

1888. 02

Southampton County - Chancery

Cutler, G. D. vs. Artus, Cassandras
et al.

"Is sell land to
satisfy judgment."

Beyant, S. A.

Seyers, J. M. L.

Artus, Leandrus

result & profits thereof be applied to the
 said liens until they are fully satisfied;
 and that all such other further and
 special relief may be given as in the
 premises is just & right.

And your Complainant will ever pray &c.

Prince & Schell p.q.

128
 Carter }
 17. } Bill &c.

Art's & others

Prince & Schell
 p.q.

To the Hon. Justice, Judge of the
Circuit Court of Southampton County.

In Chancery.

Humbly complaining sheweth unto
your Honor your complainant, G. D.
Lester that at a Justice's Court held
in and for the said County on the 22nd
day of March 1884 he recovered a
judgment against Cassander Artis
for the sum of \$38.⁵⁰, with interest
from the 22nd day of March 1884,
and \$1.⁰⁰ costs, a copy of which is
herewith filed, marked Exhibit "A",
& prayed to be read as a part of
this bill; that no part of said
judgment has ever been paid; that
said judgment was duly docketed
on the 29th day of March 1884 in
the Clerk's office of the County Court
of said County; that the records of
the County Court of said County show
that on the 16th day of January 1884
in a Justice's Court held in & for said
County S. A. Bryant also recovered
a judgment against said Cassander
Artis for the sum of \$17.⁰³, with interest
from the 1st day of January 1884 & \$1.⁰⁰
costs, which said judgment was duly

docketed on the 18th day of Feby. 1884, in the Clerk's office of the County Court of said County; the said judgment is apparently not satisfied - In addition to the same, the said Cassander Artis has executed a deed of trust to Mrs. J. Dyer, Trustee, to secure a debt for \$50.⁰⁰ due to Leanderus Artis, the said deed of trust being dated on the 1st day of December 1883, and having been admitted to record in the Clerk's office of the County Court of said County on the 24th day of March 1884 -

The said Cassander Artis is seized & possessed in his own right of an undivided interest (it being $\frac{1}{4}$ part of same) in and to a certain tract or parcel of land lying in said County, containing 60 acres, more or less, and adjoining the lands of Wm. Whitfield, Jacob Winborne & others -

Your complainant avers & charges that the rents & profits of said lands will not in five years satisfy the judgments which are liens upon the same & that he is therefore entitled to have the said land sold to satisfy his own & the other liens thereon.

In consideration whereof, and inasmuch as your complainant is remediless save in a Court of Equity where matters of this kind are peculiarly cognizable, he prays that the said Cassander Artis, S. A. Bryant, Mrs. J. Deyen, and Leandrus Artis be made parties defendant to this bill and required to answer the same on oath; that proper process issue; that all proper orders and accounts be directed and taken; that the lien creditors of the said Cassander Artis be convened before a Commissioner of this Court, and the lien debts of the said Cassander Artis be ascertained, the amount thereof and their order of priority of lien be established; that if it appears that the rents & profits of the said land will not in five years pay the judgments which are liens upon the same, that it or so much thereof as will suffice to satisfy the liens thereon, & the costs of suit & sale, be sold & the proceeds thereof be applied to the payment of the said costs & liens; that if such rents will so suffice, the said lands be rented out, and the

rents & profits thereof be applied to the
said liens until they are fully satisfied;
and that all such other further and
general relief may be given as in the
premises is just & right.

And your Complainant will ever pray &c.

Prince & Shreve p.p.

128
Carter }
107. } Bice &c.

Artis & others

Prince & Shreve
p.p.

G. D. Butler

Pliff

"
r

Cassandrus Artis.

S. B. Bryant - Jno. J. Dwyer Trustees

+ Leandrus Artis

Defts.

1887. Sept 17. Procep ip's to Oct: Rules

" Oct: Rules. Procep ret? Executed. Bill +
Ex: filed. Decree nisi & Defts.

" Nov " Bill taken for confessed &
Cause set for hearing -

Cutter Moore

Sum

Artis. et. als:

1887. Oct. Rules

Cir: Ch

Executed by delivering
a copy of this summons to
J. J. Dyer & S. A. Bryan
Sept 22nd 1887, and by
leaving a copy with a
member of the families
of Cassandra & Leander
Holt over sixteen years
old & explaining its pur-
port to her.

