

1858-011

SOUTHAMPTON COUNTY
CHANCERY PAPERS

Rose, Howell et al vs. BOWERS, Smith vs al
Gillett + Pretlow vs Frisby vs al

5/1858

other surnames: Johnson,
Story, Smith, Holmead,
Mortimer, Frisby, Howell

~~25~~ 29 ~~25~~ 21

Howell &c

v. } Papers

Smith &c.

3A 28 22 17.

Gillette & Bretlow

& } Papers.

Frisby & Co.

Howell Jr

v } Stat. Rules.

Smith Jr

Anthony M. Morrell, Goodman E. Johnson, & John Rose who sue for themselves & others who
may come in and bear their proportion of the expenses of this suit. Plffs
against

Carr Bowers, Elliott S. Story, Joseph W. Smith & Mary his wife, Alfred Holmstead & Elizabeth
his wife, Charles Mortimer and John I. Frisby. Defts.

- 1855 June 18th Sum. issued directed to Shff. of Southampton v. Jos. W. Smith, Alfred Holmstead,
& wife, Chas. Mortimer, & directed to Sergeant of City of Norfolk v. John I. Frisby - retble:
to 1st Monday in July next
Affidavit made made bond & security given & attachment awarded against the estate of
Joseph W. Smith, Alfred Holmstead & Charles Mortimer. retble. to 1st day of the next Term -
" July R. Sum. ret. Ex. on Smith. Sum. v. Frisby not ret.
" Aug. 11. Bill filed - Decree nisi v. Smith & wife. Or. Pub. to Dfts. Holmstead & wife & Mortimer
" Sum. awarded to Dfts. Bowers, Story & Frisby -
" Sept. R. Sum. ret. Ex. on Dfts. Bowers & Story - Sum. v. Dft. Frisby not ret. Bill taken for
confessed as to Dfts. Smith & wife. Decree nisi v. Dfts. Bowers & Story
" Oct. R. ^{1st Monday} Bill taken for confessed as to Dfts. Bowers & Story -
" Oct. ^{Last Wednesday} Cause set for hearing as to Dfts. Smith & wife, Bowers & Story.
1856 May J. ans of Dft. Mortimer. G. Rep.
" Nov. Decree &c

1858 May. Or. discontinuing suit 1st

1856 Nov.

Diff. Costs to wit	Letk	\$ 12 97	
	Shff.	2.00	
	Or. Pub	2.30	
	Spur 1 st	<u>15 75</u>	\$ 33.22

Diff. Mortuaries	Bills.	Letk \$ 3.52	
	Saw fee	<u>15.00</u>	18.52

Gillette & Proctor

v. } Stat. Rules

Frisby &

Joseph Gillette & Joshua Pretlow

Piffs

against
John J. Frisby, Joseph Smith & Mary his wife, Alfred Holmead & Elizabeth his wife, Charles
Mortimer & Elliott Story Defts.

1855 July 2^d Summons issued against Dfts. Frisby, Smith & wife, Holmead & wife &
Mortimer - Affidavit made & attachment issued against the estate of Deft. Frisby.

" August R. Sum. ret. Ex. on Dft. Frisby - Other Dfts. not residents. Bill filed - Decree
Nisi v Dft. Frisby. Order Pub. v Dft. Smith & wife, Holmead & wife, & Mortimer.

Sum. awarded v Dft. Story

" Sept. R. Sum. ret. Ex. on Dft. Story - Bill taken for confessed as to Dft. Frisby - Decree
Nisi v Dft. Story.

Or. Octo. R. Bill taken for confessed as to Dft. Story -
1st Monday

Oct. " Cause set for hearing as to Dfts. Frisby & Story -
2^d Monday

1856 May J. Dfts. Mortimer & Story filed their ans. by leave G. Ref.

" Nov. " Decree v.

1858 May. Or. discontinuing suit &c.

1856. Nov 6.

Depts Costs	blt	\$ 41.62
	Diff.	1.50
	OS.	2.50
	Sum	<u>15.75</u>
		\$ 32.37

Deft. Mortimers Costs.	blt	\$ 2.94
	Sum.	<u>15.00</u>
		\$ 17.94

Howell &
Rose &

~ } Bill.

Smith &

1855 August 1st

To the Honorable Richard B. Baker judge of the circuit
court of Southampton in chancery sitting

Humbly complaining your complainants John
Rose Anthony M Howell and Goodman E Johnson who
are for themselves and others who may come in and
bear their portion of the expenses of this suit. shew
unto your Honor, that on the 13th of Dec^r 1852
Carr Bowers and wife conveyed to Joseph W Smith
a Tract of land containing 500 acres, that on the same
day the said Joseph W Smith conveyed the same land
to Elliot L Story as Trustee to secure to Carr Bowers
the payment of the purchase money, the object of the
said Joseph W Smith in purchasing the above land
was to get the timber on it supply a steam saw mill
which was to be erected at Franklin Depot in the
county of Southampton, and on the 19th of Augt 1854
Joseph W Smith and Mary his wife sold the land purchased
from Bowers together with the steam saw mill and fixtures
at Franklin together with oxen, timber, wagons &c to one
Alfred Holmsted now of Baltimore for the sum of \$4,000
and on the 30th of March 1855 Alfred Holmsted and
Elizabeth his wife sold the same property to wit the land
purchased of Bowers the saw mill &c to Charles Mortimer
of the city of Baltimore for the sum of \$10,000 all
of which will more fully appear by reference to the said
deeds of the 13th of Dec 1852, the 19th of August 1854
and the 30th of March 1855. Smith file marked respec-
tively A.B & C and prayed to be taken as parts of this
bill. Your complainants further shew that Elliot L
Story has sold the tract of land and that it sold for
more than enough to pay the debt due Carr Bowers
and that there is now a surplus in his hands
but how much your complainants do not know

your complainants further show unto your honor that
after the erection of the steam saw mill at Franklin
Joseph W Smith and his son S. M. Smith acted as the
agents up to the time the mill stopped work
which was some few months since, that they bought and
sold timber employed hand purchased supplies for the hand
employed in labor at the mill and made all contracts
pertaining to the business of the Franklin steam saw
mill, that the agents became indebted to your
complainant John Rose in the sum of \$78.44 for
provisions furnished to the working hands and stock
attached to the mill as will appear by an ~~account~~
account entitled to be correct by S. M. Smith the agent.
and on the 12th of Feb. 1855
and made payable on sight, as will soon fully appear
by the said account Smith with filice marked III and
prayed to be taken as a part of this bill, that they became
indebted to your complainants Holmace and Mortimer for
timber furnished

Now your complainants charge and believe that
that all the dues agreed to above by of the 18th of Dec
1852 of the 19th of August 1854 and of the 20th of March
1855 were made to hinder, delay, and defraud ^{the erection} of John
I. Foisy from the collection of their just debts, your
complainants charge that though Joseph W Smith was the
apparent legal owner of the land purchased from Sam
Borum and of the steam saw mill at Franklin that
he never paid one cent for the land and nothing
towards the building of the mill but that John I
Foisy was the owner, they charge further that when
the said Smith sold the land and saw mill to Alfred
Holmace, that Holmace never paid him one cent
but the property was still belonging to Foisy and
they further charge that when Holmace and wife
sold to Mortimer for the large sum on paper of

\$10,000 on money paper but that the property still belongs
to John I. Foisy of Norfolk city, your complainants believe
the true history of the Franklin steam saw mill to be
this, that John I. Foisy who had sometime before failed
for a large amount in the city of Baltimore being
unwilling to go into the lumber business and from the
debts hanging over him unable to get himself employed
Joseph W Smith to act as his agent, that becoming
dissatisfied with Smith the legal ownership was transferred
to Holmace and from Holmace to Mortimer no money
paying and that John I. Foisy is still the real owner of
the property, your complainants were dealing with the
agent of the owner and did not doubt they would be paid

It is tender consideration whom of and inasmuch
as your complainants are without adequate remedy at law
but entitled to relief in a court of equity where questions
of fraud are cognizable they therefore humbly pray that
Sam Borum, Elliot & Story, Joseph W Smith, and Mary
his wife, Alfred Holmace and Elizabeth his wife, Charles
Mortimer and John I. Foisy may be made parties defendant
to this bill and that the court would compel them as free
and perfect answer make to the allegations contained in
this bill as if they had been thereto more fully and
specially interrogated, that Elliot & Story state what balance
may be in his hands as trustee after paying Sam Borum, that
all necessary accounts may be taken, that ^{the} dues of the 19th
of Augt 1854 and of 20th March 1855 be declared fraudulent
and void to your complainants and set aside and that
the steam saw mill fixtures at Franklin may be
sold and your complainants debts paid and that the
court would grant such other and general relief the premises
considered as equity may dictate and the nature of their
case may require and as in duty bound your complainants
will ever pray we

Thomas J. G.

