

1854-003

SOUTHAMPTON COUNTY
CHANCERY PAPERS

CHALMERS' EXECUTOR et al vs. PRESSON et al
Chalmers' Executor + al vs Holmes + al

11/1854

other surnames: Hargrave,
Darden Bailey, Stephenson,
Council, Holleman, Atkinson,
Gwaltney, Barnes, Lane,

18.

Chalmers Es.

v. } Papers

Preson &c

1854 November

Chalmers' Car &c

~ } Stat. Rules

Dreppon &c

A. Atkinson Exor. of James Chalmers dec. & John Hargrave

against

Joshua Prepon, Samuel H Holmes, J M Bailey, Wilborn Stephenson, J B Council
Jno. H Lane, Exor. Arthur Holliman dec. Timothy E Atkinson & R. H. Gwaltney

1852 Jan. 21st Summons issued returnable to March Rules

Mar. R. Sum. ret^d Executed on Prepon & Stephenson. Bailey not found there
no inhabitancy - New proofs to Bailey, Holmes, Lane Ex. Holliman,
J. E. Atkinson, Richard H. Gwaltney & J. B. Council.

April R. Sum. ret^d Executed on all except Council & Gwaltney new proofs
awarded to them -

April R. (Sat. Monday) Sum. ret^d Executed on Council & Gwaltney

July 23rd Bill filed and Summons issued returnable to Sept. Rules

Sept R. Summons ret^d Executed. & decree nisi to Dft.

Oct. Bill taken for confessed

Nov. Cause set for hearing

1853 March 1st Sum awarded to answer amended bill

Apr. R. Sum. ret^d ex. on Prepon, Bailey, Stephenson, Barnes, Holmes, Lane &
Atkinson. Gwaltney no inhab. Amended bill. Decree nisi to Dft. on whom
Sum. executed New Sum. to Dft. Gwaltney.

" (Sat. Monday) Sum. to Dft. Gwaltney not Executed. Bill taken for confessed
as to Dft. on whom Sum. Ex. Cause set for hearing as to them
New Sum. to Dft. Gwaltney

May. D. Decree for account &c

June R. Sp. ret^d Executed to Dft. Gwaltney. Decree nisi to him.

July " Bill taken for confessed as to Dft. Gwaltney & Cause set for hearing as to him

Aug. Rpt.

Nov. Decree &c

1853 Nov -

Attkinson Co. J. Chalmers do & John Hargrave calc. towt.

blk	\$ 22.52
Shff	10.00
bow	25.00
Printer	2.50
Spax	15.75
	<u>\$ 75.77</u>

Separate Costs of Attkinson Co. Jas Chalmers. towt. blk 0 56

John Hargrave	56
Timothy E. Attkinson	56

	<u>1.68</u>
	\$ 77.45

To the Honorable Richard H Baker Judge of the Circuit Court for the County of Southampton in Chancery sitting, humbly complaining sheweth to the court, your complainant, A Atkinson, Ex of James Chalmers, deceased, & John Margrave, judgment creditor of one Joshua Pearson of the County aforesaid, that at the Nov Term 1843 of the Circuit Superior Court of Law & Chancery for the County of Southampton, the aforesaid A Atkinson Ex of Jas Chalmers, obtained a judgment in an action of debt on Bond against the said Joshua Pearson for the sum of \$165.12, with interest thereon from

Exhibit
{A}

the 4th day of May 1843, & for the costs of said suit; an attested copy of said judgment marked {A} is herewith filed as a part of this bill - that at the May term 1844 of the said Court your said complainant ^{obtained} John Margrave a further judgment against said Pearson for the sum of \$64.67 with interest thereon from the 26th day of July 1845 & the costs of said suit, an attested copy of which judgment marked {B} is herewith filed as a part of this bill - that at the May Term 1844 of said Court, one Arthur Holleman suing for the benefit of ~~Joshua~~ ^{John} Pearson obtained a judgment against said Pearson for the sum of \$185. with interest thereon from Sept-4th, 1843, (subject to a credit of

Exhibit
{B}

Exhibit
{C}

{ \$34. on Jan 4th, 1845 & costs; an copy of said judgment marked {C} is herewith filed as a part of this bill - that prior to the rendition of said judgments, the said Joshua Pearson, executed a deed of trust by which a large amount of property, real & personal was conveyed in trust to Samuel H Holmes as Trustee, for the benefit of P^{re} Bailey, Wilborn Hepherson & Jos P Cornwell, his securities in the official bond of said Joshua Pearson as administrator of said Pearson dec'd, to protect the said securities from all loss on account of said security ship - an attested copy of which deed marked {D} is herewith

{Exhibit D}

filed as a part of this bill - that from time to time by consent
 of all parties interested so much of the property conveyed
 by said deed as was necessary for that purpose has been
 sold to discharge judgments & claims against the estate of
 said Joel Paxon for which the said sureties were liable -
 that all the liabilities of the said estate have been fully
 paid off & discharged & there is no liability resting on
 the said sureties on account of the said suretyship &
 that consequently the said sureties have no further
 lien on the property conveyed by said deed - that
 on the day of 18 the said Joshua Paxon
 took the oath of insolvency under a case issued on
 the aforesaid judgment of the said Holliman for
 Atkinson & surrendered in his schedule the equity of
 redemption in said deed - an attested copy of said
 schedule marked {E} is herewith filed as a part of
 this bill - that the said J. C. Atkinson has never enjoyed
 the equity of redemption thus acquired, although he
 has partially satisfied the said judgment & upon
 subsequent execution issued thereon, there being but
 a small balance still due as will appear from the
 attested copy of the last execution issued on said
 judgment & the return thereon contained in the
 aforesaid Exhibit (C) - that the aforesaid judgment
 obtained by the said Hargrave was on a bond executed
 by the said Joshua Paxon as surety for one Richard
 H. Gwaltney, against whom the said Hargrave ob-
 tained a separate judgment on the same bond in the
 Circuit Court of Surry, which judgment has only
 been partially satisfied by a small amount made
 on an execution levied on the property of said Gwaltney
 as will appear from an attested copy of said
 execution & the return thereon marked {F} &
 herewith filed as a part of this bill - that the
 said Complainants A. Atkinson & Co of Chalmers
 has only been able to obtain a partial satisfaction

of his aforesaid judgment, owing to the encumbrance
 of the property ~~of the said Paxon~~ by the said
 deed of trust, the said Paxon having no other prop-
 erty than that conveyed thereby - that a balance is due
 on the aforesaid judgment of the said Complainant
 as will appear from an attested copy of the execution
 issued on said judgment contained in the aforesaid
 Exhibit (A) filed as a part of this bill - that the said
 Complainant Hargrave has been unable from the same
 cause to obtain satisfaction of his judgment aforesaid
 & that the same is still unsatisfied as will appear
 from an attested copy of the execution & return there-
 on marked {G} & filed as a part of this bill - that the
 said Joshua Paxon has no property out of which the
 said execution can be satisfied except that conveyed by
 the deed aforesaid, the lien on which has been discharg-
 ed as mentioned aforesaid - the real estate conveyed
 by said deed lying in the county of Southampton
~~perhaps~~ some of the other property remains unsold
 that your complainants are informed & so charge
 that by their aforesaid judgments & the going out &
 delivery of executions thereon, they acquired an
 equitable lien on the property conveyed by the
 said deed subject to the prior lien obtained by the
 said J. C. Atkinson on the said Paxon surrendering
 the equity of redemption therein on taking the oath of
 insolvency as aforesaid & that by virtue thereof your
 said complainants have a right to invoke the aid of
 this court of Chancery to have the said property sold
 & after satisfying the judgment of the said J. C. Atki-
 son, to appropriate the surplus proceeds to the satisfac-
 tion of your complainants said judgments in the order
 of their respective liens - in tender consideration whereof
 & for as much as your complainants are without remedy
 at law & can only be relieved by this honorable court

Exhibit
 {G}

of Chancery where matters of this sort are cognizable
 your complainants pray, that the said John
 Prepon, Samuel H. Holmes, P M Bailey, Wilborn Steph-
 enson, J G Cornwell, Mrs H Lane, Ex of Arthur Holloman
 deceased, Timothy C Atkinson, & R H Gwaltney, may be
 made parties defendant to this bill & be required to
 answer the same & that by a decree of this court an
 account may be taken, of the property conveyed by said
 deed yet unsold, of any claim or demand on the
 same if any created by the said deed & of the amount
 of the aforesaid judgment liens & that the property
 conveyed by said deed may be sold & the proceeds
 applied to the discharge & satisfaction of said judg-
 ment liens in the order of their priority & that
 such other & further relief may be granted as con-
 sists with equity & the nature of the case your
 complainants will ever pray &c