R. D. Moore Esq

for L. W. Williams Esq

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *Cassanders Artis - S. A.*
Bryant. No. J. Leyer. Danster. and Leandrus Artis

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 *October* next, to answer a bill in
chancery exhibited against *them* in our said Court by

G. D. Butler -

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

B. F. M. Lemmon
Witness, ~~J. B. PRINCE~~, Clerk of our said Court, this

1887, in the *112* year of the Commonwealth.

B. F. M. Lemmon

C. C.

In Southampton Justice Court,

March 22. Term, 1884

G. S. Butler

Plff.

Against

In

Leah

Cassander Artis

Deft.

Judgment for the Plaintiff against the Defendant for \$38.⁵⁰ with
legal interest thereon from 22 day of March, 1884, till paid,
and costs, \$1.⁰⁰

Extract.

Teste:

J. F. M. Lemore

C. C.

may be required to be so stated
by any party interested.

copy - Dato: B. F. M. Leonard L.G.

Letter
" or
Answer
Arlio & also

Southampton Circuit Court: Nov. Term 1887.

Cutler } Decree

vs } Decree

Artis & others -

This day this cause came on to be heard upon the complainant's bill taken for confessed and the exhibits therewith filed, and was argued by counsel. On consideration whereof the Court doth adjudge, order and decree, that a Commissioner of this Court come before him the lien creditors of Cassander Artis, and audit and state the following accounts to wit: 1st an account of the lien debts of the said Cassander Artis, distinguishing their priorities; 2nd an account of the annual and absolute value of his real Estate and the said Commissioner is, also, directed to inquire whether or not, in his opinion, the rents and profits of the said real estate, will in five years pay the liens on the same, and report his proceedings under this order to Court; together with any other matter specially stated. Seemed pertinent by himself or which

Butler

Wm. Notice

Artis

1888. Apr 21.

Executed

W. Williams
Atty

Commissioner's Office,

Jerusalem, Va., Apr 14 1888

To G. D. Butler. Cassandrus Artis.

J. A. Bryant. Jno. J. Rye Trustee and
Leandrus Artis.

You are hereby notified that I have fixed upon the 21 day of April next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:

- 1st An Account of the lien debts of the said Cassandrus Artis. distinguishing their priority.
- 2^d. An account of the Annual & absolute value of his real Estate, and whether or not the rents and profits of the same will, in five years pay the liens thereon.

required to be taken by a decree of Southampton Circuit Court, rendered at the Nov term, 1887, 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 said Court, the day and year first aforesaid.

B. F. M. Lemoine

Commissioner.

To the Sheriff of Southampton County to execute.

An account of the lien debts against
 Cassanders Artis. with their priorities -
 taken by B. F. M. Leonard, Commissioner in
 Chancery of the Circuit Court for Southampton
 County, on the 21st day of April 1888. pursuant
 to a decree of said Court. entered at the
 November Term 1887. in the Chancery Cause
 of "Butler vs Artis & als.:

1 st	A judgment due S. A. Bryant	17 03	
	Int: from Jan'y 1/84 to May 1/88	4 42	
	Costs	1 00	\$ 22.45
2 nd	A judgment in favor of G. D. Butler	38 50	
	Int: from Mich 22/84 to May 1/88	9 43	
	Costs -	1 00	\$ 48.93
3 rd	A Deed of Trust to Jas. J. Dyer Trustee for the benefit of Leanders Artis, Executed to secure the payment of	55.00	\$ 55.00
	Total - - - - -		\$ 126.38

Respectfully Submitted.
 B. F. M. Leonard
 Commissioner in Chancery

An Account of annual and absolute
value of the real Estate of Cassandora
Artis - taken by B. F. McLemore, Com'r
in Chancery of the Circuit Court for
Southampton County. in obedience to a decree
of said Court. rendered at the November
Term 1887. in the Chancery Cause of
Cutler vs Artis & others.

$\frac{1}{4}$ undivided interest in Absolute - Annual
54 Acres of land, valued at \$1000 10.00

Respectfully Submitted.

