

1849-001

SOUTHAMPTON COUNTY
CHANCERY PAPERS

ANDERSON & al

vs. TRAVIS & al

S/1849

n.b. Sheets pasted together + folded.

other surnames: Rives,
Anderson + Rives, Coker,
Davis, Hines

21 18. 12. 10. 8.

Anderson

v. } Papers.

Travis &c.

1849 May Term

Anderson

v. } Stat. Rules

Travis & Co

James M.D. Anderson & James M.D. Anderson & Littleton J
Rives late partners & merchants in trade under the style & firm of
Anderson & Rives.

^{v:}
George F. Travis & Samuel B. Hines of the County of Southampton State
Sheriff thereof and as such assigns of Eli Loker dec'd.

1846. June 20th Sp^a. of. issued -
" Aug. R. Sp^a ret^d. Executed - Will filed -
" Oct. 1st Monday - Cause set for hearing.
" Nov. 5th - Continued.
1848 May. Cont.
" Nov. " Decree for sale

Anderson &
 vs {
 Yarn & Loker
 = Bill in chg. -
Southampton
 " "

1946 August Rules

To The Hon^{ble}. Judge of The Circuit
Sup^r Ct of Law and Chancery for The
County of Southampton - Humbly Complaining
Shew unto your Honor your Complainants
James Mc D. Anderson, and James Mc D. Anderson
& Littleton T. Norris late Partners & Merchants
in trade under the style & firm of Anderson
& Norris That at the time of the
Ct of Southampton your Complainant
James Mc D. Anderson obtained a Judgment
against Eli Coker dec^d. in his life time in
the sum of \$178.70 and costs \$ and
your Compt^s. Anderson & Norris also obtained
Judgment vs him in the sum of \$176.04 -
and costs \$ - That in both these cases
the Jura were returned "nulla bona", and
your Compt^s. spent Cuias against the
body of the said Eli Coker - That upon
these Cuias there were paid by the
Sheriff of Southampton to your Compt^s
James Mc D. Anderson the sum of \$70.00
and to your Complainants Anderson &
Norris the sum of \$68.02 both paid on 17th July 1842
Copies of these Judgments - returns of Execution
&c are here with exhibited marked A and
prayed to be taken as parts of this Bill.
Your Compt^s. then brought a writ
in this your Hon^{ble}. Ct to set aside
a deed made by Eli Coker to his
son Coker as fraudulent, and a
sale was decreed at the time of
this Ct, and your Compt^s. became the
purchasers in the sum of \$210.00 -
It will thus be seen that
your Compt^s. have been compelled to
resort to the ultimate remedies of the
law to make their debt, and that there

is still due to your Compt J. M. D. Anderson
the sum of \$ with interest from
and to Anderson & Harris of
with interest from

Your Compt will
state that Eli Coker is dead and that
his estate was committed at the term
of the Co Ct of South to J. M. D. Harris
late Sheriff thereof -

Your Compt will file with
this Bill a copy of a deed made by
Eli Coker in his life time to one George
J. Travis whom they understand is a
relative of said Coker and the object of
this suit is to set aside said deed
as having been made to hinder - delay
& defraud the creditors of said Coker and
your Compt charge this to have been
the case - That no valuable consideration
passed from Travis to Coker for the land
conveyed and that it was one of the
many schemes desperately resorted to by said
Coker to cover his property - Your Compt
charge upon the said Travis a participation
in this fraud and they will abundantly
prove even by the relations of said Coker
who were willing to surrender the land
the existence of this state of things - A
copy of said deed marked B is herewith
annexed, and prayed to be taken as a
part of this Bill - In tender
consideration, and for as much as your
Compt are remedied at law to the end
therefore that justice may be done they
pray that George J. Travis and J. M. D.
Harris of the County of South late
Sheriff thereof, and as such Advers of

Eli Coker dec'd may be made parties Def'ts
to this Bill, and answer truly, and
morningly upon oath, & every of
its allegations - That your Honor will
do a sale of said land and
determine this deed to be fraudulent and
grant your Compt such other general
relief as equity & the nature of their
case may require - May your Honor
please &c

