

1887 12.

Seventhampton County - Chancery

Garden, James G. vs Williams, David ^{et al}

To sell land to
pay off judgment

Prince, J. B.

Yann, J. E.

Dandur

or 3 Bill
exhibits

Williams is also

To The Honorable George Blair judge of
the circuit court of Southampton County
in chancery sitting

Humbly complaining your Orator James
J Darden sheweth unto your Honor that on
the 2nd of January 1885 David Williams of
Hartford County N. Carolina, made a deed
of trust to J. B. Prince of Southampton Co
Va of all his interest of, in, and to a
certain tract of land lying in Southampton
Co Virginia it being a tract of land
devised to him by Mrs Lou Edney Whitley and
containing forty acres or more to secure
a debt due by bond to J. E. Vance of
Hartford N. Ca for \$154.25 to all of which
will more fully appear by a certified copy
of the said deed of trust herewith filed
marked Exhibit A and prayed to be taken as
a part of this bill, Your Orator states and
sheweth further unto your Honor that
the said David Williams is now
indebted to him on bond for \$48.22 to
with interest from 5th of November 1883 as
will more fully appear by the said bond
herewith filed marked Exhibit B and prayed
to be taken as a part of this bill
Your Orator states further that both

David Williams the grantor and T. E. Vann the beneficiary in the affidavit due of fact are not residents of Virginia but reside in Hertford County, N. Carolina and that so far as your Orator knows and believes all the estate which David Williams has in Virginia is the above said tract of land and that the only property which he has out of which your Orator can make his debt is his ~~residual~~ remainder in the said land after selling out under the said deed and applying proceeds of the purchase money to the payment of your Orator's debt. Your Orator states that he has applied to the parties and especially the trustee to see under this clause as the land is worth more than the debt secured and pay the surplus over to him but they have refused.

In Tender consideration whereof and inasmuch as your Orator is without relief at law and only entitled to relief in a court of equity where such matters are peculiarly cognizable he therefore prays that David Williams, J. B. Pinner and T. E. Vann may be made parties defendant to this

bill and that the court would compel
them as full and perfect answer make to
the allegations therein contained as if they
had been themselves more fully and specially
interrogated And that the court would by its
decree order the trustee J. B. Pinner to
sell the tract land conveyed by David
Williams to him and after paying the costs
of the sale and J. E. Pinner his debt therein
account out of the surplus if any pay to
your Coator his debt and the costs of
this suit and the balance to David
Williams and that the court would grant
such other and general relief the
prudent conscience as equity may
dictate and the nature of his case may
require and as in duty bound your
Coator will ever pray me

Shanda n Son Jr. g.

Nov 6th 1881 Recd the sum of Five
Dollars in part in gold JJD

David Williams
Note to
Jas J Darden
\$4.60⁰⁰

IB

not on B acct

\$

On Demand

promise to pay unto **JAS. J. DARDEN,**

his heirs, executors, administrators or assigns, the just and full sum of Forty Six

Dollars and Cents,

current money of the United States, for value received, for the true payment of which I
bind my self, my heirs, executors and administrators, firmly by these presents; and
I hereby waive the benefit of my Homestead Exemption as to this debt, obligation,
or contract, with interest from first day of January 1883.

As witness my hand and seal this Sixteenth day of January, in the
year of our Lord one thousand eight hundred and eighty- Three.

Witness.

David Williams (Seal).

(Seal).

J. H. River
Jan 17

Southampton County Court...

To the Sheriff or any Constable of
said County.

Whereas J. J. Darden plaintiff in a
certain Suit in Equity now pending
in the Circuit Court of Southampton
to recover from David Williams a debt
of \$43.²² with interest from Nov 6. 1883.
has made affidavit before J. B. Bunn
a Justice of the Peace that the said
David Williams is justly indebted to
him as above set forth; that he has
present Cause of action thereon; that
the said David Williams is a non resi-
dent of this State; that the said David
Williams has real estate within the
County of Southampton. These are
therefore in the name of the Commonwealth
to require you to attach the said real
estate of the said David Williams for
the amount of the said debt with
interest thereon as aforesaid and
such estate so attached in your
hands so to provide that the same
may be liable to further proceedings
thereupon to be had before the Circuit
Court of said County, on the first day
of the next Term thereof; and that you
then and there have this warrant.

