

1875-25

Southampton County - Chancery

Vick, B. F. vs. Kindred, D. H.

"In settle Judgment"

104

Vicks

vs $\frac{2}{3}$ Bill Exhibits

Knives

1870 October Rules

J. Blaine Jr.

To the Hon Geo: Blow, Judge of the Circuit
Court for the County of Southampton.

In Chancery.

Humbly complaining sheweth unto your
Honor, your complainant B. F. Viche, that
at the Nov: Term of the County Court of
Southampton 1872, he obtained a judgment
against D. H. Kindred for \$104.63, with
interest thereon from April 13, 1872, till paid
and \$8.13 costs, as will more fully
appear from a copy of said judgment
herewith filed marked A & prayed to be
taken as part of this bill. That upon said
judgment an execution of fieri facie has been
issued returned no effects, or will be
seen from copy of said fieri facie herewith
filed marked B, and prayed to be taken as
part of this bill. That the said Kindred
is entitled to an undivided interest in the
Real Estate of which his mother is now
seized as for her dower, which is amply
sufficient to pay your complainant's demand.
That the rents & profits of said interest would
not in five years rent for enough to satisfy
your complainant's demand. That the said
Kindred has no other property liable to
your complainant's demand. In consideration
of all which, and in as much as your Com-

Exhibit (A)

Exhibit B

plainant is without remedy save in a
Court of Equity, where matters of this kind
are properly cognizable, to the end therefore
that justice may be done, he prays that
D.H. Kindred may be made a party defend-
ant 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, what
interest the said Kindred owns in the dower
lands of his mother, Lucy Kindred. its absolute
value; if the said interest is susceptible of
division, and if so, what would be its
annual value; also that the said Commis-
sioner shall take an account of your complain-
ant's demand, and all other outstanding
liens against the said Kindred, distinguishing
their priorities: and that your Honor will
grant an order at the proper time for the
sale of the said Kindred's interest in the
dower lands of his mother Lucy Kindred, or
so much thereof as may be necessary to
satisfy the liens reported against him...
And that your Honor will grant such
other further & general relief in the premises
as to Equity may seem meet & the nature
of the case may require - and as in duty
bound your complainant will ever
pray &c. May it please the Court &c.

J. B. Parice pr

Vicks

or } Exhbs with bell

Kindred

A. & B

Southampton County Court November 19th 1872.

Ben F. Vick

Plff

In Debt.

against
David A Kindred

Def.

The judgment obtained at the Rules not having been set aside and the plaintiff being now entitled to a final judgment it is therefore considered that the plaintiff recover against the said Defendant One hundred and four dollars Sixty three Cents with legal interest thereon from the 13th day of April 1872 till paid, the debt and interest in the declaration mentioned and his costs by him about his suit in this behalf expended.

Plff's Costs \$8.¹³

A Copy-

Docketed December 13. 1872-

Teste. L. R. Edwards Clk.

The Commonwealth of Virginia

To the Sheriff of Southampton County. Greeting.

We command you that of the goods and chattels of D. A. Kindred late of your bailiwick you cause to be made One hundred and four dollars Sixty three Cents with legal interest thereon from the 13th day of April 1872 till paid which Ben F. Vick lately in our County Court of Southampton County has recovered against him as well for a certain debt as for interest thereon, also the sum of eight dollars and 13 Cents which to the said Vick in the same Court were adjudged for his costs in that suit expended, whereof the said Kindred is convict as appears to us of record; and how you shall have executed this writ, make known at the Clerks Office of our said Court at the Rules to be holden for the said Court on the first Monday in February next. and have then there this writ.

Witness Littleton R. Edwards Clerk of our said Court at the Courthouse this 10th day of December 1872. in 97 Year of the Commonwealth.

L. R. Edwards Clk.

Sheriff's Return - "No property"

W. W. Briggs Shff.

A Copy-

Teste. L. R. Edwards Clk.

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Vick
to } copy done

Kindred



Southampton Circuit Court November Term 1873.

