1909-69 Southampton County Chancery McClenny, E. & als Vs Brady, W. O. & als

Brady, Benjamin B.

To set aside Deed
to Lee Rutland Vaid

McKinney & Sargent

vs. } Bill & Exhibits

Brady Ld. O. & a.

1904. 2nd January Rules filed

L. A. Gay D.C.

R. E. L. WATKINS,

- - ATTORNEY-AT-LAW, - -

FRANKLIN, - - VA.

To the Honorable Robert R.Prentis,Judge of the Circuit Court of the County of Southampton:

Complaining showeth unto the Court,your orators,E.D.McClenny and W.H.Norfleet,merchants,trading as McClenny and Norfleet in the Town of Franklin,Southampton County,Virginia,that they are and were associated together as merchants doing a general merchandise and feed business at the time of and before the debt herein complained of arose or was contracted.

2d. That W.O.Brady is indebted to your orators in the sum of one hundred and thirty dollars,due by a certain negotiable note made by the said W.O.Brady,which note bears date on the _____ day of _____ 1903;that the consideration of saidnote is for hay,grain and feed stuffs,furnished and advanced to the said W.O.Brady.

3d. That some time before and at the time said advances were made the said W.O.Brady was operating a loging business in Southampton County,Virginia,in his own name and claiming to be the owner of the team and wagons used in said business.

4th. That before any advances were made or any account opened with the said W.O.Brady by your orators,the said W.O. Brady stated to your orators that he was the owner of the wagons and team which he was then operating and upon said representations,your orators believing said statements to be true made the advances as herein stated

5th. That on the 10th.day of September 1903 a deed was admitted to record in the Clerk's office of the County Court of Southampton from William Brady to Benjamine B.Brady, which deed is as follows:

"North Carolina,
Hertford County,

Know all men by these presents,that William Brady of the County of Hertford,and State of North

Carolina,has this day (19th)of October 1900,in consideration of the sum of $200. to him paid by the said Benjamine B.Brady,of the County of Nansemond,State of Virginia,bargained,sold,and delivered to the said Benjamine B.Brady,the following personal peoperty:Two black horse mules,one black mare mule,one iron gray horse mule ;three car-log-wagons,Comversary and contents,and my interest in all sable timber that I may hereinafter in the State of North Carolina,put upon the banks of any stream,railroad,or other way of conveyance in this state.To have and to hold the same unto the said Benjamine B.Brady,his executors,administrators and assigns.And the said William Brady hereby warrants the said property to be sound in every particular and free from any encumbrance whatever, and the said William Brady warrants the title hereby giva to be good and indefeasable.This Oct.19th.1900.

(signed)William his X Brady mark.

Witness

A certified copy of said contract or deed is hereto annexed,marked exhibit "B"and prayed to be read as a part of this bill.

6th. That the said conveyance made by the said William Brady to Benjamine B.Brady was given with intent to delay, hinder,or defraud the creditors of the said William Brady;that the said consideration recited in said conveyance is a valuable consideration in law.

7th. That the property conveyed in said deed is worth,at least,fifteen hundred or two thousand dollars.

In tender consideration whereof and forasmuch as your orators are remedless in the premises save in a Court of equity,they pray that W.O.Brady and Benjamine B. Brady be made parties defendant to this bill and be required to answer the same,but answer on oath is hereby expressly waive,that proper process issue;that the deed made by William Brady to Benjamine Brady be

set aside and declared void; that a decree be entered in favor of your orators; that an attachment issue against the property of the said William Brady and that all such other, farther and general relief may be afford-ed your orators as the nature of their case may requi-re or to equity shall seem meet. And your orators will ever pray, & C.

E. D. McClenny p.q.

E. D. McClenny p.q.

R. H. Newfleet p.q.

County of Southampton, to wit:

This day personally appeared before me E. D. McClenny ~~and R. H. Newfleet,~~ who made oath that ~~they~~ he believed that the statements made in the foregoing bill are true.

~~My commission expires June 26th. 1905.~~

Given under my hand this 20th. day of January 1904.

~~Notary Public.~~

Commissioner in Chancery for the Circuit Court of Southampton County, Virginia.

Exhibit "B"

North Carolina
Hertford County.

