

1843 - 007

Chancery Causes. Samuel P. Jordan, assignee of Charles H. Jordan vs Spencer Pearce &

Sale of Wight County

al

other SURNAMES: Hall,  
Drew, Latimer, Tynes,  
Baine, Moody, Bain,  
Whitehead, Jamaica,  
Dumaker, Peirce

This Indenture made and entered into this eleventh day of March eighteen hundred and forty three between Mildred Pierce of the first part and David A Bain of the second part, and Isaac Moody and George Dumatter of the third part, all of the County of Staffordshire and State of Virginia - Witnesseth That whereas the said Mildred Pierce stands security to a note due to Isaac Moody executed by Spencer Pierce to the said Moody for one hundred and forty four dollars and fifty four cents due Nov: 28<sup>th</sup> 1842 and security to a note due to George Dumatter executed by the said Spencer Pierce to the said Dumatter for fifty dollars due August 2<sup>nd</sup> 1841 subject to a credit of the interest being paid to August 2<sup>nd</sup> 1842 and the said Mildred Pierce being willing and desirous more fully and effectually to secure the payment of the two notes before mentioned now therefore for and in consideration of the premises and for the further consideration of one dollar to her in hand paid by the said David A. Bain at or before the sealing and delivery of these presents the receipt whereof is hereby acknowledged, she the said Mildred Pierce has granted bargained and sold and by these presents does grant bargain sell and confirm unto the said David A. Bain his heirs and assigns a certain tract or parcel of land situated and lying in the County aforesaid containing by estimation one hundred and ninety eight acres be the same more or less, and bounded by the lands of Mrs Phillips, James Chalmers John J Latimer and others to have and to hold the said tract or parcel of land with all the tenements and appurtenances thereto belonging or in any wise appertaining to him the said David A. Bain (as tenant) his heirs and assigns forever, and one Negro slave Peter said Negro man Peter is hired to J. S. Hoggen at this time, upon this special trust and condition nevertheless that the said David A. Bain shall permit the said Mildred Pierce to remain in quiet and peaceable possession of the said land and Negro slave Peter and take the profits thereof to her own use until payment is

demanded of the afore-said notes without suit, and then  
not satisfied then and in that case upon the request  
of the said Isaac Moody and George Dumaker he the said  
David A. Bain his heirs executors or assigns after giving  
ten days public notice in writing at one or more  
places in the neighbourhood and at the Court house door  
of said County should proceed to sell at public auction  
to the highest bidder for Cash the said tract or parcel  
of land and Negro slave Peter and out of the  
proceeds of sales after paying all expenses thereof  
he the said David A. Bain his heirs executors assigns  
shall pay unto the said Isaac Moody & George  
Dumaker the amount of the above mentioned two  
notes with interest thereon, and the balance he  
shall pay to Mildred Pierce or her representative

In testimony whereof the parties to these presents have  
hereunto set their hands and seals this 11<sup>th</sup> day  
of March eighteen hundred and forty three.

Signed, sealed & delivered  
in presence of  
Wm N Gray  
John F. Nelson  
Morrison Gray

Mildred Pierce (Seal)  
D. A. Bain (Seal)  
Isaac Moody (Seal)  
George <sup>his</sup> Dumaker (Seal)  
mark

In the Clerk's office of Schofield County March 14<sup>th</sup>  
1843 This indenture was acknowledged by Isaac Moody  
and George Dumaker and proved by the oaths  
of Wm N Gray, John F. Nelson, and Morrison Gray as to  
the other parties, and admitted to record

A Copy

True

J. F. Mills D.C.

Pin to

Bain

and of most

W

on demand I promise to pay or cause to be paid to James  
D Hall or order the just sum of one thousand and  
thirty six dollars & 38 cents lawful money of Virginia  
it being for value recd. for the payment of which  
I bind ~~and~~ my self my heirs &c firmly By these presents  
witness my hand and seal this eighth day of Feb:  
1841

Darden D Hall

James Pierce Seal

I assign the within to <sup>Daniel D. Hall</sup>  
~~Samuel P. Jordan~~

1841

James S. Hall

8 Feb'y

I assign the within to Samuel P. Jordan

Daniel D. Hall

June 21<sup>st</sup> 1841

Exhibit A

Loan, pine & other - ch. sect -  
This case is to be dismissed at the Oct. term  
only and need not go on the ct  
ocket - A. Alkerson p. 9  
Sept 20. 1863.