Hayden Jsr

1852 July 33: 44: p.

Johnston: Ex &c
 to } 1300
 Prepon &c

Chalmers & Co.
et al's } in Chancery
vs
Refers to

Amended Bill -

1853 Apr. Rules.

To the Honorable Richard H Baker Judge of
the Circuit Court of Southampton in Chancery sitting,
Humbly complaining sheweth to the court, your com-
plainants, A Atkinson Executor of James Cholmon-
deau and Jno Hargrave, that your said
complainants at rules 185 filed their
original bill in said court against Joshua Papeau,
S H Holmes, P M Bailey, Wilbur Stephenson, T E
Atkinson ^{most of age Ex of Arthur Holliman} & R H Swallow, charging that the said
complainants & the said Arthur Holliman
who sued for the benefit of the said T E Atkin-
son, were judgment creditors of the said Joshua
Papeau - that the said R H Swallow was a co-
obligor with the said Joshua Papeau ~~in~~ a bond
due the said John Hargrave, on which the
latter had obtained judgment against the
said obligors - that the said Joshua Papeau
prior to the rendition of said judgments, to wit on
the day of 184 by a deed of Trust conveyed
to the said S H Holmes as trustee certain real &
personal property to indemnify the said P M
Bailey & Wilbur Stephenson ^{& Jos Papeau} as sureties of
the said Joshua Papeau in his fiduciary bond
as the personal representative of Joel Papeau
deceased - that the said sureties were dischan-
ged from all liability & that ~~the~~ lien created by
the said deed on the property thereby conveyed
had been fully ~~satisfied~~ paid - that the said Joshua
Papeau at the suit of said Arthur Holliman brought
in his lifetime for the benefit of said T E Atkinson
took the oath of insolvency & surrendered in his
schedule the equity of redemption in the deed of
trust aforesaid - that the said judgments were still
subsisting, valid judgments & unpaid - that the said
Joshua Papeau had no other property than that

conveyed by said deed. That the executions on said judgments as well as that against said Swallow were still wholly or partially unsatisfied & had been returned by the sheriff "no effects". That by virtue of the oath of insolvency of said the said J. P. Atkinson had obtained a lien on the said property conveyed by said deed & that by virtue of the other judgments aforesaid the other judgment creditors had acquired liens on said property subject to that of the said J. P. Atkinson. That owing to the encumbrance of the said deed the said judgment creditors were unable to obtain satisfaction of their judgments aforesaid. That the said matters are more particularly set forth in the said original bill, with which as a part thereof copies of the said judgments, execution deed of trust were filed. That the said original bill & its exhibits are hereby referred to & incorporated herein, as a part of this amended bill, filed by the consent of this Court for the purpose of making Jacob Barnes Sheriff of the County of Southampton when the said Joshua Pappan took the oath of insolvency as aforesaid in whom the legal title to said property conveyed by said deed, subject to said deed of trust vested a party to ~~that deed~~. That the said judgment creditors owing to their liens aforesaid presented to have the property conveyed by said deed still unsold & unnecessary to meet the purposes of said deed, which have been satisfied, sold & the proceeds applied to the satisfaction of said judgments according to the order of the priority of ~~the same~~ - in tender consideration whereof & in as much as your complainants are without remedy at law & can only be relieved by the order of this honorable Court of equity, where matters of this sort

are cognizable, & to this end your said complainants pray that the aforesaid, S. H. Holmes, Joshua Pappan, P. M. Bailey, Wilbur H. Hedges, J. H. Lane, Executor of Arthur Hollenman, decd. J. P. Atkinson, R. H. Swallow, & Jacob Barnes late Sheriff of the County of Southampton, may be made parties defendant to this bill required to answer the same & that by a decree of this Court, accounts may be taken of the property conveyed by said deed yet unsold, of any liability on said property by virtue of said deed, of the amount due on the judgments aforesaid & of their order of priority, & that the said property may be sold subject to the trust of said deed if any, & the proceeds applied to the satisfaction of said judgments & that such further & other relief may be had as the nature of the case shall require & to this honorable Court shall seem meet & your complainants will ever pray.

Hayden prs -

Chalmers
Exec. et al.
vs
Presidents }
}

Rough Draft
May Term 1853

To be entered

R. H. Baker
May Co. '53
}

Chalmers & Co. et al.

¹¹
Pope et al.

The original & amended bill of the complainants having been taken for confessed at rules & the defendants still failing to answer this cause this day came on to be heard on the, complainants bill, exhibits filed & examination of witnesses was argued by complainants counsel, on consideration whereof the court doth adjudge order & decree that the following accounts be taken by a commissioner of this court.

1st an account of the property ^{yet unsold} conveyed by the deed of Trust in the proceedings mentioned bearing date on the 12th day of Feb. 1847 - executed by Joshua Pope, to Samuel H. Holmes, trustee for the benefit of P. M. Bailey & others.

2nd an account of the amts due on the complainants judgments & that of Timothy C. Atkinson against Joshua Pope in the proceedings mentioned, constituting a lien on the property conveyed by said deed & of all any other liens ^{thereon} ~~and~~ with the respective order of the same & make report thereof to court with any matters deemed pertinent by himself, or required by the parties to be stated & the said commissioner is hereby authorized if required by any of the parties to do so to summon before him any of one of the parties & examine him on oath touching the matters in controversy the commissioner shall give notice of the time & place of taking said oaths by advertisement once a week for four successive weeks in the Southern Argus or newspaper published in the city of Norfolk & at the office of Southampton & such

notice shall be equivalent to personal service of
such notice on the parties & persons interested
in taking the same -

Chalmers' Cove

to } Co. Dunc

Preson & P

In Southampton Circuit Court, May term, 1853.

N. Atkinson exec of James Chalmers dec'd. (and John
Mazgrave plff.

against
Joshua P. Pesson, Saml. H. Holmes, J. M. Bailey,
Wilborn Stephenson, J. G. Cammell, Jno. N. Lane,
Exor Arthur Hollman, dec'd, Timothy E. Atkinson,
& R. H. Gwaltney defts.

The original (and amended bills of the complain-
ants having been taken for confessed at rules, (and the
defendants still failing) to answer, this cause this day
came on to be heard on the complainants bill,
exhibits filed, (and examination of witnesses (and was
argued by complainants counsel. On considera-
tion whereof, the Court doth adjudge, order (and
decree that the following accounts be taken by
a Commissioner of this Court:

1st an account of the property yet unsold con-
veyed by the deed of trust in the proceedings mentioned
bearing date on the 12th day of February 1847,
executed by Joshua P. Pesson to Samuel H. Holmes
trustee for the benefit of J. M. Bailey & others
Indly. An account of the amounts due, on the com-
plainants judgments, (and that of Timothy E. At-
kinson, against Joshua P. Pesson, in the proceedings
mentioned, constituting alien on the property convey-
ed by said deed, and of any other liens thereon with
the respective order of the same, (and make
report thereof to Court with any matters deemed
pertinent by himself or required by the parties
to be stated. And the said Commissioner is her-
by authorized if required by any of the parties
to do so, to summon before him any one of the parties
and examine him on oath touching the matters
in

in controversy. The Commissioner shall give notice of the time (and place of taking) said accounts by advertisement once a week for four successive weeks in the Southern Argus a newspaper published in the City of Norfolk (and at the Courthouse door of Southampton County, and such notice shall be equivalent to personal service of such notice on the parties (and persons interested in taking) the same.

A Copy
test,

Henry S. Howard, D.C.

Cholera Exalt

Preparatals -

Rough beam in turn 1853

Enter this decree

R. H. Baker

Nov Term 1853

Chalmers Ex & al

Prison et al.