56

Gillett & Pullow
is Bill
Frisby & Co

1855 August Rules.

To the Hon. Richard H Baker Judge of the Circuit Court for
the County of Southampton

Sh Chancery

Humbly complaining shew unto your
Honor your exors Joseph Elliott and Joshua Peckham
That in the year 1852 a tract of land was purchased in
the said County from Carr Bowers in the name of
Joseph Smith and a steam saw mill erected on
the land of Richard Barrett at Franklin in the said
County for the purpose of cutting up the timber on
the said tract of land, which mill together with its
fixtures tools weapons and other appurtenances
was also sold in the name of the said Smith.
That the said Smith and Mary his wife by deed of bargain
and sale bearing date August 18th 1854 conveyed the
said land mill and appurtenances to Alfred Holmwood
and the said Alfred Holmwood and Elizabeth his wife con-
veyed the said property by deed of bargain and sale dated
March the 20th 1855 to Charles Mortimer, all of which
will appear from copying the said deeds herewith
filed marked (A) and prayed to be taken as proof
of this bill. That all the original purchase money
was not paid for the said land and the said Smith and
wife executed a deed of trust on it to Elliot Story
Trustee to secure the sum due the said Carr Bowers
under which deed of trust the said land has been
seized and the debt paid off and the balance of the
proceeds of sale retained by the said Story ^{to} await
the decision of this suit: That the said mill has been
in operation since its erection until since the
date of the deed to Charles Mortimer, sometimes
under the superintendence of the said Joseph Smith
and sometimes under the superintendence of
John T Frisby - That while working the said mill
debts were contracted for labor, timber, provisions,

merchandise and other things necessary to carry it on
with your Grators who are merchants and partners
trading under the firm and style of Little's Millers,
as well as with many other persons - That for the
debts due your Grator John I. Frisby who then apparently
had the control and superintendence of the said mill
executed on the 15th day of March 1855 two notes for \$354
each payable ^{one} in three and the other in four months
negotiable at the Franklin Bank in Baltimore and
signed by the said Alfred Holmsted which said notes both
the said Frisby and Holmsted have failed to pay -
(The said notes will be hereinafter referred to as they can
be obtained from the said Bank) Your Grators charge
that the said notes were executed in consideration of
work labor provisions and merchandise furnished
for and about the said mill at the request of the individual
superintending the same - Your Grators further charge
that the said mill and appurtenances together with the
money now in the hands of the said trustee Storey are
the property of John I. Frisby - That the said Frisby in turn
purchased the said land from Carr Bowens and out
of his own funds erected the said mill and provided
the fixtures and appurtenances thereunto belong-
ing, but being much indebted for the purposes
of avoiding the claims of his creditors and defrauding
them of their rights, the title to the said land was made
to the said Smith and the mill also set in his name.

That the said Smith afterwards for the convenience
of the said Frisby conveyed all the said property to
Alfred Holmsted the brother in law of the said Frisby by the said
deed dated August 19th 1854 without consideration, and
that the said Holmsted who is a resident of Washington D.C.
becoming thus indebted in debt on the 20th day of March
1855 conveyed the said property to Charles Mortimer
without consideration - That no money or other thing

of value has ever passed between any of the said parties to
the above mentioned transfers and that the equitable
title is now as it ever has been so far as your
Grators and other creditors are concerned in
the said John I. Frisby

In tender consideration of all which and in as much as
your Grators are without remedy in the premises
except in a court of equity where matters of fraud
are particularly cognizable To the end therefore that
justice may be done, they pray your Honor to
make John I. Frisby Joseph Smith and Mary his wife
Alfred Holmsted and Elizabeth his wife Charles Mortimer
(the first last named residing beyond the limits of the
Commonwealth) and Elliot Storey Defendants to this
bill and that they answer the allegations therein, that
the said deeds mentioned in the bill may be declared
fraudulent and void and the property thereof con-
veyed made subject to the payment of the debts due
your Grators, that an order of publication may be
made against the above Defendants and that your
Honor will grant such other and general relief in
the premises as equity may dictate, and as in
and to bound they will ever pray &c

Charles H. Hays
Att'y for Plffs

Reside
w
Mrs. D. L. wife of

Answer of E. L. Story

Rose &c

vs

Smith & wife &c

The answer E L Story to a bill of complaint exhibited against him and others by Rose and others

This Defendant saying and answering to
for answer to the said bill or so much thereof as
he is advised it is material or necessary he should
make answer unto, answering which, that on
the 30th of June 1855 he proceeded to sell a tract
of land conveyed by Joseph W Smith to him as
trustee to secure a debt due Carr Bowers;
that the land sold for \$1000, and that he has paid
to the said Bowers in discharge of his debt
the sum \$647, and that his commissions and
other expenses attending the sale amounted
to \$44 - leaving a balance of \$308.20, which said
balance he now holds subject to the order of the
court and praying answered he prays hence
to be dismissed

E L Story
By Charles H. Maffey
his atty

Gille & P. How

as

Tristram L.

Answer of E. L. Story

1856 May Term

Gillet & Pheflow

vs

Frisby & Co

Answer of E L Story to a bill of complaint exhibited against him and others by Gillet & Pheflow

This Defendant answering &c for answer to the said bill or so much thereof as he is advised is material or necessary he should make answer unto answering saith, That on the 30th of June 1855 he proceeded to sell the tract of land conveyed by Joseph W Smith to him as trustee to secure a debt due Carr Bowers, that the land sold for \$1000: That he has paid to the said Bowers in discharge of his debt the sum of \$647, and that his commissions and other expenses attending the sale amounted to \$44 leaving a balance of \$308.20 which said balance he now holds subject to the order of the court, and having answered &c prays leave to be dismissed

E L Story
by Chambliss & Mendenhall
attys

Rose sal
in $\frac{2}{3}$ answer of
Smith sal

Deft. C. Mortimer

Baker

p. d

1836 May Term

The separate answer of Charles Mortimer to a Bill of Complaint Exhibited against himself and others, in the Circuit Court of Southampton County by John Rose and others:

This respondent, saving to himself all benefit of Exception to the Bill of the complainants, for its many errors, imperfections, misstatements, and false allegations, for answer thereto says: That it is true, as appears by the deed, copies of which are exhibited with the plaintiffs Bill, that one Joseph M. Smith & wife, purchased of Isaac Bowen and wife, a tract of land referred to in the Bill, and that said Smith and wife sold the said land, together with the Mill, fixtures &c, which had been in the mean time erected, to one Alfred Holmead; and this respondent did on the 20th day of March 1855, purchase from said Holmead and Eliz. C. his wife, the whole of the said property, to wit the said tract of land, the Steam Saw Mill at Franklin, two Engines, boilers, fixtures of every kind, Saws, Timber wheels, and all the apparatus pertaining to the said Mill, as will fully appear by reference to the said deed filed with the plaintiffs bill, marked B, for all which this respondent, paid in Cash or its Equivalent the sum of Ten Thousand Dollars:

This Respondent does not know whether the said Smith or the said Holmead paid any thing for the said property or not, but he presumes that either they or some one for them did pay for it, as he found, by

the legal records of the County, when he purchased, that the said Holmead had a good and sufficient title thereto, and this respondent paid a good, sufficient, adequate and valuable consideration, therefore as aforesaid, and having no knowledge or notice whatever of any defect in the title of the said Holmead by reason of any want, or failure of consideration, or fraud practiced or performed by the said Holmead, or any other person, in regard to the said property, this respondent is advised that his title to the said property cannot be disturbed, for the purpose of paying the debt of said Smith or Holmead or any other person except this respondent, and this respondent charges that no debt has been contracted by him in or about the said property, since his purchase of it.

It is utterly and properly false as charged in the said bill, that this respondent paid no money for the said property; he did pay the consideration mentioned in the deed aforesaid, as he is abundantly able to prove.

This respondent does not know what connection John I. Finby dec'd. had with the said property, prior to his (this respondent's) purchase of it; he has been informed however that the said Finby claimed to be the agent of Holmead, who was his brother-in-law, in the management of the said Mill &c.

This respondent has not now, and never has

had any connection whatever, of any sort or description, either of association or relationship, with the said Finby, Smith, and Holmead or either of them, and he distinctly and indignantly denies all fraud, or collusion, whatever in or about the premises, and all knowledge or notice of fraud or want of consideration in the same, and alleges that the whole of this transaction so far as he is concerned has been fair and bona fide; he therefore prays that the Court will decree to him the property above mentioned together with the funds in the hands of C. L. Story the Trustee, and the Sheriff of Southampton County, being proceeds of sale of said aforesaid property, together with his costs, and damages against the Plaintiffs, for suing out an attachment against him and levying the same upon his Mill aforesaid, whereby the same was closed and has been damaged to a large amount. And having fully answered he prays to be hence dismissed &c.

C. Mortimer

State of Maryland

City of Baltimore to wit.

Subscribed and sworn to by Charles Mortimer before me this 30 day of April. 1856

In Testimony whereof I have
signed to my hand and affixed
my seal of Office as Commissioner
of the State of Virginia

Commissioner of the State of Virginia



Gillett & Pecklow

W. $\frac{5}{3}$ Answer of
Smith & Co

Deft. C. Mortimer

Baker
h. d

1836 May Term

The separate answer of Charles Mortimer to a bill of complaint exhibited against himself and others, by Hillett & Pultow, in the Circuit Court of Southampton County:

This respondent saving to himself all manner of benefit of Exception to the complainant's said bill for its many wrong imputations and false allegations, for answer thereto says: That it is true as alleged in said bill that one Alfred Holmead and Elizabeth his wife did on the 20th day of March 1855, convey to this respondent the tract of land and other property in the bill referred to, as therein described, a copy of which is filed with the bill, will show, and for which property this respondent paid the said Holmead in money or its Equivalent, the sum of Ten thousand dollars as he will abundantly prove. And this respondent therefore charges that the allegation of the said bill that "no money paid" is utterly false and untrue in every respect:

This respondent does not know whether Smith or Holmead or Frisby in fact paid any thing for the said property or not, though it is contrary to the ordinary dealing between man and man to buy such property & get a title to it without a consideration; This respondent knew nothing about the transactions referred to in the bill between Smith, Holmead and Frisby: he had no notice of them, and was not a party to them in any particular

if such a state of things existed: He found by the legal records of the County that Holmead was the legal owner of the property, he bought it of him, obtained a deed from him and wife, paid him a full adequate and valuable consideration for it, had no knowledge or notice of any lien upon said land, or any defect in the title of said Holmead, on account of any want or failure of consideration, or fraud practiced in or about the same, and under this state of facts he is advised his title cannot be disturbed, for the purpose of paying the debts of said Smith, Frisby or Holmead, or any other person except this respondent himself, and he alleges that he has contracted no debt in or about the property since his purchase of it, with the plaintiff or any other person: This respondent has never had any connection with the said Smith, Frisby or Holmead in or about the premises; Nor is he in any way connected with them by association or relationship; Nor has he any knowledge of any transactions between them in regard to this property, and he indignantly denies all identity with the said parties, and all fraud and collusion whatever in or about the premises, and all knowledge or notice whatever of bad faith therein, and he therefore again alleges that the whole of this transaction, so far as he

is concerned, has been fair and bona fide.

