

1893-26

Southampton County Chancery - Drewry + Barkley vs Williams, George A.B.

Rent land owned by Defendant ~~to~~
apply on judgment - if not enough
Sell land to settle -

Drewry { Drewry, Wm. H.
Barkley { Barkley, Wm. D.

Dowry and 18 arkley
vs } Bill, &c.,

Williams

1884 April Rules.

Parker, &c.

To the Honorable George Blaw, Judge of
the Circuit Court of Southampton County.

In Chancery.

Humbly complaining, sheweth unto your
Honor, your Complainants, W^m S. Drewry
and W^m D. Barkley, late merchants and
partners doing business under the name and
style of Drewry and Barkley, as follows:

That on the 7th day of November, A.D., 1874,
at a Justice's Court held in the County of
Southampton, they recovered a judgment
against Geo: A. B. Williams for the sum
of \$38.⁰⁰, with interest thereon from the
8th day of April, A.D., 1873, and \$1.⁷⁵
costs, a copy of which is herewith filed,
marked Exhibit "D", and prayed to be read
as a part of this bill; That no part of
said judgment hath ever been paid;
That the said Geo: A. B. Williams is seized
and possessed in fee of a tract of land in
Southampton County,
containing, more or less, 659 acres;

Your Complainants aver and charge,
that the rents and profits of the said land
will not, in five years satisfy the judg-
ment which is a lien upon it, and that
he is therefore entitled to have the said
land sold to satisfy his own and such
other liens as may be thereon.

In consideration whereof, they pray that

the said Geo: A. B. Williams be made a defendant to this bill, and be required to answer the same on oath; and all proper orders and accounts be directed and taken; that the lien creditors of the said Geo: A. B. Williams be convened before a Commissioner in Chancery of this Court; that the lien debts of the said Geo: A. B. Williams be ascertained, and the amounts thereof and their order of priority of lien be established; that if it appears that the rents and 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, and the costs of suit and sale, be sold, and the proceeds thereof be applied to the payment of the said costs and liens; that if such rents will so suffice, the said land be rented out, and the rents and profits thereof be applied to the said liens until they are fully satisfied; and that all such other, further, general and special relief may be given as in the premises is just and right. And your Complainants will ever pray, &c.

W^m H. Parker, fc.
"

Dreary & Barkley
vs J Summons

Williams

1884. Spl Ruler

Geo Williams
Clerk New Berpers
Shore.

Executed by delivering
Geo A.B. Williams
a copy of this summons
on the 31st day of March
1884 Delia Carson Dk
for W L Dreary Dk

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

George A. B. Williams

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 *April* next, to answer a bill in Chancery exhibited against *him*

in our said Court by *Wm. H. Drury and Wm. D. Barkley*, late merchants and partners doing business under name & style of *Drury & Barkley*

And this *he*

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

WITNESS, J. B. PRINCE, Clerk of our said Court, this *12* day of *March*, 188*4*,
in the *108th* year of the Commonwealth.

Teste. J. B. Prince C. C.

Drewry and Barclay,
W. } Deceit
Gen. A. B. Williams,

15th July

Chas. Term 1884

A. L. L. L.

Southampton Circuit Court May Term 1884,

Drewry & Barkley

vs 3 Decees
Williams

This cause came on this day to be heard on the bill taken for confessed and the exhibits 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 said creditors of Geo. A. B. Williams and audit and state the following accounts to wit 1st An account of the said debts of the said Williams, distinguishing their priorities, 2^d An account of the annual and absolute value of his real estate, and the said Commissioner is also directed to enquire whether or not in his opinion, the rents and profits of the said real estate will in five years pay the said bills on the same, and report his proceedings under this order to Court together with any other matters specially stated deemed pertinent by himself or which may be required to be so stated by any party interested.

H. L. Coffey

Test J. B. Prince Clk

Henry T. Bakley
Notico

Pro. A. B. Williams

1884. July 14th

Executed July 9th
1884, by delivery of
copies of this notice
to the within named
parties.

so Caroon deputy
for W. W. Briggs & Co.

Commissioner's Office,

Jerusalem, Va. June 17th

1884

To W. H. Drewry & W. D. Barclay.

