1860 – 02 Southampton C. Chancy. Pritlow, Joshua vs Newsum, H. et als

Pritlow, Joshua vs Newsum H. et als

Halliday Hayley
George W. Pate
George J. James
Benjamin B. Kirkus
Benjamin C. Wallen
Nancy Darrell
R. L. Neely
W. Neely
William C. Joyner
James R. Joyner
Norman R. Joyner
William W. Gray
Dean Gray
Everett B. Wright

~~58 28. 5. 22.~~ 47.

Prästor

m 3 Papier

Niemeyer

To the honorable Richard H Baker judge of the circuit court of Southampton County in Chancery sitting

Humbly complaining your orator Joshua Pullar shweth unto your Honor, that one William N Gray of the county of Southampton being largely indebted and in failing circumstances, and being anxious to secure certain of his creditors and particularly certain of his securities whose kindness in endorsing for him had upheld his credit much longer than he could otherwise have sustained it, did on the 14th of December 1837 at the county of Southampton sign seal and deliver to your orator as trustee a deed of trust which your orator also signed and sealed, conveying certain property therein particularly set forth, consisting of real estate, Chattels, and choses in action for the purpose of securing certain debts therein set forth and R.J. Nicholls, N Nicholls, James R Joyner William A Joyner and Newsom R Joyner his securities, all of which will more fully appear by reference to the said deed of Trust a copy of which is and records in the Clerks Office of the Co Court of Southampton in Smiths file Marked A and prayed to be taken as a part of this bill

Your orator states further that he has an interest in the property conveyed to him than as Trustee that he is wholly disinterested among the parties and is only anxious to do what is right and lawful in the premises, that it was at the request of Wm N Gray the grantor in the deed that he consented to act that some of the securities to wit Messrs R.J. & N Nicholls had signed paper and become the endorsers for N. N. Gray & Co for a large amount of money they too having great confidence in your orator solicited him to act as Trustee, your orator for reasons which will appear and be stated in a subsequent portion of this bill will give a detailed statement of the

facts and incumstances which transpire at the execution of the deed, on the 14th of December 1857, from Creaton R.J. Neely, Newson K Joyner, James K Joyner Wm A Joyner Benja B Kindred Wm W Gray and Dean Gray were assembled at the room of Wm B Shands who had been employed to draw the deed, for the purpose of hearing the deed drawn and executed, all who were there were deeply interested in its arrangements except from matter, the attorney upon asking, who was to make the deed was told by Dean Gray that the property to be conveyed stood in the name of Wm W Gray and he was to be the grantor, all were deeply interested who were present either as creditors or securities, and all desired with and recognised Wm W Gray as the owner of the property to be conveyed, Dean Gray disclaimed interest in the property, but took a very active part in persuading and advising his son Wm W Gray as to the mode and order in which the debts should be paid and naming the different species and articles of property to be conveyed and stood by saw the deed executed and expressed his satisfaction of the manner in which it was done