Know all men by these presents, that William Brady of the County of Hertford, and State of North Carolina, has this day (19) 19th October 1900, in consideration of the sum of $200.00 to him paid by the Benjamin B. Brady of the County of Nansemond, State of Virginia, bargained, sold and delivered to said Benjamin B. Brady, the following personal property; Two black horse mules. One black mare mule. Two bay mare mules. One Iron Gray horse mule; Three Car-bogue wagons, Cumversary and contents, and my interest in all sable timber that I may hereinafter in the State of North Carolina, put upon the banks of any stream, Rail Road, or other way of conveyance in this State. To have and to hold the same unto the said Benjamin B. Brady his executors, Administrators and assigns. And the said William Brady hereby warrants the said property to be sound in every respect, and to be free from any incumbrance whatever, and the said William Brady warrants the title hereby given to be good and indefeasable. This Oct. 19th 1900.

William his X mark Brady (Seal)

Witness

all changes made before signing and sealing
R.S. Bridgers
notary public

Roswell S. Bridgers
notary public
Hertford county

The execution of the foregoing instrument was this ..... acknowledged its execution before me this Oct. 19th 1900

R. S. Bridgers -
Notary Public

North Carolina
Hertford County

The foregoing certificate R. S. Bridgers Notary public, with Official seal of Hertford County fixed, is adjudged sufficient, Let the instrument with the certificates be registered.

This 22nd day of Oct. 1900.

Jno. F Newsom - clerk Superior Court

Virginia.

In the clerk's office of Southampton County Court September 10th. 1903. This deed was presented, and with certificate annexed admitted to record.

Teste: B. F. McLemore C.C.

A copy Teste:
B F McLemore C.C.

The Plaintiff designate B. B. Brady

as being in possession of effects of, or being indebted to the defendant.

R. E. L. Watkins for
McKinney & Nugent

Form No. 248.

W. O. Brady, Sons Lumber Co. } ATTACHMENT.
vs.

To _____ term, 190__

_____ p. q.

Executed by leaving a true copy of the within writ and following the same with a true copy of the petition in the within cause in the hands of _____ on the _____ day of _____ 1902. F. McKillop Sheriff
By F. P. Bishop Deputy
F. P. Bishop Deputy Sheriff

1904. March 14. Rec'd + filed.

Bond has been executed as required by law with security approved by me

A copy Test: L. A. Gay Clk.

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 243.

The Commonwealth of Virginia,

To the Sheriff of the County of Southampton Greeting:

WHEREAS E. D. McElroy & W. N. Norfleet, Trading as McElroy & Norfleet have instituted in our Circuit Court of the County of Southampton, a certain action of Debt against W. O. Brady, sometimes called William Brady which action is now pending in the said Court: And there having been filed in the Clerk's Office of our said Court an affidavit that the claim of said plaintiff asserted in the said suit is believed to be just, that the affiant believes the plaintiffs are entitled to or ought to recover $130.00 at the least, with interest thereon to be computed after the rate of six per centum per annum from the 16th day of November, 1903, till payment, and that to the best of the said affiant's belief the said defendant:

~~1. ____ a foreign corporation, or ____ not a resident of this State, and ha__ estate of debts owing to said defendant within the ____ of ____ in which the action is, or ____ sued with a defendant residing therein:~~

~~2. ____ removing, or about to remove out of this State, with intent to change __ domicile:~~

~~3. ____ removing, or intend to remove, or ha__ removed ____ own estate, or the proceeds of the sale of ____ property, or a material part of such estate or proceeds, out of this State, so that process of execution on a judgment, when obtained in said action, will be unavailing;~~

~~4. ____ converting, or ____ about to convert, or ha__ converted ____ property, or some part thereof, into money, securities, or evidences of debt, with intent to hinder, delay or defraud ____ creditors;~~

5. Has assigned or disposed of, or is about to assign or dispose of, his estate, or some part thereof, with intent to hinder, delay or defraud his creditors;

Therefore we command you, that you attach the estate of the said W. O. Brady, Sometimes called William Brady for the amount of the said debt $130.00, with interest thereon, as aforesaid, and the costs, and that you secure such estate so attached in your hands, or so provide that the same may be forthcoming and liable to further proceedings thereupon to be had before our said Court, on the 1st day of the next March term thereof; and that you make return hereof at the rules to be held in Clerk's office of our said Court, on the 3rd Monday in Jany. 1904 next (or to the said Court on the first day of the next term thereof) how you have executed the same. And have then there this writ.