Plaintiffs

Against

Geo. A. B. Williams

Defendant

You are hereby notified that I have fixed upon the 14th day of July 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 Geo. A. B. Williams - distinguishing their priorities -
- 2^d An Account of the annual and absolute value of the real Estate of the said Geo. A. B. Williams - & also to state, whether or not in the opinion of the Commissioner, the rents & profits of the said real Estate will in five years pay the liens on the same - with any other matter specially stated, deemed pertinent by himself, or which he may be requested so to state, by any party interested.

required to be taken by a decree of Southampton Circuit Court rendered at the May term, 1884, 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.

R. F. W. L. Moore

Commissioner.

To the Sheriff of Southampton County to Execute.

Drumy & Bartley
vs

Geo. A. B. Williams •
1884. July 14

Executed

A. A. Lobb Depy
by N. W. Briggs Sheriff

The Commonwealth of Virginia

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command you to summon

Jas E Sebrun Geo W Sebrun
and Jas J Turner

to appear before the

B. F. McLeure Comr

Judge of our

Circuit

Court of Southampton County, at the Courthouse

thereof, on the

14th

day of

July

Term

1884

to testify, and the truth to

speak on behalf of

Drewry and Barkley

in a certain matter of controversy in our said Court depending and undetermined between

Drewry and Barkley

plaintiff and

Geo. A. B. Williams

defendant, and this

they

shall in no wise omit under penalty of law.

And have then there this writ.

WITNESS,

B. F. McLeure Comr

J. B. PRINCE,

Clerk of our said Court, at the Courthouse, this

17th

day of

June

, 188*4*,

in the *108th*

year of the Commonwealth.

Teste:

B. F. McLeure

Comr in Chancery

The Depositions of Jas E. Sebrell & others -
taken before me, B. F. M. Lemon, a Commissioner in Chancery for the Circuit Court of the County of Southampton. on the 14th day of July, 1884. to be read as evidence in a certain Chancery suit depending in the said Court - in which the Wm. S. Drury and Wm. D. Barkley, late merchant, in trade, under the firm name of Drury & Barkley, Plaintiffs, and Geo. A. B. Williams, Defendant. The witness James E. Sebrell, being sworn deposes as follows:-

Q: What is your age, where do you reside & do you know the parties to this suit?

A: My age is fifty one years. reside at Sebrells in Southampton Co: and know the parties to this suit.

Q: Do you know the real Estate of Geo. A. B. Williams? If so, state what, in your opinion, is the absolute & Annual value of the same?

A: I have never seen the farm in my life - I only know it by reputation. I think \$2000. the full value of the land, and \$2000 per year as the annual value.

And further this Deponent says the not.

J. E. Sebrell

The Witness, Geo. W. Sebrece, being duly sworn
deposes as follows -

Q: What is your age, where do you reside &
do you know the parties to this suit?

A: My age is forty nine - reside in Southampton
County and know the parties to the suit -

Q: Do you know the land of Geo. A. B. Wil-
liams?

A: I have only seen a part of the land - have
been to the place several times -

Q: What, in your opinion, is a fair valuation
of the land?

A: I do not think the land worth more than
\$1800.⁰⁰ - absolute value -

Q: What ~~do~~^{would} you consider a fair rent, per year
for the land?

A: I do not think the land will rent will rent
for more than \$160. per year -
and more, this defendant says the not -

Geo. W. Sebrece

The Witness, Geo. J. Turner, being duly sworn,
deposes as follows:

Q: What is your age, where do you reside,
and do you know the parties to this suit?

A: My age is forty two - reside in Southamp-
ton County & know the parties to the suit -

Q: Do you know the land of Geo. A. B. Williams?

A: I do? I know the land, well -

Q: What do you consider the absolute value of the land

A: I think the land is worth about \$2000 -

Q: What do you think would be a fair rent per year for the land -

A: I think the land would rent for \$200. per year -
and further this deponent says etc etc -

Jos D. Furness

Virginia.

Southampton County, To wit:

J. B. F. McLeure, a Commissioner in Chancery of the Circuit Court for the County of Southampton. State aforesaid - do certify that the foregoing depositions of James E. Sebrell & others - were duly taken, sworn to and subscribed before me at the time and place and for the purposes therein specified. Given under my hand this 14th day of July, in the year 1884. -

B. A. McLeure
Com'r in Chanc'y

An Account of the lien debts of Geo. A. B. Williams. distinguishing their priorities.