David
in 3 ~~March~~
Williams

1885. 1st day May
Cris. let.
~~~~~

To attach the land  
of David Williams  
Situated in Southampton  
County Va. containing  
40 acres

July 16<sup>th</sup> 1885  
Executed by ~~attaching~~  
by attaching the  
above named land

G. W. Vickory  
for W. W. Briggs  
Stth

Given under my hand this 1<sup>st</sup>  
day of July, 1885.  
L. B. Pierce L. L.

This Deed of Trust made this 2<sup>nd</sup> day  
of July 1883, between David Williams  
of one part and J. B. Pomeroy Trustee  
of second part, witnesses that  
in consideration of five dollars  
in hand paid, the said David  
Williams do hereby grant and  
convey with general warranty unto the  
said Trustee the following real Estate  
situated in Southampton County  
to wit, all his interest in and  
to a certain tract of land in said  
County devised to him by the will  
of Mrs. Louisa Edney Whitley known  
as the Stanley or Williams place and  
also all of his <sup>interest</sup> in and to the rents  
to which he may be entitled from  
said ~~place~~ <sup>premises</sup>.

On Trust to secure the payment  
of a bond due to J. C. Vann by David  
Williams for \$159<sup>25</sup> due and dated Sept.  
29<sup>th</sup> 1884 - His power therein the event  
of a sale hereunder it shall be upon  
such terms, as the said J. C. Vann  
may desire upon twenty days  
notice of him and place and in  
such event the Trustee shall be  
entitled to the usual Commission of

first per cent on the gross sales -  
Witness my hand and seal Jan'y  
2<sup>nd</sup> 1885

David Williams Seal

Virginia,

Southampton County to wit:  
I W. Hebrill, a Commissioner in Chancery  
for the County Court of Southampton  
in the State of Virginia, do Certify  
that David Williams whose name  
is signed to the writing above dated  
Jan'y 2<sup>nd</sup> 1885 has acknowledged the  
same before me in my capacity  
aforesaid,

Given under my hand Jan'y 2<sup>nd</sup> 1885  
W. Hebrill  
Commissioner in Chancery

Southampton County in the  
Clerk's Office Jan'y 2<sup>nd</sup> 1885. This  
Deed of Trust from David Williams  
to J. B. Brewer Trustee for the ben-  
efit of J. C. Vauit was this day  
received and together with the  
certificate thereto annexed admitted  
to record

Teste J. B. Brewer Clerk  
Attest Jas. L. McLaurin Secy

Darden

or  $\frac{3}{3}$  Dr. Pub

William V.

Clb \$ 5.48

Shff h.w. 1.00

Dr Pub 4.00

Janst. 16.50

---

\$26.98



Memorandum  
for  
Clark

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Clerk will copy Deed of Trust from  
David Williams to J. B. Prince trustee  
for T. E. Mann in 1885. Say and file  
it with the bill exhibit ~~XX~~ A

Darden

vs 3 Affidavit  
Mullins &

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1885. Feb. 18. Filed  
L.B.D. c.s

State of Virginia }  
Southampton County } To wit

This day James I Darden personally  
appeared before me a justice of the  
peace for the county aforesaid and  
made oath that David Williams is  
justly indebted to him in the  
sum of \$43.22 with interest  
from 1<sup>st</sup> of November 1883 by bond  
on which judgement was rendered  
in N. Ca and that he has present  
cause of action thereon and that  
David Williams and T. E. Bunn  
are not residents of the state of  
Virginia and that the said  
David Williams has he verily  
believes ~~for~~ <sup>really</sup> some estate in the  
~~State of Virginia~~ county of  
Southampton given under my  
hand this 12<sup>th</sup> day of February 1885.

John C. Bunn J. P.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

*J. E. Vance* —

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 *March* next, to answer a bill in Chancery exhibited against *him & others*  
in our said Court by *James J. Parden*

And this *he* shall in no wise omit; and have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, this *11* day of *July*, 188*5*  
in the *109<sup>th</sup>* year of the Commonwealth. *Teste. J. B. Prince C. C.*

Darden 132  
vs 3 Stat Rules  
Williams & Co.