He therefore prays that the Court will decree to him the property above mentioned, together with the funds in the hands of E. L. Story the Trustee, and of the Sheriff of Southampton County, being proceeds of sales of part of said property, together with his costs, and damages against the plaintiff for suing out an attachment against him, and having the same upon his bill as aforesaid, when by the same was closed, and has been damaged to a large amount, and having fully answered he prays to be heard in respect to.

C Mortimer

State of Maryland
City of Baltimore &c.

Subscribed and sworn
to by Charles Mortimer this 30th day of April
1856, before me —

In Testimony whereof I
have hereunto subscribed my name,
affixed my seal of office as Commissioner
of the State of Virginia
J. B. Latimer
Commissioner of
the State of Virginia



11-
Gillette & Petlow

1 m $\frac{3}{4}$

Smith tabs

Decree

2 Howell tabs

m $\frac{3}{4}$

Same

Nov. 7 '56

To be returned

R. St. Baker

We consent to the entry
of this decree -

Nov 7/56 L. H. Baker Jr
for Deft Mortimer

E W Maffersburg Jr
Gillette & Petlow
vs B Shamas
for Howell tabs

Gillett & Putlow

1 M S
Smith & al.
+

Honell & al.

2 M S
Same

The plaintiffs in these two causes having proceeded against the defendants Smith & wife and Holmead & wife in the manner prescribed by law and they still failing to appear and answer, the said causes came on this day by consent of parties to be heard together; the first of them upon the bill of the complainants regularly taken for confessed at the rules as to the defendant J. J. Frisby, the answer of Charles Mortimer and Elliott ^L Story, general applications to the said answer and exhibits filed, and the second of the said causes upon the bill of the complainants regularly taken for ~~confessed~~ at the rules as to the defendants Jane Borrows, Jos. H. Smith and Mary his wife, and John J. Frisby, the answers of the defendants E. L. Story and Charles Mortimer and general application to the said answers, and exhibits filed, and were argued by Counsel, on consideration thereof, and by like consent of parties the Court doth adjudge order and decree that E. W. Mapebury, W. B. Shands, and R. H. Baker Jr who are appointed commissioners for the purpose, any one or more of whom may act, proceed after giving fifteen days notice of the time and place of sale in one or more newspapers published in Norfolk City, and by notices posted in the neighborhood of the premises, to sell at public auction, to the highest bidder, the steam saw mills and fixtures, and such of the other property which has been attached in these causes, as has not been already sold, upon the following terms to wit, on this in

cash, and the balance upon a credit of 36 months,
taking from the purchaser two bonds in equal
amounts with sufficient security, payable to the
said Commissioners - ^{and} It is further ordered that
the defendant E. L. Story must pay to the said Com-
missioners the sum of \$308.20 being the balance
in his hands as appears by his account, and that
Saml. Kells Sheriff of Southampton County pay
over to the said Commissioners the sum of \$454.
77 cts being the net proceeds of sales of part of
the attached property sold by consent of the parties,
as shown by his account of sales & statement filed
herein, marked X. And it is further ordered that
the said Commissioners, out of the funds received by
them under this decree pay to R. H. Baker Jr. attor-
ney for Charles Mortimer, the sum of \$1500. and
all costs and attorneys fees incurred by him, and
that they pay over and distribute the balance
in their hands among the creditors of the said
Smith and Frisby, for whom benefit these suits
were brought, ~~in proportion~~ ^{to their respec-}
tive demands, after having paid the ^{balance of the} costs of
these causes - And the said Commissioners are
directed to report their proceedings under this de-
cree to the Court.

But this decree is to be suspended until the said
Commissioners, or such of them as may act, shall
execute a bond with sufficient security, in the
clerk's office and before the Clerk of this Court
in the penalty of \$3000, conditioned according
to law.

Rose Lake
or { Report of
Smith wife in

Shiff. Lake

E. II with some

An Acct. of
Sales of the property
at Franklin Depot
of the property belonging
to the Sawmills

Received \$317.14 on the account of
Sales of the sales of the property of the
Sawmills at Franklin Depot

\$317.14		293.91	Paid to Samuels
\$23.23	ff		Keels as Tax money
293.91			
49.96	ff		
<u>243.95</u>			Money Paid G. Kello

An Account of sales of the Property belonging to the
Saw mill Co. at Franklin Depot Southampton County
Virginia sold at Franklin Depot July 11th 1855 by
Consent of Parties in His official Capacity

No	Names of Purchaser	Property Purchased	\$	cts.
1	1 Br. C. Wheel and fixtures	William Lawrence	pd 40	75
2	" " "Joseph G Holland	William Murfee	35	00
	10 Pine and 2 Oak logs	R. J. & William Suley	pd 9	20
1	Pile of timber No. 1	John R. Williams	pd 5	00
"	" " " No 2 per 1000	William Murfee per 1000	6	31
"	" " " No. 3 " 100	Chas. H. Croflet		35
"	" " " No 4 by the lot	John R. Williams	pd 5	00
"	" " " No 5 " "	" "	pd 10	00
"	" " " No 6 " "	" "	pd 2	80
"	" " " No 7 " "	" "	pd 12	13
"	No 8. 9 Siles " "	" "	pd 14	00
	No 9 Sitches " "	" "	pd 4	00
	No 10 Plank " "	" "	pd 20	00
	No 11 Sitches " "	" "	pd 36	00
	No 12 " " "	William Murfee	29	25
	No 13 " " "	John R. Williams	pd 14	75
	No 14 Scantling " "	William Murfee	4	00
	House frame " "	John R. Williams	pd 9	25
	No 15 Plank " "	" " "	pd 9	25
	No 16 " " "	" " "	pd 5	25
	No 17 Plained plank " "	" " "	pd 20	75
	Window & door frames	" " "	pd 5	25
	1 Work bench	William Murfee	1	8 1/4
	1 Drawing clamp	Jordan Johnson	pd	25
	Set of braces	John R. Williams	pd	25
	Grind Stone	Giles Beale	pd 3	50
	Set of large rope	R. J. & Wm Suley	pd 1	00
	" " "	" " "	pd 1	05
			362	08

1 Crosscut saw
 1 " "
 1 " "
 1 Broad axe
 1 " "
 a Lot of ash plank
 1 Small lot of timber
 Yoke of Oxen No 1
 " " " No 2
 " " " No 3
 " " " No 4
 One Single Ox No 5
 " " " " 6
 " " " " 7
 1 Ox Yoke
 " " "
 1 Log Chain
 1 Yoke No. 3
 " "
 " "

amt on 362 08
 Joseph E. Gillett \$3 88
 Jordan Johnson \$2 05
 A. W. Norfleet 1 05
 Jordan Johnson \$1 38
 John L. Beale \$3 8
 John R. Williams \$1 37
 A. W. Norfleet 2 0
 William Lawrence \$3 5 75
 William Murfee 2 6 25
 Joseph I. Holland \$2 3 00
 William Murfee 3 6 00
 William Griffin 2 0 50
 Abel Rogerson \$5 2 5
 William Griffin \$6 5 0
 Joseph I. Holland \$7 2 7
 " " \$2 0 0
 Richard Parratt \$1 12
 William Murfee 1 7 8
 Joseph E. Gillett \$1 12
 William Griffin 5 0
 531 39

Expenses
 Ship Coms. 19 62
 Paid Simon Allure for board of ex 9 53
 Paid Solomon Schenck for selling up ex 5 90
 Paid H. Cress boarding crew 34 06 69 11
 Act bal in hand of ship 462 28
 I C Edwards Debt for S. Killo ship
 Pair Taxes 7 57
 Balance in hands of Sheriff 43 2 77

3- 3

Joseph H Smith

Ticket	6.76
	<u>75</u>
	7.51

This tax act was
retained by the Sheriff out
of the amt of sale
of P. property.

J. Keller Sheriff

Joseph C. Smith

Dr

To SAMUEL KELLO, Sheriff of Southampton County.

1854

To Tax on

600

Acres of Land,

\$

3 60

" "

1

County Levies,

1 60

" "

1

White Males over 21 years of age,

00

" "

Male Free Negro between 21 and 55 years of age,

60

" "

1

Slaves above 12 years of age,

" "

1800

Personal property, Moncys and Credits,

76

" "

Interest received,

" "

Income or Fees of Office,

" "

Received

9

day of

Nov

1855 from

S

\$

6.76

the sum of

in full of the above tax account.

Deputy for

SAMUEL KELLO, Sheriff.

Homer

"

Smith & Secor

Willits & Patton

"

Same

May June

158

Robertson

R. H. Baker

Gillette & Prutton

7

Smith & others

Horrell & others

7

The Same

Those causes this day came on to be again heard together on the papers formerly read and upon the report of William B. Shields Special Commissioner under the decree of the 7. November 1856. to which report no exceptions have been filed and were argued by Counsel. On consideration whereof the Court doth confirm the said report. and doth adjudge. order and decree that those causes be removed from the Docket.

Horrell &c

to } 5^{ps} Chy

Smith &c

1855 July Rules

Shands p^y.

Executed on Joseph M.
Smith June 19th. 1855 by
delivering to him a copy
of the within the others are not
not- receipts of my County
C. D. Edwards Deft
for G. Wells shff

The Commonwealth of Virginia:

To the Sheriff of Southampton County, Greeting:

We command you to summon *Joseph W. Smith, Alfred Holmwood & Elizabeth his wife,*
In: J. Frisby & Charles Mortimer

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 *July* next to answer
a bill in Chancery exhibited against *them* in our said Court by

*Anthony M. Howell, Goodman E. Johnson & John Rose who sue for themselves & others who
will come in & bear a part of the costs of this suit*

and have then there this Writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at
the Courthouse, this *21st* day of *June* 185*6* in the *79th*
year of the Commonwealth.

L R Edwards Clk

Gillette & Pettlor

to { Sp. Chy.

Smith & Co

1855 August Rules

July 26th 1855.

