

1872-046 SOUTHAMPTON COUNTY
CHANCERY PAPERS

MYRICK

VS. BATTLE

12/1872

Myrick

v } Stat. Rules

Battle

6.49
1.32
1.47

In Southampton County Court.

Wm E Myrick

against

A. J. Battle

1870 Apr. 18. Summons issued.

" May. Rules Sum. Ret. too late to hand to execute. Alt. Sum. awarded

" June " Alt. Sum. & Bill filed. D. Wise v. Lft.

" July " Bill taken for Confessed

" Aug. " Cause set for hearing &

" " Decree for account &

1871. Jan. 25. Report.

" Apr. 6. Decree for sale to rent out land &

1872 Mar 18 Rep. & decree for sale

" Decr. Decree final

Apr. 1871

blk \$ 8.81

Shff 1.50

com 4.00

Sum. 14.00 93031

1872. Mar. blk

147

93178

Kelly p. 4

Wm E. Myrick

27 } Rice

N. J. Battle

1870 June Rules.

Southw. Co. Ct.

To the County Court of Southampton County.

Complaining shew unto the Court, your Complainant Lem E. Myrick of said County.

Your Complainant respectfully represents to the Court and says, that A. J. Battle and J. W. Battle, did, on the 12th day of April 1867 execute to your Complainant their Bond for the sum of one hundred and ninety dollars, for value received; on which Bond your Complainant brought suit in the Circuit Court of the County of Southampton, and at the Winter term 1869 recovered Judgment thereon against the said A. J. Battle for the said sum of one hundred and ninety dollars, with Interest thereon from the 12th day of April 1867 & costs - which amounts to \$7.⁵⁷ - which Judgment was duly docketed in the County Court of Southampton County on the 5th day of January 1870 - all of which will appear by duly certified copies of said, Bond & Judgment filed herewith as part of this Bill & is marked "A" - That by virtue of said Judgment and the docketing of the same, your Complainant obtained a Lien on all the real estate of which said A. J. Battle was seised, in said County - That the said A. J. Battle, is seised of in fee, of the two tracts

of Land in said County, one contains 148
acres more or less & one of 109 1/2 acres more
or less, adjoining the ~~land~~ of North Carolina
State Line

(and which Land) are subject to said Debt - That
your Complainant has issued an Execution on
said Judgment (and placed the same in the
Sheriff's hands) but it has proved un-
availing, & now he prays that his Lien
on said Land may be enforced & that the
same may be ^{rented or} sold for that purpose - That
the rent of said Land will not in five years
pay said Debt, and hence your Complain-
ant is entitled to a sale of said Land.

In consideration whereof and as this
Court has jurisdiction to ~~grant~~ all adequate
relief - To the End your Complainant prays
That the said A. J. Battle may be made
defendant unto (and be compelled to
answer the several allegations herein on
oath, and that as particularly as though
again specially interrogated, and that
the prayer of your Complainant may be
granted - (and your Complainant
will ever pray &c.

John R. Kilby J. C.

Wynick

as 3 answers
to W. L. Batten
Batten

The answer of N. S. Battle to a bill
in chancery in the county court of
Southampton by Wm E Myrick
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 admits that the said
Wm E Myrick has obtained a
judgment against him as alleged
in the bill. And that he has by
a deed ^{under the homestead law} set aside the lands
sought to be sold in this bill
as a homestead. The deed executed
and admitted to record on Saturday
the 18th of March 1871 as will
more fully appear by a certified copy
of the said deed herewith filed
marked A and prayed to be taken
as a part of this bill and he
claims to hold the said land
as a homestead free from the
said judgment lien and having
fully answered this defendant
prays him to be dismissed with
his costs etc

Shamces

Myrick

vs

Battle

1870

Aug. Co. et.

Deceit

To be entered.

J. W. Wignhart
Judge

Wm. E. Myrick
vs.

A. J. Battle.

This cause came on this day to be heard on the Complainant's bill taken for confessed or to the defendant, on whom process had been duly executed and he still failing to appear and make defense for the exhibit filed with the said Bill and was argued by Counsel;

On Consideration whereof the Court doth adjudge order and decree that a Comr. of this Court ascertain and report, 1st How much is due the plaintiff by virtue of his judgment 2^d. What Land or are owned by said A. J. Battle in Southampton County, Va. and their fees simple (and annual value, and whether subject to the plaintiffs' judgment Lien or not.

and make report to Court with any matters specially stated seemed pertinent by himself or that any of the parties may require to be so stated.