~~~~~  
~~~~~

In Southampton Circuit Court.  
 James J. Darden. Plff  
 against  
 David McLean, L.B. Price trustee } In  
 and J. E. Vann. Defts } Chancery.

1885

Feb 11. Summons to McLean Rules.  
 " 18. Attachment vs land of David McLean to 1<sup>st</sup> day May Term  
 " " Dr. Park. vs J. E. Vann & David McLean  
 McLean Rules. Summons Extd on L.B. Price. Bill exhibits filed. Decree nisi  
 vs Deft L.B. Price.  
 Apr " Dr. Park. returned. & decree nisi vs all defts.  
 May " Cause set for hearing.

1882

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

*David Willard*

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 *March* next, to answer a bill in Chancery exhibited against *himself*

in our said Court by

*James J. Darden*

And this *he* shall in no wise omit; and have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, this *11<sup>th</sup>* day of

*July*

, 188*5*,

in the *109<sup>th</sup>* year of the Commonwealth.

*Teste J. B. Prince 66*

Receives  
or 3 Report  
Williams Jr.

---

1887. Nov 31  
Filed. I.B.S.

Darden  
3<sup>rd</sup> Rep't of J.B. Pinner Trustee.  
William T.

In this case your Trustee respectfully submits following report.

That he has sold the land in proceedings mentioned and at the sale J. J. Darden became the purchaser, by bidding the sum of \$214-. He paid me in cash \$214-.

|                 |         |                                   |
|-----------------|---------|-----------------------------------|
| To Commission   | \$10.70 |                                   |
| " debt secured  | 181.26  |                                   |
| " order Paid.   | 5.00    |                                   |
| " Clerk's fees. | 7.08    |                                   |
| " Stff "        | 1.00    |                                   |
| " Auctioneer.   | 5.00    |                                   |
| " atty, fees &c | 16.50   | 226. <sup>94</sup> <del>50</del>  |
| Bal due to me   |         | \$12. <sup>94</sup> <del>50</del> |

which has been paid. I have made a deed to the purchaser. and there is nothing further to be done in this case.

Respectfully Submitted.

To Judge Circuit, &  
Solicitor

J.B. Pinner  
Trustee

Feb 31. 87

At the request of the plain Tiff, it is ordered  
that the Sheriff attach the real estate  
belonging to Davis Williams - situated  
in Southampton Co.

Teste. L. B. Prince C. C.  
July 18. 86-

Sander

vs Summons

Williams &c

1885 Meb Rules

Executed July 16<sup>th</sup> 1885  
by J. B. Prince by delivering  
to him a copy of the within  
Summons

David Williams & J. B.  
Vance not residents of  
this State

G. H. Vick Dy  
for W. H. Briggs

Sheriff

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THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

*David Hilleman, I. B. Prince*  
*and J. E. Vann*

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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 *March* next, to answer a bill in Chancery exhibited against *them*  
in our said Court by *James J. Darden*

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And this *he* shall in no wise omit; and have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, this *11* day of *July*, 188*5*,  
in the *109.* year of the Commonwealth.

*Teste. I. B. Prince* *cl*

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Statement of money collected of J. J. Darden  
by L. B. Price trustee in favor of  
debt secured by David Williams in  
favor of T. S. Vann - said Darden  
being purchaser at trust sale.

1886

Dec 30 By amt paid me in full  
of your debt and int. \$181.26

Received Jan 20 1887 of L. B.  
Price trustee one hundred  
and eighty one and 26/100 dollars  
in full of above statement.  
J. S. Vann

Thanks,

Sign return to me by mail -

Received Mch 30, 1887 of S. B. Purdie  
Twelve in cash from Sam Williams  
five and one, for copying seeds  
land.

Gay & Gillette Grocers  
Pr. Gay

Received Jan 6. 1887 of J. B. Smith  
Master - in suit Darden vs. Williams  
vs. - Circuit Court Southampton -  
Sixteen & 3/4<sup>th</sup> for dues - in full for  
taxed in said suit -

Wm J. B. Shanks, Esq.  
Atty. for J. V. Darden

William  
to  $\frac{1}{3}$  Bond  
Name

---

Secured by Trust  
Deed in Southampton

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\$159.<sup>25</sup>/<sub>100</sub>

On demand for value received, I  
owe & promise to pay J. E. Mann  
One Hundred and fifty <sup>two</sup>/<sub>100</sub> ~~25~~ <sup>25</sup>/<sub>100</sub>  
dollars. I waive my homestead  
exemptions as to this debt. Witness  
my hand and seal August  
29<sup>th</sup> 1888.

David Williams Seal

Recd Dec 19/88 \$159.<sup>25</sup>/<sub>100</sub>

Recd Feb 7. 1887 of L.B. Prince one  
dollar - Shoff's fees in City Court  
Darden vs. McLean.

J. S. Hick

Acct of G. W. Hick

Dander

or 3

William n. Han

Order of Publication  
from F. Gazette

Bill #4

VIRGINIA.—IN THE CLERK'S OFFICE OF  
SOUTHAMPTON CIRCUIT COURT, Feb. 14, 1885

JAMES J. DARGEN ..... Plaintiff  
against  