This cause this day came on again to be heard on the papers furnished & the report of Commissioner Cobb made pursuant to a decretal order herein of May term 1833, to which report no exception has been filed & the court confirming the same doth adjudge order & decree that unless the defendant Joshua Phipson or John C Phipson, or some one for them, on or before the 15th day of December next pay to Timothy C Atkinson \$36.33, with interest thereon from Jan^y 30th 1849, to John Hargrave \$85.78 with interest on \$64.67 part thereof from March 15th 1831; to A Atkinson Ex of Jas Chalmers dec'd \$71.22 with interest thereon from March 14th 1831, the sheriff of this county sell ~~at public auction~~ on the premises conveyed by Joshua Phipson to John C Phipson, at public auction to the highest bidder for cash the negro man Nelson, stove stock of cattle, hogs, sheep, household & kitchen furniture in the proceedings mentioned conveyed by the deed of trust from Joshua Phipson, to ~~Samuel H Holmes~~ for the benefit of P M Bailey & others & conveyed by the said Joshua Phipson, to John C Phipson by a deed bearing date the 2nd day of Feb. 1833, after having given 20 days notice of the time & place of sale by advertisement at the C & door of this county & other public places & out of the proceeds of sale ^{from} pay the costs of said sale & of this suit pay to Timothy C Atkinson \$36.33 with interest thereon from Jan^y 30th 1849, to John Hargrave \$85.78 with interest on 64.67 part thereof from March 15th 1831, to A Atkinson Ex of Jas Chalmers dec'd \$71.22 with interest thereon

from March 14th 1851 - I make a part thereof to count
for further proceedings herein -

Chalmers En &c

to } Co. Durie

Preson &c

Southampton Circuit Court November the 10th 1853
 A. Atkinson Exor. of James Chalmers dec^d & John Hargrave Plffs.

against
 Joshua Preeson Samuel A. Holmes. P. M. Bailey & others Dfs.

This cause this day came on again to be heard on the papers formerly read and the report of Commissioner Cobb made pursuant to a decretal order herein of May Term 1853 to which report no exception has been filed and the Court confirming the same doth adjudge. order & decree that unless the defendant Joshua Preeson or John E. Preeson, or some one for them, on or before the 15th day of December next pay to Timothy E. Atkinson \$36.33 with interest thereon from Jan'y 30th 1849, to John Hargrave \$85.78 with interest on \$64.67 part thereof from March 15th 1851, to A. Atkinson Exor. of Jas. Chalmers dec^d \$71.22 with interest thereon from March 14th 1851, the Sheriff of this County sell on the premises conveyed by Joshua Preeson to John E. Preeson at public auction to the highest bidder for cash, the negro man Nelson, horse, stock of cattle, hogs, sheep, household and kitchen furniture and the proceedings mentioned conveyed by the deed of trust from Joshua Preeson to Samuel A. Holmes for the benefit of P. M. Bailey & others and conveyed by the said Joshua Preeson to John E. Preeson by deed bearing date the 2^d day of Feby 1853 after having given twenty days notice of the time and place of sale by advertisement at the Courthouse door of this county & other public places. & out of the proceeds of sale after paying the costs of said sale & of this suit pay, first to Timothy Atkinson \$36.33 with interest thereon from January 30th 1849, then to John Hargrave \$85.78 with interest on \$64.67 part thereof from March 15th 1851, then to A. Atkinson Exor. of James Chalmers dec^d \$71.22 with interest thereon from March 14th 1851 & make report thereof to Court for further proceedings herein.

A. Coffey

Costs to this time

A. Atkinson Ex. Jas. Chalmers & John Hargrave to wit:

Teste. J. R. Edwards Clk

	Atk's Costs.	\$ 22.52
	Shff.	10.00
W. W. Cobb	Comm.	25.00
	Printer	2.50
	S. fee & tax.	15.75
		75.77
A. Atkinson Ex. Jas. Chalmers	Separate Costs. to wit.	Atk. \$0.56
John Hargrave	"	Atk. 0.56
Timothy E. Atkinson	"	Atk. 0.56
		168
		\$ 77.45

amt. of last brought over 77.45
 Wit. attendance 15.00
 82.45

(all the costs retained for dismission) 76
 83.21

The Defendant John P. Raper through
 John P. Raper having satisfied the within named
 claims constituting a lien on the property
 & the costs of suit amounting to three
 hundred & Eleven Dollars & Thirty Eight
 Cents I hereby authorize the Sheriff to
 suspend the sale hereby directed -
 Feb-17th 1834 C. B. Hayden for

✓
Chalmers Co. Gp

2 } Dunn's chq.

Holmes Gp

1852 March Rufus

Executed on
Joshua Pearson
Melborn Thompson
James A. Elliott Gp
for Ala. Ry. chq.

P. M. Bailey not found
the other parties no.
inhabitants

James A. Elliott.
S. Off.

The Commonwealth of Virginia:

To the Sheriff of the County of Southampton, GREETING:

We command you to summon *Samuel A Holmes. Joshua P. Brown. J. M. Bailey
Willow Stephenson. Joseph G. Brown. John A. Lane Esq. Arthur Adleman &
J. E. Atkinson & Richard A. Shaltnay* — —

to appear at the Clerk's Office of the *Grant Court* — of the County
of Southampton, at Rules to be holden for said Court, on the first Monday in

March — next to answer *a bill in chancery exhibited against them in
our said Court by A. Atkinson Esq. of James Holmes & John Hargrave*

And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our
said Court, this *21st* day of *January* A. D. 1852,
in the *7th* year of our Independence.

J. R. Edwards *clerk*

Chalmers Esqr &c

& } Sum. Chy.

Holmes &c

1852 April Rules

executed in. Lm

and return

Swatly no Inkie

W. M. West &c

W. Leillard

stff

11

Garry

The Commonwealth of Virginia:

To the Sheriff of the County of ^{Surry} ~~Southampton~~, GREETING:

We command you to summon *John H. Lane Exor: of Arthur Holliman*
J. E. Atkinson & Richard H. Gwaltney

to appear at the Clerk's Office of the *Orphans Court* of the County
of Southampton, at Rules to be holden for said Court, on the first Monday in

April. next, to answer *a bill in chancery exhibited against them &*
others in our said Court by A. Atkinson Exor. James Chalmers & John Hargrave

And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our
said Court, this *1st* day of *March* A. D. 1852,
in the *76th* year of our Independence.

L. R. Edwards ds. Ck

Chalmers Exr of
to { Sum. chg

Holmes of
1852 April Rules

Executed
James A. Gillett of
for L. Parker Juff

The Commonwealth of Virginia:

To the Sheriff of the County of Southampton, GREETING:

We command you to summon *J. M. Bailey*

to appear at the Clerk's Office of the *Orient Court* of the County of Southampton, at Rules to be holden for said Court, on the first Monday in

April. next to answer *a bill in chancery exhibited against him and others in our said Court by A. Atkinson Exor. James Chalmers of John Hargrave*

And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, this *1st* day of *March* A. D. 1852, in the *76th* year of our Independence.

L. R. Edwards

Chalmers Esq

2 { Sum. Chy.

Holmes Esq

1852 April Rules

March 16th 1852

This day I delivered
a true copy of this
notice to Saml H. Ho-
lmes Josiah Q. Gay Jr.

D. for Mrs. P. Thomas

Wright

J. O. Wright

The Commonwealth of Virginia:

To the Sheriff of the County of ^{Isle of Wight} ~~Southampton~~, GREETING:
We command you to summon *Samuel H. Holmes.*

to appear at the Clerk's Office of the *Circuit Court* — of the County
of Southampton, at Rules to be holden for said Court, on the first Monday in

April — next to answer a bill in chancery exhibited against him
and others in our said Court by *A. Atkinson Esq.* of *James Chalmers &*
John Hargrave

And have then there this writ. Witness, **LITTLETON R. EDWARDS**, Clerk of our
said Court, this *1st* day of *March* A. D. 1852,
in the *76th* year of our Independence.

L. R. Edwards Clk

The Commonwealth of Virginia:

To the Sheriff of the County of ^{Nansemond} ~~Southampton~~, GREETING:

We command you to summon Joseph B. Council

to appear at the Clerk's Office of the Circuit Court — of the County
of Southampton, at Rules to be holden for said Court, on the first Monday in

April - next, to answer a bill in chancery exhibited against him & others
in our said Court by A. Atkinson Esq: James Chalmers & John Hargrave

And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our
said Court, this 1st day of March A. D. 1852,
in the 76th year of our Independence.

L. R. Edwards *clg*

Handmond, March 17th 1852.

Not a resident of this County

Amid. all these things
Nathl. Beaman and others

Chalmers' Ess of
2 } Sum. chy.

