

1871-09

San Hampton County - Chancery

Larkford, W. et al vs Camp, W. D.

"Gordon timber unlawfully"
"Logcutting"

M. Larkford &
Martha Larkford

(Lumber Sales)

W D Camp
J S Camp -

Killy p. 4

M. Lankford & wife

y Rice

J. S. & W. A. Camp

1871 Jan. 24 Bill filed bond & set
 given. Sp. & Inj. issued
 May. Dismissed

Louisburg p. O.

Franklin Co.
 A. C.

Cir. Ct. South.

To the Hon: Geo. Blow, Judge of the Circuit
Court of Southampton County.

Complaining shew unto the Court
your Complainants M. Sankford his wife
Martha S. Sankford —

Your Complainants respectfully rep-
resent to the Court and say, That William
Sankford of said County, died on the 24th day
of June 1870, having made & executed his last
will and Testament which was on the
day of 1870, duly recorded in the County
Court of said County — a duly certified copy
of which will be filed herewith as soon as
it can be had & will be marked "A"

That by said Testator's will there is devised
one half of his estate to said Martha S.
Sankford in fee; and the other half is
loaned to Martha, the wife of J. DeBordinaire
& if she die without leaving a child or children
all the estate thus loaned to go to said Martha
S. Sankford

That proceedings had in the
County Court of said County, Commissioners
were appointed to make division of the said
Testator's Land, between the said parties
and in such division (among others) there
was assigned to said Martha S. Sankford
a tract of land in said County of 150
acres more or less, adjoining the Land of
(and others — That J. S. &

W. A. Camp (lumber getters) have entered on said tract of land, without authority from your Complainants or anyone having lawful authority to allow them to do so, and cut 800 logs of Cypress, Ash & other timber and now have them ready, and are about, to move them off said land, & transport them down the Black Water river, near the banks of which they lie, and to sell them to Messrs R. J. & W. A. Kelly, or some one else, and will speedily do so, unless prevented by lawful authority —

That your Complainants have no security that if they were to bring a suit at Law for trespass and recover damages that they could ever be able to make the money, and that they are unwilling that the said logs should be removed from the premises without their consent —

That no payment has been made to them for such timber thus cut by said J. S. & W. A. Camp, and none tendered —

That great damage has been done to the value of said land by the waste and injury of cutting said timber;

That the said logs will soon become injured and should speedily be sold which your Complainants pray may be done and the proceeds paid to them, and that

the said J. S. & W. A. Camp, may be restrained from further cutting timber on your Complainants' said Land. That they may be compelled to set forth, discover and make known how many logs they have cut on said Land & the value of the Logs, & what has become of the same, and that they may be compelled to account for the value thereof -

In consideration whereof & as this Court has jurisdiction to grant all adequate relief. To the End your Complainants pray that the said J. S. & W. A. Camp may be made Defendants here to & be compelled to answer the allegations & interrogatories herein made. That they, & their agents & all others acting under their authority may be restrained from further cutting logs, or timber of any sort on said Land. That the Logs of timber already cut on said Land may be sold by auction to be appointed by this Court, and that your Complainants' prayer may be granted - and that all other and further relief consistent with right may be granted -

and your Complainants
will ever pray to

M. Lankford

John R. Kelly
D. C.

Virginia

Hammond County St. Ct.

This day M. Larkford came before me a Notary Public in and for said County & made oath that the statements contained in the foregoing Rice are true to the best of his knowledge and belief. Given under my hand this 17th day of December, 1870

John R. Kilby
Notary Public

An injunction is awarded the plaintiffs in this case to restrain the defendants J. S. & H. A. Camp their agents and attorneys and others from cutting logs or timbers of any kind on the Land of the Complainants as set forth in said Rice, and from removing any logs or timbers already cut on said Land —

and the Court doth order that W. W. Briggs the Sheriff of said County be & is hereby appointed Receiver for that purpose, who will proceed forthwith to see privately or otherwise the logs cut on said Land, on the best terms he can, and make report thereof to Court — But before any process shall issue in this

can the Complainants : or some one for them
shall execute a Bond before the Clerk
of said Court in his office in the penalty of
\$200, payable to said Defendants, conditioned
to pay to them all costs & damages that may be
incurred by them, should this injunction be
discharged.