1 st	3 Negotiable Notes, payable to the order of Wm B. Westbrooke & dated Feb 10 th 1883. Secured by Deed of trust bearing even date with said notes, recorded in the Clerk's Office of Southampton County Court. June 15 th 1883.	for	\$1160 00	\$1160 00
2 nd	1 Note due Mrs Virginia A. Bigham - Secured by Deed of Trust. dated Sept: 20 th 1883 & recorded in the Clerk's Office of Southampton County Court. Feb: 15 th 1884		1000 00	1000 00
3 rd	A Judgment, due Devery & Barkley - Int: from April 8 th 1873 to July 14 th 84 and Costs.	for	38 14	25 75
	Total Amount lien debts.		1 20	65 59
				\$2525 59

Respectfully submitted
 W. B. F. McLeone
 Commissioner

An Account showing the Annual and
absolute value of the real Estate of Geo. A.
B. Williams - viz: -

	Absolute	Annual
659. acres of land,		
estimated to be worth	\$20000.00	\$2000.00

Respectfully Submitted
B. F. M. Lemon
Commissioner

~~74~~ ~~58~~ ~~55~~
Drewry P. Buckley
77 3/4 Court Report.

48

Williams

1884. Augt 1" filed -

Commissioner's Office,
Jerusalem, Pa.

July 14th 1884.

To the Circuit Court of Southampton
County.

Pursuant to a decree of the Circuit
Court of Southampton County, entered at the
May Term 1884, in a certain Chancery Suit
defending in said Court in which Deery
& Barkley are Plaintiffs and Geo. A. B.
Williams is Defendant. The undersigned,
one of the Commissioners of the said Court
to whom was referred, the taking of the
several accounts called for under said
decree, begs leave to report: that on the
17th day of June 1884, he issued Notices
to the lien Creditors of Geo. A. B. Williams,
requiring them to appear before him at
his Office, in Jerusalem Pa. on the 14th
day of July 1884, to attend the taking of
the several accounts, as aforesaid. That
said Notices have been returned to your
Commissioner, duly Executed and are herewith
returned, forming part of this report.
That he also, issued Subpoenas against
Jas. E. Sebrell, John J. Turner, and Geo. W.
Sebrell, requiring them to attend the taking
of said accounts, as witnesses. That said
Subpoenas have ^{also} been returned duly ex-

executed: That the Depositions of said Witnesses, have been taken, subscribed and sworn to before the Commissioner, and are herewith returned, forming a part of this report to which the attention of the Court is specially invited.

The Commissioner states further, that by careful investigation he ascertains the lien debts against Geo. A. B. Williams to amount to the sum of \$2225⁵⁹ - and upon the evidence of the Witnesses above referred to, he estimates the Real Estate of said Williams, or absolute value of said land at \$2000 - and the annual value of same, ten percent. of the above amount, or two hundred dollars. That the rents and profits of the said land, will not in five years pay the liens on the same.

Respectfully Submitted

B. F. McLeone

Commissioner

Commissioner's fee \$10 - }

Charged to Plaintiffs }

Witness fees.

J. E. Sebreels 50¢

Geo. J. Turner 50¢

Geo. W. Sebreels 50

\$150

Ch'g to Plaintiffs

Drewry & Barkley
vs } Deere
Williams

May Term 1884

Enter this

Geo B. Low.

✓

✓

Dewey & Parkley

vs

}

Decree

Williams

This cause came on this day to be heard on the bill taken for confessed and the exhibits 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 Geo: A. B. Williams, and audit and state the following accounts, to wit: 1st An Account of the Lien debts of the said Williams, distinguishing their priorities; 2nd An Account of the annual and absolute value of his real estate; and the said Commissioner is also directed to enquire 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 matters specially stated, deemed pertinent by himself, or which may be required to be so stated by any party interested.

Summons 20. Copy 10 Noting return 35^{.35} atty 10^{1.61}
 filing papers 25. two miles - 1.00 deems 36. 1.22
 copy 36 filing report. 36. Exhibits. 50 Costs & copy
 40. disbursements copy 72 -- 1.12
 5.70

Shff- 3.00
 Court McLennan 10.00
 Witness. J. Schree .50
 " J. J. Turner .50
 " G. W. Schree .50
 atty 9. 16.50
 36.70

J. B. Riney & Co

Dorsey and Darkley
vs } Decree,
Williams

This day this Cause came on to be further heard on the papers formerly read, the report of Commissioner S. F. Lemoine filed August 1st 1884, reporting that the rents and profits of the real estate in the bill mentioned will, not, in five years, pay the debts which are liens upon the same, to which report there is no exception, and was argued by Counsel. On Consideration whereof, the Court, ^{doth} approve and confirms the said report, and ^{doth} adjudge, order and decree that J. B. Prince be and he is hereby appointed a Special Commissioner to expose to sale at public auction, the said real estate, after giving thirty days notice of time and place of sale by written advertisements posted at four or more public in the County of Southampton, upon the following terms, to wit: One third Cash, the balance on a Credit of one ^{and} two ^{years} from the day of sale, the Credit installments to bear interest from the day of sale, taking from the purchaser bonds with approved security for the deferred payments, and the title to be retained until the purchase money is fully paid.