Holmes & Co

1852 April Rules

Sansemond

The Commonwealth of Virginia:

To the Sheriff of the County of ^{Nansemond} ~~Southampton~~, GREETING:

We command you to summon *Joseph G. Council*

to appear at the Clerk's Office of the *Circuit Court* — of the County
of Southampton, at Rules to be holden for said Court, on the first Monday in
April — next, to answer a bill in chancery exhibited against him *John*
in our said Court by *A. Atkinson Esq.* *James Chalmers & John Hargrave*

And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our
said Court, this *1st* day of *March* A. D. 1852,
in the *76th* year of our Independence.

L. R. Edwards

Chalmers' Ex. & P

& } Summ. Chy.

Prison & P

Last Monday in April 1852.

Executed

James A. Gillin ~~Exe.~~
for Life Prison, & P

The Commonwealth of Virginia To the Sheriff of Southampton County. Greeting. We
command you that you summon Richard H Gwaltney 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 last Monday in this present month to answer a Bill in chancery exhibited against
him and others in our said Court by A Atkinson Exor. of James Chalmers dec'd and
John Hargrave and have them there this 10th day of April 1852 in the 76th year of the Commonwealth
S R Edwards Ck

Chalmers Exr. &c

v { Sum. Chy.

Prison &c

last Monday in April 1852.

Apr. 10th 1852 I left
a copy of this notes at
Joseph E. Councils
according as the Law
directs, he the S^r Comale
being from home

Josiah P. Gay D.
for Chas. P. Thomas
stff

The Commonwealth of Virginia. To the Sheriff of Isle of Wight County. Greeting.
We command you to summon Joseph G. Council to appear at the Clerks Office of our
Circuit Court of Southampton County at the Rules to be holden for said Court on the last
Monday in this present Month to answer a bill in Chancery exhibited against him &
others in our said Court by A. Atkinson Exor. of James Chalmers dec'd & John Hargrave
And have then there this writ. Witness Littleton R Edwards Clerk of our said Court this
5th day of April 1852 in the 76th year of the Commonwealth.

L R Edwards Clk

Executed, on Wilborn Stephenson by delivering him
 a copy August 3rd On Phenaher M Bailey by
 delivering him a copy August 5th On Rich^d M
 Swatney by delivering ~~at his home~~ a copy to his
 wife August 5th On Arthur Prepon by deliv-
 ering to him a copy August 6th

Wm. H. H.

Examiner &c.

at 3rd City.

Respondent

1852 September 10th.

Executed

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon

Joshua Preeson P. M. Bailey
Willborn Stephenson & R. H. Gwaltney

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 *September* next, to answer a Bill in Chancery exhibited against ~~them~~ ^{thems} in the said Court by

A Atkinson Esq James Chalmers & John Hargrave

~~And unless~~ ~~shall answer the said Bill within four months thereafter, the Court will take~~
~~the same for confessed, and decree accordingly. And this~~ ~~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 *22nd* day of *July* 18*52*, in the
77 year of the Commonwealth.

L. R. Edwards

[One Copy to be delivered each Defendant.]

Chalmers' Cove

2 {Sp: Chy

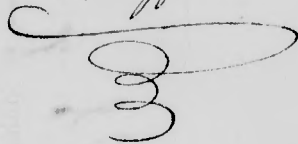
Prepaw

1852 September Term

Execution

W. M. Allen

Shff.



Sunny

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of ^{Jury} ~~Southampton~~ County, Greeting:

We command you that you summon

John H Lane Exr Arthur H Newman
dc of Timothy E Atkinson

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 *September* next, to answer a Bill in Chancery exhibited against *them & others* in the said Court by

A. Atkinson Exr: James Chalmers dc of John Hargrove

And unless ~~shall answer the said Bill within four months thereafter, the Court will take the same for confessed, and decree accordingly. And this~~ 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 *22nd* day of *July* 18*52*, in the *77th* year of the Commonwealth.

L.R. Edwards Clk

[One Copy to be delivered each Defendant.]

Chalmers' Ex

to {Spa. Copy

Prison &c

1832 September Rules

Black 24/11-
Aug 6th 1832

J. O. Wright.

Received J. M. Chalmers by returning him
a true copy and drawing a copy at
the loan of J. J. Lawrence

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of ^{J. O. Wright} ~~Southampton~~ County, Greeting:

We command you that you summon

Samuel H. Holmes. J. G. Cornwell

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 *September* next, to answer a Bill in Chancery exhibited against *them* ^{of} ~~by~~ in the said Court by

A. Atkinson Esq. James Chalmers de. & John Hargrave

~~And unless~~ shall answer the said Bill within four months thereafter, the Court will take the same for confessed, and decree accordingly. ~~And this~~ 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 *22nd* day of *July* 18*52*, in the

77th year of the Commonwealth.

L. R. Edwards Clk.

[One Copy to be delivered each Defendant.]

Chalmers & Co
et al
as
Pope et al

To - S. H. Holmes, Joshua Tupper, P. M. Bailey, William
Stephenson, Tho. H. Lane Esq. Arthur Holleman, J. P. Atkinson
R. H. Gwatney & Jacob Barnes late Sheriff of Southampton
Gentlemen

Take notice, that on the 18th day of
April next between the hours of 9. AM & 5. PM of that
day, at the Clerk's Office of the County Court of Southampton
we shall proceed to take the depositions of Jonathan Darden
and others to be used as evidence for us in a ~~Chancery~~
my suit now pending in the Circuit Court of Southamp-
ton, wherein we are Plaintiffs and you are defend-
ants. And if from any cause, the taking of the said
depositions shall not be commenced, a being com-
menced should not be completed on that day, the
taking of the same will be adjourned from time
to time until the said depositions shall be completed
Given under our hands this 26th day of March 1833

A. Atkinson Executor of
James Chalmers dec'd &
John Hargrave -

Executed on Joshua Tupper, Mar. 25th on Thomas M. Bailey 25th
on William Stephenson the 21st. and Rich^d. H. Gwatney 26th of Mar.
by delivering to each a copy. Sam^l. H. Holmes, Tho. H. Lane & J. P.
Atkinson are none residents of my County.

Charles T Wells Deput
for David Wells Sheriff

Executed on Jacob Barnes ~~March 26~~ by delivering him a copy
to Henry Deput of
T Wells Sheriff

Chalmers Co.

& { Sum. Chs

Prepon &

1853. April Rules

execution in Lane
and actions by
lecturing - copy.
Sway no Exhibit.

W. M. West Off.
"

SUMMONS.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of *Swary* County, GREETING:

YOU are hereby commanded to summon *John H Lane Exor of Arthur*
Holliman dec. J. E. Atkinson, & R. H. Gwaltney

~~if~~ ~~be found within your Bailiwick~~, to appear at the Clerk's office of our *General*
court for Southampton County, at the Rules to be holden for the said Court, on the first
Monday in *April* next, to answer

an amended bill in chancery exhibited against them and others in our said
court by A. Atkinson Exor James Cholmondeley dec. & John Hargrave

And have then there this writ. Witness L. R. Edwards, Clerk of our said Court, at
the office aforesaid, this *1st* day of *March* 185*3*, in the *77* th year of our
foundation.

L. R. Edwards Clk

Executed on Joshua Prepon, & Thomas M Bailey
Mar. 12th on Melborn Stephensen Mar. 17th by delivering
to each a copy.

Charles T Kello Deft
for Saml Kello Shff

Executed on Jacob Barnes the 24th day of March
1853 by delivering to him a copy. C. T. Kello Deft of
S Kello Shff

Charles E. E. Jr

to Z. J. J. J.

Prepon Jr

1853. April. R. R.

SUMMONS.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of *Southampton* County, GREETING:

YOU are hereby commanded to summon *Joshua Dwyer. J. M. Bailey. Wilborn*

Stephenson & Jacob Barnes Sheriff of Southampton

if ~~be found within your Bailiwick~~, to appear at the Clerk's office of our *County*
court for Southampton County, at the Rules to be holden for the said Court, on the first
Monday in *April* next, to answer

*an amended bill in chancery exhibited against them in our said Court
by A. McKinnon. Esq. of James Chalmers Esq. & John Hargrave*

And have then there this writ.
the office aforesaid, this *1st*
foundation.