DAVID WILLIAMS and T. E. VANN ..... Defts.

IN EQUITY AND UPON ATTACHMENT.

The object of this suit is to foreclose a deed of trust made by David Williams conveying a tract of land in Southampton county, for the benefit of T. E. Vann, and to subject the surplus, if any, arising from said sale, to the payment of the debt due by said Williams to the plaintiff. And affidavit having been made that the said Williams and Vann are non residents of this State, it is ordered that they appear within one month after due publication hereof and do what is necessary to protect their interests in this suit. Test:

J. B. PRINCE, C. C.

SHAW & SON, P. O.

Franklin, Va., March 19<sup>th</sup>, 1885

*order & Son*

art with "FRANKLIN GAZETTE,"

& Newspaper Printing House,

GARDNER BUILDING,

TERMS: CASH.

MAIN STREET.

|      |        |                                                                      |         |
|------|--------|----------------------------------------------------------------------|---------|
| 1885 | Feb 24 | To Legal Advertisement Dargen vs Williams & Vann 2 1/2 weeks 4 weeks | \$ 4 00 |
|------|--------|----------------------------------------------------------------------|---------|

J. M. E. Daugherty, Proprietor of the Franklin Gazette, do certify that the annexed advertisement did appear 4 successive weeks in the Gazette.

arm could now assist her up the hill  
But her visit in this country was not  
long; those little ones at Demerara were  
in her thoughts, and quickened her steps  
homeward.  
Among the gifts left her friends was a  
cocoanut shell carved by one of her ser-  
vants. This was given to my grand-  
mother, who kept it carefully during her  
life; it then became my mother's, who  
was choiced of it for grandmother's sake:  
it is now mine, doubly prized for its in-  
teresting history, and its association  
with the loved ones gone.

Franklin, Va., March 19<sup>th</sup>, 1888

*Meigs Shands & Son*

In Account with "FRANKLIN GAZETTE,"

Book, Job & Newspaper Printing House,

GARDNER BUILDING,

TERMS: CASH.

MAIN STREET.

|      |        |                                                                                          |         |
|------|--------|------------------------------------------------------------------------------------------|---------|
| 1885 | Feb 24 | To Legal Advertisement Darden vs<br>Williams & Vann 2 <sup>1</sup> / <sub>2</sub> months | \$ 4 00 |
|------|--------|------------------------------------------------------------------------------------------|---------|

I, M. E. Daughtry, Proprietor of the Franklin  
Gazette, do certify that the annexed adver-  
tise-ment did appear 4 successive weeks in the  
the Gazette.

~~119~~ 104

Darden

As 3 Decem

Williams nals

✓

May Term 1885

To be entered

Geo Blow.

Entered 127

Darden

vs 3 Decree

Williams & als

It appearing to the court  
that the plaintiff James J Darden has  
proceeded in the mode presented by law  
against David Williams and J. E. Vann  
who are not residents of this state and  
they still failing to appear and answer  
and that process has been duly served on  
the defendant J. B. Prince his bill is taken  
for confessed as to all the defendants David  
Williams, J. E. Vann and J. B. Prince and  
thereupon this cause came on this day  
to be heard on the plaintiff's bill and  
exhibits therewith filed and was argued by  
counsel. On consideration whereof the  
court doth adjudge, order and decree  
that J. B. Prince Trustee after having  
given at least twenty days notice of the  
time and place of sale by public  
advertisement at Newsums depot and  
Jernsalem proceed to sell at Jernsalem  
on some county court day at public  
auction to the highest bidder for cash  
a certain tract of land known as the  
Stanley or Williams place lying in the  
county of Southampton and situate to

contains forty acres it being a tract of land  
conveyed by David Williams to J. B. Pinner  
as trustee and after paying to J. E. Pinner  
the sum of \$159.23 with interest from  
the 29<sup>th</sup> of August 1884, the costs of  
executing the trust and the costs of  
this suit pay to James I. Darden the  
sum of \$43.22 with interest from  
the 1<sup>st</sup> of November 1883 till paid  
and the balance of the purchase  
money if any pay over to David  
Williams and return his receipts along  
with his report to court in order to  
a further decree

Dance 99  
or of Dance  
William J.

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1887. May Term  
To be entered,  
C. W. H. L.

✓

Hansen  
vs  
Hilleman &c

This day this cause came on to be again  
heard on the papers formerly read and  
the report of J. B. Prince Hunter, filed March 31. 1887.  
reporting sale of land, disbursement of all the  
money, supported by proper vouchers - and was  
approved by Council. On consideration whereof,  
no exceptions being filed to said report the same  
is confirmed - Nothing further appearing necessary  
to be done in this cause, it is ordered to be  
removed from the docket.