The deed as your Honor will perceive upon examination was drawn with great care so as to protect both the interests of the grantor and his creditors and to prevent a sacrifice of the property such as generally attends forced sales, requiring thirty days notice of sale and that on all sums over one hundred dollars six months credit should be given, soon after the deed was made it was ascertained that a sale would have to be made as directed by the deed, your orator accordingly advertises the time and places of sale in the mode prescribed by the deed, but in the meantime before the day of sale George W Peete files a bill alleging that he has a deed of trust for his benefit executed by W.W. Gray & James Mondaugh Trustee executed conveying most of the same property and claiming that a forthcoming bond executed by the Grays and R.J. & W Neely and a draft on Philadelphia for $1146.30/3 is endorsed by R.J. & W Neely and George W Peete were still a lien on the property and asking that your orator should be restrained from parting with the Trust funds This was in the circuit court of Southampton Nancy Pond brings and attachment against W.W. Gray & Co on the same property which is now pending in the county court of Southampton, Benjamin & Waller bring an attachment against W.W Gray & Co on the same property which is also pending in the same court, G.W. Nicholson has instituted a suit in the circuit court of Southampton on the chancery side against your orator and others alleging the deed was void as to him and charging that the property or most of it belonged to the firm of W.W. Gray & Co, and attaches the property as the effects of Dean Gray and Garrett B Mumford, Holladay & Cayley instituted a suit in the same court and in the same manner with the same allegations against your orator and attaches the property, Benjamin B Kindred institutes a suit at common law in the circuit court of Southampton against W.W. Gray Dean Gray and Garrett B Mumford and had an attachment levied on the the property in your orators possession as the property of W.W. Gray & Co, James K Joyner, W.A. Joyner, & George T Jones instituted a suit in the same court against the same parties and attaches the same effects in your orators hands as the property of W.W. Gray & Co, Newson Joyner instituted a suit in the same court against the same parties and levied an attachment on the same effects in the hands of your orator all of which will more fully appear to your Honor by an inspection of the records of the circuit and county courts of Southampton, But all parties saw the necessity of a sale as the property made of it was of a very perishable nature, and an arrangement was made by

the counsel of your orator and those of the attaching creditors of W. W. Gray & Co that your orator should go on and make the sale as Trustee under the deed on the terms therein prescribed and hold the Trust funds subject the decrees and judgements of the courts in the cases as aforenamed

Some of the parties aforenamed who have institute suits to subject the funds now in his hands as the social effects of W. W. Gray & Co have alleged the deed to be fraudulent and void as to them, Your orator again repeats that he is entirely disinterested among the parties excepting the right to this property, that he has not been guilty of or privy to any fraud, that he has not exhibited this bill at the request of any of the defendants to be hereafter named, but of his own free will and to avoid being molested or enjoined touching the matters contained in this bile

In tender consideration whereof and inasmuch as your orator is without relief in a court of law and can only find adequate relief in a court of equity where such matters are properly cognizable to the Honorable Judge that C. A. Niemeyer, Holliday Hanley George W Peete, George T James Benjamin B Pinckard Benjamin L Wallis, Nancy Powell, R. L. Healy, W. Healy William A Poyner James R Poyner, Newman R Poyner William W Gray, Dean Gray, Garrett B Murfett and any other persons or parties who are interested in the funds in your orator hands and who are not hereinnamed but who in due time may be made parties defendant to this bill and compel them as true and perfect answer make to the allegations herein contained as if they had been thereto more fully and specially interrogated, to the end that the said defendants may interplead and settle their rights to the funds now in the hand of your orator which have

arisen from the sales of the property conveyed and which he now holds subject to the decree of this court that all proper accounts may be taken that an accompany, and that the court on the hearing thereof may direct your orator to pay the funds out in the manner directed by the deed, or according to the priorities of the liens and the rights of the parties contesting its validity, and that the court would grant such other and general relief the premises considered as equity may dictate and the nature of the case may require and as in duty bound your orator will ever pray &c

Shandon Whitfield p.q.

Southampton Cty To Wit

This day Joshua Pattow personally appeared before me a justice of the Peace for the county aforesaid and made oath that the statements in the above bill so far as made of his own knowledge are true and as derived from others he believes to be true and further made oath that there is no collusion between him and any one or more of the defendants to the said bill

Given under my hand this 26 day of March 1858

John Pruett J.P.

Prot low

v } Ex: with bill

Niemeyer 1.v

(at)

