

1873-02

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Southampton County Chancery

Beaton & Harrison
a company

vs

Hunt, John

Secure judgment & rein.

{ Beaton, Wm.
Harrison, John W.

Darden, J. J.
Cutler, G. D.

Co. Cb.
Beaton & Harrison
vs Bill Exhibits
Hunt & Co.

1872 June Rules

J. B. Linnick & Co.

To the Hon. Jos. W. Ursinast, Judge of the County
Court of Southampton County. In Chancery.
Humbly Complaining, Sheweth unto your
Honor, your orator, Wm Beaton & Jno: W. Har-
rison, late merchants & partners trading under
the firm style of Beaton & Harrison, that
during the year 1868, they obtained two judgments
against John Hunt, before a Justice of the
peace, one for the sum of \$42.47 and one
for \$48.83. and that these judgments were
both regularly docketed in the Clerk's office
of Southampton County, Sept. 25. 1868, at the hour
of 11 o'clock A.M. of that day, as will more
fully appear from a certified copy of the
entry in the judgment docket book, herewith
filed, marked A, and prayed to be taken as
part of this bill. That on the 19th day of Sept.
1868, the said Jno Hunt, executed to one J.
J. Sarden, as trustee, a deed of trust, conveying
his Real Estate & personal Estate to secure debts
due by him to one G. D. Cutler, and that this
deed was not admitted to record until Sept 21.
1868, at twenty five minutes past twelve o'clock.
of the same day. ^{as will appear from a copy of said deed & certificate herewith}
filed, marked B, and prayed to be taken as part of this bill. That by virtue of said trust
deed, your orators have been unable to reach
any of the personal Estate of the said Jno: Hunt.
That your orators are informed their lien is
prior to the lien of the said Cutler, and that the
rents and profits of the Real Estate of which the

Exhibit (A)

Exhibit B.

Jno Hunt is seized will not satisfy their demand in five years. That your orators have no remedy left to them to enforce their claim, except by resorting to a Court of Equity. In tender consideration of all which and inasmuch as your orators are without remedy, save in a Court of Equity where matters of this kind are peculiarly cognizable, to the end therefore that justice may be done, they pray that the said Jno. Hunt, J. J. Darden, trustee, & G. D. Butler may be made parties defendant to this bill & compelled to answer the allegations thereof. That an order may be entered, directing a Commissioner of this Court to enquire & report to Court, the outstanding unsatisfied claims against the said Hunt. Whether by judgment or otherwise, with their priorities. That the said Commissioner may be directed to report the annual & fee simple value of the real Estate of which the said Hunt is seized, and if it should be necessary that the said Darden, trustee, may be ordered to enforce his trust - by selling for cash or upon such terms as the Court may order, the property conveyed. And that your Honor will grant such other, further and several relief, as the nature of their case may demand or to Equity may seem meet - and as in duty bound they will ever pray &c. May it please the Court &c.

J. B. Paricey.

Beaton & Harrison
vs $\frac{1}{3}$ Secue

Hunt & "

Nov: Nov 1872

To be entered.

W. W. Whitcomb
Judge

Heaton & Harrison
vs ^{my} Decree-
Heunt & others

This day this cause
came on to be further heard, the
report of Ammir. Tyler; exceptions
filed thereto by defendants, and
was argued by counsel. On consid-
eration whereof, the Court without
deciding upon any of the points
involved in this cause, doth advise
order & decree that James J. Darden
trustee in the deed of trust from
Mrs. Hunt, in the proceedings
mentioned, proceed to sell the real
estate in aforesaid trust-deed, after
having advertised the same for twenty
days in three or more public places
in Southampton County, upon the
following terms. One half cash. The
balance on a credit of twelve
months, the purchaser to execute bond
with approved security, carrying interest
from day of sale, and the title to be retained
until the whole of the purchase money
is paid. And the Court doth further order
that the said J. J. Darden, after deducting
the expenses of his trust, pay out of the
cash payment to S. B. Price & J. J. Kindred
each twenty five dollars, attorneys fee,

and the balance retain in his hands
subject to the further order of this
Court. And the said J. Darden is
ordered to report to Court, how he
has executed this order -

Beaton & Harrison
Exhib. with bill

Hunt & Co

Southampton County Clerk's Office June 3^d 1872.

Beaton & Harrison

against
John Hunt.

Defts

Plffs

Judgment rendered by Justice of the Peace on July 18th 1868 for \$42.⁴⁷
with interest from 1st January 1847 till paid Costs 50 cents
Docketed Sept 21st 1868. 11 O'clock A.M.

Teste

J.R. Tyler Clk

Southampton County Clerk's Office June 3^d 1872.

Beaton & Harrison

against
John Hunt.