Executed by delivering
a copy hereof to Sp. Chy.
W. Hardy Hendren & Co.
for W. T. Hendren
Sergeant

Norfolk

The Commonwealth of Virginia:

Sergeant of the City of Norfolk
To the ~~Sheriff of Southampton County~~, Greeting:

We command you to summon *Jno. J. Frisby*

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 *August Term* to answer a bill in Chancery exhibited against *him & others* in our said Court by

Joseph Gillette & Joshua Patton

and have then there this Writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Courthouse, this *2^d* day of *July* 1855 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

*Joseph W. Smith, Isaac I. Frisby, Alfred Holmsted &
Elizabeth his wife of Charles Mortimer*

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 *August next* — to answer
a bill in Chancery exhibited against *them* — in our said Court by

Joseph Gillette & Joshua Prettow

and have then there this Writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at
the Courthouse, this *2^d* day of *July* 1855 in the *79th*
year of the Commonwealth.

L. R. Edwards

Gillette & Prillon

~ } Sp. Chy.

Smith & P

1855. August Rules

Presented on John J.
Fresby July 10th 1855 by
delivering to him a copy
of the within. all the other
in my presence of my County
C. B. Edwards Dept.
for G. Kelso Shff.

~~J. W. Smith not
a resident of my
County
J. Edwards
Dept for G. Kelso
Shff.~~

The Commonwealth of Virginia :

To the Sheriff of Southampton County, Greeting :

We command you to summon *Joseph W Smith, Jr. I. Frisby, Alfred Ashmuck & Elizabeth his wife & Charles Mortimer*

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 *August next* to answer a bill in Chancery exhibited against *them* in our said Court by

Joseph Gillette & Joshua Britton

and have then there this Writ. *Witness,* LITTLETON R. EDWARDS, Clerk of our said Court, at the Courthouse, this *2^d* day of *July* 185*5* in the *79th* year of the Commonwealth.

L R Edwards

Howell V.

to } Burns. Chy.

Smith V.

1855 September Rules.

Frisby is dead.

W. J. Henderson

Norfolk

The Commonwealth of Virginia:

To the ~~Sheriff of Southampton County~~ ^{Sergeant of the City of Norfolk} Greeting: *John I. Frisby*

We command you to summon

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 *September next* to answer a bill in Chancery exhibited against *him & others* in our said Court by

Anthony M. Howell, Goodman E. Johnson & John Rose who sue for themselves & others who may come in and bear their proportion of the expenses of this suit

and have then there this Writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Courthouse, this *6th* day of *August* 1855 in the *80th* year of the Commonwealth.

L. R. Edwards

Howell & Co

to { Sum. Chy.

Smith & Co

1855 September Rules

Executed on each
by delivering a copy
of the within Aug.
20th 1855—

J. C. Edwards
Dept. for G. Wells
Shff.

The Commonwealth of Virginia :

To the Sheriff of Southampton County, Greeting :

We command you to summon *Leah Dowers & Elliott S. Story*

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 *September next* to answer a bill in Chancery exhibited against *them & others* in our said Court by

Anthony M. Howell, Goodman E. Johnson & John Rose who sue for themselves and others who may come in and bear their proportion of the expenses of this suit

and have then there this Writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Courthouse, this *6th* day of *August* 1855 in the *80th* year of the Commonwealth.

L. R. Edwards Clk

✓
Gillette & Pristall

& } Sum. Chy.

Frisby & Co

1855 September Rules.

Executed on Elliott
Story by delivering
to him a copy of
the within Aug 28

1855—

J. C. Edwards Sept.
for G. Kello staff.

The Commonwealth of Virginia :

To the Sheriff of Southampton County, Greeting :

We command you to summon

Elliott Story 

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 *September next* — to answer
a bill in Chancery exhibited against *him & others* in our said Court by 

Joseph E Gillet & Joshua P. How 

and have then there this Writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at
the Courthouse, this *6th* day of *August* 1855 in the *80th*
year of the Commonwealth.

L R Edwards 

Howell &

~ } Affidavit.

Smith &

This day John Rose one of the plaintiffs

plaintiff in a certain suit in Chancery now pending in the Circuit Court of Southampton County in which Anthony M. Howell, Goodman E. Johnson & John Rose who sue for themselves and others who will come in and bear a part of the costs of the suit are plaintiffs and Joseph W. Smith, Jr. I. G. Gribby, Alfred Holmead & Elizabeth his wife Charles Mortimer are Defendants. this day made ^{before} ~~under~~ before me Clerk of the said Court, that the amount of the plaintiffs claims in said ^{suit} is, that is to say, Anthony M. Howell \$69.93/100 of principal money

Goodman E. Johnson \$58.75/100 of principal money
& John Rose \$79.44/100 of principal money.

that the said defendants are justly indebted to them the said amounts, that they have present cause of action against them therefor, that the Defendants Joseph W. Smith, Alfred Holmead, & Elizabeth his wife, & Charles Mortimer are not residents of this Commonwealth, and that the said affiant believe that the said Joseph W. Smith, Alfred Holmead & Charles Mortimer have estate or debts due them within the said County of Southampton in which the said suit is -

Given under my hand this 18 day of June 1855-

L R Edwards Ck

Belle Pettor

to } Affidavit,

Smith & Co

Southampton County to wit;
I W. Maplesbury this day made oath that Geo I Trisby is
justly indebted to ^{the Plffs} Joseph Little and Joshua Prudhoe
in at least the sum of \$808, to which they are justly
entitled and ought to recover, and that he believes also
that the said Trisby intends to remove the proceeds
of the sale of his property as a material part of such
proceeds out of the State so that process execution
on a judgment in said suit when it is obtained
will be availing

Given under my hand as Clerk of the Circuit Court of Southampton the 2^d day of July 1855

JR Edwards Clk

Southampton County to wit:

To the Sheriff or any Constable of Southampton County -

Whereas in a certain suit in Chancery pending in our Circuit Court of Southampton County between Joseph Gillette & Joshua Dutton plaintiffs and Joseph W Smith, Inc & Frisby, Alfred Holman & Elizabeth his wife Charles Mortimer Defendants, affidavit has this day been made before me Clerk of the said Court that the plaintiffs claim against the Debt. Inc. & Frisby for which the suit is instituted to recover is believed to be just and that the plaintiffs ought to recover in the said suit, at least Eight hundred & eight dollars of principal money, and that the affiant believes that the said Frisby intends to remove the proceeds of the sale of his property or a material part of such proceeds out of the state so that process of execution on a judgment in said suit when it is obtained will be unavailing. These are therefore in the name of the Commonwealth to require you to attach the estate of the said Inc. & Frisby for the amount of principal money above specified, and the same so attached in your hands to secure or to provide that the same may be forthcoming and liable to further proceedings thereupon to be had before the said Court at the next term thereof. And that you have this writ at the Clerk's Office of the said Circuit Court at the Rules to be holden for said Court on the first Monday in August next and then and there make return how you have executed the same.

Given under my hand this 2^d day of July 1855 in the 79th year of the Commonwealth.

JR Edwards Clk

Occurred by Surveying on the Steam Saw Mill
 and its appurtenances, Lot of Lumber, 5 ft. of
 Whales & fixtures, 11 ft. of Lumber, 1 ft. Mill Stone, & the ap-
 purlinances thereto belonging, the same property having been
 previously attached under an attachment from said Court, in-
 favour of Anthony M. Howle & others. J. C. Edwards Deft.
 for S. Mills Mfg.

William P. Nelson

to { Attach.

Smith & P

1655 August Rules

68m.

came to home at 2/18/55
 at 10 o'clock. A. M.

J. C. Edwards

D. Mfg. Co.

~~Decree of the Court in the case
 of the attachment by Howle &
 others against the property of
 J. C. Edwards & others.~~

J. M. Patton

v }

affidavit.

Freely v.

Southampton County to wit;

Lillett & Pritchard

vs
Frisby & Co

This day Edward Spenser appeared and made oath
that Joseph Smith & Mary his wife, Alfred Holman &
Elizabeth his wife and Charles Mortimer are non resi-
dents of the Commonwealth of Virginia, the said
parties being defendants in the bill filed by
Lillett & Pritchard vs Frisby & Co

Given under my hand as Clerk of the Circuit Court of Southampton County this 6th day of
August 1855.

J R Edwards Clk

Gillette Brellow

v } Or. Pub.

Frisby J^r

Copy posted at front door to House 1st day
Aug. 6th 1855.

S.R.C

At Rules held in the Clerks Office of the Circuit Court of Southampton County on the 6th day of August 1855.

Joseph Bellette & Joshua Pullor

against

Plffs.

{ In Chancery }

John I. Friaby. Joseph Smith & Mary his wife. Alfred Holmead & Elizabeth his wife. Charles Mortimer & Elliott Story.

Defts.

The object of this suit is to have the deeds referred to in the plaintiffs bill, to wit, one executed on the 19th of August 1854 by Joseph Smith & Mary his wife to Alfred Holmead, and the other executed on the 20th of March 1855 by Alfred Holmead & Elizabeth his wife to Charles Mortimer declared ~~and~~ fraudulent and void and the property thereby conveyed made subject to the payment of the debts due the plaintiffs. And affidavit being made that the defendants Joseph Smith & Mary his wife, Alfred Holmead & Elizabeth his wife and Charles Mortimer are not residents of this State. It is ordered that they do appear within one month after due publication of this order and do what is necessary to protect their interest in this suit, and that a copy of this order be published once a week for four successive weeks in the Southern Argus a newspaper published in the City of Norfolk, and ^{posted} at the front door of the Courthouse of this County on the first day of the next County Court thereof.

Gillman & Shellen

& } Proof Pub

Frisby & Co

1856 May 2^o

AT RULES HELD IN THE CLERK'S OFFICE

of the Circuit Court of Southampton county, on the
6th day of August, 1855,
Joseph Gillette and Joshua Pritlow,

Pl'ffs,

against

John J. Frisby, Jos. Smith and Mary
his wife, Alfred Holmead and Eli-
zabeth his wife, Charles Mortimer
and Elliott Story,

Def'ts.