Gholson & Jones
for Compt

Anderson Le
vs
Trans
Wm for Love
— 10 —

To be entered

R. H. B.

Nov. co. 48

1848 Nov Term

Anderson &c

vs

Travis

This cause came on this day to be heard on the Bill - Exhibits, and Depositions of Wetmores and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that the deed executed on the 20th October 1841 by Eli Goker to George T. Travis a copy of which is filed in this cause be set aside, and declared null and void, And the Court doth further adjudge, order and decree that Wm. H. James who is hereby appointed Commissioner for that purpose do after publishing, and advertising the tract of Land in the proceedings mentioned conveyed in the said deed for thirty days, sell the said tract of Land upon a credit of 12 months taking bond and security from the purchaser and retaining a lien on the Land until the purchase money is paid And that the said Commissioner make report to this Court -

Notes of Council

Adams

as
Train

Note of Counsel

This note was brought to August
Rules 1846 by Adams to be set aside as
fraudulent a conveyance for Land made
by Eli Coker to George T Train ^{Oct 1841} 1841.
The Price charges fraud - There is
no answer whatever from the representatives
of Coker or from Train the Grantee -
Two witnesses have been examined who state
they have known Train for Twenty Years,
that he has always been regarded as
hopelessly insincere, and that both of them
held against him small debts which they
never could collect - One of them also
states that the Grantee in this deed made
a conveyance to his son ^{in Sept 1841} of a Tract of
Land situate near the Tract the subject
of this suit which conveyance was declared
fraudulent by the Court - Train is the
son in law of the Grantee -
Respectfully

Nov 9th 1848

W H Townes
for Compt^y

Anderson Le

^{us}
Munis Le

=
G'ral Decne

May Term 1849

 "

To be entered

May co. '49

R H B.

Anderson Le

vs
Francis Le ~

Decree

This day this cause came on ^{again} to
be finally heard on the papers formerly
read in the cause, and on the Report of
J. W. Townes Comr. for the Sale of the tract
of Land in the proceedings mentioned, made in
pursuance to an order of this Court at Nov.
Term - 1848, and was argued by Counsel -
On consideration whereof the Court approving
said Report doth confirm the same in all
respects —

2

1856

Anderson Geo

to { Spa in Cky

Cokers adm

1846 August Ruled

Created

Mapentary dep of

Irish Barnes Stiff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Samuel D Hines late Sheriff*
of Southampton County & as such admor; of Eli Coker dec^d
and George F Travis

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the
County of Southampton, at the Rules to be holden for the said Court on the first Monday in
August next, to answer a Bill in Chancery exhibited against *them* in
the said Court by *James M D Anderson, James M D Anderson*
& L. J. Rives late partners & Merchants in trade under
the firm style of Anderson & Rives

And unless *they* shall answer the said Bill within ^{*two*} ~~four~~ months thereafter, the Court will
take the same for confessed, and decree accordingly. And this *they* shall in no wise
omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON

R. EDWARDS, Clerk of our said Court, at the Court-house, the *28* day of

June

184*6*, in the *70* year of the Commonwealth.

R. Edwards

[One Copy to be delivered each Defendant.]

a. Henderson

v. { Disposition

Leokun

Leokun to innd dated Nov 1st

1848.

SRG

The deposition of John R. Davis
taken before me Charles Corbrey a Justice
of the Peace for the Town of Petersburg
and State of Va on the 1st of November
1848 at the store house of L. J. Kries on
Bollingbrook St. in said Town, pursuant to
notice hereto annexed, to be read as evidence
in a certain Chancery suit now pending,
and undetermined in the Circuit Superior
Court of Law & Chancery for the County of
Southampton Va in which J. McD. Anderson
and said J. McD. Anderson & L. J. Kries
late Merchants and Partners trading under
the firm & style of Anderson & Kries are
Plaintiffs and Samuel B. Kries late Shh.
of Southern Co, and his Jack Adair of
Eli. Collier decd, and G. F. Travis are
Defendants — said deposition being
taken between the hours of sunrise &
sunset of said day —

~~Question~~ The said John R. Davis
being duly sworn, answers & says

Question by Plaintiffs Counsel,

State all you know of
the pecuniary condition of George F.
Travis the left in this suit at the
time of the execution of the deed
from the Cohers to himself — his
condition before & since — whom he
married & whether a small debt could
or not be made of him? —

Answer - I have known Geo T. Davis
for twenty years, and I have never seen
the man whom I thought could be
made out of him. He married Martha Coker
the daughter of Eli Coker. I had a
small claim of some ten or fifteen dollars
and I cannot make it out of him -
at the time of this suit for the land
to Davis from Coker Davis was regarded
by every body as wholly innocent -
~~his father was innocent~~ - his father
was innocent also - he never made any
money by trading, but lived with his
father -

Question by same

Do you know anything of a
suit brought on the ground of
fraudulent deed for land in Southern
Co made by Eli Coker to his son
Geo T. Coker and how that suit
was decided by the Su Ct of Southern
- what have were the two deeds
made?

