

1873-037 SOUTHAMPTON COUNTY
CHANCERY PAPERS

SUMMERELL'S EXECUTORS VS. TAYLOR

7/1873

Summers Ex.

7 } Stat Rules

Taylor

In Southampton County Court

Jordan D Prellor & Saml B Prellor Exors of Wm H. Summerville
against
Nancy Taylor

1872 Feby 6 Summons issued -

Mar R. Sum Rch^d Ex^r Bill filed D N v Deft
Apr Bill taken for confid^g & cause set for hearing
for Decree for account

June Decree for land to be rented out.

1873 July T. Dismiss^d

1872 June

Chk-

Int

Com T.

Sum

\$599

200

500

16.00

✓ 28.99

Shummers Em

104 } Bill
 } "
 } exhibis

Taylor

1872. March Rules

To the Honorable Joseph W. Myrland judge of
the county Court of Southampton in chancery sitting

Humbly complaining your orators Jordan D
Patterson and Samuel B Patterson executors of Mr J C
Summers deceased shew unto your Honor that
at the March term 1871 of the county court of
Southampton they obtained a judgment on
a bond for \$48.73 ^{cc} with interest from the
22nd of Feb'y 1859 against Nancy E Taylor
which was docketed on the 8th of April 1871, all
of which will more fully appear by a certified
copy of the said judgment and due proof of its
being docketed herewith files marked A and prayed
to be taken as a part of this bill, (Your orators
state further that this debt was due and owing
long before the adoption of the present constitution
and is still outstanding never having been paid
by the said Nancy E Taylor. That so far from
making any effort to pay the same the said
Nancy E Taylor by deed dated the 5th Feb'y 1871
and duly recorded and a copy of which is
herewith filed marked B and prayed to be taken
as a part of this bill did set aside 108 acres
of land lying and situated in Southampton
valued at \$500 ^{as appraised}, And your orators charge and
avow that this land is liable for this debt
In tender consideration whereof and

mainly as your orators are without
adequate relief at law and only entitled to
relief in a court of equity where such
matters are peculiarly cognizable. They therefore
pray that Nancy E Taylor may be made
a party defendant to this bill that the court
would compel her as full and perfect
answer make to the allegations therein contained
as if she had been thereto sworn fully and
specially interrogated, that the court would
direct one of its commissioners to enquire into
and report the actual and annual value of
all the lands whereof the said Nancy E
Taylor is now seized and possessed including
the said 108 acres set aside as a homestead
and also all the judgments docketed and
their priorities which may be liens on the said
lands, and upon the coming in of the said report
if it should appear that the rents of the lands
will not pay the said judgments in five
years then that they or so much thereof
as may be necessary may be sold to pay the
said debt or debts if any more should be
proved and that the court would grant such
other and general relief the premises considered
as equity may dictate and the nature of
this case may require, and as in duty bound your
orators will ever pray we
Shades Jr.

Sumner's Ec-

as 3 Decm

Lay low

He is entered

J W Wright

April Decm 1892

Summerville executors

vs 3 Decm
Taylor

This day this cause came on to be heard on the plaintiffs bill taken for confessed against the defendant Nancy E Taylor exhibits filed and was argued by counsel On consideration whereof the court doth adjudge, order and decree that one of the commissioners of this court take an account of all the real estate whereof Nancy E Taylor is at this time seized and possessed including the 108 acres set aside by her as a homestead its actual and annual value and also report all the judgments which have been obtained against the said Nancy E Taylor and dockets stating their priorities and dignities and report the said accounts to this court together with any matter specially stated deemed pertinent by himself or which may be required to be so stated by any of the parties interested

Sumner's En^d
as
Taylor J. W. W.

1
Dartmouth County Court. April Term 1872.

J. S. & S. B. Fittlow Esrs of W^m H. Sumner do—
against
Nancy E. Taylor,

This day the Court came on to be heard on the Plaintiff's bill taken for Confess against the Defendant Nancy E. Taylor. Exhibits filed and was argued by Counsel; in Consideration whereof the Court doth adjudge, Order and decree, that two of the Commissioners of this Court take an account of all the real Estate whereof Nancy E. Taylor is at this time Seign and possessor, including the 108 acres sit aside by her as a Homestead, its actual and assessed value, and also report all the Judgments which have been obtained, against the said Nancy E. Taylor, and docketed. Stating their priority, and dignity. & Report the said accounts to this Court together with any Matter Specially Stated, deemed pertinent by himself, or which may be required, to be so Stated, by any of the parties interested.

Attest
Jesse
James Taylor, Clk

Simmons' was

as 3 Decr

Taylor

To he entered

J. W. G. Hart Judge

Sumnerell's exors
vs 3 Deem
Taylor

This day this cause came on again to be heard on the papers formerly read and the report of commissioner Tyler made pursuant to a decree entered at the April term 1872 of this court and to which no exceptions have been filed and was argued by counsel On consideration whereof the court doth adjudge, order and decree that the said report be confirmed, and it appearing to by the said report that the rent of the land will pay the plaintiffs' debt in less than five years, and that the said debt was due and owing long before the adoption of the present constitution and that the defendant cannot claim the homestead as against this debt it being unconstitutional therefore the court doth further adjudge order and decree that the Sheriff of Southampton rent out annually the tract of land in the bill mentioned containing one hundred and eight acres until the plaintiffs' debt and all the costs of this suit are paid and the court doth further adjudge, order, and decree that the said Sheriff

report his proceedings annually to this
court in order to a further decree

The Commonwealth of Virginia

To the Sheriff of Southampton County, Greeting:

WE COMMAND YOU to summon

Nancy E Taylor

if *She* 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
March next to answer a bill in Chancery exhibited against them in our said
Court by Jordan D Pexton & Samuel B. Pexton Executors of Wm H. Summerell dec'd

And have then there this writ. Witness, OSWIN WHITE, Clerk of our said Court, at the Court-
house, this *6th* day of *February* A., D., 1872, in the *96th* year of
the Commonwealth.