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This deed made this 14th of December 1857. between William W. Gray the grantor of the one part and Joshua Pretlow the trustee of the other part. Witnesseth that the said William W Gray for and in consideration of the sum of One dollar to him in hand paid at and before the sealing and delivery of these presents and the receipt whereof is hereby acknowledged doth grant unto the said Joshua Pretlow trustee as aforesaid the following property to wit. One Steam saw mill with all its fixtures and running gear unto the said Mill in any manner appertaining all the timber now cut and lying near the mill and logs that are cut eight mules, twelve oxen, three cows, two truck Waggons, Seven carts and gear, all my interest in a certain lease, a considerable portion of which is unexpired and assigned to me by George W Pete and others and of record in the Clerks Office of Southampton County. one horse and two sets of harness, household and kitchen furniture, all debts due to me either by bond or open account, all my saws, axes, and hoes, all my hogs all the above property lying in the County of Southampton, all my right, title, interest and claim in to and for a certain lot being a wharf lot lying in the town of Portsmouth, Norfolk County, Virginia, fronting fifty six feet on Elizabeth River and running back five hundred feet to Crawford Street and bounded on the South by Crabb street Crawford Street on the West Elizabeth River on the East and by the lot Johnson and Co. on the North. all my interest in a certain wharf now leased by W W. Gray and R J & W. Neely in the Town of Portsmouth, all my lumber now lying on the said wharf in Portsmouth estimated at fifty thousand feet, all the debts due to me in Portsmouth either by bond or account through my agent J. A. Gray. Upon trust to secure the following debts to wit. First a forthcoming Bond executed by William W Gray and Dear Gray as Principals and R. J. Neely as Security. Secondly. the following Security debts one draft of Eleven hundred dollars drawn on Philadelphia and endorsed by R J & W Neely and G W. Pete. a note of one hundred and fifty dollars endorsed by the same and J V. Pratt. a note of two hundred and twenty five dollars in the Virginia Bank at Portsmouth and endorsed by R. J. & W Neely. a note for five hundred dollars due at Bank of Virginia at Portsmouth and indorsed by R. J. & W Neely and James R Joyner & Co. two notes one for four hundred dollars and the others for two hundred dollars due to Miss Columbia Wilson, one note for three hundred dollars due in the bank of Virginia at Portsmouth & R. J & W. Neely Securities. one note for four hundred and Seventy five dollars paid by R. J. & W Neely for wharf expences to George Blow and others and due 1st July 1857 One note for three hundred

and Seventy five dollars due 1st January 1858 and R.J & W. Neely Securities: One bond due D. Powell jr. for about Seven hundred and fifty seven dollars and James R Joyner and William A Joyner Securities, one bond due Thomas Ridley for four hundred and fifty dollars and James R Joyner and William A Joyner securities: and all other debts due and owing by William W Gray & Co. to which James R Joyner or William A Joyner may be Securities and which may not now be named or remembered and all other debts due and owing by William W Gray to which either R.J. Neely. of William Neely may be securities and which not now be here named or remembered it being the intention and desire of the grantor to secure the said James R Joyner. William A Joyner. R.J. Neely and W. Neely from all loss and harm by reason of their securityships and Joshua Pretlow the trustee upon the forfeiture of the forthcoming bond mentioned above shall after fifteen days notice by public advertisement sell sufficient of the trust property herein conveyed to pay the said forthcoming bond, interest and costs and upon default made in the payment of any of the other debts hereinbefore named or any debt not named to which either James R. Joyner. William A Joyner R.J. Neely or W. Neely may be securities then upon request made by either of the said securities to the trustee the said Joshua Pretlow trustee as aforesaid shall after having given thirty days notice by advertisement in some one of the Norfolk Papers and also in the neighbourhood proceed to sell at public auction to the highest bidder all the property mentioned in this deed on the following terms, to wit. All sums under One hundred dollars cash over that six months credit and after paying the expenses of this trust pay to the Sheriff of Southampton the forthcoming bond named above if the trustee should not have sold property to pay it before, then pay all the debts to which R. J Neely W. Neely James R Joyner or William A Joyner may be securities any or either of them and also pay all the debts to which Newsom R Joyner may be a security for the grantor William W Gray, and if not enough to pay the debts to which R J. Neely W. Neely. James R Joyner. William A Joyner and Newsom R Joyner are securities then pay the security debts pro rata, then pay to James R Joyner and William A Joyner the one half of the sum of thirteen hundred dollars of the debt due to them, then pay all debts due by William W Gray. And it is hereby covenanted and agreed that William W Gray the grantor shall deliver to Joshua Pretlow the trustee the policies of insurance which he now holds for the insurance of the Steam Saw Mill and

fixtures

fixtures in Southampton County. Witness the following Seals & Signatures.