Answer - The deed was set
aside as fraudulent by the Judge.
I do not know what have the
deeds were made -

Question by same - Did or not Eli Coker
die innocent and was G T. Davis
involved before the execution of this deed,
and is he involved now -

Answer - Yes Eli Coker did die
innocent, and Davis always has
been and is now involved -

And further the deponent says that -
Geo T. Davis

Nov. 1st The foregoing deposition of
Geo T. Davis was taken before me
a Justice of the Peace according to
the Caption and I continue the
taking of the deposition of the other
witnesses until the 2nd Novr 1848 at
the same place as this & between the
same hours - Witness my
hand 2nd Novr, 1848

Chas. Cortlandt, J.P.

Nov. 2nd 1848 - I continue the taking of
the depositions of G T. Davis & the other
about testifies until Nov 3rd 1848, at
the same place & between the same
hours as the caption directs -

Chas. Cortlandt, J.P.

Nov. 3rd 1848 - G T. Davis being examined
by me duly sworn & says -
Question by Plaintiff Counsel -
How long have you known Eli
Coker & Geo T. Davis and what do
you know of the pecuniary condition of
Geo T. Davis

Answer - I have known Davis for twenty
years, we were boys together. He has never
been supposed of any property since I
have known him and has always been
regarded by those who know him as
innocent. He was once a small debt
which never could make out
of him -

Question by Lane -

Do you or not know whether at
any time since your acquaintance
with him he was able to buy or
tract of Land & pay for it
Answer - No, not even to the hundred
dollars -

Question by Lane - Did you know Eli
Coker in his life time, did he or not
make a deed to his son Allen Coker
of a Tract of Land Situate near the
tract in controversy in this suit, which
was declared fraudulent by the Judge
of the Supreme Court -

Answer - I did know him
Eli Coker I know nothing of this
but about the deed except from hearing.
And further the deponent
saith not -

A. J. Davis

The above deposition of A. J. Davis was
taken before me on the 3^d Nov 1848
at the Carbon City. Witness my
hand & the 3^d Nov 1848

Chas. Cortis S. J.

Mr. George J. Davis -

Take notice that we shall
on the 1st of Nov^r 1848 between the hours
of sunrise & sunset of that day at the
store house of L. J. Davis on Bowlingbrook
street in Newbury Va. present to take
the depositions of L. J. Davis & others
to be used as evidence in a certain
Chancery suit now pending & undeter-
mined in the Circuit Court of Law
and Chancery for the County of South-
ampton Va in which we are Plaintiff
and you are Defendants - If the
depositions of the defendant, or any of them,
shall not be taken on that day named
above then the same time be con-
tinued from day to day until they
are completed - I M. D. Anderson

I M. D. Anderson & L. J. Davis
Late Partners & Merchants trading
under the firm & style of Anderson
Oct 5th 48 L. Davis -

Super County to Mt

This day J. J. Harrison D. py. for Geo E. Parkham
appeared before me W. L. Harrison J. P.
Sheriff of Super County, and made Oath, that he did, on the
18th day of Octr 1848. deliver to George T. Travis a true Copy
of the within Notice, given under my hand this 27th day of
October 1848. —

W. L. Harrison J. P.
3

Col. Thos. B. Hines Late Sheriff of Southm.
as well as Richd. Howe of Eli. Coker and
and George J. Travis -

Take notice that we shall
on the 1st of November 1848 between main
& sunset of that day proceed to take
the depositions of R. J. Davis and others
at the store house of S. J. Davis on Bolling
brook street in Petersburg Va, to be used
as evidence in a certain Chancery suit
now pending & undetermined in the
Circuit Superior Court of Law & Chancery
for the County of Southampton Va in
which we are Plaintiffs and J. J.
Defendants - If the depositions of
the witnesses shall not be taken on the
day named above then they will
be continued ^{at the same place & between the same parties} from day to day until
they are taken & complete -

Wm. Mc D. Anderson -

Jas Mc D. Anderson & S. J. Davis
Late Merchants & Partners trading under
the firm & style of Anderson &
Davis -