P. J. Vick

Plaintiff

against

D. H. Kindred

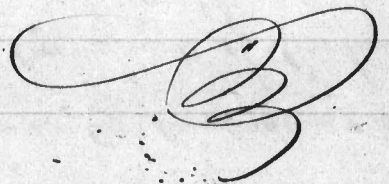
Defendant

In Chancery

This day this cause came on to be heard on the Complainant's bill, which has been taken for confessed, as to the defendant D. H. Kindred, exhibits filed, with general replication, 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 the Complainant's demand and all other unsettled liens against D. H. Kindred, distinguishing their priorities. The said Commissioner is also directed to inquire and report to Court, what interest the said Kindred owns in the dower lands of Lucy Kindred, or any other real estate, its absolute and annual value - All of which the said Commissioner will report to Court, together with any other matters specially stated deemed pertinent by himself, or which may be required to be so stated by any of the parties interested.

Attest -

Juste, J. R. Edwards C. J.



Vieta }
v } Comp. Notice
Kinds }

Executed by obtaining
D. H. Ketchum a copy
of this notice
J. G. Barham by
for W. W. Briggs. J. H.

COMMISSIONER'S OFFICE,

Jerusalem, Va., Jan'y 29th 1874

To

B F. Wick

Plff

against

David H. Kindred

You are hereby notified that I have fixed upon the 14th day of February next, if fair; if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to-wit:

An account of the complainant's demands and all other unsettled liens against D. H. Kindred, distinguishing their priorities. The said Commissioner is also directed to inquire and report to Court what interest the said Kindred owns in the dower lands of Lucy Kindred or any other real estate, its absolute and annual value &c.

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required to be taken by a decree of Southampton ^{Circuit} County Court, rendered on the _____ day of November 1873, 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.

Victor
No. 2
Rept of
Nindred

Commissioner
" Styles

1874 April 10th

[Handwritten flourish]

James H. [unclear]

An Account of all outstanding Liens against David N. Kindred
and docketed in the Clerk's Office of Southampton County

	Judgment in favor of Samuel Kells adm. of Wester Pope decd. vs Job Holland & D. N. Kindred		
Docketed Sept 4 th 1868	& B. B. Kindred. for	43 80	
	Int. from 6 Sept. 1866 to 1 st May 1874	20 11	
Prd.	Costs	7 76	
	August Term 1868.		71 67

	Judgment in favor of Saml. Kells adm. of Wester Pope decd. vs David N. Kindred		
Docketed Sept 4 1868	& B. B. Kindred. for	30 25	Pr
	Int. from 6 th Sept 1866 to 1 st May 1874	18 88	
Prd.	Costs	7 96	
	August Term 1868		52 09

	The Same. vs B. B. Kindred & David N. Kindred		
Docketed 4 Sept 1868	for	43 20	
	Int. from 6 Sept 1866. to 1 st May 1874	19 81	Pr
Prd.	Costs	7 06	
	Augt Term 1868.		70 07

	Judgment in favor B. B. Kiche vs David N. Kindred		
Docketed 13 Decr 1872	for	104 63	
	Int. from 13 April 1872. to 1 st May 1874	12 87	
Pr	Costs	8 13	
	November Term 1872		125 63
			319 46

An Account of the absolute and annual value of the real Est. of which Mrs Lucy Kindred was owner and her dower interest in said real Est., and of which D. H. Kindred ^{owns} has an interest.

	Absolute Value	Annual Value
one tract Land, Phillips 651 acres	1237 00	100 00
" " Home tract 208 1/2 acres	1107 00	100 00
	\$2344 00	\$200 00
Mrs Lucy Kindred dower interest by reference to the table of Dower Int.	304 72	26 00
David H Kindred 1/5 interest	\$407 85	
	\$2039 28	\$174 00

Respectfully Submitted
James R. Fyler
Com:

Commissioner's Office
Jerusalem April 8, 1874

To the Circuit Court of Southampton County

Pursuant to a decree of the circuit court of Southampton County rendered at the November Term 1873 in a suit in chancery pending in said court between B. F. Vick and David H Kindred. The undersigned, one of the Commissioners of the said court to whom was referred for settlement the following accounts, "viz: An account of the complainant's demand and all other unsettled liens against D. H. Kindred, distinguishing their priorities. The said Commissioner is also directed to enquire and report to court what interest the said Kindred owns in the dower lands of Lucy Kindred, or any other real estate, its absolute and annual value - All of which the said