IN CHANCERY

The object of this suit is to have the deeds referred to,
in the plaintiff's bill, to wit: one executed on the 19th of
August, 1851, by Joseph Smith and Mary his wife to Al-
fred Holmead, and the other executed on the 20th of
March, 1855, by Alfred Holmead and Elizabeth his wife,
to Charles Mortimer declared fraudulent and void, and
the property thereby conveyed made subject to the pay-
ment of the debts, due the plaintiffs; and affidavit being
made that the defendants, Joseph Smith and Mary his
wife, Alfred Holmead and Elizabeth his wife, and
Charles Mortimer, are not residents of this State, it is
ordered that they do appear within one month after due
publication of this order and do what is necessary to
protect their interest; and that a copy of this order be
published once a week for four successive weeks in the
Southern Argus, a newspaper published in the city of
Norfolk, and posted at the front door of the Court House
of this county on the first day of the next County Court
thereof.

A Copy—Teste:

on 15 m1w

L. R. EDWARDS, C. C.

Norfolk Va Nov-20/1855

*I Abraham F. Leonard Editor and
Publisher of The Southern Argus, a newspaper
published daily in the City of Norfolk, do
certify that the foregoing order of publication
(above prefixed) in the suit of Joseph Gillette and
Joshua Pritlow plaintiffs against John J.
Frisby & others in the Circuit court of South-
ampton County has been published in the
said newspaper once a week for four successive
weeks commencing on Monday the 15th day
of October 1855—*

A. F. Leonard—

Ed. & Pub. Southern Argus

Howell Jr

v } Dr. Pub

Bowers Jr

Copy posted at Front door of House per
day Aug: 6th 1855.

L.R.E

At Rules held in the Clerks Office of the Circuit Court of Southampton County on the 6th day of August 1855.

John Rose, Anthony M Howell and Goodman E Johnson who sue for themselves and others who may come in and bear their proportion of the expenses of this suit. Plffs

against

Carv Bowers, Elliott & Story, Joseph W Smith & Mary his wife, Alfred Holmead & Elizabeth his wife, Charles Mortimer & John D. Frisby Defls:

In Chancery

The object of this suit is to have two deeds therein referred to, to wit, one executed on the 19th of August, 1854 by Joseph W Smith & Mary his wife to Alfred Holmead and the other executed on the 20th March 1855 by Alfred Holmead & Elizabeth his wife to Charles Mortimer declared fraudulent and void and the property thereby conveyed sold for the payment of debts due the plaintiffs. And affidavit being made that the defendants Alfred Holmead and Elizabeth his wife and Charles Mortimer are not residents of this State. It is ordered that they do appear within one month after due publication of this order and do what is necessary to protect their interest, and that a copy of this order be published once a week for four successive weeks in the Southside Democrat a newspaper published in the City of Petersburg and posted at the front door of the Courthouse of this County on the first day of the next County Court thereof.

Case Howell & Others

vs

Barnes & Tugt

Others

Nov. 7. 1855

City of Petersburg to wit—
 This day personally appeared before me an
 Alderman of the City of Petersburg
 N. H. Harris, Clerk in the office of the
 South Side Democrat, who made oath
 that the order of publication of which the
 annexed is a copy has been inserted in the
 South Side Democrat, a Newspaper published
 in the City aforesaid once a week for four
 weeks successively. Given under my hand
 and Seal this 30th day of Oct. 1855

Lewis Livingston J. P.

IN CHANCERY.—At rules held in the Clerk's office
 of the Circuit Court of Southampton County, on
 the 6th day of August, 1855. John Rose, Anthony M.
 Howell and Goodman E. Johnson, who sue for them-
 selves and others who may come in and bear their pro-
 portion of the expenses of this suit, Plaintiffs,
 against

Carr "owers, Elliott L. Story, Joseph W. Smith and
 Mary, his wife, Alfred Holmead and Elizabeth, his
 wife, Charles Mortimer and John J. Frisby, Defendants.

The object of this suit is to have two deeds therein
 referred to, to wit: One executed on the 19th of August,
 1854, by Joseph W. Smith and Mary, his wife, to Alfred
 Holmead, and the other executed on the 20th March,
 1855, by Alfred Holmead and Elizabeth, his wife, to
 Charles Mortimer, declared fraudulent and void, and
 the property thereby conveyed, sold for the payment of
 debts due the plaintiffs; and affidavit being made that
 the defendants, Alfred Holmead and Elizabeth, his
 wife, and Charles Mortimer, are not residents of this
 State, it is ordered that they do appear within one month
 after due publication of this order, and do what is neces-
 sary to protect their interest; and that a copy of this
 order be published once a week for four successive
 weeks in the South-Side Democrat, a newspaper publish-
 ed in the city of Petersburg, and posted at the front
 door of the Courthouse of this County, on the first day
 of the next County Court thereof.

A copy teste.

au 17-clawdw

M. R. EDWARDS, J. C.

Printed Fee \$2.50

Commissioner's Report

Gillette & Prillor

v.

Frisby &
21

Stoddard &

v.

Frisby &

1857 June 6th

Gilllette & Pothow
as 3

Frisby & als
and

Oborill & als

as 3

Frisby & als

Commissiouners Report

The undersigned one of the
commissiouners appointed to act under the decree of the
Nor term 1856 in the above cases, begs leave to report that
after having given the notice in the mode prescribed by
the said decree he proceeded to collect and sell as
directed and the following statement sustained by receipts
in his possession will show what disposition he made of
the funds

		Dr		Cr	
		\$	cts	\$	cts
1856					
Dec	15	By cash from Saml Kellogg sheriff		454	77
		" cash from Elliot & Stony		308	20
		" cash from sale of circular saws &c		164	84
		To paid Taxes	7	20	
		" paid Richd Barnett his acct & sawmill	317	30	
		" expenses about sale	7	50	
		" paid Richd H. Baker atty for Mortimer	377	86	
1857		By cash from sale of Engines and machinery		858	97
		To commissions on \$1786.78 at 5 & 2 per cent	44	73	
		" advertising expenses	13	00	
		" paid Charles Mortimer	828	80	
		By balance		9	81
		1796	59	1796	59
May	4	To balance due Mr B Shandas Comr	9	81	

The commissiouner states further that the
engines and machinery which he was directed to sell
were on the lands of Richard Barnett who claimed

to hold them for rent due to him as landlord
by virtue of a lease made by him to Frisby and others
and it was agreed by all the council that the
commissioner was after selling and collecting to pay off
first this debt of Barnt's which was a lien upon
the property, and in pursuance of that understanding
the debt of \$317.50 due to Barnt was paid all
the morn of the morning after deducting expenses of
sale he was paid to Charles Mortimer or his attorney
all of which is respectfully submitted by

Jos B. Thomas Commissioner

Gill McPherson

v 3

Frosty 12

Ides Dec. 12 1836

Dec. 12th 1858 Received from Samuel Wells Sheriff
of Lantham.pton the sum of four hundred and fifty,
four dollars and seventy seven cents (\$454.77cts) the
amount of money in his hand held to await the
decision of the suits of Gillette v Pettow and
Howell v Johnson as Frisby vals and decrees by
a decree of court to be paid to myself and Baker
and Mapenburg as commissioners

Jos B Shanas Comm

Smith for W

75

Jo. W. Smith

To Wm. Briggs let

1852, Transferring Land from Bowers. 75

Wm. Briggs, Jr. M.

Borers & wife

to { Deed:

Smith

and

Smith

to { O. Trust

Borers' Trustee

This deed made the 13th day of December in the year one thousand eight hundred and fifty two, between Carr Bowers and Sally his wife of the one part and Joseph W Smith of the other part Witnesses, that in consideration of of the sum of three thousand dollars, the said Carr Bowers and Sally his wife do grant unto the said Joseph W Smith all their right, title and interest in a certain tract or parcel of land containing six hundred acres more or less lying in the County of Southampton and bounded as follows. Beginning at a Cypress Standing at the mouth of the Cat hole gut where said gut empties into Black Water River, thence West a straight line across the Island to a hickory tree Standing on the hill side of the high land, thence North along the said hill side to another hickory tree thence West to a White oak Standing on the Franklin road, thence North along said road to Harrison Joyner's line, thence along said Joyner's line to Joshua Bryants line, thence along said Bryants line to Pettis line, thence along said line to Harrison Joyner's again to a gum corner in Carr Bowers land, thence East along a small draw or branch with marked trees to the horse bone branch, a line of James Bradshaws down said branch through the black fish hole, round the North end of the Tobacco patch Island, to the head of the board gut thence down the said board gut, to Black Water river thence down the said River to the Cypress at the mouth of the Cat hole gut. The first Station - Witness the following Signatures & Seals the day and year above written.

Signed Sealed and delivered
in presence of
James Holmes J.P.
Joseph E. Gillello J.P.

Carr Bowers (Seal)
Sally A. Bowers (Seal)

Southampton County Va.

We James Holmes & Joseph E. Gillello Justices of the Peace for the County aforesaid in the State of Virginia do hereby certify that Sally A. Bowers the wife of Carr Bowers parties to a certain deed bearing date on the 13th day of December 1852 and hereto annexed personally appeared before us in our County aforesaid and being ^{privately} examined by us apart from her husband and having the deed aforesaid fully explained to her the said Sally A. Bowers acknowledged the same to be her act and deed and declared that she had willingly signed sealed and

delivered the same and that she wished not to retract it. Given under our hands and seals this 18th day of Decr 1852.

James Holmes (Seal)

Joseph O. Bellette (Seal)

Southampton County In the Clerks Office the 17th day of January 1853.

This deed of bargain and sale from Carr Bowers and Sally his wife to Joseph W Smith was acknowledged by the said Bowers and together with the certificate of the privy examination and acknowledgement of the said Sally A. admitted to Record.

Tests

JR Edwards G

Attesty

Tests.

