesses examined before him knew any thing of the estate left by the said Solomon Crumpler at his death.

Comer fee \$15. 00
charged to Defendant.

Respectfully submitted
Wm^h B. Cobb

Cruxpler

v } Ex. with bill

Jenkins

(A)

Ph. St. "A"

See 624

This Indenture, made this 16th day of August in the year of our Lord one thousand eight hundred and thirty three, between Solomon Crumpler of the first part, of the County of Southampton, Mills & Lawrence of the second part, and John B. Lawrence of the third, both of the County of Isle of Wight and all of the State of Virginia. Whereas the said Solomon Crumpler is justly indebted to the said John B. Lawrence in the sum of five hundred and five dollars and ninety six dollars to be paid the 25th day of August eighteen hundred and thirty three as by a bond bearing date on the 16th day of August 1833, with legal interest thereon accruing the said Solomon Crumpler is willing and desirous to secure. Now this Indenture witnesseth, that for and in consideration of the premises, and also for the further consideration of one dollar of lawful money, of Virginia, to the said Solomon Crumpler in hand paid by the said Mills & Lawrence at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged. The said Solomon Crumpler hath given, granted, bargained, sold, aliened, conveyed, released and confirmed, and by these presents doth give, grant, bargain, sell, alien, convey, release and confirm to the said Mills & Lawrence his heirs and assigns forever, the following property, To wit: One tract of land lying in the County of Southampton, and bounded by the most ancient miles and bounds, beginning at a Cypress at Corner Tree of Thomas Henry, and Solomon Crumpler, thence along a straight line of marked trees to a lightwood post a corner of Solomon Crumpler, thence a straight line of marked trees to a pine corner tree of Robert Adams and Tynes, thence along a line of marked trees to Sea cock Swamp, thence down said Swamp to the first Station, containing by estimation one hundred and twenty five acres be the same measured off, also two negroes, Daniel and Jimmy, fifty barrels of Corn, three thousand pounds of blade fodder, twenty five head of hogs, six head of Cattle and bay horse &c. with all and singular the appurtenances in any wise appertaining and all the right, title and interest of the said Solomon Crumpler in and to the said granted or intended to be hereby granted. To

have and to hold the said property above mentioned hereby conveyed
into the said Mills & Lawrence, his heirs, execs, admors, & assigns
forever, to the only proper use and behoof of the said Mills &
Lawrence his heirs, executors & admors & assigns, do hereby
covenant, promise and agree to and with the said Mills &
Lawrence, his heirs, executors & admors, forever in manner and
form following that is to say, that the said Solomon Crumpler
his executors and admors the aforesaid property above mentioned
hereby conveyed unto the said Mills & Lawrence his heirs, execs,
admors & assigns against all persons whatsoever shall and will
warrant and defend by these presents. Upon trust
Nevertheless, that the said Mills & Lawrence his heirs
executors, and administrators shall permit the said Solomon
Crumpler to remain in quiet and peaceable possession of the
said property conveyed and take the profits thereof to his own
use until default be made in the payment in the said sum of
five hundred and five dollars and ninety six cents. But upon
this special Trust and condition that the said Mills &
Lawrence his heirs, executors and administrators shall
proceed to sell at public sale the aforesaid property
above mentioned at any time when required by the said John B.
Lawrence his heirs, executors, and administrators in writing
for the best cash price that can be obtained, but of each sale
fifteen days previous and public notice shall be given by an
advertisement in writing at any public places in said County
and with the proceeds of each sale first pay unto John B. Lawrence
his heirs, executors, and admors the sum aforesaid or as much thereof as
may be due with the interest thereon, all costs and charges
which may attend the said sale and then pay over the
Overplus if any shall remain to the said Solomon Crumpler, his
heirs, executors, and administrators. In Witness whereof, the said
Solomon Crumpler, John B. Lawrence and Mills & Lawrence
have hereunto set their hands and affixed their seals the day and date above
written.

Signed & sealed and delivered
in the presence of

Solomon Crumpler (Seal)
Jno. B. Lawrence (Seal)
Mills & Lawrence (Seal)

Southampton County. In the Clerk's Office the 19th day of August 1833
This Indenture was acknowledged by Solomon Crumpler, John B.
Lawrence, and Mills & Lawrence the parties thereto and admitted
to record. And at a Court held for the County aforesaid
the 16th day of September 1833. The said Indenture
was entered upon the proceedings of the day.

Teste,

James Rockwell, Ck.

A Copy
Teste,

Henry S. Howard, D.C.