

1855-022 SOUTHAMPTON COUNTY
CHANCERY PAPERS

DUNN and Wife VS. BARHAM

11/1855

other SURNAMES: Simmons,
Stephenson

Dunn & Wife

v. } Papers

Barham

1855 Nov. Term

Puffin Blot - Apr. '55 922.75

up of 1000

up of 1000

up of 1000

Dunn & wife

v. } Stat. Rules

Barham

William L. Dunn & Emeline his wife

Deft.

v:

Nicholas J. Barham

Deft.

1855 Feby 20th Sum. issued retble. to March Reels.

" Mar. R. Sum. ret. "No inhabitant". Will filed. Order of pub. v. Dft.

Dunn & wife
vs 3 Bill
Barlow

1855 March Rules.

To the Honorable Richard H. Baker judge of the
Circuit Court of Southampton County.

In Chancery.

Humbly Complaining sheweth unto your
honor your complainants William L. Dunn and Emelia
his wife that on the 8th day of November 1854 They ob-
tained a decree in the Circuit of Southampton County
against Nicholas J. Barham and Zebulon L. Simmons
for the sum of \$165.⁵²/₁₀₀ with interest thereon from the 14th
day of October 1836, and also for the sum of \$360.⁹⁷/₁₀₀
with interest from April the 14th 1838, and the costs of
said suit amounting to \$55.²⁰/₁₀₀ - All of which will
appear from a copy of said decree herewith filed and
prayed to be taken as a part of this bill. - That your
Complainants having complied with the requisitions of said
decree and out of the clerk's office of the said court on the
8 day of 1854, a writ of fieri facias against
the goods and chattels of the said Nicholas J. Barham
and Zebulon L. Simmons which has been returned no
effects as will appear from a copy of said execution and
the return of the Sheriff thereon endorsed herewith filed
and prayed to be taken as parts of this bill - That the
said Nicholas J. Barham and Zebulon L. Simmons both
reside in the State of North Carolina and have no personal
property whatever in this State - That the said Nicholas
J. Barham is seized and possessed of a tract of land
lying in the County of Southampton containing about
one hundred and twelve acres and worth about \$300,
and also a tract of land lying in the Counties of Surry
and Southampton with a mill attached thereto containing
about eight hundred acres and worth about \$800.
Your complainants are advised that their judgment
above mentioned is a lien on the said tracts of land, (it
having been duly docketed according to law in the clerk's
office of the Counties of Surry and Southampton) and as

The rents and profits of the said tracts of land will not discharge their said judgment in five years, they desire that the said land should be sold and applied to its payment.

Your complainants further state that since the date of their said judgment the said Nicholas J. Barkham has sold to Levi W. Stephenson one hundred acres of the tract of land lying in the Counties of Sussex and Southampton ^{above referred to} for the sum of \$194, and this amount was paid to your complainants by the said Nicholas J. Barkham on the 19th day of February 1855 in part payment of their said judgment. They do not desire therefore that this portion of the said land should be made subject to their lien.

In tender consideration of the premises and in as much as your complainants are without remedy save in this honorable Court it is prayed that the said Nicholas J. Barkham be made a party defendant to this bill - And that he be compelled to answer all the allegations thereof - That your honor will decree a sale of the tracts of land of which the said Nicholas J. Barkham is seized and possessed lying in the Counties of Sussex and Southampton, and that the proceeds of said sale be applied to the payment of the judgment which your complainants obtained against the said Nicholas J. Barkham on the 8th day of November 1854 in the Circuit Court of Southampton and which said judgment is now due on the said real estate - And that an order of publication may issue against him - and that your honor will grant such further and general relief in the premises as may seem fit and proper, and equity may require, and they will ever pray &c.

Cobb p. q.

Dunn & McGe

v. } Exhibits with bill

Barham

In Southampton Circuit Court. November the 2nd 1854.

William L Dunn & Emeline his wife formerly Emeline Davis & Samuel Wells Sheriff and as such
admt. of Ro. Davis

against

Benjamin Barham, Zebulon L Simmons, Nicholas J Barham, John Bittle
& Jacob Turner & Mary his wife

Plffs

In Chancery

Defts

This day this cause came on to be again heard on the papers formerly read and it appearing to the Court from the return of the Sheriff on the execution issued under the decree rendered in this cause against Benjamin Barham the principal obligor that the said decree had proved unavailing, therefore on the motion of the plaintiffs, the Court doth further adjudge, order and decree that Nicholas J Barham and Zebulon L Simmons pay to William L Dunn and Emeline his wife formerly Emeline Davis the sum of the sum of \$165.52/100 with interest thereon from the 14th day of October 1836, and also the sum of \$360.97/100 with interest thereon from the 14th day of 1838 and that they also pay to the plaintiffs their costs expended by them in this suit.