W.W. Gray (Seal)

Joshua Pretlow (Seal)

Memorandum. The interlineations in this deed were made before the Signing and Sealing the same.

Southampton County. In the Clerks Office the 14th day of December 1857.

This deed of trust was acknowledged by Wm. W. Gray and Joshua Pretlow parties thereto and was thereupon admitted to Record

Teste

J.R. Edwards Clk

A Copy

Teste J.R. Edwards Clk

service of the within acknowledges for R. S. Neely
W. Neely, William A Joynes, James R Joynes, Newson
Joynes. William H Gray, Dean Gray, Gantt & Mumford
Holliday Hagley, George T. Gaines, George W Peete
Benjamin B. Kindred, and Henry C Niemeyer

Mapenburg, Kindred, Kirby
and Chandler attorneys for the
aforesaid defendants

Preston
vs
Neely &c
} Summ. Obj

1858 April Rules

The Commonwealth of Virginia,

To the Sheriff of Southampton County—GREETING.

YOU ARE HEREBY COMMANDED TO SUMMON R. I. Neely W. Neely, William A Joyner Jas R. Joyner Newsom R Joyner. William W Gray, Holliday Hayley. George T. Gaines. George W Peete. Benjamin B Kindred. Henry V. Niemeyer. Benjamin C Walker & Nancy X Powell Dcaw Gray & Garrett B. Murfit

to appear at the Clerk's Office, of our Circuit Court of Southampton County, on the first Monday in April next, to answer a bill in Chancery exhibited against them in our said Court by Joshua Prettlow

and have then and there this Summons.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at his Office, this 17 day of March 1858, in the 82 year of the Commonwealth.

L R Edwards clk

Weimyer &c.

vs

Pretlow.

1858 May Term by leave

The Joint ~~separate~~ answer of N. V. Niemeyer & Holliday Hayley to a Bill in Chancery filed in the Circuit Court of Southampton County by Joshua Pretlow against them & others —

These Respondents having & say that the facts as stated in said Bill so far as the several conflicting claims referred to are concerned are true — But your Respondents say that the Deed referred to executed by W. W. Gray, conveyed the social effects of W. W. Gray to ~~him~~ & that ~~W~~ Wm Gray & Garret B. Mumbet were partners and that Wm Gray is a non resident of Va and that so far as his interest is concerned it should be made subject to your Respondents demands & that to that extent the Deed referred to should be set aside — & they pray &c.

N. V. Niemeyer
Holliday Hayley
by Jno. R. Kelly
atto

Battery
No 3
Grayson

Account of Jamd. B. Moffett

1858 May 5 by Cash

The Separate answer of Jarret B Wright to a bill in chancery brought into the circuit court of Southampton County by Joshua Pattlow against him and others

This defendant for answer to the said bill or as much as he is advised it is material for him to answer, answering says, that sometime in May 1857 he sold out all his interest in the firm of W. W. gray Co to William W Gray and Dean Gray, that there had been a partnership formed between them for the purpose of selling and dealing in lumber, in which each was to draw one third of the profits, but that in May 1857 he sold out his interest to the two other partners, and that he had no right title or interest of, in, or to the property conveyed by William gray in December 1857 to Joshua Pattlow as Trustee, nor is he in any wise responsible for the debts contracted by the firm of W. W. gray Co since he withdrew; and having fully answered this defendant prays hence to be dismissed with his costs

Jarret B. Wright

Sworn to Whitfield J. P.

State of Pennsylvania City of Philadelphia to wit

On this 9th day of April 1858 Jarret B Wright personally appeared before me John Binns a Commissioner appointed by the Governor of the Virginia to take acknowledgment of deeds &c within said state and made oath that the above answer is true

Given under my hand & seal of Office this day & year above stated. John Binns Comr. of Virginia

COMMISSIONER'S OFFICE,
JERUSALEM, July 12, 1858.