Jan^y 20th 1871

Geo. T. Howard.

(copy)

Wm. Lankford

Wm

Know all men by these presents that I William Lankford
being of sound mind and memory but knowing the uncertainty of human life do
make and ordain this my last Will and Testament as follows.

Item 1st I desire that all my just debts, if any, shall be paid as soon after my
decease as may be convenient.

Item 2^d I loan to my mother Mariam Lankford, should she survive me, during
her natural life, all of my estate of every description, both real and personal to
be used by her in such manner as in her judgment may be most conducive to her ease
and comfort.

Item 3^d After the decease of my Mother I will and bequeath to my niece
Martha A Lankford one half of my said estate both personal and real or
so much of it as may remain to her and her heirs forever.

Item 4th I loan to my niece Martha A DeBordenave the other half of my
said estate both real and personal but not ~~is not~~ in any way subject to the
control of her husband or liable for his debts, but I loan the said property to the
said Martha A DeBordenave during her lifetime.

Item 5th Should my said niece Martha A DeBordenave leave issue at her
decease then I give and bequeath said property to her issue and their heirs
forever but should said Martha A DeBordenave die without issue then I
give and bequeath such property or so much as may remain thereof to Martha
A Lankford if she be living and if not to her children and their heirs forever.

Lastly I appoint my friend Elliott Story as executor of this my last Will and
Testament without being required to give security for the same In Witness whereof
I have hereunto set my hand and affixed my seal this 12th day of February 1867

Witness

William Lankford (Seal)

J. E. Lawrence
J. W. Duke

I William Lankford, the above Testator, do on this 27th day of November 1868
make this addition or Codicil to the foregoing Will that is to say that I direct that
in any division of my real estate between my niece Martha A Lankford & the other
Devisee, I direct that ~~in any division~~ the plantation & buildings therein occupied by

me as my present homestead, shall be assigned to said Martha A Lankford, as
part of her share and that enough of my other lands shall be assigned to her, in
addition, to make up her equal share in value.

I W Witness whereof I hereunto set my hand & seal this 27th day of November
1868.

Executed in our presence

John R Kilby

Wm D. McClenny

William Lankford (Seal)

At a Court held for the County of Southampton on the 18th day of July
1870

The last Will and Testament of William Lankford dec^d and Codicil
thereto was produced in Court; and the Will proved by the oath of J. E. Lawrence
& J. W. Duke the subscribing witnesses thereto and the Codicil proved by the oath
of John R Kilby & Wm D. McClenny the subscribing witnesses thereto, and the
said Will and Codicil ordered to be recorded and on the motion of Elliott S. Story
the executor named in the said Will who made oath and entered into and acknowl-
edged a bond in the penalty of three thousand dollars conditioned according to law
but without security, the well requiring none to be required and the Court
requiring none Certificate is granted the said Story for obtaining a probat of
the said Will in due form.

Teste

Orwin White Clk

A Copy

Teste, Orwin White Clk

Power of Atto;

whereas, An Injunction has been awarded to
M. Lankford his wife Martha A. against J. S.
J. W. A. Camp, by the Hon. Geo. Blow, Judge of the
Circuit Court of Southampton to restrain the said
defendants, their agents and attorneys & all
others from cutting logs or timber of any kind
on the Land of said complainants as referred to in
said Decree, and from removing any logs
or timber already cut on said land - and
has required the said plaintiffs or some one for
them to execute a Bond before the Clerk of said
Court in his office in the penalty of two hundred
dollars, payable to said defendants conditioned
to pay to said defendants all costs & damages
that may be ~~awarded~~ recovered by said defend-
ants should the said Injunction be dissolved -

and whereas, it is inconvenient for the
said plaintiffs to execute said Bond in person,
Wm. D. McElenny of Suffolk has agreed to
execute said Bond for them & John R. Kilby has
agreed to become security to the same (and it
being inconvenient for them to execute the
said Bond in person, or make this Power of
attorney, appointing an agent to do so for them.