Defts

Plffs

Judgment rendered by Justice of the Peace July 18th 1868 for \$48.⁵³
with interest from 1st January 1847 till paid Costs 50 cents.
Docketed Sept 21st 1868. 11 O'clock A.M.

Teste

J.R. Tyler Clk

Costs - Peffs.

clks	\$ 8.60	SR Edward
Shff	2.50	W. D. Briggs
Com Tyler	5.00	Paid I. Tyler
Law	16.00	\$ 32.10

Paid Sixteen dollars
W. Price
at 9.

Dfts Costs

clks	10.45	SR Edward
Law	15.00	\$ 15.45

Paid Mrs. I. Kindred

Robert C. J.
Printer &
Receipts

W. Barton Harrison
to E. Co. Davis
Shunt J.

Southampton County Court, November Term 1872

Bealm of Harrison
against

Plaintiffs

Hunt of Abing

Defendants

In Chancery

This day the Cause came on to be further heard on the Report of Commissioner Tyler, Exceptions filed thereby by Defendants and was argued by Counsel; the Consideration whereof the Court without deciding upon any of the points involved in this Cause, did adjudge, Order and decree, that James J. Varden, Trustee in the deed of Trust from John Hunt in the proceedings mentioned, proceed to sell the real Estate in aforesaid Trust deed, after having advertised the same for twenty days in three or more public places in Southampton County. Upon the following terms, to wit Cash, the balance on a Credit of twelve months, the purchaser to execute Bond with approved Security carrying interest from the day of Sale, and the title to be retained until the whole of the purchase money is paid And the Court doth further Order that the said Jas J. Varden after deducting the expenses of this trust, pay out of the Cash payments to J. B. Prince & J. J. Kindred each twenty five dollars Attorneys fee and the balance remain in his hands subject to the further Order of this Court. And the said J. J. Varden is ordered to report to Court, how he has executed this Order.

Attest

James D. Tyler, J.C.

Beaton & Harrison
as { Exceptions
Hunt L.

1872 Oct 29

Southampton County Court.
Oct. Term 1872.

Beaton & Harrison

vs E
Hunt } Exceptions to Commissioners Report

In this Cause the Defendant excepts
to the report of Commissioners returned
at this term of Court, for the fol-
lowing reasons, to wit:

1st That the Law does not permit
a Judgement ~~obtained~~ granted
by a Justice of the Peace and
doctored in the Clerks Office by
the Clerk on the same day, on
which a Deed of Trust was ad-
mitted to record by the Judgement
debtor to have Priority as a lien
over said Deed of Trust, but
that in Equity the liens of the
Judgement and Deed of Trust re-
spectively take effect from and
at the same instant of time,
and for further errors apparent
in said report—

Goodwyn D. Carter
by his Attorney

Beaton - Harrison

or Commis
Notice

Hunt & others.

Executed

W. D. Briggs

COMMISSIONER'S OFFICE,

Jerusalem Aug 26th 1872

TO Wm Beaton & J.W. Harrison, late merchants and
Partners, trading under the firm and style
of Beaton & Harrison. Plainiffs.

John Hunt, Jas. J. Daiden, Trustee &
G. D. Leutler. Defendants.

You are hereby notified that I have fixed upon the 12th day of September 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: "1st An account of all the outstanding
unsatisfied liens, docketed against the defendant
John Hunt, with their priorities, whether the
same be by judgment, deed of trust or otherwise -
2nd - An account of the principle and
~~the~~ annual value of the Real Estate of
which the said Jas: Hunt is now seized &c."

County
required to be taken by a decree of Southampton Circuit Court, rendered on the _____ day
of July 1872, 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. if you think proper

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

To the Sheriff of Southampton County to execute.

J. R. Tyler

Commissioner.

An account of the outstanding, unsatisfied liens docketed
against John Hunt and their priorities as follows

Beaton & Harrison

v

John Hunt. Judgt for 42 47

Int from 1 Januy 1847. to 1 Octo 1872 67 61

Costs 50

Docketed Sept 21. 1868 1/2

11 O'clock am 3

110 58

Beaton & Harrison

v

John Hunt. Judgt for 48 83

Int from 1 Januy 1847. to 1 Octo 1872 75 43

Cost 50

Docketed Sep 21. 1868 1/2

11 O'clock am 3

124 76

Total

\$ 235 34

Respectfully Submitted

James R. Fyler

Com'

"B"

An Account of the fee simple and Annual Value
of the real Est: of which John Hunt is now seized &c

Commissioners Office
Jerusalem Oct 1872

	Fee simple Value	Annual Value
One tract of Land containing 101½ acres more or less, adjoining the Lands of James Barnes -	\$394 84	\$35.00

The Commissioners would state specially, that on the 19th day of September 1868. John Hunt made a deed of trust conveying his land and personal property to Jas. J. Darden Trustee for the benefit of G. D. Cutler which was recorded in the Clerk's office on the 21st day of September 1868. (at 2:50 min. ~~minutes~~ past 12 O'clock M.) The judgment being docketed at 11 O'clock A.M. on the same day, which is a prior lien to the deed of trust. The deed is given to secure certain Bonds due said Cutler amounting to \$316.41 cent. without interest.