Let me have a docket at Oct. Co. &  
for the exp. Court - A. Alkerson

The Elk Whistle

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of

County, Greeting.

WE COMMAND YOU TO SUMMON

*Darden D. Hall, James S. Hall and Benjamin Drew Sheriff of Isle of Wight County.*

to appear before the Judge of the Circuit Superior Court of Law and Chancery for the County of Isle of Wight, at the Court House of said County, on the first Monday in *July* next, being Rule day, to answer a bill in Chancery in the said Court exhibited against ~~them~~ *them* *also*: by *Samuel P. Jordan spec. of Darden D. Hall spec. of James S. Hall who sues for the benefit of Charles D. Jordan.*

and if *they* shall fail to answer the Bill within two months thereafter the Court will take the said Bill for confessed, and proceed to decree the matter thereof accordingly. And have then there this Writ.—Witness Nathaniel P. Young, Clerk of our said Court, at the Court House, this

*22<sup>nd</sup>* day of *June*

1843, in the *67<sup>th</sup>* year of the Commonwealth.

*N. P. Young Ck.*

Sam. P. Jordan apud: for  
Charles D. Jordan  
v.  sp.: in Chy.  
Spencer Prince Vals.

To July Rules 1843.

Atkinson by.

was in a know-  
-ledge by us.  
(signed,

P. D. Reed; L. H. H.

Director of the  
James S. Hall

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of *Isle of Wight*

County, Greeting:

WE COMMAND YOU TO SUMMON *Spencer Perce, Mildred Perce,*  
*Henry L. Tynes, John J. Latimer, David A. Bain, Isaac*  
*Moody and George Sammaia.*

to appear before the Judge of the Circuit superior Court of Law and Chancery for the County of Isle  
of Wight, at the Court House of said county, on the first Monday in *July* next,  
being rule day, to answer a bill in Chancery in the said Court exhibited against *them* by *Samuel*  
*P. Jordan* *afes: of Darden D. Hall afes of James S. Hall*  
*who sues for the use of Charles Jordan.*

and if *they* shall fail to answer the Bill within two months thereafter, the Court will take the said  
Bill for confessed, and proceed to decree the matter thereof accordingly. And have then there this

Writ.—Witness Nathaniel P. Young, Clerk of our said Court, at the Court House, this

*6<sup>th</sup>*  
" day of *June*

1843, in the *67<sup>th</sup>* year of the Commonwealth.

*N. P. Young Clk.*

Executed June 21<sup>st</sup> 1843. by delivering a true  
copies of the within to Mildred Pierce  
Spencer Pierce John S Latimer David C Bain  
George Lamaca and Isaac Moody & Henry  
L Lymus ~~July 2<sup>nd</sup> 1843.~~

at Whitehead & for  
Benj. Draw off

Law. J. P. Ordway & Co.  
for B. D. Ordway.  
at 3<sup>rd</sup> Spr. in City.  
Thomas David Hall.  
to duty books 1843.

William D. H.

Wm D H

acknowledged before by the off. July 2 - 1845.

[illegible]

from the 10th of November 1862 till he  
 paid \$5.31 cents to the holder of the  
 good and chattels of the said specimen  
 Diana and Milford Pinner. The said  
 execution came to the hands of A. A.  
 Whithead Deputy to B. B. Smith of  
 Blount County 17 May 1863, and he made  
 thereon a return to the following effect,  
 (that is to say) "I can find no property of  
 the defendant, in which I can levy this  
 execution that is not under some lien."  
 The defendant specimen Pinner by and  
 of trust made to John S. Latimer and  
 recorded in the Clerk's office of Blount  
 County 26 May 1863, for the benefit of  
 Henry & Mary conveyed to said two  
 Mary Mary, Isaac, Eliza, Robert, Diana,  
 Dick, Rebecca, Anna, Adeline, Georgian  
 Maryant, Parker and Margaret. And  
 the defendant Milford Pinner by and  
 of trust recorded in said office 14th  
 of March 1863, conveyed to David &  
 Waine for the benefit of Isaac Moore  
 and George Jamaica, a slave named  
 Peter and 198 acres of land, and I have  
 levied upon the said personal property  
 as an assignee conveyed by said  
 of trust to satisfy this execution, but  
 am not authorized to sell the same  
 June 5. 1863.