My dear
at
Bath

Dear

Southampton County Court, August Term 1870

William E. Myrick
Against
N. J. Battle

Plff
vs
Def
In Chancery;

This Cause came on this day, to be heard on the Complainant's bill taken for confessed as to the defendants in whose process had been duly executed, and he still failing to appear and make defence and on the Exhibits filed with the said bill, and was argued by Counsel; On consideration whereof the Court doth adjudge, order and decree, that a Commissioner of this Court ascertain & report; 1st How much is due the plaintiff by virtue of his judgment 2^d What Lands are owned by said N. J. Battle, in Southampton County Virginia, and their fee simple and annua value and whether Subject to the plaintiff's judgment lien or not? and make report to the Court, with any matters specially stated, deemed pertinent by himself, or that any of the parties may require to be so stated.

At Copy

Teste,

James R. Tyler Clk.

Myrick

4

Battle

1871

ape Co. Ct. Deane

To be entered

J. W. Wyndhart Judge

Myrick

in

Battle.

This cause came on this day to be again heard on the papers ~~firmly~~ read & on the ~~report of~~ answer of said Defendant, this day filed & general replication thereto, was argued by Counsel. on consideration whereof the Court, deciding that the said Defendant, is not entitled to the Homestead as claimed in his said answer, ~~and~~ doth adjudge order & decree that W. W. Briggs Sheriff of said ^{County} who is hereby appointed a Commissioner for that purpose, proceed to ^{run out} ~~sell~~ before the Court house door of Southampton County, on some Court day, the Land referred to in the proceedings, described as ~~his~~ tracts of Land in Southampton County one parcel containing one hundred and forty eight acres, more or less, and also a tract of $109\frac{1}{2}$ acres more or less, and adjoining the ~~boundary~~ North Carolina State Line. The said Sheriff will advertise the said ~~Land~~ ^{Land} for rent time of renting of said Land for thirty days previous thereto.

by notice at the Court house door of
said County and at Newsum's
apart in said County & other public
places near the premises, and will
take from the parties 00 Renting
Bonds with good personal security
and return the same to Court - The
renting shall be one year at a time ~~annually~~
~~and the renter shall be bound to~~
~~pay the renter at the end of the year~~
~~the renter shall be bound to~~
~~pay the renter at the end of the year~~
repaid in three years, and make
report to Court annually. This decree is on the
motion of the deft. by Counsel, suspended
for sixty days to allow him to apply
for supercedas.

Cole	\$ 8.81
Sh	1.30
Com Tyler	4.00
Law	16.00
	\$ 30.31

Myrick }
 Es. } Lewis
 Battle }

Jordan Joshua \$10=

Southampton County Court, April Term 1871

William E. Myrick -
against
N. J. Battle

Plff - } In Chambers.
Def - }

This Cause came on this day to be again heard on the papers
formerly read and on the answer of said Defendant, this day filed
and general replication thereto, and was argued by Counsel; and
consideration whereof the Court deciding that the said Defendant
is not entitled to the Homestead as claimed in his said
answer, doth adjudge, Order and decree, that W. W. Briggs
Sheriff of said County, who is hereby appointed a Commissioner
for that purpose, proceed to rent out before the Court house
door of Southampton County, on some Court day, the Land
referred to in the proceedings, described as two Tracts of Land
in Southampton County, the parcel containing two hundred and
forty Eight acres, more or less, and also a tract of 109 1/2
acres, more or less, and adjoining the North Carolina State
line. The said Sheriff will advertise the time of renting
of said Land for thirty days previous thereto, by Notice
at the Court House door of said County, and at Gossett's
Inn in said County, and other public places near
the premises; and will take from the parties to
renting, Bonds with good personal Security, and return
the same to Court. The renting shall be for one year
at a time, and make report to Court annually.
This Term is on the Motion of the Defendant by Counsel;
Suspended for sixty days to allow him to apply
for Superseding -

Attest

James R. Tyler, C. C.

