1851-002 Chancery Causes: Josiah Holleman's Extor vs James M. Jordan, Wilson Holleman &
Isle of Wight County Samuel Womble

other surnames: Cofer

Hollemans &c
vs In Chancery
Jordan et als

Complainants Bill

Sept. Rule 1851 - Bill t.
filed & decree nisi.

Octo. rules 1851. Bill taken
for confessed & cit for hearing

Octo. 1851. Dismissed.

Hayden DS

for the recovery of the same on the common law side of this
court & at the May term 1837 thereof recovered a verdict &
judgment for the sum of $53.52, with interest on $46.05
part thereof from June 5th 1836 till paid & costs of said suit
an attested copy of said verdict & judgment marked
Exhibit {B} is herewith filed as a part of this bill - that on the 20th
of May 1837 after the adjournment of said court at the term
at which said judgment was obtained a fifa was
issued for the amount of said judgment, but owing to
the encumbrance of all the said Jordans property both
real & personal by deeds of trust the said execution could
not be satisfied & the Sheriff of the said County returned
the said execution on the 30th of July 1837, with the endorse-
ment that there was no property on which the said
execution could be levied other than that conveyed -
Exhibit {C} the said execution return marked {C} are herewith
filed as a part of this bill - that the property of the
said Jordan is still encumbered by deeds of trust as
aforesaid & the said judgment cannot by any process
at law be satisfied & still remains unpaid - that
the said James M Jordan has conveyed all his
property in trust for the benefit of his creditors not
providing for your complainant said claim - that
on the 14th day of May 1849 the said James M Jordan
conveyed in trust to Wilson Holleman a large & valuable
tract of land & a large number of valuable negroes
to secure a debt due to Lemuel Womble of $1321.72 by
bond of the same date as the said deed, which said deed
of trust was duly recorded in the clerks office of the
County Court of said County - an attested copy of said
deed with the clerks certificate of its having been admitted
Exhibit {D} to record on the 1st of August 1849 - marked {D} is here-
with filed & prayed to be taken as a part of this bill - that
the other property of the said Jordan is encumbered by a
deed which cannot now be closed - that the property
conveyed by the said deed to said Holleman to secure the said
debt to the said Womble is more than sufficient to pay the said
debt & your complainants claim - that the said property
is still encumbered by said deed - your complainant is in-
formed & so charges that his said execution from its said
delivery to the Sheriff binds the equity of redemption in
said property & that he has a right to ask the aid of
this court in enforcing the trust of said deed & after
the satisfaction of said trust appropriating the sur-
plus proceeds of the sale of the property conveyed by
said deed to the payment of your complainants said
claim - that your complainant is without remedy
at law & can only enforce his said lien on the said equi-
ty of redemption in a court of equity where matters of
this sort are cognizable, he prays that the said James
M Jordan, Wilson Holleman, & Lemuel Womble may be
made parties defendant to this bill & may answer all &
singular its allegations as specially as if here particularly
interrogated to each of them - that an account may be
taken of the amount due on the said debt from the
said James M Jordan to the said Lemuel Womble
secured by said deed & that the property conveyed
thereby or so much as may be necessary for that purpose
be sold & the balance due on said debt paid & the
surplus of said property or so much thereof as may
be necessary for that purpose sold & the proceeds
applied to the satisfaction of your complainants
said judgment - & that such other & further relief
may be had as comports with equity & the nature
of the case - & your complainant will ever prays &c

Hayden p.q.

To the Honorable Richard H Baker Judge of the Circuit
Court of Isle of Wight in Chancery sitting, humbly
complaining sheweth to the court, your complainant
Isaac Cofer executor of the last will & testament of Josiah
Holleman deceased, that the said Holleman departed
this life in the county aforesaid on or about the day of
184 , having previously made & published his last will
& testament, which will after his decease was admitted
to probate in the County Court of Isle of Wight County aforesaid at the
term 18 & at the same time your said complainant
having by the said will been nominated as executor
qualified as such, as will appear from the certificate of the
clerk of said court of his executorial qualification marked
Exhibit - "A" & hereunto filed as a part of this bill - that the said
Holleman in his life time in the years 184 & 184 duly
qualified as the Sheriff of the County aforesaid & one
James M Jordan of said County qualified as his
deputy according to law & by virtue of his qualification
discharged the duties of said office & received the
profits of the same having farmed the said office
from the said Holleman - that owing to the neglect &
failure of the said Jordan deputy as aforesaid to
settle with the County Court of said County the amount
found due on the settlement of the County levy for that
year, your complainant as executor aforesaid became
liable for the default of the said deputy & by order of
the said Court paid the amount of said default
of said deputy, being the sum of $ with interest
thereon from the day of 184 till the of 184
- that by the said default of the said Jordan & the pay-
ment of the same by your complainant as executor aforesaid
the said deputy became liable to your complainant
as executor aforesaid for the said amount so paid
on behalf of the said Jordan, & the said Jordan failing
& refusing to pay the same, your complainant as ex-
ecutor aforesaid instituted an action against him

30th July 1851 Subscribed to Jas M. Jordan
Wilson Hollman, & Samuel Moorhead, a
Copy of this Summons, one to each
W. J. Jordan Sh.ff

Isaac Cofer
Exor. of Josiah
Hollman Dec.d.