Witness L. R. Edwards, Clerk of our said Court, at
day of *March* 1853, in the *77*th year of our

L. R. Edwards

Memorandum
Service as per note dated
Jan. 24. H. H. Holmes

Chalmers Ev.

or } Same. Lds

Propon & P

1853 April Rules.

SUMMONS.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Isle of Wight County, GREETING:

YOU are hereby commanded to summon *J. H. Holmes*

~~if~~ be found within your Bailiwick, to appear at the Clerk's office of our *Circuit*
court for Southampton County, at the Rules to be holden for the said Court, on the first
Monday in *April* next, to answer

*an amended bill in Chancery exhibited against him and others in our said
Court by A. Atkinson Esq. James Chalmers and John Hargrave.*

And have then there this writ. Witness L. R. Edwards, Clerk of our said Court, at
the office aforesaid, this *1st* day of *March* 185*3*, in the *77*th year of our
foundation.

L. R. Edwards

to come to hand too late to expect

Sam. & Helle aff.

Atkins Error

a } Sum's chq.

Presson & Co

1853 last Monday in April.

SUMMONS.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of *Southampton* - County, GREETING:

YOU are hereby commanded to summon

R. H. Givens

if be found within your Bailiwick, to appear at the Clerk's office of our *Superior*
court for Southampton County, at the Rules to be holden for the said Court, on the ~~first~~ *last*
Monday in *May* ~~April~~ next, to answer

an amended bill in chancery exhibited against him and others in our said
Court by A. Atkinson Exor. James Chalmers dec'd. J. John Hargrave

And have then there this writ.
the office aforesaid, this *4*
foundation.

Witness L. R. Edwards, Clerk of our said Court, at
day of *April* 1853, in the *77*th year of our

L. R. Edwards

Atkinsons Exr

v. } Sum. lky

Prepon &c

1853 June Rules

Executed 25th May 1853
by delivering to him a copy

Charles & Wells Left
for Sand Wells Shiff

SUMMONS.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of *Southampton* County, GREETING:

YOU are hereby commanded to summon

R. H. Swatney

if *he* be found within your Bailiwick, to appear at the Clerk's office of our *Circuit*
court for Southampton County, at the Rules to be holden for the said Court, on the first
Monday in *June*. next, to answer *an amended bill in chancery exhibited*
against him and others in our said Court by A. Atkinson Esq. James Chalmers Esq.
of John Hargrave

And have then there this writ. Witness L. R. Edwards, Clerk of our said Court, at
the office aforesaid, this *25* day of *April* 185*3*, in the *77* th year of our
foundation.

L. R. Edwards

✓
Chalmers Esir

vs {summons
Dupon L

Executed
Charles T. Kello Sept
for Samuel Kello
stff

The Commonwealth of Virginia,

To the Sheriff of Southampton County, Greeting.
You are hereby commanded to summon Willborn
Stephenson personally to appear before me one of
the Commissioners in chancery in the Circuit Court
of Southampton County, at my office at the Court
house of said County on Monday the 15th day
of August next to testify and the truth to say, in
a matter of account referred to the said Commissioners
for settlement by a decree of the said Court, in a
certain suit therein pending between Chalmers Egan
& others vs Phipps & others. And this he shall in
no wise omit under the penalty of \$100. And
have them there this writ. Given under my hand
as Commissioner aforesaid this the 24th day of
June 1853.

Wm. W. Cobb Commissioner

Chalmers Esq

in { Deposition

Properly

handed in by Pat. D. Lee SP.

Apr. 18 1853.

J.R.E

The Deposition of Jonathan Gardner taken in the
Clerks Office of the County Court of Southampton
~~between~~ 18th day of April 1853, pursuant to the an-
neced notice, between the hours of 9. AM & 5 PM
to be read as evidence for the Plaintiffs in the
Chancery suit now pending in the Circuit Court
of Southampton wherein A. Atkinson & others of
1st Chalmers deed & Mrs Margetts are Plaintiffs
& S. H. Holmes, Joshua Prepon & others are defendants.
The deponent being first duly sworn on the Holy
Evangelists deposes & says as follows -

Question by Plaintiffs Attorney - ~~say whether~~ ~~Joshua~~
~~Prepon took the oath of insolvency~~ Look on the paper
marked (A) herewith filed & say whether the same
is a true copy of the schedule ~~given~~ by Joshua
Prepon on taking the oath of insolvency under
an execution against him the said Prepon issued
from the Circuit Court of Lane & Chancery ~~for~~ the
County of Southampton in favour of Arthur Holliman
senior for the benefit of Timothy E. Atkinson on the
27th day of September 1847, & whether the said Prepon
subscribed the same & took the oath of insolvency under
the said execution before you as a Justice of the
peace for the said County & whether the signature thereto
signed purporting to be yours is your genuine
signature -
Answer -

The paper marked a herewith filed is a true
copy of the schedule surrendered by Joshua
Prepon on taking the oath of insolvency
under the execution alluded to in the
aforesaid question and that the said
Prepon took the oath of insolvency ~~before~~
~~me~~ and subscribed the said schedule
before me as a Justice of Peace of the said
County. and that I certified the same

as a Justice of the Peace and the signature
ther to is my genuine signature and the
original schedule is in the Clerks office
of the County of Southampton

Jonathan Dardess

The foregoing deposition was taken sworn to & subscribed at the time & place mentioned in the copy filed before me a justice of the peace for the County of Southampton. Given under my hand, this 18th day of April, 1833-
Patrick Poley

Patrick Polk

Chalmers Esq
vs J Depositions
Prepon & others

Filed with Commr report Oct.
1st 1852.

The examinations of Samuel H. Holmes one of the defendants, upon interrogatories propounded to him, by and on behalf of A. Atkinson exor of James Chalmers dec^d and John Hargrave, plaintiffs in a certain suit in chancery, depending in the Circuit Court of Southampton County, between A. Atkinson exor of James Chalmers dec^d and John Hargrave Plaintiffs, and Joshua Phipps, Saml. H. Holmes, P. M. Bailey Willbourne Stephenson, J. G. Council, Jas. H. Lane Exor of Arthur Holliman dec^d, Timothy E. Atkinson and R. H. Gwatney defendants, taken before W. W. Cobb one of the Commissioners in Chancery of the said Court, at his office at the Courthouse of the said County, on the 15th day of August 1853, under a decree of the said Court made in the said cause, at May Term 1853, referring the said cause to the said Commissioner —

Samuel H. Holmes being first duly sworn, answers and says —

Interrogatory by Plaintiffs. State the amount and value of the property, real and personal ^{yet unsold} conveyed by Joshua Phipps in a deed of trust ^{and filed in the said} executed on the 12th day of February 1847, to you as trustee for the benefit of P. M. Bailey and others? And state the gross and annual value of the land conveyed in said deed of Trust:

Answer — I was trustee to the deed of trust executed by Joshua Phipps for the benefit of P. M. Bailey and others on the 12th day of February 1847, ^{and which} I suppose ^{the tract of land conveyed in said deed which is yet unsold} is worth eight hundred dollars, and that it would annually rent for fifty dollars. All of the personal property conveyed in said deed is yet unsold with the exception of three negroes. The personal property yet unsold consisting of one negro

one horse, stock of all kinds, household and kitchen furniture, I suppose to be worth about two hundred and fifteen dollars. The said tract of land contains about four hundred acres, and is situated in the County of Southampton - And further this examinant saith not -

Saml. H. Holmes

The examination of Wilbourn Stephenson one of the defendants, taken at the same time ^{and place} and for the same purpose, before the said Commissioner -

Interrogatory by Plaintiff. State whether there are any debts still due which were intended to be secured by a deed of trust executed on the 12th day of February 1847, by Joshua Phipps to Saml. H. Holmes trustee for the benefit of P. M. Bailey and others.

Answered. I know of none -

And further this examinant saith not.

Wilbourn Stephenson

The above depositions were taken, sworn to and subscribed before me as commissioner aforesaid this the 18th day of August 1853 -

Wm. Webb Corry

I certify that the annexed notice has been inserted
Weekly four weeks successively, in the Southern Argus,
a newspaper published in the city of Norfolk Va
commencing the 4th day of July and ending the 25th day
of July 1853.

Darius J. Hill clerk of Saml J. Sawyer
Publisher of the Southern Argus.

Shewn to and ~~and~~ before me this 31st day of August 1853.

Edwin P. Hatcher not. Public.

I certify that the annexed
Weekly four weeks successively, is
a newspaper published in the
commencing the 4th day of July
of July 1853.

Darius J. Hill clerk of Saml J. Sawyer
Publisher of the Southern Argus.

Sworn to and ~~see~~ before me this 31st day of August 1853.

Edwin P. Hatcher not. Public.