JR Edwards G

This Deed made the 13th day of December in the year one thousand eight hundred and fifty three between Joseph W Smith and his wife of the one part and Elliott & Story of the other part Witnesses, that the said Joseph W Smith and his wife do grant unto the said Elliott & Story a certain tract or parcel of land containing six hundred acres more or less lying in the County of Southampton and bounded as follows. Beginning at a cypress standing at the mouth of the Cat hole gut where said gut empties into Black Water River. thence West a straight line across the Island to a hickory tree standing on the hill side of the high land, thence North along the hill side to another hickory tree, thence West to a white oak standing on the Franklin Road, thence North along said road to Harrison Joyners line, thence along said Joyners line to Joshua Bryants line, thence along said Bryants line to Scotts line, thence along Scotts line to Harrison Joyners again, to a gum a corner in Carr Bowers land, thence East along a small drain or branch with marked trees to horse bone branch a line of James Bradshaws down said branch through the Black fish hole, round the North side of the Tobacco Patch to the head of board gut, thence down the said board gut to Black Water river, thence down the said River to the Cypress at the mouth of the Cat hole gut, the first Station In trust, to secure the payment of the following bonds: one given December 13th 1852 on demand June the 13th 1853 for five hundred dollars, another given December the 13th 1852 on demand December the 13th 1853 for five hundred dollars, another given December the 13th 1852 on demand the 13th day of June 1854 for five hundred dollars to carry interest from the date when given, another given December the 13th 1852 on demand December 13th 1854 for five hundred dollars to carry interest from the day when given, another given December the 13th 1852 on demand June the 13th 1855 for five hundred dollars to carry interest from the day when given, the payments of which bonds are to be truly and promptly made to Carr Bowers the holder of the same, when on demand and in case of default of payment of either or any of said bonds when on demand, the said trustee shall proceed to sell the said land herein conveyed for cash after giving notice as required by law, but in case said payments are made when on demand, said land shall not be subject to sale by said trustee -

Witness the following signatures and seals The day and date first above written -

Signed sealed and delivered
in presence of }

Joseph W. Smith

(Seal)

(Seal)

Elliott & Story

(Seal)

Southampton County In the Clerks Office the 17th day of January 1853

This deed of trust from Joseph W Smith to E. & S. Story to secure Carr Bowers was

acknowledged by said Smith & Hory and admitted to record

Teste.

JR Edwards clk

A. Copy

Teste.

JR Edwards clk

(copy)

Smith
to { deed

Richard

This Indenture made this nineteenth day of August in the year of our Lord one thousand eight hundred and fifty four Between Joseph W Smith and Mary his wife now in the City of Baltimore and State of Maryland of the first part and the Rev^d Alfred Holmsted of Washington City of the second or other part Witnesses that in consideration of the sum of four thousand dollars paid by the party of the second part to the parties of the first part to these presents the receipt whereof is hereby acknowledged ~~and~~ the said parties of the first part do grant bargain sell and convey unto the said party of the second part his heirs Executors administrators and assigns the following described real and personal property that is to say - All that tract of land lying in Southampton County in the State of Virginia on the Black Water River a few miles above Franklin Depot which was conveyed on or about the 13th day of December Eighteen hundred and fifty two by Doctor Carr Dowers to Joseph W Smith and adjoining the lands now occupied by Doctor Carr Dowers and Harrison Goyner Esquire. Likewise all that Steam Saw Mill and fixtures located at Franklin Depot on the lands of Richard Darnett Esquire with the privileges acquired of the said Darnett and all the personal property thereunto appertaining such as Oxen, timber, Wheels &c &c

To have and to hold the said property hereby conveyed or intended to be conveyed with all and singular the improvements, appurtenances and advantages thereunto appertaining or belonging and all the estate, right, title, interest, property, claim and demand whatsoever at law or equity of the said parties of the first part of in and to the same unto the said party of the second part his heirs Executors administrators and assigns forever in full and absolute right - And the said Joseph W Smith for himself his heirs Executors and administrators covenants and agrees to and with the said party of the second part his heirs Executors administrators and assigns as follows, that the said Joseph W Smith and Mary his wife & their heirs Executors and administrators will execute such further assurances of the said lands and property as may be required by the said party of the second part his heirs Executors administrators or assigns. In Witness whereof the said parties of the first part have hereto subscribed their names and affixed their seals on the day and year first before written

Signed sealed and delivered

in presence of

Joseph W Smith

(Seal)

Mary Smith

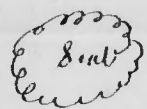
(Seal)

The word "Estate" being first
interlined on this page.

State of Maryland. City of Baltimore. Se.

I James B. Latimer a Commissioner
appointed by the Governor of ^{the State} Virginia for the State of Maryland do certify that Joseph W
Smith and Mary his wife whose names are signed to the foregoing writing bearing date the
nineteenth day of August 1854 have acknowledged the same before me in my State aforesaid.

In Testimony whereof I hereunto subscribe my name and affix my
Seal of Office this 19th day of August A.D. 1854



Ja B Latimer
Commissioner

State of Maryland. City of Baltimore. Se.

I James B. Latimer a Commissioner
appointed by the Governor of the State of Virginia for the State of Maryland do certify that
Mary the wife of Joseph W Smith whose names are signed to the foregoing writing bearing
date the 19th August 1854 personally appeared before me in the City aforesaid and being
examined by us privately and apart from her husband, and having the writing aforesaid fully
explained to her, she the said Mary acknowledged the said writing to be her act and deed
and that she had willingly executed the same and does not wish to retract it.

In Testimony whereof I hereunto subscribe my name and
affixed my Seal of Office this 19th day of August A.D. 1854.



Ja B Latimer
Commissioner

Southampton County. In the Clerk's Office the 22nd day of August 1854
This deed of bargain and sale from Joseph W. Smith & wife to Alfred Holmead was
presented and together with the certificates of the acknowledgment of the said Smith
and of the privy examination and acknowledgment of the said wife thereupon admitted
to Record.

Teste. J.R. Edwards Ck

Attest

Teste

J.R. Edwards Ck

(Copy)

St Leonard & wife

To } Deed

Mortimer

This Indenture made this twentieth day of March in the year of our Lord one thousand eight hundred and fifty four, between Alfred Holmead at present in the City of Baltimore in the State of Maryland and Elizabeth his wife of the one part and Charles Mortimer of the same place of the other part Witnesseth, that for and in consideration of the sum of Ten thousand Dollars lawful money of the United States to the said parties hereto of the first part paid by the party of the second part to these presents at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, the said Alfred Holmead and Elizabeth Holmead his wife, have granted, bargained and sold, aliened, enfeoffed and conveyed, and by these presents do grant, bargain, and sell, alien, enfeoff and convey unto the above named Charles Mortimer, his heirs, Executors, administrators and assigns all that tract or parcel of land lying on Black Water river, containing seven hundred acres more or less, in Southampton County Virginia, commencing about two or two and a quarter miles on the County road leading from Franklin Depot to Jerusalem being the same tract of land conveyed by one Dr. Carr Dovers to a certain Joseph W Smith by deed dated on or about the thirteenth day of December Eighteen hundred and fifty Two and subsequently conveyed by Deed from said Smith and Mary his wife to one Alfred Holmead by Deed bearing date subsequently to August the first Eighteen hundred and fifty four, Together with, as embraced in last mentioned deed duly recorded on the Records of Southampton County Virginia at Jerusalem, the County Town, the property known as The Franklin Stream Saw mill embracing two Steam Engines, Boilers &c. likewise two Saw Mills located at Franklin depot on the lands conveyed by ^{one} Richard Barrett to the said Joseph W Smith and subsequently to the said Alfred Holmead, as likewise all the personal property and appurtenances thereto belonging, that is to say, Eleven yoke of Oxen, Six pairs of Timber wheels, and the necessary apparatus for working the Mills now on the premises. Together with all the buildings and improvements thereon erected, made or being, and the rights privileges, advantages and appurtenances thereto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents issues and profits thereof, and all the estate, right, title, interest, use, trust, possession, claim, and demand, whatsoever, both in law and equity, of the said parties hereto of the first part and each of them, of, in, unto, and out of the said described lands, property and premises. To have and to hold the lands, property and premises above described and hereby conveyed or meant or mentioned and intended to be conveyed with the rights, privileges, advantages, and appurtenances

aforsaid unto the said Charles Mortimer his heirs and assigns, executors & administrators, to the only proper use and behoof of the said Charles Mortimer his heirs and assigns, executors and administrators forever. And the said Alfred Holmead for himself his heirs, Executors and administrators, doth covenant promise and agree with the said Charles Mortimer his executors, administrators, heirs and assigns, in manner following, that is to say, that the said Alfred Holmead and his heirs, executors and administrators, the lands, property, and premises above described, and hereby conveyed, or meant or mentioned and intended to be, with the rights, privileges, advantages and appurtenances aforsaid from and against himself and his executors, administrators and heirs and all and every other person and persons, legally or equitably, having claiming or to claim any estate or interest therein or right or title thereto, through, by or under him unto the said Charles Mortimer his executors, administrators, heirs and assigns, shall & will warrant and by these presents forever defend. And also that the said Alfred Holmead his Executors, Administrators and Heirs shall and will, at any time or times hereafter at the reasonable request and proper costs and charges in the law of the said Charles Mortimer his executors, administrators, Heirs or assigns, do make, execute, acknowledge and deliver, or cause and procure to be done, made executed, acknowledged and delivered all such further and other acts, deeds, assurances and conveyances in the law as shall or may be reasonably advised, or devised and required by the said Charles Mortimer his Executors, administrators, heirs or assigns or his or their Counsel learned in the law, for the confirmation of these presents, according to the purport, true intent and meaning hereof. In testimony whereof, the said parties hereto of the first part have hereunto subscribed their names and affixed their Seals, on the day and year first above written.

Signed, Sealed and delivered
in the presence of }
J. C. Holmead
Jas B. Latimer

Alfred Holmead (Seal)
Elizabeth C. Holmead (Seal)

Received at or before the execution of the foregoing Indenture from Charles Mortimer the party of the second part thereof the sum of ten thousand dollars lawful money, the consideration therein mentioned to be paid by him to us.

Witness
Jas B. Latimer

Alfred Holmead
Elizabeth C. Holmead

State of Maryland City of Baltimore, Del.

I James B. Latimer a Commissioner appointed

by the Governor of the State of Virginia, for the State of Maryland, certify that Alfred Holmead whose name is signed to the writing above bearing date the twentieth day of March has acknowledged the same before me in my State aforsaid. And I hereby certify further that of my own knowledge I am satisfied that Alfred Holmead who has executed and acknowledged the foregoing Indenture or instrument of writing is the person named and described as and professing to be a party therein.

(Seal)

Given under my hand and official Seal this twentieth day of March Eighteen hundred and fifty five.