Witness, L. A. Gay Clerk of our said Court, at the court-house this 16th day of November, 1903, in the 128th year of the Commonwealth.

A Copy, Teste: L. A. Gay C. C.

McClung & Norfleet
vs } Stat: of costs to date including one rule.

W. O. Brady

Sum. 25. 1 cop. 13. receipt 18. atty. 10. Docket 18=		84
rules 50. Entering return 35. filing bill 15=		100
copy Exhibit 50 - file Exhibit 15		65
affidavit for attachment 15. filing same 15=		30
attachment 35. cop. 18. receipt 18=		71
another attachment 35. 1 cop. 18. receipt 18=		71
attachment bond 50. filing same 15=		65
affidavit as to non-residence 15. fil. same 15=		30
Copy or. pub. for printer 20. Do. to post 20=		40
fil. Certificate of printer 15. Do. or. pub. 20=		35
tax costs re. 40=		40
Clerk		$6 31
Sheff.		50
Sheff. of Marion		1 00
Ladue.		16 50
		$24 31

Teste: L. A. Gay C.C.

Nov. 20th. 1903

McClung & Norfleet and fil. declaration
vs. } Stat: of costs to date including rules
W. O. Brady

Sum. 20. atty. 10. docket 18=		48
rules 50. filing declaration 15=		65
Tax costs re. 40=		40
Clerk		$1 53
Sheff		00
Ladue.		3 50
		503
		$29 19

Teste L. A Gay C.C.

Form No. 242.

McElhaney & Norfleet

vs. { AFFIDAVIT FOR ATTACHMENT.

W. O. Brady

Filed the 16th day of Nov. 1903

Everett Waddey Co., Stationers and Printers, Richmond, Va.} Form No. 242—Affidavit for Attachment.

In the Circuit Court of the County of Southampton

E. D. McElroy & Co's Assignee
Suing as
McElroy & Nottet

Plaintiff's

against

A. C. Brady, Surviving
Partner Wilson & Brady,

Defendant

In Chancery

R. E. L. Watkins maketh oath and saith, that he believes the claim, for which the above entitled action is instituted, to be just; that he, the affiant, believes that McElroy & Nottet entitled to and ought to recover in said action $130.00 (at the least), with interest thereon, to be computed at the rate of 6% per centum per annum, from the 16th day of November 1903, till paid; and that to the best of his belief the said defendant:

~~I. a foreign corporation, or~~ is not ~~a resident of this State, and has estate or debts owing to said defendant within the County of Southampton in which the action is or has sued with a defendant residing therein;~~

~~2. removing or about to remove out of this State, with intent to change domicile.~~

~~3. removing, or intend to remove, or has removed~~

own estate, or the proceeds of the sale of property, or a material part of ~~such estate or proceeds, out of this State, so that process of execution on a judgment, when obtained in said action will be unavailing;~~

~~4. converting, or about to convert, or has converted, property or some part thereof into money, securities, or evidences of debt, with intent to hinder, delay or defraud creditors.~~

5. Has assigned or disposed of, or is about to assign or dispose of, his estate, or some part thereof, with intent to hinder, delay or defraud his creditors.

R E L Watkins

Subscribed and sworn to before me, this 16th day of November 1903

L. A. Gay C.

FORM No. 801½.

McKlenny & Sons et al

vs { ORDER OF PUBLICATION.

Brady et al.

1903. 16th Nov. Filed

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 301½.

In the Clerk's Office of the Circuit Court of the County of Southampton on the 16th day of November 1903 ~~189~~.

E. A. McLemore and W. A. Norfleet, Trading as McLemore & Norfleet

Plaintiff.

against W. O. Brady, sometimes called William Brady

Defendant.

In chancery

The object of this suit is to Subject the property of W. O. Brady, which has been conveyed to B. B. Brady to the payment of the debts of W. O. Brady, and to set aside the deed from W. O. Brady sometimes called William Brady, to B. B. Brady

And an affidavit having been made and filed that the defendant W. O. Brady is not a resident of the State of Virginia, it is ordered that he ~~do~~ appear here within 15 days after due publication hereof, and do what may be necessary to protect his interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Southampton Democrat, and that a copy be posted at the front door of the court-house of this County on the first day of the next term of the County Court.