Myrick
v

Battle

1872

Mar. et. Decem

for sale

To be entered
J. W. Myrickhart Judge

Myrick

v

Battle

This cause came on this day to be again heard on the paper, formerly read & on the report of W. W. Briggs, Sheriff of the County of Southampton made pursuant to the decree of April term 1871 of this Court - to which report there is no exception and was argued by counsel. On consideration whereof, & it appearing to the Court that the real estate referred to in the proceedings will not pay the plaintiffs' demands, in five years, both ad judg, ordn and decree that the said W. W. Briggs, Sheriff of said County, proceed to sell, at auction ^{after the first day of September next} before the Court house door of said County, on some Court day, the lands referred to in the proceedings, belonging to said defendant, or so much thereof as may be necessary to satisfy the plaintiffs' demand, described as two parcels - one of 148 acs, more or less & the other 109 1/2 acs, more or less, adjoining the ~~land~~ of North Carolina State line, having first given twenty days notice, at least, of such sale by notice at the Court house door of said County and at Newnan's Depot in said County, or other public place, near the premises; the said sale to be made on a credit of one, two and three years credit, with interest from date, except for a sum

sufficient to pay only of said expenses of
sale, which will be cash, taking from the
purchaser Bond & good security for the deferred pay-
ments, retain the title till the further order
of the Court, (and report to Court.

Myrick
to
Bath

20 Decr

Sussex County Court, March Term 1872.

William E. Myrick

against

N. J. Battle

Plff

Def.

In Chancery

This Cause came on this day to be again heard on the papers formerly read, and on the Report of W. W. Briggs Sheriff of the County of Sussex, made pursuant to the decree of April Term 1871, of this Court, to which Report there is no exception and was argued by Counsel, on Consideration whereof and it appearing to the Court that the real Estate referred to in the proceedings will not pay the Plffs' demands in five years, doth adjudge, Order and decree, that the said W. W. Briggs, Sheriff of said County, proceed to sell at auction after the first day of September next, before the Court house door of said County, on some Court day the Lands referred to in the proceedings, belonging to said Defendant, or so much thereof, as may be necessary to satisfy the Plaintiff's demands, described as two parcels, one of 148 acres, more or less, and the other 109½ acres, more or less, adjoining the North-Carolina State line, having first given twenty days Notice, (at least) of such Sale by Notice at the Court house door of said County and at Nease's Depot in said County and other public places near the premises, the said Sale to be made on a Credit of one, two and three years Credit, with interest from date, except for a Sum sufficient to pay Costs of Suit and expenses of Sale, which will

to Cash, taking from the purchase Bond and good Security
for the deferred payments, and retain the title till the
further order of this Court, and report to Court.

Attest
Clerk

James D. Tyler, J.C.

Clk	\$ 10.28
Shff	1.50
Comm	4.00
Law	16.00
	\$ 31.78

Rec^d. November 18th 1832 of W^m D. Briggs
Sheriff one Hundred & fifty nine & 1/100
dollars in full of a judgment against
N. S. Baile

Myrick

17

Battele

1872

Decr, Co. Ct.

Final decree
to be entered,

Myrick

"

Linsley

This cause came on this day to be again heard on the papers formerly read, and on the report of W^m. Briggs, Sheriff, showing a full settlement of plaintiffs' demands - to which report there is no exception and was argued by Counsel. On consideration whereof the Court doth confirm the said report & And it appearing to the Court, that the demand of the plaintiff and costs of the suit have all been paid, ~~And that nothing more~~, doth confirm the proceedings had herein, and nothing more remaining to be done in the premises, it is ordered that the cause be removed from the Docket.

Myrick

} Summ Chy

Battle

1870 May Rules Co. B

Came to hand too
late to be Executed
W. W. Boizzo

At Spud

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of the County of Southampton---Greeting:

We command you to summon

A. J. Battle

if *he* be found within your bailiwick, to appear at the Clerk's Office of our Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in *May next to answer a Bill in Reprovery* exhibited against him in our said Court by *Wm. E. Myrick*

And have then there this writ.

Osmer White

Witness, ~~LITTLETON R. EDWARDS~~, Clerk of our said Court, at the Court-House, this *18* day of

April

A. D., 18*90*,

in the *94*

year of the Commonwealth.

O. White Clk

THE COMMONWEALTH OF VIRGINIA,

as at another time we have
To the Sheriff of the County of Southampton---Greeting:

We command you to summon

N. I Battle

if *he* be found within your bailiwick, to appear at the Clerk's Office of our Court of Southampton County,
at the Rules to be holden for the said Court, on the first Monday in *June next to answer a bill in*
Chancery exhibited against him in our said Court by Wm. E. Myrick

And have then there this writ.

Oswin White

Witness, ~~LITTLETON R. EDWARDS~~, Clerk of our said Court, at the Court-House, this *2^d* day of

May

A. D., 18*70*, in the

94

year of the Commonwealth.