Oswin White

Sumner's Ex^t

2 { Sum. bky.

Taylor

1842 March Rules

Executed /
Attest by
for W. D. Briggs

Executed

Summerell Exec

or
Taylor } Com: Notice

Executed

W W Briggs off

COMMISSIONER'S OFFICE,

Jerusalem May 25 1872

TO

Robert R. R. R.

J. D. & L. B. Preston Executors
Wm H Sumner & Co

against
Nancy E Taylor

You are hereby notified that I have fixed upon the first day of June 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 one of the commissioners of this Court take an account of all the real Est; whereof *Nancy E Taylor* is now seized and possessed, stating its actual and annual value including in the report the two tracts of Land set aside by her as a Homestead and containing 708 ~~and the other 240~~ acres and also an account of all the judgments which have been obtained against the said *Nancy E Taylor* stating their priorities and dignity &c.

required to be taken by a decree of Southampton ^{County} Circuit Court, rendered on the _____ day of April Term 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.

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.

James R. Ryan Commissioner.

Robert R. R. R.

Commissary General

R. R. R.

Sumner's Ex^s

v { Report Com Tyler

Taylor

1872 June 13th

An Account of the real estate of Nancy E. Taylor
is at this time seized & sequestered including 108 acres as Homestead

one tract of Land on Sea Cock Swamp	For Simple Annual
containing 108 acres	Value \$ 378 00
	Value \$ 50 00

This Land is claimed as a Homestead.

Respectfully Submitted
Jas R. Dyles Com

An Account of all Judgments against
Nancy E. Taylor and docketed in the Clerk's
office of Southampton County.

J.D.G. L.B. Packer Exor of Wm. H.	
Summerville dec. Judgment	
against Nancy E. Taylor for	48 73
Int. from 22 nd July 1859. to 22 nd	38 98
June 1873.	
Costs	7 40
docketed April 8. 1871.	
	\$ 95 11

Respectfully Submitted
Jas R. Dyles Com

Commissioner's Office
Jerusalem June 10th 1872

To the County Court of Southampton County.
Pursuant to a decree of the County Court of Southampton County rendered at the April Term last in a suit in Chancery depending in the said court between J. P. W. P. B. (Petitioner) Exr. of Wm. H. Summell dec. and Nancy E. Taylor; the undersigned one of the Commissioners of the said court to whom was referred for settlement by said decree following account to wit:
That one of the Commissioners of this court take an account of all the real estate whereof Nancy E. Taylor is at this time seized and possessed including the 108 acres set aside by her as a Homestead its actual and annual value and also report all the judgments which have been obtained against the said Nancy E. Taylor, and docketed. Stating their priorities and validity & report to the court that on the 25 day of May last he issued notices against the several parties aforesaid, requiring them to attend the settlement of the said account before him at his said office on the 1st day of June ~~last~~. That the parties aforesaid appeared by (attys) and he thereupon stated and settled the foregoing account up to the 22nd June 1872 and on that day finds the amount of judgments and interest added to be \$98.⁰⁰ and takes an account of the real est. which the actual value amounts to \$378.⁰⁰ and the annual value amounts to \$50.⁰⁰. The real Est. of the said Nancy E. Taylor is claimed by her as a Homestead and is of record in the Clerk's Office of Southampton County. 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 deans &c
are herewith returned.

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

James P. Fyler

Com: for \$5⁰⁰

Memorandum
for
Clark

Memorandum for Clark.

Copy judgment I D. S. B. Poutow vs
Nancy E Taylor March term 1871 also
certificate of its being docketed April 8th
1871

A

Copy deed of Nancy E Taylor of 1st Feb
1871 setting aside 108 acres as homestead
and file in papers

HB

Shands p. 9.

Summerells Esq
v } Co. Judge
Taylor

Attys fee 10.30 ✓

Nancy E Taylors Deed

Claiming Homestead of

Know all men by these presents that I Nancy E Taylor of Southampton County, Virginia, do hereby declare that it is my intention to claim my homestead exemption under the provisions of an act of the General Assembly of Virginia entitled, "An act to prescribe in what manner and on what conditions a household or head of a family shall set apart and hold a homestead and personal property for the benefit of himself (or herself) and family exempt from sale for debt" approved June 7. A.D. 1870 and the said Nancy E Taylor claims as such Homestead in addition to the articles exempt from levy or distress for debt - on the day the present Constitution went into effect to be held exempt from levy, seizure, garnishment or sale, the following property to wit One hundred and eight acres of land including the buildings now occupied by me and family, and bounded as follows, On the North by the lands of Miss Fannie and Maggie Urquhart On the East by the land of Mrs Elizabeth Pledger on the South by the land of Mrs. Sally Brown and on the West by the lands of Mrs Mary Bailey Valued by me at the sum of Five hundred dollars In Testimony whereof the said Nancy E Taylor, has set her hand and seal this 6th day of February A.D. 1871.

Nancy E Taylor (Seal)

Southampton County In the Clerk's Office February 6th 1871.
This deed was this day acknowledged by Nancy E Taylor, a party thereto, and admitted to record. A Stamp of the Int. Rev. of U.S. to the amount of fifty Cents being affixed thereto and duly cancelled

Teste

James R Tyler DC.

Attest

Teste. O. White Clk