J. R. Tyler

To the County Court of Southampton County
Pursuant to a decree of the County Court of Southampton County rendered at the July Term 1872 in a suit in Chancery depending in the said Court between Wm. Beaton and J. W. Harrison late Merchants and partners trading under the firm and style of Beaton & Harrison and John Hunt James J. Darden Trustees and G. D. Cutler the Undersigned one of the Commissioners of the said Court to whom was referred for settlement the following account. To-wit:
1st. An account of all the outstanding unsatisfied liens docketed against the defendant John Hunt with their priorities, whether the same be by judgment deed of trust or otherwise.
2nd. An account of the fee simple and annual value of the real Est: of which the said John Hunt is now seized &c reports to the Court that on the 26th day of August last he issued notices against the several parties aforesaid requiring them to attend the settlement of the said acct. before him at his said office on the 12 day of September 1872, which was returned to your Commission duly executed. That the parties aforesaid appeared before the Commissioners in obedience to said notice (by attys) and he thereupon examined stated and settled the foregoing accounts up to the 1st day of October 1872. and on that day finds the amount of the judgments including interest to be \$235.34, and also the amts. of the fee simple and Annual Value of the real Est: which is marked B. The Commissioner has nothing ^{more than what has been stated} specific to state. The Commissioner further reports to the Court that after the completion of the said acct. he retained the same in his office ten days for the examination

of the parties, which with the docu & notices are herewith returned.

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

James R. Tyler
(Com.)

Commis: for \$5.

Becker & Starnum

2.

Sept 7

Sept 7

Commissioner Tyler

1872 Oct 15-7

Beaton & Harrison

~ } Sum. Chy.

Hunt &

1872 June Rules

Executed by
delivering a copy
to each

L D Banker

Det. Chff

The Commonwealth of Virginia

To the Sheriff of Southampton County, Greeting:

WE COMMAND YOU to summon *John Hunt, J. I. Sarden Trustees & G. D. Butler*

if *they* be found within your bailiwick, to appear at the Clerk's Office of our *County* - 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 them in our said Court by *W. M. Beaton & Jno. W. Harrison late merchants & partners trading under firm style of Beaton & Harrison*

And have then there this writ. Witness, OSWIN WHITE, Clerk of our said Court, at the Court-house, this *23^d* day of *May* A., D., 1872, in the *96th* year of the Commonwealth.

J. R. Tyler *clerk*

This Deed made this 19 day of Sept; the year of our Lord, eighteen hundred and sixty eight, between John Hunt and Sally his wife, Colored, of the County of Southampton and State of Virginia, of the one part, and James J. Darden, trustee, of the same County and State of the other part; Witnesseth that the said John Hunt and Sally his wife, do grant unto the said James J. Darden, trustee, the following property, to wit, one certain tract, or parcel of land, situate, lying and being in the aforesaid County of Southampton and parish Saint Lukes, containing one hundred and fifty seven acres, be the same more, or less, and bounded by the lands of Jacob Barnes dec'd. William Drake and others, also all their growing crop of this year, 1868, consisting of corn, fodder, cotton, peas, potatoes &c. and ^{these} head of hogs, In trust, to secure the payments of the following debts due to S. D. Cutler by said John Hunt, One bond, or note for one hundred and twelve Dollars and thirty five cents, due the 10. day of February 1867, - one bond or note for one hundred and seventy four dollars and twenty five cents, due the 1 day of January 1868, - and one other bond, or note for twenty nine dollars and eighty one cents due the 15th day of May 1868. But if it should be necessary to sell the said property for the payments of said debts, the said James J. Darden trustee, when requested to do so, by either the said John Hunt, or S. D. Cutler, shall give twenty days notice of the time and place of such ^{sales} ~~sales~~ at three or more public places nearest the land and other property and see the same to the highest bidder for cash, or so much thereof as may be necessary for the purpose, and shall convey the rights of the property sold to the purchaser, and after paying off all the expenses attending the execution of this trust, shall pay to the said S. D. Cutler, his executors, Administrators, or assigns, the full amount of the three above mentioned bonds or notes including interest thereon or so much as may then be due on said bonds or notes and the overplus, if any shall pay to the said John Hunt or his order, - Witness the following signatures and seals, -
Signed and sealed in presence of { John ^{mark} Hunt