Commissioner will report to Court &c. reports to the court that on the 29th day of Jan^y last. he issued notices against the parties aforesaid, requiring them to attend the settlement of the said accounts, before him at his said ^{Office} on the 14th day of Feb^r last. which were ~~sent~~ returned to your Commissioner duly executed, that the ~~party~~ "Plff" aforesaid appeared before the Commissioner in obedience to said notice, and he thereupon examined, stated and settled the foregoing accounts up to the 1st day of May 1874, and on that day finds the judgment lies, with interest and costs added, to be \$319.46. the absolute and annual value of the real Est. to be \$2039, 28 cents after deducting the dower interest of Mrs Kindred. the annual value to be \$174 00. The Commissioner states specially, that D. H. Kindred owns one fifth interest in the real Est. of Mrs Kindred ~~lands~~ which is ~~amount~~ \$407. 85. The Commissioner further reports to the court that after the completion of the said accounts, he retained the same ten days for the examination of the parties, which with the decree and notices are herewith returned. Given under my hand as Commissioner aforesaid the day and year first aforesaid
James R. Fyler
Com: for \$5⁰⁰

March 10th 1809. Received
of Ben B. Kinder \$²⁰33. Thir-
ty three dollars and 20/100
which Samuel Kelso Shiff
and Adm. of Westa Poppe
did. lately in our County
Court of Southampton
County, hath recovered
against them as well for
a certain debt, as for interest
thereon, also the sum of
over

Seven dollars and six
cents, which to the said
Kello, and ads^r. in the
same court were duly
adjudged for his cost.

To be avowed by
for S Kello shff.

S. Keller Shff. & adv of Westn Pope

against

Jacob H. Kindred & B. B. Kindred

Judgments for?

Int. from 1st September 1866 to 3rd December 1869

Conto

\$ 30.35

5.88

7.94

\$ 44.09

2.20

\$ 46.29

Commissions

Recd of B. B. Kindred through the hands of
John J. Kindred \$ 46.29 in full of an execu-
tion issued from the County Court of Southamp-
ton in favor of S. Keller Shff. & adv. Westn Pope.
against J. H. Kindred & B. B. Kindred —
December 3rd 1869.

S. Keller Shff. & adv ✓
of Westn Pope.

Veto
to
Kindred
Sumner
in
Oky

1873 Oct. Rules

Executed.

Wm S. Barham
for W. D. Briggs

The Commonwealth of Virginia

To the Sheriff of Southampton County--Greeting:

WE COMMAND YOU to summon *David J. Kinder*

if *he* be found within your bailiwick, to appear at the Clerk's Office of our *Circuit*
Court of Southampton county, at the Rules to be holden for the said Court on the first Monday in

*It went to answer a bill in Chancery exhibited
against him in our said Court by B. T. Vickery*

And have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the
Court-house, this *19th* day of *September* A. D. 187*3*, in the *98th*
year of the Commonwealth.

L. R. Edwards

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Vicks

Stat. Rules

Hundred

[Faint mirrored handwriting, likely bleed-through from the reverse side]

In Southampton Circuit Court.

B. F. Vick

^{vs}
D. H. Windred

1873 Sep. 19 Summons issued.
Oct 18 Sum. Ret. Executed. Bill filed. D. H. v. Vick.
Nov " Bill taken for confessed. Cause set for hearing 2^d.
" J. Decree for account.

1874 Apr. 10 Report
June J. Decree for sale

1875 Feby J. Cause removed from the docket.

Nicks

or $\frac{2}{3}$ Recre

Kindred

New Year 1873

To be entered

Geo. B. Bond.

Nick
3 Decree.