COMMISSIONER'S OFFICE,

JERUSALEM, Va., June 24th, 1853. }

To A. Atkinson, Ex'r of James Chalmers, deceased, and John Hargrave, plaintiffs, and Joshua Presson, Samuel H. Holmes, P. M. Bailey, Wilborn Stephenson, J. G. Council, John H. Lane, Ex'r of Arthur Holleman, deceased, Timothy E. Atkinson and R. H. Gwatney, defendants.

YOU ARE HEREBY NOTIFIED that I have fixed upon MONDAY, the 15th day of August, 1853, to take and settle at my office in the town of Jerusalem, the account's required to be taken by the decree of Southampton Circuit Court, rendered at the May term of said Court, 1853, 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,

July 4-1853

WM W COBB,
Commissioner.

Chalmers E. J. or
as { Comm. Report.
Proposed

1853 Oct: 3^d

Chalmers Executor

vs

Prepon & others.

Commissioner's Office, Sept. 24th 1853

In obedience to a decree of the Circuit Court of Southampton County, rendered at May term 1853, in a suit in chancery depending in said Court, between Ed. Atkinson Executor of James Chalmers dec'd., and John Hargrave plaintiffs, and Joshua Prepon and others, defendants, the undersigned, one of the Commissioners of said Court, begs leave to submit the following report. On the 24th day of June 1853, he gave notice to the several parties aforesaid, that he would proceed to take and settle the accounts required by said decree, at his office in the town of Jerusalem, on Monday the 15th day of August last, which notice was published, in the Southern Argus a newspaper published in the City of Norfolk, for four successive weeks, as will appear from a copy of said notice with the certificate annexed herewith filed, and a copy of said notice was also posted at the Court-house door of Southampton County at July term 1853. At which time and place your Commissioner proceeded to take the examinations of Samuel H. Holmes and Willborn Stephenson two of the parties to the said suit, which examinations are returned with this report.

Your Commissioner reports that the property yet unsold conveyed by the deed of trust in the proceedings mentioned bearing date on the 12th day of February 1847, executed by Joshua Prepon to Samuel H. Holmes trustee for the benefit of P. M. Bailey and others, consists of a tract of land lying in the County of Southampton, containing about four hundred acres - That the value of said tract of land is supposed to be eight hundred dollars, and that it would annually rent for fifty dollars.

That the personal property conveyed in said deed

which is yet unsold, consists of one negro, one horse, stock of all kinds, household and kitchen furniture, which are supposed to be worth about two hundred and fifteen dollars. Your commissioner is directed by the plaintiffs counsel to report specially that all of the property aforesaid was conveyed by deeds from Joshua Phipps to his son John E. Phipps, bearing date the 2nd of February 1853, as will appear from copies of said deeds filed with this report.

The following account will show the amounts of the complainants judgments, and also that of Timothy E. Atkinson against the said Joshua Phipps, and which judgments constitute a lien on the property conveyed by the said deed of trust.

Judgment obtained by A. Atkinson Executor of James Chalmers dec'd, in the Circuit Court of Southampton on the 10th day of November 1847, for \$165.12 with interest thereon from the 1st of May 1847.

Amount of costs.	7.89
Interest on \$165.12 to May 2 nd 1850.	29.70
	<u>\$202.71</u>

Amount made by Sheriff	92.11
Balance due May 2 nd 1850.	\$110.60
Interest thereon to March 14 th 1851	5.78
	<u>\$116.38</u>

Amount made by Sheriff.	45.16
Balance due March 14 th 1851.	\$71.22
with interest from that date.	

Judgment obtained by John Hargrave against the said Joshua Phipps in the Circuit Court of Southampton County on the 5th day of ^{July} 1847, for \$64.67 with interest thereon from July 26th 1845 -
Carried forward.

Amount of judgment obtained by John Hargrave brought over	\$64.67
Amount of costs	6.68
Interest thereon to March 15 th 1851	21.86
	<u>\$93.21</u>

Amount made by Sheriff.	7.43
Balance due with interest on \$64.67	\$85.78
part thereof from March 15 th 1851.	

Judgment obtained by Timothy E. Atkinson against the said Joshua Phipps in the Circuit Court of Southampton County on the 5th day of May 1847, for \$185.00 with interest thereon from Sept. 4th 1843.

Interest thereon to Jan'y 4 th 1845.	14.80
	<u>\$199.80</u>

Amount paid by defendant	34.00
Balance due Jan'y 4 th 1845	\$165.80
Amount of costs.	7.89
Interest on \$165.80 to Jan'y 3 rd 1848	29.84
	<u>\$203.53</u>

Amount made by Sheriff.	103.27
Balance due Jan'y 3 rd 1848	\$100.26
Interest thereon to Jan'y 30 th 1849.	5.37
	<u>\$105.77</u>

Amount made by Sheriff.	69.44
Balance due with interest	\$36.33
thereon from Jan'y 30 th 1849.	

Respectfully submitted
Wm. W. Cobb Commr.
Commons fee \$25.00
Order of pub. 2.50
\$27.50

Charged to the plaintiffs.
Witness fees \$5.00
W. W. Cobb Comr

Chalmers.
Chalmers & Co
}

Preper & Co

Filed with Court Report October
3^d. 1853

This Indenture, made (and entered into this 2nd day) of February 1853, between Joshua Drexler on the one part, and John E. Drexler of the other, both of the County of Southampton, Witnesses: That said Joshua Drexler for and in consideration of the sum of seven hundred & fifty dollars to him in hand paid by the said John E. Drexler (in the way of a negro I sold by the name of Britton, which negro boy was given to my son John E. Drexler, by his aunt Sally Harris to him in hand paid by the said John E. Drexler. The receipt whereof is hereby admitted, Has granted bargained and conveyed and by these presents doth grant, join, alien and convey to the said John E. Drexler one certain tract or parcel of land containing two hundred and ninety acres more or less, lying in Southampton County, which tract of land formerly belonged to Saml G. Boykin and bounded as followeth: On the North by Solomon Britt, N.E. by John Brown, and James Marvel, on the south by Thos D. Boykin, and west by Patrick Doles. To have and to hold the said parcel or tract of land (and all the appurtenances thereto belonging) unto s^d John E. Drexler against claim him the said Joshua Drexler, free from the claim of him the said Joshua Drexler or heirs forever. And the s^d Joshua Drexler doth forever warrant, defend, the right of the above named tract of land, against the claim of himself or any other person or persons claiming. In Witness whereof the said Joshua Drexler has hereto set his hand, affixed his seal the day (and date above written).
Signed, Sealed } Joshua Drexler (Seal)
in presence of }
Maklen E. Norworthy
Jesse H. Johnson.

Southampton County. In the Clerk's office the 8th day of February 1853. This deed of bargain and sale from Joshua Drexler to John E. Drexler was acknowledged by the said Joshua Drexler and admitted to record.

Teste. J. R. Edwards, C.C.
A Copy test. Henry J. Howard, D.C.

Chalmers' Ex. &c

2
3

Propos &c

Filed with Board Report Oct 3 '53

Bargain and Sale made. This 2nd day July 1853, by Joshua Preeson
to his son John E. Preeson of the following property, to wit: One
N. man named Nelson, one Horse, my Stock of Cattle, in-
cluding work oxen, my Stock Hogs, and sheep, all my
Household and Kitchen furniture, Plantation Utensils &c. &c.
And I said Joshua Preeson do acknowledge myself satisfied
and paid in the following manner: There is seven hundred
and Twenty dollars due my son John E. Preeson for
the interest of negro I sold belonging to him, which
his aunt Sally Harries give him. It Taking all
the principal for the said negro to pay me for my
land I sold him, The Wright and title to the above
named property I will forever warrant and defend to the
said John E. Preeson against myself, my Heirs, &c. or
against any other claimants. In witness whereof I have
hereunto set my hand and seal the day and date
above written.

Witness
Maklon E. Newberry
Jesse N. Johnson
Joshua Preeson (Seal)

Southampton County. In the Clerk's office the 8th day of February 1853
This deed of Bargain and Sale from Joshua Preeson to John E.
Preeson was acknowledged by the said Joshua Preeson and ad-
mitted to record.

Teste,

S. R. Edwards, C. C.

Copy.

Teste.

Henry S. Howard, D. C.

Chalmers Exor.

" } Copy of Judgment.