Witness
Benjamin G. Horrell
H. W. Bishop

Seal
Seal

Southampton County, In the Clerks Office, September the 21st 1868
12 o'clock M. - at 25 minutes past, This Deed of Trust from
John Hunt (colored) to James J. Landon Trustee, for the benefit
of G. D. Cutler was this day received & proved by the oaths of Benj
C. Norrell & S. M. Bishop, the two subscribing witnesses thereto &
admitted to record. Stamps of the Internal Revenue of the United
States to the amount of fifty Cents being affixed thereto & duly
cancelled, ~

Teste
J. B. Edwards

Copy

Teste, James J. Landon, Clerk

Beaton Harrison

vs $\frac{M}{3}$ Dixon

Hunt &

July Term 1872

To be entered

J. W. Wagnhart Judge

Beaton & Harrison
vs 3 Dece.
Hunt. &c

This day this Cause came on to be heard on the Complainants bill, which has been taken for Confessed as to all of the defendants, 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 take the following accounts, to wit: An account of all the outstanding unsatisfied claims docketed against the Defendant John Hunt, with their priorities, whether the same be by judgments, deeds of trust or otherwise. An account of the fee simple and annual value of the real estate of which the said John Hunt is now seized, which said accounts the said Commissioner will state, and report to Court, together with ~~all~~ any other matter specially stated, deemed pertinent by himself, or which may be required to be so stated by any of the parties interested.

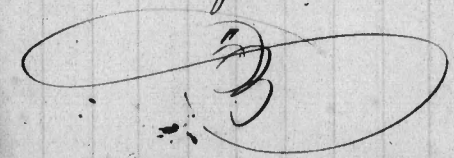
Boatman of Harrison
 } Stat. Rules
 ~
 Hunt of

1872 Nov.

Colk.	8.60
Shff	2.50
Com Tyler	5.00
Law v	16.00
	<u>32.10</u>

1873 November

Received by Clerk Circuit
 Court Aug. 13th 1873.



In Southampton County Court

Wm Beaton & Geo. W. Harrison late merchants & partners trading under the firm & style of Beaton & Harrison

against
John Hunt J. I. Darden Trustee of G. D. Cutler

1872 May 23: Summons sp.
" June 10 Summons ret. Ex. Bill filed. D. Nisi & Defs.

" July. Bill taken for confessed & cause set for hearing / J.
" " Decree for acct.

" Oct. 15. Report

" " 29 Exceptions to report by Defs.

" Oct. 15 Report

1873 Nov. Removed from the Docket

Beaton & Harrison
on $\frac{1}{3}$ Decree

Hunt. &c

Nov Term 1873

To be entered

Geo. V. Blod.

Beaton & Harrison

vs 3 Decr -
Hunt -

This day this cause came on to be further heard on the paper formerly read and the report of J. J. Barden, Master, filed Jan'y 21. 1873, and was argued by Counsel. On consideration, whereof, the Court does confirm said report, no exception being filed to the same. And nothing further appearing necessary to be done in this cause, it is ordered to be removed from the docket.

Received January 30/1873. of
Jas. I. Darden, Commissioner
appointed by a Decree of the
County Court of Southampton
County (in suit of Beaton &
Harrison vs Carter) the sum
of Twenty five dollars (\$25)
in full for my fee alleged & or-
dered in said decree.

Jas. I. Kildred
Atty at Law

all of this paid of Darden

This is to certify that my debt in the suit
of ~~Heath~~ ~~Thurst~~ ~~Harrison~~ against ~~Heath~~ & others
is satisfied by taking a deed of Trust on
said ~~Heath's~~ property after G. D. Cutler's debt in
the former deed was satisfied given under
my hand this 6 Day of Jan'y 1873

Wm. Beaton

January 20 1873 Recd of Jas J Darden Comrs
appointed by a Doree of the County Court of
Southampton Court in Suit of Beaton & Harrison
against Butler & Hunt, the sum of Twenty
five Dollars in full for my fee assessed or
ordered in said decree

J. W. Wince
acty.

16
25
41

Dec 21 1872

Jas J Darden Trustee to deed from Geo
Hunt lots to me this ^{is} to certify that
my claim to that deed is all satisfied
and I do not claim anything more
in said deed

G D Butler

Boston & Harris

61
Hunt.

Report of
Hunt.

1872 Aug 21st
" "

To the Hon. Court now sitting

I will state that in the case of Beaton
& Harrison against Hunt and others
in which I was appointed Commissioner
to sell the Hunt's Land.

That G. D. Cutler who claimed under
the deed of Trust is satisfied as you
will see from the enclosed certificate.
And that Beaton & Harrison's debt is
satisfied also as you will see from
Wm. M. Beaton's certificate. and
I have the money to pay all the cost
in said suit that was entered on said
deed. And that I did not see the Land
Jan'y 1878 Jas J. Darden