~~A copy~~—Teste:

R. E. L. Watkins p. q. W. A. Gay Clerk.

M. W. O. Brady:

To B. F. McLemore, Clerk of Southampton County Court, Dr.

1907					
Feby 12		Copy of Bill & Exhibit		75	

Form No. 302.

McElmurry & Nugent

vs. { AFFIDAVIT FOR ORDER OF PUBLICATION.

W. O. Brady

1903. 16th Nov. Filed

R. E. L Watkins p. q.

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 302.

In the Clerk's Office of the Circuit Court of the County of Southampton

E. D. McClenny and W. S. Norfleet
trading as McClenny & Norfleet
Plaintiffs,

against

W. O. Brady
Defendant.

This day R. E. L. Watkins personally appeared before me L. A. Gay Clerk of the said Court, and being duly sworn, made oath that W. O. Brady defendant in the said suit is not a resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this 16th day of November 1903

L. A. Gay D. C.

Form No. 200.

McLaurin & Rowlett

vs. } Summons in an Action of

Debt

W. O. Brady

R. E. L. Watkins p. q.

1900 2nd Jany Rules,

Southampton Circuit Court.

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 200.

The Commonwealth of Virginia,

To the Sheriff of the County of Southampton, Greeting:

WE COMMAND YOU to summon W. O. Brady, sometimes called William Brady

to appear at the Clerk's office of our Circuit Court of the county of Southampton at the court-house thereof, at the Rules to be holden for said court, on the 3rd Monday in Jany, 1904 ~~next~~ to answer E. A. McKinney and W. N. Norfleet Trading as McKinney & Norfleet

Action of debt

~~of a plea of~~

Damage $120.00 ~~Dollars~~. And have then there this writ.

Witness, L A Gay, Clerk of our said court, at the court-house, the 14th day of Nov. 1903 ~~189~~ and in the 128th year of the Commonwealth.

Teste: L A Gay C.C.

No. 212.

McClenny & Knight

vs.

W. O. Brady

to { ATTACHMENT BOND.

The Commonwealth of Va

R. E. L. Watkins p. q.

1903. 16th Nov. Filed

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 212.

Know all Men by these Presents, That we W. E. L. Watkins and A. S. Johnson

are held and firmly bound unto The Commonwealth of Virginia

in the sum of Two Hundred Sixty ⁰⁰/₁₀₀ Dollars, to the payment whereof we bind ourselves, our heirs, executors and administrators, jointly and severally, by these presents. We hereby waive the benefit of our homestead exemption as to this obligation, and also any claim or right to discharge any liability to the Commonwealth arising under this bond, with coupons detached from the bonds of this State

Witness our hands and seals this 16th day of November 1903 ~~189~~.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas E. S. McClenny & Co. N. Norfleet, trading as McClenny & Norfleet

plaintiffs in a suit instituted in the Circuit Court of the County of Southampton

against W. O. Brady, executor of William Brady, deceased

defendant, has upon affidavit, made in due form of law, sued out of the Clerk's Office of the said Court an attachment against the estate of the said W. O. Brady

for the sum of One Hundred & Thirty dollars

it being the amount claimed by the said plaintiffs in the said suit

Now, THEREFORE, If the said McClenny & Norfleet

shall pay all costs and damages which may be awarded against them or sustained by any person by reason of the suing out the said attachment, then the above obligation to be void, otherwise to remain in full force.

W. E. L. Watkins SEAL.

A. S. Johnson SEAL.

SEAL.

Executed in the presence of

L. A. Gay & C.

In the Clerk's Office of the Circuit Court of the County of Southampton, 189

A. S. Johnson the security

in the above bond, this day made oath before me L. A. Gay Clerk of the said Court, that his estate, after the payment of all his debts and of such liabilities as he has incurred for others and expects to have to pay, is worth $ 260.00 the penalty of the said bond.

Given under my hand as Clerk of the said Court this 16th day of November 1903 ~~189~~

L. A. Gay, C. C.

CLAUDE J. EDWARDS,
ATTORNEY-AT-LAW,
FRANKLIN, VA.