Kindred

This day this cause came on to be heard on the Complainant's bill, which has been taken for confessed as to the defendant D. Kindred, exhibits filed, with general replication, 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 the Complainant's demand and all other assets thereto against D. Kindred, distinguishing their priorities. The said Commissioner is also directed to inquire & report to Court, what interest the said Kindred owns in the several lands of Lucy Kindred, or any other real estate, its absolute and annual value - All of which the said Commissioner will report to Court, together with any other matters specially stated deemed pertinent by himself, or which may be required to be so stated by any of the parties interested.

Saukhampton Circuit Court, Jan 20 1874.

B. F. Dick
 against
 J. H. Kindred

Shff
 In Chancery
 Deft

This day this Cause came on to be further heard,
 on the papers formerly read and the Report of Commissioner
 Tyler, filed April 10th 1874, and was argued by Counsel;
 on Consideration whereof the Court, Confirming said
 Report no Exceptions being filed therein, doth adjudge,
 Order and decree, that Wm. W. Briggs Sheriff of
 Saukhampton County, after twenty days notice of the
 time place & terms of Sale, proceed to sell the
 interest of J. H. Kindred in the real Estate now
 held by Lucy Kindred as Dowry, upon the following
 Terms to wit; One half Cash, the balance on a Credit
 of twelve months, the purchaser to Execute Bond
 for the deferred payments with Satisfactory Security,
 Carrying interest from the day of Sale, and the
 title to be retained for deferred payments. And
 said Briggs is ordered to report his proceed-
 ings under this Order to Court.

Colk paid \$9.18
 Shff. 1.50
 Com Tyler 5.00
 Law \$ 16.00
 Additional cash

Wm. W. Briggs
 Sheriff
 James P. Tyler
 Clerk

\$31.68
 36 68

Rec^d November 19th 1874 of W W Briggs Sheriff
one Hundred & Twenty eight & $\frac{36}{100}$ dollars
in full of my judgment against A H Kendrick
filed in this suit

B. F. Ficke

In obedience to this decree I advertised the
land in the proceedings mentioned, to be sold on
November County Court day 1874; and David
H Kendrick on that day paid the costs of this
suit, and the Plaintiff's debt, as will appear
by his receipt herewith returned. I therefore
did not sell said land.

Respectfully Submitted
to His Hon. Geo Shaw
W W Briggs (bond)
Jan. 15th 1875

Wick }
to } Copy done

Hundred

1875 Feb 23rd

R. F. Vock

41

D. J. Kuchma

Debt due 1st May 1874.

Do to 1st November 1874

both

Shuff. Com

125.63

3 13

36.68

165.44

8.23

173.91

128.76

B. F. Vicko To James R. Tyler, Commissioner of Vt.

1874 Apr 10th To Rept in the Chancery suit of

Vicko vs Kindred

James R. Tyler, Commissioner
\$ 5.00

Wicks

in $\frac{3}{3}$ Decree.

Knicker

June Term 1874

To be entered.

Geo. T. Blinn.

Vicke

v. $\frac{2}{3}$ Decem.

Kindred

This day this cause came on to be further heard on the papers formerly read and the report of Commis^r Tyler, filed April 10. 1874, and was agreed by Counsel on consideration whereof, the Court, confirming said report, no exceptions being filed thereto, doth a Judge order & decree, that W. W. Briggs, Sheriff of Southampton County, after twenty days public notice of time place & terms of sale, proceed to sell the interest of D. Kindred in the real Estate now held by Lucy Kindred as dower, upon the following terms to wit - one half Cash, the balance on a credit of twelve months, the purchaser to execute bond for the deferred payment with satisfactory security, carrying interest from day of sale - and the title to be retained for deferred payment, And said Briggs is ordered to report his proceedings under this order to Court.

Wiche

us $\frac{3}{3}$ Deree

3
Kinder

Febry 2^{um} 1843

To be entered -

Geo. Brown.

Vick
27 3 Decem-
Kundred

This day this cause came on to be further heard on the papers formerly read & the report of Comr Briggs filed Feby 23. 1845- and was argued by Counsel-. And it appearing from said report that the defendant Kundred paid all the debts, interests & costs, reported, before any sale, and nothing further appearing necessary to be done in this cause, the Court doth order that this cause be dismissed from the docket.