B. F. McLemore

Com'r in Chancery

122
Cutter
or ^{Wm} Report
Artis & others

1888. April 21. filed

B. F. M. ce.

Commissaries Office

Jerusalem. Apr 21. 1888

To the Circuit Court of Southampton County.
Pursuant to a decree of the Circuit Court
of Southampton County - entered at the November
Term 1887. in the Chancery Cause therein
depending, under style of Butter & Artis
et. als: the undersigned, one of the Com-
missaries of said Court, to whom was re-
ferred for settlement, the following Accounts:
viz: 1st. An account of the lien debts
against Cassandrus Artis, with their pri-
orities. 2nd. An Account of the annual
and absolute value of the said Cassandrus
Artis' real Estate. reports to Court, that
on the 14th day of April 1888, he issued
Notice against the parties Plaintiff
and Defendants. requiring them to
appear before him, at his Office in
Jerusalem, on Saturday, the 21st day
of March 1888. which Notice has been
returned to the Commissaries Executed.
That none of the parties appeared in
obedience to said summon, except the
Plaintiff, who appeared in his proper
person. Thereupon the Commissaries
proceeded to take, 1st - an account of
lien debts against the aforesaid Cassan-

drus Artis. and a judgment in favor
of S. A. Bryant. amounting to \$22.⁴⁵,
A judgment in favor of G. D. Butler,
amounting to \$48.⁹³. and a Deed of
Trust for the benefit of Leandrus Artis,
made to secure the payment of a bond
for \$55.⁰⁰, aggregating \$126.³⁸. as
the total amount of the lien debts -
which your Commissioner has arranged
according to their respective priorities.
The Commissioner has also prepared
a statement showing the annual
and absolute value of the real
Estate of said Cassandrus Artis, from
which it will be seen, that he is
entitled to an undivided one-fourth
interest in a tract of land, contain-
ing 54 acres. valued at \$6.⁰⁰ per
acre. as to the whole tract. making
\$324.⁰⁰, that said Artis is entitled to
 $\frac{1}{4}$ of \$324.⁰⁰, or \$81.⁰⁰ as the absolute
value. the annual value of which
the Commissioner has put down at \$10.
The Commissioner is of opinion that
the rents and profits of said real
Estate, will not, in five years, pay the
liens thereon.

Respectfully Submitted.

B. F. McLenore
Comt in Chg

Cutter -
v.
Artis. }

Statement of
Atty. for plff.

Cutter - }
" " } Statement of alts. for plffs.
Artis. }

The matters involved in
this suit have been fully and
satisfactorily settled by and between
the parties - And nothing further
remains to be done in this cause.

Prince & Sebrall, p.q.

Butler & Artis.

Sum ⁿ ²⁰ 4 cop ⁴⁰ Receipt ¹⁸		78	
Atty ¹⁰ Dock ¹⁸ 2 Rules ¹⁰⁰ entering return ³⁵	1	63	
Cop. Ex ¹⁵ fil. Ex ²⁵ filing bill ¹⁵ fil. Report ²⁵		90	
filing statmt atty ²⁵ 2 decrees & copies ¹⁵²	1	77	
filing away papers ²⁵ costs & copy ⁴⁰		65	5.83
Clerk	~~4~~	5.73	
Shff	~~4~~	4.00	
Law &c	~~1~~	6.50	
Comm To F.m		3.00	

Quatuor }
vs. } Decree.
Artes & others

Nov. term 1887.

To be entered

C. M. Stiles

Entered 290

Prince & Schell,
P. Q.

Cutter }
vs. } Decree.

Artes & others.

This day this cause came on to be heard upon the Complainant's bill taken for confessed and the Exhibits therewith filed, and was argued by Counsel.

On consideration whereof, the Court doth adjudge, order and decree that a Commissioner of this Court convene before him the lien creditors of Cassander Artes, and audit and state the following accounts, to-wit: 1st An account of the lien debts of the said Cassander Artes, distinguishing their priorities; 2nd An account of the annual and absolute value of his real Estate. And the said Commissioner is, also, directed to inquire whether or not, in his opinion, the rents and profits of the said real estate will in five years pay the liens on the same, and report his proceedings under this order to Court, together with any other matter specially stated, deemed pertinent by himself or which may be required to be so stated by any party interested.

Cullen }
n. } Dec. 1888.
Artes forbes

May Term 1888.

To be entered -
C. M. Hill
✓

Prince & Subee,
p. 9.

Culture - }
n. } Science
Artistic. }

This day this cause came on to be further heard upon the papers formerly read, and upon the statement of the attorneys for the plaintiffs showing that the matters involved in this suit have been settled by and between the parties, and was argued by counsel. On consideration whereof and it appearing to the Court that nothing further remains to be done in this cause, it is ordered that the same be removed from the docket.