Prepson - Execution & Return

Exhibits filed with
Complainants Bill -

Fees 40 cents

In Southampton Circuit Superior Court of Law and Chancery November 10th 1847.
Archibald Atkinson, Executor of James Chalmers

against
Joshua Preeson

Plff }
Def } En Debt

The judgment obtained at the rules not having been set aside, and the plaintiff being now entitled to a final judgment, it is therefore considered that the plaintiff recover against the defendant one hundred and sixty five dollars and twelve cents with interest from the 4th day of May 1847, till payment, and his costs by him in this behalf expended. And the said defendant in mercy &c.
costs \$ 6.81

At Copy.

Teste L.R. Edwards, C.C.

The Commonwealth of Virginia: To the Sheriff of Southampton County. Greeting:
We command you that of the goods and chattels of Joshua Preeson lately in your bailiwick, you cause to be made the sum of One hundred and sixty five twelve cents with interest thereon from 4th day of May 1847 till paid which Archibald Atkinson Executor of James Chalmers dec^d lately in an former Circuit Superior Court of Law & Chancery for Southampton County hath recovered against the said Preeson for debt: also seven dollars and 87 cents which to the said Exor: in the same court were adjudged for his costs by him about his suit in that behalf expended, whereof the said Preeson is convict as appears to us of record. And how you shall have executed this writ, make known at the Clerk's office of our said Circuit Court of said County, at the Rules to be holden for the said court on the first Monday in February next. And have then there this writ.

Witness, Littleton R. Edwards, clerk of our said court, this 18th day of December 1850, in the 75th year of the Commonwealth.

L.R. Edwards, C.C.

This execution is to be credited for \$92.11 1/2 cents made May 2^d 1850
L.R. Edwards, C.C.

Returns "Property levied & sold as per act sales within, a balance still due & no property to levy. H. P. Pope Sept for A. Myrick Shff."

"1857. March 14th Rec^d forty five Dollars 16/100 on this
 fifa: being amt. made by sale of Defendants property this day
 as per act sales within. A. Myrick Shff"

Act: Sales of Joshua Preson's property sold march 14/57 under a
 fifa to him in favor of Archibald Atkinson Exor of James
 Chalmers dec^d by Shff: of Southampton County.

March 14/1857.

5 Barrels of corn	\$ 2 50	Jno: Bowers	12	50
5 do do	—	do	12	50
5 Barrels of corn	2.25	James S. Gillett	11	25
3 remainder	2.25	do do	6	75
4 Barrels short corn	1.21.	do do	4	84
1 1/2 remainder	1 12 1/2	do	1	56 1/4
50 lbs of fodder	30	Exum W. Shields		30
			\$ 49	70 1/4
St. P. Pope, Sept for A. Myrick shff.				

Chalmers Exr

is } fifa
 Preson }

Debt due May 2nd/50 \$102.73
 By amt made by sale of Defents property
 March 14/57. \$ 49.70

Shff's Commis off

Taxes & Tickets out

2 49
 \$ 47.21
 2 04 1/2

By this amt credits on fifa: march 14/57 & p^d con \$ 45 16 1/2
 to Shff's attorney in full 45 16 1/2

A. Myrick, shff."

Copy - Teste, L.R. Edwards. C.C.

Haigraue

vs } Copy of Judgment,
Drepton Execution, & Return.

Exhibit B filed with
Complaint Bill -

Fees 40 cents

In Southampton Circuit Superior Court of Law and Chancery, May 5th 1847.

John Hargrave

Plff

against
Joshua Preeson

Def

} On Debt

The judgment obtained at the Rules, not having been set aside and the plaintiff being entitled to a final judgment, it is therefore considered that the plaintiff recover against the defendant sixty four dollars sixty seven cents the debt in the declaration mentioned with legal interest thereon from the 26th day of July 1845, till paid and his costs by him in this behalf expended. And the said defendant in mercy &c.

Costs \$6.10.

A Copy

Teste, Henry J. Howard, J.C.

The Commonwealth of Virginia: To The Sheriff of Southampton County - Greeting:

We command you that of the goods and chattels of Joshua Preeson late in your bailiwick, you cause to be made the sum of sixty four dollars sixty seven cents with legal interest thereon from the 26th day of July 1845, till paid, which John Hargrave lately in our former Circuit Superior Court of Law and Chancery for Southampton County hath recovered against the said Preeson, for debt: also six dollars and 68 cents which to the said Hargrave in the same court were adjudged for his costs by him about his suit in that behalf expended whereof the said Preeson is convicted as appears to us of record. And how you shall have executed this writ, make known at the Clerk's office of our Circuit Court of said County, at the Rules to be holden for the said Court, on the first Monday in February next. And have then return this writ. Witness Littleton R. Edwards, Clerk of our said Court, this 18th day of December 1850, in the 75th year of the Commonwealth.

L. R. Edwards, C.C.

Return: "Returned services suspended by order of Plaintiff's attorney C. B. Hayden, p. q. James A. Killett Esq. of A. Myrick."

Copy Teste, L. R. Edwards, C.C.

Holliman for &c

is } Copy of Judgment &c
Person

Exhibit - Exhibited with
Compliments Bell -

Fees \$0.40 cents

In Southampton Circuit Superior Court, of Law and Chancery, May 5th, 1847.
Arthur A. Holliman who sues for the benefit of Timothy E. Atkinson Plff

against
Joshua Preeson

} On Debt
Deft }

The judgment obtained in the office not having been set aside and the plaintiff being now entitled to a final judgment, it is therefore considered that the plaintiff recover against the defendant One hundred and eighty five dollars the debt in the declaration mentioned, with legal interest thereon from the 4th day of September 1843, till paid and his costs by him, in this behalf expended - And the said defendant in money &c. This judgment is to be credited for \$34. paid January 4th 1845 - costs \$6.73.

A Copy.

Teste. Henry J. Howard, C.C.

Commonwealth of Virginia:

To the Sheriff of Southampton County - Greeting:

We command you that of the goods and chattels of Joshua Preeson lately in your bailiwick, you cause to be made the sum of One hundred and eighty five dollars with legal interest from 4th day of September 1843, till paid, which Arthur Holliman for Timothy E. Atkinson lately in our Circuit Superior Court of Law and Chancery for Southampton County, hath recovered against the said Preeson for debt: also seven dollars and 89 cents which to the said Holliman for &c in the same Court were adjudged for his costs by him about his suit in that behalf expended, whereof the said Preeson is convicted, as appears to us of record. And how you shall have executed this writ make known at the Clerk's office of our said Circuit Superior Court of Law and Chancery, at the Rules to be holden for the said Court, on the first Monday in January next. And have then there is writ. Witness Littleton R. Edwards, Clerk of our said Court, This 8th day of November 1848, in the 7^{3rd} year of the Commonwealth.

L. R. Edwards, C.C.

This execution is to be credited for \$34. paid January 4th 1845, & \$103.27/100 made January 3rd 1848.

R. R. Edwards, C.C.

Return - By amount sales made January 30/1849 73.09.
 Sheriff - off 3.65
\$69.44

By virtue of the within, I have made the sum of sixty nine Dollars and forty four - in part.

Wm. J. Sebull Copy of
 J. Darden Sheriff Dⁿ

Copy. Teste, A. R. Edwards, C.C.

Dufson

to } Sec of Trust

Bailey's & others' trustee

Hoping -

Exhibit de filed
with Complaint to Bill

See 74 etc

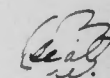
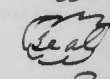
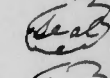
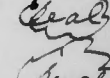
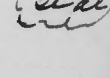
This Indenture, made & entered into this 12th day of February in the year of our Lord One Thousand eight hundred & forty seven, between Joshua Pefson Exr. of Joel Pefson, all of the first part, Samuel H. Holmes of the second part and P. M. Bailey Wilburn Stephenson and Joseph G. Council of the third part, all of the County of Southampton, State of Virginia: Witnesseth that the said Joshua Pefson, Exr. for & in consideration of a bond, the penalty of said bond being thirty thousand dollars given by him together with P. M. Bailey Wilburn Stephenson, & J. G. Council, as securities upon his qualification on the estate of Joel Pefson dec^d execution, and in order that P. M. Bailey, Wilburn Stephenson & J. G. Council may not suffer as his securities in his administration of the estate of Joel Pefson dec^d and also for the further consideration of one dollar in hand to him paid by the said S. H. Holmes, the receipt whereof is hereby acknowledged, he the said Joshua Pefson hath given, granted, bargained & sold, and by these presents doth give, grant, bargain & sell to the said Sam^l. H. Holmes, his heirs and assigns forever, a certain tract of Land known as the Boykin tract lying & being in the county of Southampton, State of Virginia, containing four hundred acres more or less & bounded as follows: On the north by the Lands of Solomon Britt, on the east by the Land of James Howard, on the east by P. M. Boles' Land, on the south by the Lands of Elizabeth Boykin: To have & To hold the said hereby granted or intended to be granted tract of Land & premises with its appurtenances together with household & Kitchen furniture & Stock of all kinds & negroes named as follows: Adeline, Jim, two of the name Nelson unto the said Samuel H. Holmes his heirs & assigns forever, to the only proper use & behoof of the said Sam^l. H. Holmes his heirs & assigns forever. And the said Joshua Pefson for himself, his heirs, his Executors, administrators & assigns, doth hereby covenant, promise and agree to and with the said Samuel H. Holmes his heirs, executors, administrators, the aforesaid tract of Land with premises with its appurtenances together with household & Kitchen furniture & stock of all kinds & negroes named Adeline, Jim & two of the name of Nelson,