3 Sum.ns in
os. & Chy.

Jas M. Jordan
Pltff.

To August Rule
1851.

1 Copy delivered p.d

To hand 10 Oclock A.M. July 30th 1851
W. J. Jordan Sh.ff

2

Sold by Colin, Baptist & Nowlan, 11th Street, Richmond. [*Summons instituting Suit at Law.*]

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Isle of Wight *County, Greeting:*

WE COMMAND YOU to summon James M. Jordan, Wilson Holleman and Samuel Womble

to appear at the Rules at the Clerk's Office of the Circuit Court of Isle of Wight County, on the first Monday in August next, to answer a bill in Chancery filed against them by Isaac Cofer Executor of Josiah Holleman Dec'd.

And have then there this writ. Witness, N. P. Young Clerk of our said Court, at the Courthouse, the 21st. day of July 185/, and in the 76th. year of the Commonwealth.

N. P. Young Jr.

Hollman's exor.

vs. } Co. Suit.

L. M. Jordan

Exhibit "B" filed with Complainant's Bill

At a circuit court continued and held for the County of Isle of Wight on the 17th day of May 1851

Isaac Cofer exor: of Josiah Holleman dec'd. Pltff.

against } In debt on bond with Cl. condn.

James M. Jordan Dft.

this day came the plaintiff by his attorney, and thereupon came a jury to wit: Mills W. Darden, Benja. Chapman, Joseph S. Godfrey, W. P. Jordan Jr. Zach. Womble J. J. Stringfield, Thomas A. Pinhorn, Wm. D. Southall, L. B. Butler, William H. L. Wilson, Thomas Green and William G. Councill, who being sworn diligently to inquire of damages in this suit upon their oaths returned the following Verdict, We the Jury find for the plaintiff and assess his damage at Fifty three dollars and Fifty two cents, with Interest on $46.05 part thereof from June 5th 1850 till paid. Therefore it is considered by the Court that the plaintiff recover against the defendant the damages assessed as aforesaid and his costs in this behalf expended

A Copy

Teste

N. P. Young cc

Clk's. fees. $4.10
atto " May 3.25
Shff. " 1.70
writs .50
total costs. $9.55

Oct-20th-1851-
Received of Sarah
Jordan through
Watson P Jordan Fifty
Six Dollars & Eighty
Six cents - in satisfac-
tion of the within
execution —
Hayden pq.

Isaac Cofer exor: of
Josiah Hollemon
vs. Fifa.
James M. Jordan

To July rules 1851
Hayden pq.

To hand 22nd. May 1851 at
10 o'clock A.M.
W.T. Jordan Shff.

30th. July 1851, I can find no
property of the Defft. other than
is condemned: to make the
amt. of this Fifa.
W.T. Jordan Shff.

Hollemans Exer
vs
Jordan et als

Exhibit [C] filed
with Complainants
Bill -

Sold by Colin, Baptist & Nowlan, 11th Street, Richmond.

[*Fieri Facias*]

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Isle of Wight *County, Greeting:*

WE COMMAND YOU, That of the goods and chattels of James M. Jordan

late in your bailiwick, you cause to be made the sum of Fifty three dollars and fifty two cents with interest on $46.05 part thereof, from the 5th of June 1850 till paid

which Isaac C. for Ex'or: of Josiah Holleman

lately in our Circuit Court of Isle of Wight County, hath recovered against the said James M. Jordan, by the verdict of a jury, also the sum of nine dollars and fifty five

~~also~~

which to the said Isaac C. for executor of Holleman in the same Court were adjudged for his costs, by him about his suit in that behalf expended; whereof the said Jordan is convict, as appears to us of record; and that you have the same at the Rules at the Clerk's Office of our said Court, on the first Monday in July next, to satisfy the said Holleman's ex'or:

the debt and costs aforesaid. And have then there this writ. Witness,

W. H. Young Clerk of our said Court, at the Courthouse, the 20th day of

May 1851, and in the 75th year of the Commonwealth.

a Copy-Test W. H. Young C.

on default of payment be made, then this indenture to be void, else remain in full force and virtue. In witness whereof the parties aforesaid have hereunto set their hands and affixed their seals the day and date above written.

I. M. Jordan [Seal]
Wilson Hollimon [Seal]
Saml Womble [Seal]

In the Clerks office of Isle of Wight County Court May 16th. 1849 This deed was acknowledged by I. M. Jordan, on the 23d. of same month it was acknowledged by Wilson Hollimon, and on the first of August following was acknowledged by Saml. Womble & admitted to record.

Teste N. P. Young Cc.
Deputy.