Do acknowledge service of this within 10 days
October 16/1868

Law B. King

George T. Travis

25 day of October 1868

Witnessed

Calvert D. Jones Deputy of
Jephtha Darden. Shff—

May 4th 1849 Recd of W. W. Townes
Court in the sum of Anderson & vs
Tannis & The sum of Fifty Dollars
being amount of sales of land by
him as Court under decree of Circuit
Ct of Law & Chy for Tannis & vs

Anderson & vs

J. W. D. Anderson
By J. S. Rivers

Anderson & Co

vs

Travis & Co

Report of Court

1849 May 8th

Anderson &c

vs
3
Paris

Sci: Ct: South: Va —

Report of Comr. W W. Jones

The Undersigned W W. Jones Comr. appointed such under a decree in Anderson vs Paris at the Nov Term 1848 respectfully represents that after advertising the Land in the proceedings mentioned, he sold the same ^{on the 4th day 1849} at public auction for the sum of Fifty Dollars and that the Compts in the suit Anderson & Paris became the purchasers. The Comr further reports that the parties having paid him the amount he has executed to them a deed for the Land. He herewith files the receipt of J Mc'D. Anderson, and of Anderson & Paris for the amount paid them — All which is respectfully submitted —

W W. Jones
Commissioner

1849

"

Copy sent
Schmidt

SUSSEX CH Va
Feb 18th 1846 3

05

Messrs. Gibson & Townes
Petersburg Va

(B)

Robert as of

Anderson & Co
connected with the

Anderson & Co

(A)
To be sold in the
of Anderson & Co.
Southampton

This Indenture made this 20th day of October 1851. between
Eli Coker of Southampton County of the one part and George J. Travis of S.
County of the other part. Witnesseth that the said Eli Coker for and in
consideration of the sum of two hundred and fifty dollars to him
in hand paid or otherwise secured both granted, bargained and
sold one certain tract or parcel of Land containing one hundred
and eighty three acres be the same more or less, situate lying and
being in the County of Surry and bounded by the lands of James
Wright, John Fించ, William C. Pace, and Alexander W. Coker
and also all trees, woods, underwoods, commons, common of
pastures, profits, Commodities, advantages, emoluments, heres
detriments whatsoever to the said tract of land above mentioned
belonging or in any wise appertaining or in or upon the same
growing, happening or arriving and also the reversion and
reversions, remainders and remainders, rents and services
of the said premises and every part and parcel thereof and
also all the estate, right, title, interest, claim, and demand
whatsoever of the said Eli Coker, off. in and to the said
premises and every part thereof. To have and to hold
all and singular the said premises above mentioned to the only
proper use and behoof of the said George J. Travis, his heirs
and assigns forever. And the said Eli Coker for himself, his
heirs the said tract or parcel of land and every part thereof
against himself and his heirs and against all and every
other person and persons whatsoever to the said George J.
Travis, his heirs and assigns shall and will warrant
and forever defend by these presents.

Now Witness whereof the s^d Eli Coker have hereunto set
his hand and affixed his seal the day and year first
above written
Signed, sealed and acknowledged Eli Coker (Seal)
in the presence of 3

In the Clerk's Office of Sussex County Court On the 5th day
of May 1852. This Indenture from Eli Coker to George J. Travis
was acknowledged by the said Coker to be his act and deed
and admitted to record

Teste. J. L. James, Jr.
A Copy Teste. John L. Quines, C. C.

Sussex, C. Va.
Feb. 18th 46 3

Miss Gholson & James?
Dear Sirs.

I herewith send you a copy of the deed
for which you wrote in last month.

You would have rec^d it long ere this, but in consequence
of the death of our Clerk in the first part of July
it could not be attested. hence the delay.

It has rec^d my earliest attention. since I have been
appointed his successor for term.

I am Respectfully Yours

Miss Gholson

Petersburg 3

Sam^l S. Raines

Anderson

to { copy Judg^t & Ex^{or}.

Coker & Co

Anderson & Rice & Co

to { Ex^{or} with bill

Coker & Co

Southampton Circuit Superior Court. April the 2nd 1842.