But the execution of this decree is to be suspended until the said W. L. Dunn or some else for him shall give bond with sufficient security in the Clerks Office of this Court, before the clerk of said — in the penalty of \$1000. and made payable to John J Bittle and Jacob Turner and Mary his wife, conditioned that the amount of \$526. shall be forthcoming to John J Bittle and Jacob Turner and Mary his wife, at the death of his wife Emeline Dunn

Plffs Costs \$55-20.

Attest

Teste. L A Edwards Clk

The Commonwealth of Virginia. To the Sheriff of Southampton County. Greeting. We command you that of the goods and chattels of Nicholas J. Barham & Zebulon Simmons late in your bailiwick you cause to be made the sum of One hundred sixty five dollars fifty two cents with interest from the 14th day of October 1856 and also the sum of three hundred sixty dollars ninety seven cents with interest thereon from the 14th day of April 1858 till paid which William L. Dunn & Ursaline his wife formerly Ursaline ~~Barham~~ lately in our Circuit Court of Southampton County have recovered against them by a decree. Also the sum of 55 dollars and 20 cents which to the said Dunn & wife in the said Court were adjudged for their costs in that suit expended, whereof the said Barham & Simmons are convict as appears to us of record, and you shall have executed this writ make known at the clerks Office of our said Court at the Rules to be holden for the said Court on the first Monday in February next. And have them there this writ - Witnesses Linton R. Edwards Clerk of our said Court at the Courthouse this 22^d day of December 1854 in the 79th year of the Commonwealth.

L. R. Edwards *ls*

Sheriffs Return - "No property whereof any part of this execution can be levied"

S. Kello Shff."

A Copy

Teste.

L. R. Edwards *ls*

Dunn Mfgs

to } Cr. Pub.

Barham

At Rules held in the clerks Office of the Circuit Court of Southampton County on the first Monday in March 1855

William L. Dunn & Emeline, his wife
against
Nicholas J. Bartram

Plffs. } In Chancery
Deft.

The object of this suit is to subject the lands of ~~which~~ the defendant is seized and possessed lying in the Counties of Sussex and Southampton to the payment of a judgment recovered by the plaintiffs against the defendant in the Circuit Court of Southampton County on the 8th day of November 1854. And it appearing by affidavit that the Defendant is not a resident of this State on the motion of the plaintiff by his attorney it is ordered that the said Defendant do appear here within one month after due publication of this order and do what is necessary to protect his interest in this suit: and that a copy of this order be published once a week for four successive weeks in the South-Side Democrat — a newspaper published in the City of Petersburg — and also posted at the front door of the Courthouse of this County on the first day of the next County Court.

Dunn & wife

is } Dunn's shop

Barbours

1855 March Rules

Nicholas J. Barbours is not
a resident of my County.

Andrew J. Kille deputy
sher. Saml. L. Kille clerk

The Commonwealth of Virginia:

To the Sheriff of Southampton County, Greeting:

We command you to summon *Nicholas J. Burkhead*

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be
holden for the said Court, on the first Monday in *March next* to answer
a bill in Chancery exhibited against *him* in our said Court by

William L. Dunn & Emanuel his wife

and have then there this Writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at
the Courthouse, this *20th* day of *February* 185*3* in the *79th*
year of the Commonwealth.

L. R. Edwards

The Commonwealth of Virginia :

To the Sheriff of Southampton County, Greeting :

We command you to summon

Nicholas J Barkham

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be
holden for the said Court, on the first Monday in *March next* to answer
a bill in Chancery exhibited against *him* in our said Court by

William L Dunn of Emaline his wife

and have then there this Writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at
the Courthouse, this *20th* day of *February* 185*5* in the *79th*
year of the Commonwealth.

L. R. Edwards

Dunn & Wife

v. } Affidavit

Barham

1833 March 5th

Southampton County to-wit:

Personally appeared before
me ~~Clerk~~ of the Circuit Court of Southampton County,
Wm. W. Cobb on behalf of Wm. L. Wrenn & Emilene
his wife, and made oath that Nicholas J. Barham
defendant in a suit depending in the Circuit Court
of Southampton, wherein the said Wm. L. Wrenn and
Emilene his wife are plaintiffs and the said
Nicholas J. Barham defendant, is a non-
-resident of this State. Given under my
hand as Clerk aforesaid this the 5th day
of March 1855

I R Cobb as do