Teste N. P. Young Cc

I. M. Jordan
to
Wilson Hollimon & Saml Womble

Filed 3 Aug 1849

Fee $ 0.62½ Paid
Wilson Hollimon

Philip Pasteur
Wright Confederate
Pay Co

Biland, Caroline, Phillis, Negro woman
Maria their child Caroline, Negro girl Sarah,
negro girl Betty, with all and singular the
appurtenances to the said tract of land belonging
or any wise appertaining, and the future increase
of the females of the said Slaves, and all the
estate, right title interest of the said I. M.
Jordan into the said granted or intended
to be hereby granted tract or parcel of land
and premises with the appurtenances, together
with the aforesaid Slaves & the future increase
of the females thereof, and all the estate,
right, title and interest of the said I. M. Jordan
in and to the said granted or intended to be
hereby granted tract of land & premises.
To have and to hold the said hereby granted
or intended to be hereby granted tract or parcel
of land & premises, with its appurtenances, together
with the aforesaid Slaves and the future increase
of the females thereof unto the said Wilson Hollaman
his heirs, exors. admrs. and assigns forever. And the
said I. M. Jordan for himself, his heirs, executors
& admrs. doth hereby covenant, promise & agree
to and with the said Wilson Hollaman his heirs
exors. admrs. and assigns forever, in manner &
form following, that is to say, that the said
I. M. Jordan his heirs exors. & the aforesaid
tract or parcel of land & premises, with the appur-
tenances, and the aforesaid Slaves with the future
increase of the females thereof unto the said
Wilson Hollaman his heirs, exors. & against
the claims of all persons whatsoever shall &
will warrant & forever defend by these presents.
Upon trust, nevertheless that the said Wilson

Hollaman his heirs, exors. & shall permit the said
I. M. Jordan to remain in quiet and peaceable possession
of the said tract or parcel of land with its appurtenan-
ces, and the aforesaid Slaves and the future increase
of the females thereof, and take the rents, issues &
profits thereof to his own use until default be
made in the payment of the said sum of
money due as aforesaid either in whole or in part,
and then upon this further trust, that the said
Wilson Hollaman his executors or other legal repre-
sentatives hereby authorized to sell, shall & will
so soon after the happening of such default
of payment as he may think proper, or the
said Samuel Womble his exors. admrs. or assigns
shall direct, sell the said tract or parcel of land
& premises with the appurtenancy, or such
part of the hereby granted premises & the
aforesaid slaves as the trustee shall think
sufficient for the purpose, to the highest bidder
for ready money, at public auction after
giving thirty days notice and fixed the
place of sale. And out of the money arising
from such sale shall, after satisfying the
charges thereof and all other expenses attending
the premises, pay to the said Samuel Womble
his executors, admrs. or assigns the aforesaid
sum or any part thereof that shall be un-
paid, with the interest which may thereon law-
fully have accrued, and the balance to the
said I. M. Jordan his heirs, exors. & But if
the whole of the sum aforesaid shall be
fully paid off and discharged to the said
Samuel Womble his exors. admrs. or assigns
when the same is made payable, so that

This Indenture made this 14th. day of May in the year of Lord 1849 between I. M. Jordan of the first part, Wilson Hollaman of the second part and Samuel Womble of the third part: Whereas the said Isaac M. Jordan is justly indebted to the said Samuel Womble in the sum of One Thousand Three Hundred and Twenty One dollars & 72 Cts. as by bond on demand bearing date the 14th. day of May 1849 now fully appears, which debt with the legal interest thereon accruing the said Isa. M. Jordan is willing & 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 I. M. Jordan in hand paid by the said Wilson Hollaman, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, the said I. M. Jordan hath granted, bargained, sold, aliened, enfeoffed released and confirmed, and by these presents doth grant, bargain, sell, alien, release enfeoff and confirm unto the said — his heirs and assigns forever, all that tract or parcel of land lying and being in the County of Isle of Wight in the State of Virginia, Containing by estimation four hundred & thirty acres, more or less. It being the tract of land on which the said I. M. Jordan now resides, and bounded by the lands of W. D. Gray, Willis Womble & others: also the following Slaves, viz: One negro man Ellick, One negro man Dread, one negro man Davy, negro woman Louisa, Hannah, Dean & her children, viz: Sally, Hennella, Frank, Lucy,

Hollemans exp.

Summons	.25
3 Copies	.37
Notice	.18
Atty.	.10
Bill	.15
Fees	.26
Return	.35
Entry	1.00
Dismiss	.36
Copying & Certg. Copies	.40
Filing papers	.20
Clerk.	$3.62
Atty. & Log	15.75
Sheriff.	1.50
Total Costs in	$20.87

Amount of Judgment
at Law ——— $53.52
Int. to Oct 20th 57 — 3.79
Costs of Suit — 9.53
66.84
Costs of Chancery Suit 20.87
$87.73
Sheriffs fees — 3.20
84.53

20.87
3.20
9.51

Joint Stollenwerck & Jordan vs. Jordan

N. P. Young & Co

(1000
84.73
12.27