Know all men therefore by these presents,
That we Wm. D. McElenny & John R. Kilby
do by these presents, constitute (and appoint
L. R. Edwards, of Jerusalem, our agent and



attorney, to sign, seal & execute the said
Injunction Bond for us (the said Wm D. Mc-
blenny as Principal and the said John R.
Kelly as security) & to do all acts in the
premises, as fully as if we were personally
present — Witness our hands & seals,
this 21st day of January 1871.

Wm D. Mcblenny — (Seal)
John R. Kelly — (Seal)

Hansemond County to wit.

I A. C. Withers Commissioner
in Chancery for the Circuit Court of
Hansemond County
do certify that Wm D. Mcblenny & John R.
Kelly parties, whose names are signed to
the foregoing Power of Attorney, have personally
appeared before me in said County and
acknowledged the same to be their act &
deed, & the said John R. Kelly being duly
sworn declared that he believed his estate
to be worth the penalty of said Bond, after
paying his just debts.

Given under my hand this 21st
day of January 1871. A. C. Withers

Commissioner in
Chancery for Circuit
Court Hansemond
County.

Know all men by these presents that we Wm D. McClenny & John R. Kilby are held and firmly bound unto J. P. & W. St. Camp in the just and full sum of two hundred dollars, to the payment whereof well and truly to be made to the said J. P. & W. St. Camp their certain attorney, their heirs, executors, administrators or assigns, we bind ourselves, our heirs, executors & administrators, jointly and severally, firmly by these presents. Sealed with our seals and dated this 24 day of January 1891.

The condition of the above obligation is such that whereas an injunction has been awarded to M. Lankford & his wife Martha ~~by~~ by the judge of the Circuit Court of Southampton County against J. P. & W. St. Camp, to restrain them the said J. P. & W. St. Camp their agents and attorneys & all others from cutting logs or timber of any kind on a certain tract of land of said complainants in the County of Southampton containing 150 acres, more or less which was assigned them by certain Commissioners appointed by the County Court of Southampton County to make division of the lands of Wm. Lankford dec'd. and from removing any logs or timber already cut on said land, until the further order of the aforesaid Circuit Court of Southampton County.

Now if the said M. Lankford & Martha & his wife shall pay all such costs as may be awarded against them and all such damages as shall be incurred in case the said injunction be dissolved, then the above obligation to be void or else to remain in full force and virtue.

Witness
James L. Tyler - J.C.

Wm D. McClenny by } (Seal)
E. R. Edwards his attorney in fact }
John R. Kilby by } (Seal)
E. R. Edwards his attorney in fact }

To inform & restrain the defendants I. S. & W. A. Camp their agents, attorneys & all others ^{until the further order of the Court} from cutting logs or timber of any kind on the land of the complainants as referred to in their bill, and from removing any logs or timber already cut on said land - and it is ordered that W. W. Briggs the Sheriff of Southampton County be & is hereby ~~authorized~~ appointed receiver for that purpose who will proceed forthwith to sell privately or otherwise the logs cut on said land, on the best terms he can - and make report thereof to Court - ~~the~~ Bond with security approved by the clerk, in the penalty of two hundred dollars, conditioned according to law being given

Teste Edwin White Clk

Bankford Quide

Spca. & Injunct

Camps

1871 March Rules

Courts returned
by Plaintiff
Agent E. S. Story

W. W. Briggs

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:
We command you to summon *J. D. M. A. Camp*

if *they* be found within your bailiwick, 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 *March next to answer a bill of injunction filed against them in our said Court by M. Bankford & his wife Martha A. Bankford*

And have then there this writ. Witness, OSWIN WHITE, Clerk of our said Court, at the Courthouse, this *24* day of *January* A. D., 1871, in the *95* year of
O. White Clk
the Commonwealth.

To be dispensed
on

pts. mixture

Lankford's
case

The clerk
will dismiss
the ch.; upon
case of Lankford
p. v. Lamb

John R. Kelly
p. v.

So, umpton June 24th.

Mr. Kilby

Dear Sir

Mr. Camp has this day made an arrangement that I think will be satisfactory to Mr. Sunkford do not do anything more till you hear from Mr. Sunkford.

Yours Very Respectfully
E. L. Story