Jas B. Latimer

Commissioner

State of Maryland City of Baltimore, Del.

I James B. Latimer a Commissioner appointed by the Governor of the State of Virginia, for the said State of Maryland, do certify that Elizabeth Holmead the wife of Alfred Holmead whose names are signed to the writing above bearing date the twentieth day of March personally appeared before me in the City aforsaid, and being examined by me privately and apart from her husband, and having the writing aforsaid fully explained to her she the said Elizabeth Holmead acknowledged the said writing to be her act and declared that she had willingly executed the same and does not wish to retract it. And I further certify that of my own knowledge I am satisfied that Elizabeth Holmead who has executed and acknowledged the foregoing Indenture or Instrument of writing is the person named and described as and professing to be a party therein.

(Seal)

Given under my hand and official Seal this twentieth day of March Eighteen hundred and fifty five.

Jas B. Latimer

Commissioner

Southampton County In the Clerk's Office the 26th day of March 1855.

This indenture was presented and together with the certificates of the acknowledgment of Alfred Holmead a party thereto and of the private examination and acknowledgment of Elizabeth Holmead also a party thereto was thereupon admitted to record.

Teste

J. R. Edwards Clk

Attest

J. R. Edwards Clk

H. Justice Page 75

11

February 12th 1853

(Cash Paid)

Received of Mr. J. D. Rogers

of Bacon 10 cents per Pound
Packed on Site

595 lbs

59.50
D. 2.44

do 61 lbs of Beef 4 per Pound
J. D. Smith

44 cents 26.50

\$16.50 for fodder (Total amt.)

\$78.44

Gittette Brockton

~ } Exhibit with Bill

Frisby Jr

(at)

This Indenture made this twentieth day of March in the year of our Lord one thousand eight hundred and fifty five between Alfred Holmead at present in the City of Baltimore in the State of Maryland and Elizabeth Holmead his wife of the one part and Charles Mortimer of the same place of the other part Witnesseth that for and in consideration of the Sum of Ten thousand Dollars lawful money of the United States to the said parties hereto of the first part in hand paid, by the party of the second part to these presents at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, the said Alfred Holmead and Elizabeth Holmead his wife have granted, bargained and sold, aliened, infeoffed and conveyed and by these presents do grant bargain and sell, alien, infeoff and convey unto the above named Charles Mortimer, his heirs, Executors, administrators, all that tract or parcel of land lying on Black Water River containing seven hundred acres more or less, in Southampton County, Virginia, commencing about two or two and a quarter miles on the County road leading from Franklin Depot to Jerusalem, being the same tract of land conveyed by one D. Carr Borrows to a certain Joseph W. Smith by Deed dated on or about the thirtieth day of December Eighteen hundred and fifty two and subsequently conveyed by Deed from said Smith and Mary his wife to one Alfred Holmead by Deed bearing date subsequently to August the first Eighteen hundred and fifty four. Together with as embraced in last mentioned deed duly recorded on the Records of Southampton County, Virginia at Jerusalem the County Town, the property known as the Franklin Steam Saw Mill embracing two Steam Engines, Boilers & likewise two Saw Mills located at Franklin Depot on the lands conveyed by one Richard Barrett to the said Joseph W. Smith and subsequently to the said Alfred Holmead, as likewise all the personal property and appurtenances thereto belonging, that is to say, Eleven Yoke of Oxen, Six pairs of Timber Wheels and the necessary apparatus for working the mills now on the premises. Together with the buildings and improvements thereon erected, made or being, and the rights, privileges, advantages and appurtenances thereto belonging or in any wise appertaining and the reversions and reversions, remainders and remainders, rents, issues and profits thereof and all the estate, right, title, interest, use, trust, possession, claim and demand whatsoever, both in law and equity of the said parties hereto of the first part and each of them, of, in, unto and out of the said described lands, property and premises. To have and to hold the lands, property and premises above described and hereby conveyed or meant or mentioned, and intended to be, with the rights, privileges, advantages and appurtenances aforesaid unto the said Charles Mortimer his heirs, and assigns, executors & administrators. To the only proper use and behoof of the said Charles

Mortimer his heirs and assigns Executors and administrators forever.
And the said Alfred Holmead for himself, his heirs, Executors and administrators doth covenant promise and agree with the said Charles Mortimer his Executors, administrators, heirs and assigns in manner following: that is to say, that the said Alfred Holmead and his heirs, Executors and administrators, the lands, property and premises above described, and hereby conveyed or meant or mentioned and intended so to be, with the rights, privileges, advantages, and appendances aforesaid from and against himself, his heirs, Executors, administrators and heirs and all and every other person and persons, legally or equitably having claiming or to claim any estate or interest therein or right or title thereto through by or under him into the said Charles Mortimer his Executors, administrators, heirs and assigns shall by will warrant and by these presents forever defend - And also, that the said Alfred Holmead his Executors, administrators and heirs, shall and will at any time or times hereafter at the reasonable request and proper costs and charges in the law of the said Charles Mortimer his Executors administrators, heirs or assigns, do, make, execute, acknowledge and deliver, or cause and procure to be done, made, executed, acknowledged and delivered all such further and other acts, deeds assurances and conveyances in the law as shall or may be reasonable advised or devised and required by the said Charles Mortimer his Executors administrators, heirs or assigns or his or their Council learned in the law, for the confirmation of these presents according to the purport true intent and meaning hereof. In testimony whereof the said parties hereto of the first part have hereunto subscribed their names and affixed their seals, on the day and year first above written.

Signed sealed and delivered
in the presence of }
J. E. S. Holmead
Jas. B. Latimer

Alfred Holmead (Seal)
Elizabeth Holmead (Seal)

Received at or before the execution of the foregoing Indenture from Charles Mortimer the party of the second part thereto, the sum of Ten thousand Dollars lawful money, the consideration therein mentioned to be paid by him to us.

Witness
Jas. B. Latimer

Alfred Holmead
Elizabeth Holmead

State of Maryland City of Baltimore Co.

I James B. Latimer a Commissioner appointed by the Governor of the State of Virginia for the said State of Maryland certify that Alfred Holmead whose name is signed to the writing above bearing date the twentieth day of March

has acknowledged the same before me in my State aforesaid. And I hereby further certify that of my own knowledge I am satisfied that Alfred Holmead who has executed and acknowledged the foregoing Indenture or Instrument of writing is the person named and described as and professing to be a party thereto.

(Seal)

Given under my hand and Official Seal this twentieth day of March
Eighteen hundred and fifty five.

Jas. B. Latimer
Commissioner

State of Maryland City of Baltimore Co.

I James B. Latimer a Commissioner appointed by the Governor of the State of Virginia for the said State of Maryland do certify that Elizabeth Holmead the wife of Alfred Holmead whose names are signed to the writing above bearing date the twentieth day of March personally appeared before me in the City aforesaid and being examined by me privately and apart from her husband and having the writing aforesaid fully explained to her she the said Elizabeth Holmead acknowledged the said writing to be her act and declared that she had willingly executed the same and does not wish to retract it. And I further certify that of my own knowledge I am satisfied that Elizabeth Holmead who has executed and acknowledged the foregoing Indenture or Instrument of writing is the person named and described as and professing to be a party thereto.

(Seal)

Given under my hand and official Seal this twentieth day of
March Eighteen hundred and fifty five -

Jas. B. Latimer
Commissioner

Southampton County In the Clerks Office the 26 day of March 1855.

This Indenture was presented and together with the certificates of the acknowledgment of Alfred Holmead a party thereto and of the proxy examination and acknowledgment of Elizabeth Holmead also a party thereto was therupon admitted to record.

Teste.

J. R. Edwards Ck

Attest

Teste.

J. R. Edwards Ck

This deed made the 13th day of December in the year one thousand eight hundred and fifty two between Carr Bowers and Sally his wife of the one part and Joseph W Smith of the other part Witnesseth, that in consideration of of the sum of three thousand dollars, the said Carr Bowers and Sally his wife, do grant unto the said Joseph W Smith all their right title and interest in a certain tract or parcel of land, containing six hundred acres more or less lying in the County of Southampton and bounded as follows. Beginning at a cypress standing at the mouth of the Cat hole gut where said gut empties into Black Water River, thence West a straight line across the Island to a hickory tree standing on the hill side of the high land, thence North along said hill side to another hickory tree, thence West to a white oak standing on the Franklin road, thence North along said road to Harrison Joyner's line, thence along said Joyner's to Joshua Bryants line, thence along said Bryants line to Scott's line, thence along said line to Harrison Joyner's again to a gum corner in Carr Bowers land, thence East along a small draw or branch with marked trees to the horse bone branch, a line of James Bradshaws, down said branch through the Black fish hole, round the North end of the the Tobacco patch Island to the head of the board gut, thence down the said board gut to Black Water river thence down the said River to the cypress standing at the mouth of the Cat hole gut, the first station -

Witness the following signatures and seals the day and date above written.

Signed, Sealed and delivered
in presence of

James Holmes J.P.

Joseph E. Gillette J.P.

Carr Bowers (Seal)

Sally A. Bowers (Seal)

Southampton County Sec.

We James Holmes & Joseph E. Gillette Justices of the Peace for the County aforesaid in the State of Virginia do hereby certify that Sally A. Bowers the wife of Carr Bowers parties to a certain deed bearing date on the 13th day of December 1852 and hereto annexed personally appeared before us in our County aforesaid and being ^{privily} examined by us apart from her husband and having the deed aforesaid fully explained to her the said Sally A. Bowers acknowledged the same to be her act and deed, and declared that she had willingly signed sealed and delivered the same and that she wished not to retract it. Given under our hands and seals this 13th day of Dec 1852.

James Holmes (Seal)

Joseph E. Gillette (Seal)

Southampton County In the Clerk's Office the 17th day of January 1853

This deed of bargain and sale from Carr Dowers and Sally A his wife to Joseph W Smith was acknowledged by said Dowers and together with the certificate of the proper examination and acknowledgment of the said Sally A. admitted to Record

Teste.

J R Edwards Ck

A Copy

Teste.