unto

unto the said Saml. St. Holmes, his heirs executors & administrators,
against all persons whatsoever, shall & will warrant & defend by
these presents. Upon trust nevertheless, that the said Saml. St.
Holmes, & his heirs, executors, & administrators shall permit the said
Joshua Preeson to remain in quiet & peaceable possession of the said
tract of land & premises & its appurtenances together with household &
kitchen furniture & stock of all kinds & negroes named Adaline,
Jim & two of the name of Nelson, until default be made in the
payment of the said sum of thirty thousand dollars. The penalty
of the bond of administration either in the whole or in part and then
upon this further trust that he or his heirs executors & administrators
shall & will so soon after the happening of such default of payment
as he or his ^{heirs} executors & administrators may think proper or the said
P. M. Bailey, Wilbourn Stephenson & Joseph G. Council their heirs executors
& administrators shall request, sell the said tract of land & premises with its
appurtenances together with household & kitchen furniture & stock of all
kinds, & negroes named Adaline, Jim, & two of the name of Nelson
or such part of the hereby granted premises as the trustee or his Repre-
sentative hereby authorized to act shall think sufficient for the purpose
& shall think proper to sell to the highest bidder for ready
money at public auction, after having fixed the time and place
of sale at their own discretion and given ^{days} notice thereof
by advertisements to be set up at three different places of note
in the County of Southampton, previous to the day of sale,
and out of the monies arising from such sale shall after
satisfying charges thereof and all other expenses attending the
premises pay to the said P. M. Bailey, Wilbourn Stephenson & J.
G. Council or their heirs, executors, administrators the said sum of
thirty thousand dollars or such part thereof, as is due on the settlement
of the estate of Joel Preeson dec'd with interest which may thereon
have lawfully accrued, and the balance if any shall pay to the said
Joshua Preeson his heirs, executors, administrators & assigns, but if
the whole of the said sum of thirty thousand dollars, or such part
as is due shall be fully paid so that the said P. M. Bailey,
Wilbourn ^{Stephenson}, J. G. Council, or their heirs shall not suffer on or
before

before the 13th day of February in the year of our Lord eighteen
hundred & forty seven, when the same is payable so that
no default of payment of said administration bond be made
then this Indenture to be void or else to remain in full force
& virtue. In witness whereof, the said parties to these
presents have hereunto set their hands and affixed their seals,
the day & year above written -

Signed, sealed & delivered
in the presence of
Wm. G. Stephenson.
Goodwyn G. Griffin.
P. C. Holmes.

Joshua Preeson 
Saml. St. Holmes 
P. M. Bailey 
Wilbourn Stephenson 
Jos. G. Council 

Southampton County. In the Clerk's office the 15th day of February 1847.
This Deed of Trust between Joshua Preeson of the first part Saml.
St. Holmes of the second part and P. M. Bailey Wilbourn Stephen-
son, and Jos. G. Council, of the third part, was proved by
the oaths of Wm. G. Stephenson and Goodwyn G. Griffin,
two of the witnesses thereto, and on the 15th day of
March 1847, was proved by the oath of P. C. Holmes
the other witness thereto, and admitted to record.

Teste,

L. R. Edwards, C. C.

Attest

Teste, Henry J. Howard, J. C.

The Commonwealth of Virginia

To the Sheriff of Southampton County Greeting:

We Command you that of the goods and Chattels of Richard St Gwathrey, who was co-defendant with Joshua Prefor, late in your bailiwick, you cause to be made the sum of Sixty four dollars and Sixty seven Cents, with legal interest thereon from the 26th July 1845, well paid: Which John Starpave, lately in our Circuit Court for the County of Surry recovered against the said Gwathrey for debt. Also eight dollars and ninety two Cents, which to the said John Starpave, in the same Court were adjudged for his Cents, by him about his said in that behalf expended. Whereof the said Richard St Gwathrey is convict as appears to us of record, and that you have the same at the Clerk's Office of our said Circuit Court for the County of Surry, on the first Monday in February next, to render to the said John Starpave of the debt and Cents aforesaid. And have there there this writ. Witness William P. Hudsonwood Clerk of our said Court at the Courthouse the 23rd day of December 1850, in the 25th year of the Commonwealth. Cents \$5.92. Wm. P. Hudsonwood

Endorsed - "Property levied and sold, as P. account of sales within, a balance there due, and no effects to pay. A. E. Pope Sec. for A. Myrick Shff."

1857, March 15. Recd. for Sixteen dollars 35/100 on this fifa: made by sale of defendants property this day. A. Myrick Shff."

The following is a copy of the account of sales returned with, and filed with the foregoing execution.

Account of Sales of Richard Henry Gwathreys property sold this 13th day of March 1857 under a fifa: against him in favor of Geo. Starpave by the Sheriff of Southampton County.

2 Old Spades	\$ 26	Samuel Star.
Sale & Roggin	13 1/2	57.
1 Bullock	5.99	Wm. P. Hudsonwood

1 Knife	\$3.15	Wm. A. Sumner
1 Bed & Stead	10.00	J.
3 flag bot. Chair	2.35	Samuel Ham
1 Pine Table	35	J.
1 Looking glass	35	James Gillette
1 Low & 5 Shoats	5.00	Samuel Ham
	<u>\$37.65</u>	Amt. Sale.

A. J. Pope Sp. for
A Myrick Shff.

Harpass
in fife
Guachney

Debt

\$64.67.

By Amt rec^d by sale of Dfts property Mar: 13th 1807 as
pr. acct sales returned

\$27.65

Shff Come off

1.38

\$26.27

James & tuckers out

9.92

By this Amt created in fife Mar: 13/37 +
Amt paid over to fife atts:

\$16.35

\$16.35

A Myrick Shff.

Copies

Text

Wm. J. Woodward

Exhibit 174 filed
with Complaint 12-20

Chalmers Ex. Y^o

1 } ~~Exhibit with bill~~

Trefon Y^o

~~Exhibit of E. J. filed with
Complaints Bill~~

Filed with deposition of Jonathan
Davidson Apr. 18. 1853. S.R.C.

The following is a schedule of the whole estate of Joshua Prepon.
Having by virtue of the first and third sections of an Act of Assembly passed the 30th day of March 1837 entitled and act exempting a certain portion of the property of poor debtors from execution and other liabilities, set apart the following property to wit. One cow, one bed -stead, bed necessary bedding for the same, half dozen knives forks, six plates two dishes, two crucibles, one pot. One Oven. six pieces wood or earthen ware, one loom and its appurtenances One spinning wheel, one pair cards. One axe. five barrels Corn or one barrel flour, two hundred pounds Bacon or pork and five dollars worth of hay or other forage, the residue of my estate is as follows. my interest in a deed of trust to Samuel H Holmes trustee for the benefit of Phineas M Bailey, Joseph G. Council and Wilborn Stephenson conveying land and other property. My crop of Corn, fodder, and peas. One Buggy, and my farming utensils One note against P. M Bailey and Melton G Brown for sixteen dollars and two cents due November 12th 1847. and one account against William Whitney for ten dollars & thirty cents.

Jonathan Darden J.P.

Joshua Prepon

The above is a copy of the schedule returned with the execution which issued from the Circuit Superior Court of Law & Chancery for Southampton County in favour of Arthur Holliman who sues for the benefit of Timothy C Atkinson against Joshua Prepon on the 27th day of September 1847.

Juste.

J.R. Edwards Ck

Paper (A) alluded to filed returned with
The deposition of Mathew Lander -
Patrick Dolis