RETURN IN FIVE DAYS

Mr. B. F. McLemore, Clk
Courtland
Va

Mr Clemy F Hoppes
vs
B. B. Brady
Deposition
1904. March 21, Fri

ESTABLISHED 1880. $1.00 A YE

SOUTHAMPTON DEMOCRAT.

W. H. STROUD, PUBLISHER.

JOB PRINTING IN ALL ITS BRANCHES.

Franklin, Va., Mar 19 1904

IN THE CLERK'S OFFICE OF THE Circuit Court of the County of Southampton, on the [illegible] of November, 1903.

D. McClenny and W. H. Norfleet, trading as McClenny & Norfleet, Plaintiffs

against

W. O. Brady, sometimes called William Brady, Defendant

IN CHANCERY.

The object of this suit is to subject the property of W. O. Brady, which has been conveyed to B. B. Brady, to the payment of the debts of W. O. Brady, and to set aside the deed from W. O. Brady, sometimes called William Brady, to B. B. Brady.

And affidavit having been made and filed that the defendant W. O. Brady, sometimes called William Brady, is not a resident of the State of Virginia, it is ordered that he appear here within fifteen days after due publication hereof, and do what may be necessary to protect his interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Southampton Democrat, and that a copy be posted at the front door of the courthouse of this county on the first day of the next term of the County Court.

A copy—Teste:

L. A. GAY, Clerk.

E. L. WATKINS, p. q. no19-4t

This is to certify that the annexed order of publication in suit of McClenny & Norfleet vs. W. O. Brady was published in the Southampton Democrat four (4) consecutive weeks beginning Nov. 19th, 1904

W. H. Stroud
Pub

FRANKLIN, VA., Mar 19 1904

M. R. E. L. Watkins

IN ACCOUNT WITH

SOUTHAMPTON DEMOCRAT,

1903 W. H. STROUD, PUBLISHER.

Nov 19	To 3½ in Order of Pub. McClenny & Norfleet vs. W. O. Brady 4t	55

To B.B.Brady,

You are hereby notified, that on the 19th. day of March 1904 at the office of R.E.L.Watkins between the hours of 9 a.m. and 6 p.m. of that day, I shall proceed to take the depositions of E.D.McClenny and others to be r read as evidence in our behalf in a certain suit in equity depending in the Circuit Court for the County of Southampton Wherein We are plaintiffs and you are defendant, and if from any cause the taking of said depositions be not commenced on that day, or if commenced, be not concluded on that day, the taking thereof will be adjourned from day to day at the same place and between the same hours, until the same shll be completed.

Your obedient servants.

E.D.McClenny & H.T.Peck

by R.E.L.Watkins

Their Attorney

Executed this the 1st Day of March 1904. by delivering a true Copy of
of the within notice to J L McLemore in person.

A A Baker Sheriff

R.E.L.WATKINS.
ATTORNEY AT LAW.
FRANKLIN, VA.

Mar. 9th. 1904.

Sheriff A.H.Baker,

Suffolk, Va.

Dear Sheriff,

Kindly serve copy of the enclosed notice on Mr. J.L.McLemore, atty, andcreturn copy to me, there is another fee due you in this matter, and I will have McClenny & Norfleet to send you check to cover the same.

Yours truly,

R.E.L. Watkins

Serve today

Enclosed find notice, please get Norfleet and McClenny to send check for fee.

Very Respectfully

A.H. Baker Sheriff

The depositions of W. P. Everette and others, taken before me, C. J. Edwards, a notary public, for the county of Southampton, Va., pursuant to a notice hereto annexed, at the office of R. E. L. Watkins, in Franklin, Va., on the 19th day of March 1904, between the hours of 9 A. M. and 6 P. M., to be read as evidence in behalf of McClenny & Norfleet in a certain suit in equity, depending in the Circuit Court of Southampton County, Virginia, wherein B. B. Brady is defendant and McClenny & Norfleet is plaintiff.