James McD Anderson

Plff

Against

Edw. Coker and Samuel J. James

Deft

a motion

upon a bond

taken for the forthcoming of property at the day sale

This day came the plaintiff by his attorney and it appearing to the Court that the defendants have had legal notice of this motion they were solemnly called but came not. Therefore it is considered by the Court that the plaintiff may have execution against the defendants for the sum of four hundred and seventy four dollars and fourteen cents the penalty of the said bond and his costs by him about his suit in this behalf expended and the said defendants in money &c. But this execution may be discharged by the payment of two hundred and thirty seven dollars and seven cents with legal interest thereon from the 17th day of January 1843 till paid and the cost

The Commonwealth of Virginia

To the sheriff of

Southampton County Greeting We command you that you take Edw. Coker and Samuel J. James if they be found within the limits and them safely keep so that you have their bodies at the clerks office of our Circuit Superior Court of Law and Chancery for said County at the rules to be holden for said Court on the first Monday in July next to satisfy James McD Anderson the sum of four hundred & seventy four dollars & fourteen cents which he lately in our said Court have recovered against them by motion &c. for a coming bond also \$5.34 cents for his costs by him in that behalf expended withers. they are convicted as appears to us of record and have them there that writ Witness

L. R. Edwards, Clerk of our said Court, at the
Court House this 19th day of April 1842 in the 6th year of
the Commonwealth

L. R. Edwards Ck.

Ment

This Execution may be discharged by the payment
of two hundred & thirty seven dollars & 7 cents with legal
interest from the 17th day of January 1842 till paid and
the costs

Teste L. R. Edwards Ck.

No security of any kind to be taken

L. R. Edwards Ck.

Made in part from sale of property belonging to
Robert & Samuel J. James entered and deeds in Court & James
Carroll bond \$ 74. 49 May 6th 1842 which sum I have
rendered to the plaintiff. Schedule annexed: said notes
& receipt hereunto returned

Wm. J. Federal Dy of
Wm. L. Everett Shff

Copied

Teste L. R. Edwards Ck.

Anderson & Rice &c

v. } Copy Judgment of Court

Cooker &c

Exhibit with bill

Southern Circuit Superior Court April 2^d 1842
James Mc D Anderson and Lisleton J. Rives merchants ^{and} ^{of} ^{the} ^{county} ^{of} ^{the} ^{state} ^{of} ^{the} ^{South} ^{Carolina}
trading under the firm and style of Anderson & Rives Plffs
against
Eli Coker and Samuel J. James Defs } a motion
upon a bond

taken for the forthcoming of property at the day of sale

This day came the plaintiff by their attorney and it
appearing to the Court that the defendants have had legal
notice of this motion they were solemnly called But came
not Therefore it is considered by the Court that the
plaintiff may have execution against the defendants
for the sum of four hundred and ten dollars and two
cents the penalty of the said Bond and his cost by him
about his suit in this behalf expended and the said
defendants in mercy to But this execution may be
discharged by the payment of two hundred and five dollars
and one cent with legal interest thereon from the 17th day
of January 1842 till paid and other costs

The Commonwealth of Virginia

To the Sheriff of Southampton

Courtesy Greeting We command you that you take Eli
Coker & Samuel J. James if they be found within your
jurisdiction and them safely keep so that you have their
bodies at the clerk's Office of our Circuit Superior Court
of Law and Chancery for said County at the rules to be
holden for said County on the first Monday in July
next to satisfy James Mc D Anderson & Lisleton J. Rives
merchants & partners trading under the firm & style of
Anderson & Rives the sum of four hundred & ten dollars
& two cents which they lately in our said Court have
recovered against the said Coker & James by motion
on forthcoming bond also \$5.35 cents for their costs
in that behalf expended whereof they are convicted as

appears to me of Record and have shown where this writ
Witness J. R. Edwards Clerk of our said Court at
the Court house this 19 day of April 1842 in the 66 year
of the Commonwealth

J. R. Edwards cl

Mem.

This execution may be discharged by the payment
of two hundred & fifty dollars & one cent with legal
interest thereon from the 17 January 1842 till paid & the
costs

Teste J. R. Edwards cl

No Security of any kind to be taken

J. R. Edwards

Made and paid May 6/1842 (see amount paid filed in
court James McDanielson & Edw. Cook and James
& James) which I have entered to the Plff } \$82.06

Will. J. Schrell Dy of
Will. J. Schrell Plff.

Copies

Teste J. R. Edwards cl

Anderson go

to } Filed with Bill

Gokers ad go

Southampton September Court 1844.

On motion of Anderson & Rives & others. Ordered, that the estate of Eli
Baker dec^d be committed to the hands of Samuel B Stines Sheriff of this
county for administration according to law.

Attest. J. R. Edwards Clk