J R Edwards Ck

This Indenture made this nineteenth day of August in the year of our Lord One thousand eight hundred and fifty four Between Joseph W. Smith and Mary his wife both in the City of Baltimore and State of Maryland of the first part and the Rev. Alfred Holmes of Washington City of the second part or other part. Witnesseth that in consideration of the sum of Four thousand Dollars paid by the party of the second part to the parties of the first part to these presents, the receipt whereof is hereby acknowledged they the said parties of the first part do grant, bargain sell and convey to the said party of the second part his heirs Executors, administrators and assigns the following described real and personal property. That is to say All that tract of land lying in Southampton County in the State of Virginia on the Black Water River a few miles above Franklin Depot which was conveyed on or about the thirteenth day of December Eighteen hundred and fifty two by Doctor Carr Dowers to Joseph W Smith and adjoining the lands now occupied by Doctor Carr Dowers and Harrison Joyner Esquire - Likewise all that Steam Saw Mill and fixtures located at Franklin Depot on the lands of Richard Barritt Esquire with the privileges acquired of the said Barritt - And all the personal property therunto appertaining, such as Oxen timber, Wheels &c &c.

To have and to hold the said property hereby conveyed or intended to be conveyed with all and singular the improvements, appurtenances and advantages therunto appertaining or belonging and all the estate right title, interest, property, claim and demand whatsoever at Law or Equity of the said parties of the first part of in and to the same unto the said party of the second part his heirs, Executors, Administrators and assigns forever in full and absolute right - And the said Joseph W Smith for himself his heirs, Executors and Administrators, covenants and agrees to and with the said party of the second part his heirs Executors, administrators and assigns as follows, that he the said Joseph W Smith and Mary his wife their heirs Executors and administrators will execute such further assurance of the said lands and property as may be required by the said party of the second part his heirs Executors, Administrators or assigns. In Witness Whereof the said parties of the first part have hereunto subscribed their names and affixed their seals on the day and year first before written

Signed sealed and delivered
in presence of

The word "Estate" being first interlined
on this page.

J A D Latimer
John S Frisby

Joseph W Smith (Seal)
Mary Smith (Seal)

State of Maryland City of Baltimore Co.

I James B. Latimer a Commissioner appointed by the Governor of the State of Virginia for the said State of Maryland do certify that Joseph W. Smith and Mary his wife whose names are signed to the foregoing writing bearing date the nineteenth day of August 1854 have acknowledged the same before me in my State aforesaid.

In testimony whereof I herunto subscribe my name and affix my Seal of Office this 19th day of August A.D. 1854.

James B. Latimer

Commissioner

State of Maryland, City of Baltimore Co.

I James B. Latimer a Commissioner appointed by the Governor of the State of Virginia for the said State of Maryland do certify that Mary the wife of Joseph W. Smith whose names are signed to the foregoing writing bearing date the 19th August 1854 personally appeared before me in the City aforesaid and being examined by me privately and apart from her husband, and having the writing aforesaid fully explained to her, she the said Mary acknowledged the said writing to be her act and declared that she had willingly executed the same and does not wish to retract it.

In testimony whereof I herunto subscribe my name and affix my Seal of Office this 19th day of August A.D. 1854.

James B. Latimer

Commissioner

Southampton County In the Clerk's Office the 22nd day of August 1854.

This deed of bargain and sale from Joseph W. Smith & wife to Alfred Holmwood was presented and together with the certificates of the acknowledgment of the said Smith and of the private examination and acknowledgment of the said wife thereupon admitted to record.

Teste

L. R. Edwards Esq.

Attest

Teste

L. R. Edwards Esq.

To the Sheriff of Southampton County,
Virginia -

You are hereby authorized to
sell the following property, attached by Rose
et al: in a Chancery suit against Mortimer
and al: in Southampton Circuit Court, viz
the Oxen, Cows, logs, Whels, and timber; the said
sale to be made at public auction to the high-
est bidder, and the proceeds held by you as
Sheriff, subject to the decision of the said
suit; done by consent of parties, witness-
ed by the signatures of the Counsel of
said parties.

June 30th 1855

Buchanan & Baker
Counsel for Defts Chas:
Mortimer -

July 2^d 1855 I consent to the sale as above mentioned pro-
vided the proceeds of sale are held by the Sheriff subject to
the decision of a suit brought by said Rose & Elletts against
Mortimer & al otherwise I object

E W Mapesbury

July 2^d

To be signed by Mapesbury &
Shaw as counsel for
the attaching creditors

July 2nd 1855. I consent to the sale of the property named
by the defendants counsel in the within with the understanding
that the Sheriff holds the power in his official character

Wm B Shanks atty
for Rose & others

Howell Esq

{ Atty.

Smith Esq

1855 July Rules

The plaintiff John Rose has given bond
with security approved by me in a penalty
of at least double the amount of the claim
sworn to conditioned according to law -

S. R. Edwards Clerk

Southampton County Court.

To the Sheriff or any Constable of Southampton County -

Whereas John Rose one of the
plaintiff in a certain suit in Chancery now pending in the Circuit Court of Southampton County in which
Anthony M Howell, Goodman & Johnson & John Rose who sue for themselves and others who will
come in and bear a part of the costs of this suit are plaintiffs and Joseph W. Smith, Jas. J. Fairby,
Alfred Holmead & Elizabeth his wife & Charles Mortimer are Defendants has this day made
oath before me Clerk of the said Court, that the amount of their claims in said suit is, that is to say,
Anthony M Howell \$69.72/100 of principal money
Goodman & Johnson \$58.75/100 of principal money.
& John Rose \$79.44/100 of principal money

that the defendants are justly indebted to them the said amounts, that they have present cause of action
against them therefor, that the defendants Joseph W. Smith, Alfred Holmead & Elizabeth his wife &
Charles Mortimer are not residents of this Commonwealth and that the affiant believe that the said
Joseph W. Smith, Alfred Holmead & Charles Mortimer have estate or debts due them within
the said County of Southampton in which the said suit is. These are therefore in the name of
the Commonwealth, to require you to attach the estate of the said Joseph W. Smith, Alfred Holmead
& Charles Mortimer for the said amount of principal money ~~with interest thereon as aforesaid~~, and
such estate so attached in your hands to secure or so to provide, that the same may be forthcoming
& liable for further proceedings to be had before the Judge of the said Circuit Court at the next term
thereof. And how you shall execute this writ make known at the Clerk's Office of our said Circuit Court
at the Rules to be held for the said Court on the first Monday in July - next And have
them there this Writ - *Attest*

Given under my hand at the Courthouse of the said County this 18 day of June 1855
J R Edwards Ck

Executed by Sawing on 11 Oct 18, 5 ft. of
Saw Wheels & the Tongues & arch, 5 Saw chains
lot of Timber consisting of plants, scantling & logs -
the Saw mill, & the Machinery belonging thereto -
1 ft. of Mill Stone, & the apparatus thereto belonging.
& by serving a copy of the within on Jm. W. Smith & Jm. J. Faby.

J. C. Edwards Secy.
for S. Mills off.

Howell & Co.

to } Bond

Smith & Co.

Know all men by these presents that we John Rose & Albert Rogerson both of Isle of Wight County are held and firmly bound unto Joseph W. Smith, Alfred Holmead & Charles Mortimer in the just and full sum of five hundred dollars, lawful money of the United States, to be paid to the said Joseph W. Smith, Alfred Holmead & Charles Mortimer their certain attorneys, their Executors, administrators or assigns, to which payment well and truly to be made, we bind ourselves, our heirs, Executors and administrators jointly severally, firmly by these presents. Sealed with our Seals and dated this 18th day of June 1855.

The condition of the above obligation is such, that whereas the said Anthony M. Howell Goodman & Johnson & John Rose plaintiffs in a certain suit in Chancery pending against Joseph W. Smith, Alfred Holmead & Elizabeth his wife & Charles Mortimer in the Circuit Court of Southampton County did on the 18th day of June 1855 upon affidavit made in due form of law before Littelton R. Edwards Clerk of the said Court, obtain from the said Littelton R. Edwards an attachment against the estate of the said Joseph W. Smith, Alfred Holmead, & Charles Mortimer for the sum of \$69.75/100 —

due Anthony M. Howell the further sum of \$58.75/100 —

due Goodman & Johnson the further sum of \$78.42/100

due John Rose being principal money & interest claimed by

the said Howell, Holmead & Mortimer respectively in said suit which said attachment is directed to the Sheriff or any Constable of Southampton County and returnable to the Rules to be held for the said Court on the first Monday in July next. Now therefore if the said Anthony M. Howell, Goodman & Johnson & John Rose shall pay all costs & damages which may be awarded against them, or sustained by any person, by reason of their bringing out the said attachment, then the above obligation to be void, otherwise to remain in full force.

John ^{his} + Rose ^{marks}

Albert Rogerson

(Seal)

(Seal)

Gillette & Preston 1st

v. } Comm. bond

Frisby & Co

Know all men by these presents that we E. W. Mappenburg W. B. Shands,
R. H. Baker Jr & J. E. Gillette
are held and firmly bound unto the Commonwealth of Virginia in the just and full
Sum of Three thousand dollars current money of Virginia to which payment will
and truly to be made we bind ourselves, our heirs, Executors and administrators, jointly
and severally firmly by these presents. Sealed with our seals and dated this 17
day of November 1856

The Condition of the above obligation is such that whereas by a decree of the
Circuit Court of Southampton County entered ^{on the 7th day of November 1856} in two suits depending in the said Court
one between Gillette & Preston plffs against John J. Frisby & others Defts the other
between Anthony M. Howell & others plffs against Carr Bowers & others Defts. the
above bound E. W. Mappenburg W. B. Shands & R. H. Baker Jr. were appointed commis-
sioners (any one or more of whom to act) for purposes in the said decree expressed
Now if the said E. W. Mappenburg W. B. Shands & R. H. Baker Jr. shall faithfully
discharge the duties of their office or trust then the above obligation to be void or else
to remain in full force and virtue.

Signed, Sealed & delivered
in presence of

J. R. Edwards (by)

William B. Shands (Seal)
E. W. Mappenburg (Seal)
J. E. Gillette (Seal)
(Seal)