Present, R. E. L. Watkins, Attorney for the Plaintiff:

The witness , W. P. Everette, being duly sworn, deposes as follows:

Q. State your name, age, occupation and residence?

A. W. P. Everette, 54 years, Farmer, reside in Nansemond County Virginia.

Q. Do you know the parties to this suit?

A. I know E. D. McClenny, W. O. Brady and B. B. Brady.

Q. State please how far you live from B. B. Brady and how long you have known him?

A. About one mile. I have been knowing him for life.

Q. What is his occupation?

A. I think now he pretends to be a farmer. He does more farming than anything else.

Q. About how much land does he cultivate to the best of your knowledge?

A. Not over 20 acres.

Q. Is he a thrifty, industrious farmer?

A. What he raises looks tolerable fair.

W. P. E.

Q. What is his financial condition?

A. I should judge, only ordinary.

Q. Do you think that in the year of 1900 that he could have paid as much as $200.00 on the purchase price of any property?

A. I do not sir.

Q. You have known this family for a number of years, have they not been what people generally term a very poor people?

A. Yes sir.

Q. I understood from a statement made by you a few minuts ago, that B. B. Brady had only been farming alone during the past year or two,,in the year 1900 what was he doing them?

A. In the year of 1900 he and his father farm there to-gather, I think.

#.

And further the deponent saith not:

W. P Everett

Witness, G. T. Langston, being duly sworn, deposes as follows:

Q. State your name, Age, Occupation and residence, and do you know the parties to thds suit?

A. G. T. Langston, 31 years, resides in Gates County, N. C., farmer.

Q. Do you know the parties to thds suit?

A. I know E. D. McClenney, W. O. Brady and B. B. Brady.

Q. How far do you live from B. B. Brady?

A. I live a mile from ###### him.

Q. What is Brady's occupation?

A. Farming.

Q. How much land does he cultivate?

A. About 20 acres.

Q. How many horses does he work?

A. On lame horse.

Q. How long have you known B. B. Brady?

A. I have been knowing him all my life and have been living near him about 6 years.

Q. What is his fihancial condition?

A. I don't know, but from the looks of things I should say it is very poor.

Q. Could he, in your opinion, have paid as much as $200.00 on the purchase price of anything in the year of 1900, or at any time in the past 5 or 6 years?

A. No. I do not think so.

Q. Has he at any time in the last 6 years to your knowledge quit his farming operations and taking charge of a logging business?

A. No sir, I do not think so.

Q. Since your acquaintance with B. B. Brady, has he not been what people usually term a very poor man?

A. Yes sir, I would call him a very ordinary liver.

And further the deponent saith not : G. T. Langston

#.

Witness J. T. Matthews, being duly sworn, deposes as follows:

Q. State your name, age, residence, occupation and do you know the parties to this suit?

A. J. T. Matthews, 34 years, Gates County, N. C., farmer, and know the patties to this suit.

Q. How far do you live from B. B. Brady?

A. About 4 or 5 miles.

Q. How long have you known him?

A. I have known him about 15 years, ever since he was a small boy.

Q. W hat is his occupation?

A. Farming, I suppose, that is all I ever knew him to do.

Q. About how much land does he cultivate?

A. All I have ever seen him cultivate was about 15 acres.

Q. Is he what you would term a thrifty farmer?

A. No, I should think not.

Q. What is his financial condition?

A. I don't really know, but I don't think he has much property.

Q. Do youn thin that at any time within the past 5 or 6 years that he could have paid as much as $200.00 on the purchase price of anything.

A. No, sir, I don't think he could.

Q. Is he not what people term a very poor man?

A. Yes sir, I think so.

Q. Has he to your knowledge# at any time during the past 5 or 6 years quit his farming operations and gone into the logging business?

A. No sir, I think not, if so, I never heard it/

#.

And further the deponent saith not:

J. T. Matthews.

Witness C. T. Derby, being duly sworn, deposes as follows:

Q. State your name, age, residence, occupation and do you know the parties to this suit?

A. C. T. Derby, 27 years, Gates County, N. C., farmer, and know the parties to this suit.

Q. How long have you known B. B. Brady?

A. I have been knowing him all my life.

Q. How far do you live from him?

A. About 3 miles.

Q. What is his financial condition?

A. Very poor.

Q. Do you think that he could have paid as much as $200.00 in the year of 1900 or at any time during the past 3 years on the purchase price of anything?

A. I don't think so.

Q. Has he not been since you have known him what people generally term a very poor man?

A. I think so.

4.