TO JOSHUA PRETLOW, Plaintiff,

Against

H. V. Niemeyer, Holliday Hayley, George W. Peete, George T James, Benjamin B Kindred, Benjamin O Waller, Nancy Powell, R. J. Neely, W Neely, William A Joyner, James R Joyner, Neverson R Joyner, William W Gray, Dean Gray and Garrett B Murfitt, Defendants,

George W Peete, Plaintiff,

Against

W W Gray, Dean Gray, Joshua Prelow, R J & W Neely, I V Pratt, James. William and Neverson Joyner, Defendants,

H V Niemyer, Plaintiff,

Against

W W Gray, Dean Gray, and Garrett B Murfitt partners doing business under the name and style of W W Gray & Co., Joshua Pretlow, Trustee, Peete & Co., Winfield R B Weaver, Ro J and W Neely, Geo W Peete, I V Pratt, Virginia Bank, Portsmouth, Jas R Joyner, Columbia Wilson, Dr T B Powell, Wm A Joyner, Thos Ridley, and J N Gray, Defendants,

And

Holliday Hayley, Plaintiff,

Against

W W Gray, Dean Gray and Garrett B Murfitt doing business under the name of W W Gray & Co., Joshua Pretlow, Peete & Co., Winfield Weaver, Ro J Neely and Co J and W Neely, G W Peete, I V Pratt, Virginia Bank, Portsmouth, James R Joyner. Columbia Wilson, Dr Powell, Wm A Joyner, Thos Ridley and J N Gray, Defendants

IN CHANCERY.

You are hereby notified, that I have fixed upon the 13th day of August 1858, to take, settle and audit, at my office, in the Town of Jerusalem, Southampton County, the following accounts:

1st. An account of the transactions of Joshua Pretlow, as Trustee under the Deed of Trust executed by W W Gray, on the 14th December, 1857.

2nd.—An account showing what part of the assetts conveyed in said Deed are the social assetts of W W Gray & Co., and what part the individual assetts of W W Gray.

3d.—An Account showing the several debts and their dignity and the total amounts of the same as secured by said Deed due by W W Gray & Co., and the amount due by W W Gray individually.

4th. An Account of the amount of the execution due to G W Peete by W W Gray & Co., as referred to in the second above named cause.

5th.—An Account of Debts due by W W Gray & Co., to H V Niemyer and Holliday Hayley, as referred to in the third and fourth above named causes and make report to Court with any matters specially stated deemed pertinent by himself or that may be required by any one of the parties to be so stated, and that the said Commissioner advertise the time and place of taking said accounts in some newspaper, published in Norfolk City for the usual time, in place of personal notice on the parties, required to be taken by the Decree of Southampton Circuit Court, rendered on the 5th day of May 1858 in four certain causes depending in Chancery in said Court, in which you are parties Plaintiffs and Defendants; at which time and place you are required to attend.

Given under my Hand, as Commissioner in Chancery of the said Court, the day and year first aforesaid.

HENRY S HOWARD,
Commissioner.

WM B SHANDS,
JOHN R KILBY,
S W MASSENBURG, } P. Q.

jy17—law4w

OFFICE OF THE SOUTHERN ARGUS,
NORFOLK, VA., August 14 1858.

I A. Sidney T. Leonard one of the editors & publishers of the Southern Argus, a newspaper published daily in the City of Norfolk, State of Virginia, do certify that the annexed Legal Notice in the cases of Pretlow vs. Niemeyer & als. Peete vs. Gray & als. Niemeyer vs. Gray & als & Hayley vs. Gray & als:

pending in the Circuit Court of the County of Southampton has been published once a week for four successive weeks in the said newspaper, commencing on the 17th day of July 1858.