A. A. Whithead Esq. for  
 Benja B. Smith

all which will more fully appear by return  
 to exhibit A. B. C. with file as part  
 of this file.

which said just and execution is in full  
 paid and effect, not recovered, satisfied or  
 otherwise vacated. You orator charges  
 that the said specimen Pinner on the day of  
 conveyed by deed of trust to one  
 John S. Latimer for the benefit of Henry &  
 Mary, and has the same recorded in the  
 County of Blount 26 May 1863,  
 to secure a debt due said Henry & Mary  
 of \$1175.48, and other things, the same  
 mentioned in the return of the 17th. on  
 the above execution, a copy of which  
 and of trust is here with file marked  
 X and prayer to be taken as part of  
 this file. which said property being  
 conveyed is much more than enough  
 to pay and satisfy the debt due to the  
 said Henry & Mary, and you orator  
 charges that under the law, his claim  
 is a lien upon the equity of redemption  
 belonging to said specimen Pinner in  
 property conveyed by said trust and,  
 but he is unable to reach the same so  
 as to pay his debt except by the aid  
 of this Court. You orator further charges  
 that he has applied to the said John S.  
 Latimer to sell the said property to pay  
 Mary, and pay your orator demand  
 out of the balance of the fund which he  
 refers to. You orator further charges  
 that the said Milford Pinner on the 11  
 March 1863, made a certain deed of  
 conveyance which was recorded in the  
 County of Blount 14 March 1863, and by

the conveyed to me David H. Bain for  
the use of Isaac Llooy, and George  
Lamaca sometime, called Burnaby,  
a certain tract or parcel of land in  
said County of 198 a/c, and homestead  
the lands of John Phillips, Dr. Chalmers,  
John S. Dutton and others - also one negro  
man slave Peter, all which will appear  
by reference to a copy of said deed  
herewith filed as part of this Bill. His  
noble W. and your orator charges, that  
the property thereby conveyed is much  
less than sufficient to pay the debt  
to which it is bound by said trust, and  
and your orator execution of judgment  
constitute liens upon the equity of  
redemption in the lands and slave  
and also that which equity cannot be  
made in a Court of law, now with-  
out your Honor's aid. And your  
orator further charges, that under the  
circumstances of this case, he has applied  
to the said D. H. Hall assignor as assign  
of himself, and a number of him, pay  
of said debt, in full and court, which  
he refused to pay alleging that the  
of the said James Penn and others  
were responsible to pay your  
orator's claim and therefore he would not  
pay - in this state of things, and being  
anxious to settle the responsibility of  
all the parties with as little litigation  
as possible, he has ~~of~~ come before this  
Court of Equity, in which he is alone

[illegible]

4. And you voted charges that on the 17<sup>th</sup> of May the day on which you voted <sup>to</sup> ever give credit to the hands of the ship of Dr. Wright, the said Spencer and Milford Pines both took the oath of innocent debtors - the said Spencer at the exor. case of James Chalmer, & the

said children at the execution of John  
 B. Galt - wherefor all this estate not  
 borne by the execution, vested in the  
 sheriff of Isle of Wight County one  
 Benjamin Smith = see 1<sup>st</sup> line  
 5th page after "relinquish" - ~~what~~  
~~what~~

5  
Orban  
Chy Bile  
Pica & others

July 1843

July 1843. B. C. filed  
+ app. on all the d. f.

Sept. Rules 1843.

Set for hearing.

Octo Rules 1843 Dismissed  
ligards of P. H. f. also.

Oct 1843