And further the deponent saith not.

C. T. Derby

Witness C. G. Parker, being duly sworn, deposes, as follows:

Q: State your name, age, Occupation and place of residence?

A. C. G. Parker, Age 42, Horse dealer, Franklin, Va.

Q. Do you know W. O. Brady?

A. Yes, I know him.

Q. Do you know the value of six mules which he was working in the logging business in North Carolina in 1900, if so, state what in your opinion would be a fair value for thos e mules?

A. Yes, I suppose the mules were worth about $600.00.

Q. What is the usual price of carrylog w agons?

A. From $20.00 to $35.00 each if in use.

#.

And further the deponent saith not:

C G Parker

Witness E. D. McClenny, being duly sworn, deposes as follows:

Q. State your name, age, occupation and residence?

A. E. D. McClenny, age 25, occupation, reside in Franklin, Va.

Q. Do you know the parties to this suit?

A. Yes.

Q. Are you one of the Plaintiffs?

A. Yes.

Q. State please when your first contract was made with W. O. Brady, and what representations Brady made to you in order to have you extend to him ## a line of credit?

A. The first day of Jany. 1903 he said he was in the logging business for Camp Mfg. Co. and was logging near Riverdale. He said that he had eight mules, four wagons, and everything was paid for, that he didn't owe anyone a dollar. And that Camp Mfg. Co. settled up with him on the 5th of every month, and that was the time that he obligated to settle with us.

Q. Did he state to you, or not, that he owned any standing timber and the value thereof, and whether or not he had paid for the same?

A. Yes, he said the value of the timber was about $2000.00, and that he had paid for it.

Q. Would you have extended to him a line of credit had you not believed the statements ## made by him to you?

A. No I would not.

Q. Was there at the time these statements were made to you to your knowledge, any contract or deed or lien of any kind on the records of Southampton County, or did you have actual notice of any lien upon any of the property which he had stated was his and was in his possession and# was paid for?

A. No.

Q. Have you purchased from W. O. Brady any part of the property which he claims to have conveyed to his brother B. B. Brady, or any of the property which he had in his possession at the

time you extendd to him the credit?

A. Yes, I bought one mare.

Q. You were firmly of the opinion when you extended the credit to W. O. Brady that all of the representations which he had made to you concerning his title or ownership of the property in question was true and that you relied upon those statements as being true and had you have believed them false you would not have extended any credit to the said Brady?

A. Yes I believe them, and I should not have extended the credit had I disbelieved them.

Q. To what point did you ship the goods to W. O. Brady?

A. Riddicksville, N. C. and Cobb's Wharf, Va.

Q. Where were his logging camps located?

A. Near Riverdale, but Riddicksville and Cobb's Wharf were the nearest shipping points.

And further the deponent saith not.

E. D. McCluney

State of Virginia,

Southampton County, To-wit:-

I, C. J. Edwards a notary public for and in the county and state aforesaid, do hereby certify that the foregoing depositions of W. P. Everett, G. T. Langston, J. T. Matthews, C. T. Derby, C. G. Parker and E. D. McClenny, were duly taken, sworn to, and subscribed before me, at the time and place, and for the purpose in the caption hereto mentioned.

Given under my hand this 19th day of March 1904.

C. J. Edwards

Notary Pu blic.

Notary Fee $5.00

E. D. McKinney & W. N. Norfleet, trading
as McKinney & Norfleet Plaintiffs
vs. } In chancery
W. O. Brady sometimes called William Brady
& B. B. Brady Defendants

1903. 16th day of November. Process issued to 2nd Jany.
Rules 1904. Affidavit for attachment & as to
non-residence filed.
Attachment and Order of Publication issued.
Attachment bond executed.

1904. 2nd January Rules. Process returned executed
as to B. B. Brady.
Bill and exhibits filed.
Decree Nisi

1904 1 Feb: Rules. Order Pub: Complete
Bill taken for Confessed as to B B.
Brady. and Cause set for hearing

Mahlenning & Forgent

vs. } Statement of Rules

W. D. Bradley &c.

The Plaintiff designate B. B. Brady

as being in possession of effects of, or being indebted to the defendant.

R. E. L. Watkins for
A copy Teste: L. A. Gay 66 Mcclelanny & Norfleet

Form No. 243.