O. White Cl

I went to the residence of N. J. Butler, on the 3rd
day of June 1870 and he being absent from home,
and there being no white person there, I posted
a copy of this summons at the front door of his
dwelling.

W. W. Briggs shff.

Myrick

to
J. W. Sum. City

13 M^o

1870 June Rules

Myrick }
to } Can. Notice
Battle }

Excused
W. W. Briggs

Commissioner's Office,

JERUSALEM, August 31st

1870

To

Wm E Myrick

Plff

vs

N S Battle

Deft

You are hereby notified that I have fixed upon the 30th day of December next, if fair, if not, on the next fair day thereafter, (Sunday excepted,) to take and settle, at my office, the following accounts, to-wit:

That a Commissioner of this Court ascertain and report

1st. How much is due the plaintiff by virtue of his judgment,

2d. What Lands are owned by said N S Battle in Southampton County Virginia

and there fee simple & annual value & whether subject to the plaintiffs

Judgment - lien or not & make report to the court with any matter

Specialty Stated. deemed pertinent by himself or that any of the parties may

require to be so stated;

required to be taken by a decree of Southampton ^{County} Circuit Court, rendered on the _____ day of August Term 1870, in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs, and defendants; at which time and place you are required to attend.

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

James R Tyler

Commissioner.

To the Sheriff of Southampton County to execute.

Myrick
to } from Tyler's Report

Battle

1871 January 25

An account showing how much is due the plaintiff
Wm E Myrick by virtue of his judgment against A. J. Batte

Wm E. Myrick. Judgment v A. J. Batte for		\$190 00
Dockets	Int from 12th April 1867. to July 21st 1870	32 58
Jan 5th		222 58
1870	Paid 21 July 1870	114 20
	bal due	108 38
	Int on bal to Jan 1st 1871	5 55
	Costs	7 51
		\$121 44

An Account of the fee simple and annual value
of two tracts of Land belonging to A. J. Batte. in
Southampton County Virginia

	Fee Simple value	Annual Value
One Tract of Land near State line 148 ac	\$370 00	\$ 30 00
One Tract of Land near do do 109 1/2 ac	355 88	30 00
	\$725 88	\$ 60 00

This Land is subject to the plaintiff
Judgment lien

Respectfully Submitted
James R Tyler
Clerk

Commissioners Office

Jerusalem Jan'y 24th 1871

To the County Court of Southampton County

Pursuant to a decree of the County Court of Southampton County rendered at the August Term 1870 in a suit in chancery depending in the said Court between Wm E. Myrick, and N. J. Battle, the undersigned one of the Commissioners of the said Court to whom was referred for settlement by said decree viz; How much is due the plaintiff by virtue of his judgment, and What Lands are owned by said N. J. Battle in Southampton County Virginia and their fee simple & annual value and what is subject to the plaintiffs Judgment lien or not & make report to Court, reports to the Court that on the 31st day of August last he issued notices against the said parties aforesaid requiring them to attend the settlement of the said accounts before him at his said office on the 20th day of December last, which were returned to your Commissioners duly executed that the parties aforesaid appeared before the Commissioners in obedience to said notices and he then upon oaths settled the foregoing accounts up to the 1st day of Jan'y 1871. and on that day finds a balance due Wm E. Myrick of \$121.44 including interest thereon.

The Commissioners further reports to the Court that after the completion of said accounts, he retained them in his office ten days for the examination of the parties, which with the decree & notices aforesaid he has with returned

Given under my hand as Commissioner aforesaid the day & year first aforesaid

James R. Fyler

Commissioner for 4.00

to the Plff

Corn.

Vick

v } Commr Tylers Report

Howards asmt

1871 April 11th - 18

Supplemental Report made at the request of W^m B Shands adm

The Estate of Henry L. Howard decd.