But the said Commissioner shall not proceed to act under this decree until he shall have first executed bond, with personal security, to be approved by the Clerk of this Court in such penalty as he shall fix, conditioned and payable as prescribed by law, and the said Commissioner shall not advertise the said real estate without first obtaining from a Certificate from the Clerk that the bond required by this decree has been executed, and appending such Certificate or a copy thereof to the advertisement; and the said Commissioner is required to report his proceedings under this decree to Court.

Dunn and Berkeley.

vs J. Deere.

Williams

Nov: Term 1884.

To be entered.

Geo. W. Brown.

W

Entered

page 94

Quiver &
To } Bond
Concord.

See also
Page 114

CCCC

Know all men by these Presents, That we

and M. W. Turner

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of

One thousand

Dollars, to the payment whereof well and truly to be

made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. And we, the obligors herein, hereby waive the benefit of our homestead exemption as to this obligation. Sealed with our seals and dated this 24th day of November, A. D. 1884.

THE CONDITION of the above obligation is such that if the above bound

I B. Prince who was appointed a special Commissioner by a decree of the Circuit Court of Southampton County entered at the November Term 1884, in a chancery suit therein captioned styled "Denny & Bankley vs. Williams" for the purpose of selling the real estate of G. A. B. Williams &c.

shall faithfully discharge the duties of his office or trust according to law, then the above obligation to be void, or else to remain in full force and virtue.

Signed, sealed and delivered

in presence of the Court.

I B. Prince
M. W. Turner



Southampton County Circuit Court Clerk
Office Nov. 24th 1884 The above bond was
this day received and acknowledged by J. B.
Prince and M. W. Turner the surety thereto
took the oaths required by Law and said
bond was admitted to record
J. B. D. McLane

The Commonwealth of Virginia,

To F. T. RIDLEY, Jr., Collector of Southampton County:

YOU ARE HEREBY COMMANDED TO SUMMON *George A B Williams*

to appear before me, or some other Justice

of the Peace for the said County, on

, the *7th* day of *November*

1874 at *Dennysville*

to answer the complaint of *Dennis Barker*

for the non-payment of *thirty eight* dollars and

fourteen cents, due by *Note*

And make due return

how you have executed this warrant.

Given under my hand and seal this

2nd day of *November* *1874*

Wm Prince J. P. [SEAL.]

JUDGMENT is granted the plaintiff against the defendant for

fourteen cents, with interest from the

8th

thirty eight dollars and
day of *April* *1873*

until paid, and *\$1 70/100* costs.

Given under my hand and seal this

7th day of *November* *1874*

Wm Prince J. P. [SEAL.]

\$38 ¹⁴/₁₀₀

Petersburg, Va., April 7th 1873

On this Day after date I promise to pay to
the order of Dr. J. J. Williams
Thirty Eight ¹⁴/₁₀₀ Dollars,
for value received, negotiable and payable without offset at the

STAMP.

Bank of Petersburg, Va.; and it is agreed
upon and specified by maker and endorsers, that the interest on this Note shall be at the rate of 12 ¹/₂ per
cent. per annum from maturity till paid; and we, the maker and endorsers of this Note, hereby waive the bene-
fit of our homestead exemption as to this debt.

No. 100
J. J. Williams

Due

J. J. Williams

Aug. A. Williams

Memo:

Copy judgment given in Justice's Court
against Geo. A. Williams in favor of
Drewry Harkley, mark it "D."

¹ ~~84~~ 76 ~~147~~
Dewey & Barkley
vs Stat: Rules
Williams

In Southampton Circuit Court.

Wmth. Drury and Wmth D. Barkley,
late partners doing business under
style of Drury & Barkley. Pltffs } In Chancery
against }
Geo: A. B. Williams Def.

1884.

Feb 12. Summons to Apl Rules.

Apl. Rules .. Exctd.. Bill filed.. Decree
 nisi vs deft..

May .. Bill taken for confessed as to deft
and Cause set for hearing..