Mc. Clenny & Norfleet

vs. } ATTACHMENT.

W. O. Brady

1904. 4th Jany. Rules of
To 1st day March term, 1904

R. E. L. Watkins p. q.

Bond has been executed as required by law
with security approved by me

L. A. Gay J.P.

Returnable 2nd/08.

B B Brady not being found of his usual place
of abode, I delivered a true copy of the within
process to Minnie Brady, a female, member
of his family, over the age of 16 years, then & there
in charge, this 5th March 1904.

A A Dockery Sh

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 243.

The Commonwealth of Virginia,

To the Sheriff of the County of Nansemond Greeting:

WHEREAS E. D. McElwaney & W. N. Norfleet, Trading as McElwaney & Norfleet have

instituted in our Circuit Court of the County of Southampton, a certain action of Debt against W. O. Brady, Sometimes called William Brady

which action is now pending in the said Court: And there having been filed in the Clerk's Office of our said Court an affidavit that the claim of said plaintiff asserted in the said suit is believed to be just, that the affiant believes the plaintiffs are entitled to or ought to recover $130.00 at the least, with interest thereon to be computed after the rate of six per centum per annum from the 16th day of November, 1903. till payment, and that to the best of the said affiant's belief the said defendant:

~~1. a foreign corporation, or not a resident of this State, and has estate of debts owing to said defendant within the of in which the action is, or sued with a defendant residing therein:~~

~~2. removing, or about to remove out of this State, with intent to change domicile:~~

~~3. removing, or intend to remove, or has removed~~

~~own estate, or the proceeds of the sale of property, or a material part of such estate or proceeds, out of this State, so that process of execution on a judgment, when obtained in said action, will be unavailing;~~

~~4. converting, or about to convert, or has converted property, or some part thereof, into money, securities, or evidences of debt, with intent to hinder, delay or defraud creditors;~~

5. Has assigned or disposed of, or is about to assign or dispose of, his estate, or some part thereof, with intent to hinder, delay or defraud his creditors;

Therefore we command you, that you attach the estate of the said W. O. Brady Sometimes called William Brady for the amount of the said debt $130.00, with interest thereon, as aforesaid, and the costs, and that you secure such estate so attached in your hands, or so provide that the same may be forthcoming and liable to further proceedings thereupon to be had before our said Court, on the 1st day of the next March term thereof; and that you make return hereof at the rules to be held in Clerk's office of our said Court, on the 1st Monday in Jany. 1904 ~~next~~ (or to the said Court on the first day of the next term thereof) how you have executed the same. And have then there this writ.

Witness, L. A. Hay Clerk of our said Court, at the court-house this 16th day of November, 1903, in the 128th year of the Commonwealth.

Teste: L. A. Hay C.C.

B B Brady not being found at his usual place of abode, I there this the 21st day of November 1903. delivered a true copy of the within process to Annie Louise Brady a female member of the family, whom I found in charge, over the age of 16 years. and to whom I explained its purport.

L L Baker Sheff

Mch Chancery Nov Term
vs } Sp. fa. in chancery
Brady W. A. & Co.
1904. 12th Jany. Rules
bill taken

R. G. L. Watkins S.F.

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon W. D. Brady sometimes called William Brady N. B. D. Brady

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 3rd Monday in January 1904 next, to answer a Bill in Chancery exhibited against them in our said Court by E. D. McLemmy N. W. N. Norfleet Trading as McLemmy N. Norfleet

And this they shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, L. A. GAY, Clerk of our said Court, at the Courthouse, this 14th day of November, 1903., in the 128th year of the Commonwealth.

Teste: L. A. Gay C. C.

Melissa October
1909

Deeds

Baby

Entered May 22, 1907

Robert Brown

Enclosed
C.O.B. p. 68

McClenny & Norfleet

v.

Brady W.O. and B.B. Brady

This day this cause come on to be heard upon defendants motion to quash the attachment of plaintiffs liens on one pair mules ~~and taking the same~~ on the 18th day of November 1903, and was argued by Counsel on consideration whereof the Court being of the opinion that no attachment has issued in ~~said cause to quash said Attachment~~, and doth order the Sheriff of this County to release said property to the said W.O. Brady or his attorney.—