In account with W^m B. Shands his administrator

1890		Dr	Cr	Int.
Aug 1	By Balance due Est: this day by last Report.		520 29	
1891	Jan 1	By cash from J.R. Tyler ac	11 28	
	"	" " Inc McNeill bond	50 84	
	Mar 13	" " " W. Ford	53 25	
	Apr 1	" " " Sheriff & Co collected on Commis: fees	654 00	
		To Commis: on \$769.37 @ 5%	38 46	
	Jan 1	" paid J.R. Tyler Com: fee for former report	20 00	
	"	" paid Sheriff tickets	2 00	
	May 1	By interest on \$520.29 @ 6% to this day		23 41
		To Commis: fee for this ac & ret	5 00	
		" Balance due Est:	1224 20	
			\$1289 66	\$1289 66
	"	By Balance due Est: brot down		\$1224 20
	"	" Interest brought in		23 41
	"	" Bal: due Est:		\$1247 61
		With interest on \$1224.20 @ 6% past thereof from this day til paid		

Respectfully Submitted
James R. Tyler

Com:

An Account of further debts outstanding against N. S. Howard

Estate and provcs. as follows

Debt due by H. S. Howard as trustee to Wm. R. Packers
creditors of \$1120.88 \$1120

creditors of \$1120.88

1128 88

Retained on \$1058.09 ct from 1st September
1860 to 1st May 1871

1860 to 1st May 1871

67717

1798 03

Debt due Junius H. Williams for

20 00

Out from 1 Jan'y 1869. to 1st May 1871

280

22 80

Total amt

~~1820~~ 85

Respectfully Submitted

James R. Tyler

Com.

Commissioners Office

Jerusalem April 11th 1871

To the Circuit Court of Southampton County;

Your Commissioner reports to the Court that Mrs B Shanks administrator of Henry J Howard decd. exhibited before your Commission a statement of all the money which he had received or become chargeable with or had disbursed within the time mentioned in the foregoing account together with the vouchers for such disbursements.

that he finds a balance of \$1247.61 cents to be due the Estate by the said administrator, including interest up to the 1st May 1871

That the said account is supported by satisfactory vouchers, and that the administrator has given such bond as the law requires, the penalty thereof and the securities thereof are sufficient in the opinion of the commissioners; That the said administrator was examined on a list of free taxes posted up at the front door of the Court house of Loudoun County on the first day of _____ 18__ and

Myrick
in { Report
Battler

1872. Mar 18

In Obedience to a Decree
of the County Court of South
ampton County in the Chancery
Suit of William E Myrick aga-
-inst N. J. Battle, I advertised
the two Tracts of Land one
Containing 148 Acres and the
other 109 Acres according to
directions of said Decree, and
rented the same to the highest
bidder in the Town of Jernam
on the 3rd Monday in January
1832. for the present year, and
Jordan Johnson rented said
Tracts of Land for the sum of
Ten Dollars:

Wm 15th 1832 W. W. Briggs Shff
& Bond

Myrick

4

Battle

Report of Sheriff
showing payment in
free fee

1892 Dec 76

1872 Dec 16

By Virtue of a Decree of the
County Court of Southampton in
the Chancery Suit of C^m E Myrick
against N. D. Baller, I advertised
the Land in the Decree mentioned
and before the sale N. D. Baller
voluntarily satisfied the judgment of
said Myrick, as will appear by
said C^m E Myrick's receipt
herewith returned:

W. D. Briggs Stff

Dec. 16th 1872

Debt to January 1st 1871 - \$121.44

In To 18th November 1872 - 6. 42

Cert. of clearing sum 31. 38

139. 64

Cur.

9. 98

And retained to pay
future Cert.

10. 00

139. 62

139. 62

199.
159 64

139.36



"A"

Exhibit filed with
the Rice in
S. E. Myrick

N. J. Battle

Co. Co. Southw.

Battle.

\$190.00.

On demand we promise to pay or cause to be paid unto Wm E Myrick the just and full sum of One hundred and ninety dollars for value received and for the true payment of which we bind ourselves our heirs &c as Witnesses our hands and Seals this 12th day of April 1867.

A. J. Battle (Seal)

J. W. Battle (Seal)



5cts	5cts
U.S.R.	U.S.R.
5	5
Cancelled	Cancelled

Southampton Circuit Court November 9 1869.

William E Myrick

against

A. J. Battle.

Plff

Def

In Debt.

This day came the parties by their attorneys and the defendant withdrawing his former plea acknowledges the plaintiffs for the debt in the declaration mentioned with legal interest thereon from the 12th day of April 1867 till paid and the costs. Therefore it is considered by the Court that the Plaintiff recover against the Defendant One hundred and ninety dollars with interest thereon as aforesaid and his costs in this behalf expended

Plffs costs \$7.50

A. Copy

(Docketed January 5. 1870)



Teste L. R. Edwards DC

148
109 1/2
257 1/2

Two tracts charged to A. J. Battle. one of 148 another of 109 1/2 = 257 1/2 Total