A. S. Leonard

Chge of pub $12.16

Berlin

vs 3. Comm's Report

Niemeyer & others

1858

Sept. 7th Rec'd

1st. An Account of the transactions of Joshua Pettin as trustee under the Deed of Trust executed by M. M. Gray, on the 14th December 1857.

1857			Dr		Cr	
Dec	24	Do paid Southern Argus Advertising Notice of Sale	10	50		
1858						
Jany	3	" " Seaboard & Roanoke Rail Road for freight	49	40		
"	"	" " Sales & Reed, for Hay	50	41		
"	8	" " D. D. Fiske for advertising		75		
"	7	By Cash of John Hunter account			46	30
"	"	" " " Col. M Whitehead "			19	38
"	"	" " " Arthur Emmerson "			20	90
"	"	" " " Town of Portsmouth "			59	52
"	"	" " " William H. Wilson "			3	40
"	"	" " " M. H. Wilson "			2	30
"	13	" Amount of Sales of Timber from Wharf in Portsmouth			320	97
"	20	To paid James M. Corbitt, Clerk	6	00		
"	21	" " Ben Laforme services &c	37	00		
"	"	" " George Hodgkin "	32	70		
"	28	" " Daily Transcript Office	3	00		
"	"	" " Norfolk Herald	12	50		
"	"	" " Portsmouth Transcript	8	00		
"	"	" " Arthur Emmerson writing Deed	5	00		
July	1st	" " R. J. & M. Kelly services	10	00		
"	20	By Amount of Sales at Saw Mill in the County of Southampton			49	35 12
		To paid Wm B. Shands expenses to Philadelphia on business of trustee	39	25		
		" " Wm B. Shands writing trust Deed	20	00		
		" " James R. Joyner for boarding &c furnished hands &c &c	186	81		
Augt	10	By Amount of Sales of lot in the Town of Portsmouth			182	50
"	"	" Amount of Sales of Lumber in the Town of Portsmouth			33	90
		To paid Clerks tickets	13	95		
		" " Wm B. Shands and Ro H. Whitfield, attorneys for the Trustee	350	00		
		" Commissions on $300.00 at 5 per cent	15	00		
		" " " $7172.98 " 2 " "	143	43		
		Amounts Carried forward	893	70	747	98

1858							
August	10	Amount brought forward	893	70	7472	98
		Do paid Taxes	62	37		
		" Amount retained to pay costs of suit &c	100	00		
"	"	" balance in hands of Trustee	6416	91		
			7472	98	7472	98
"	"	By Balance in hands of Trustee with interest thereon from this day			6416	91

Respectfully Submitted
Henry S. Howard, Trustee

2nd An Account showing what part of the assets conveyed in said Deed are the several assets of Wl. Wl. Gray & Co: and what part are the individual assets of Wl. Wl. Gray

1st An account showing what part of the assets conveyed in said Deed are the Social assets of Wl. Wl. Gray & Co:

1858			Dr		Cr	
Jany	9	By Cash of John Minter account			41	00
"	"	" " " Col: Whitehead "			19	38
"	"	" " " Arthur Emmerson "			20	90
"	"	" " " Town of Portsmouth "			59	52
"	"	" " " Wl. A. Allison "			3	41
"	"	" " " Wl. N. Wilson "			2	31
"	13	" " from Sale of Timber from Wharf in Town of Portsmouth			230	97
July	30	By Cash from amount of Sales at Saw Mill in the County of Southampton			4935	12
Augt	10	" " from amount of Sales of Lumber in the Town of Portsmouth			339	85
		Total amount of Social Assets			$5611	79

3rd An Account showing part are the individual assets of Wl. Wl. Gray.

1858			Dr		Cr	
Augt	10	By Amount of Sales of Lot in the Town of Portsmouth			1825	00
		Total amount of individual assets			$1825	00

Respectfully Submitted
Henry S. Howard, Trustee

3rd An Account showing the several debts and their dignity and the total amounts of the same as secured by said Deed due by Wl. Wl. Gray & Co: and the amount due by Wl. Wl. Gray individually.

1st An Account showing the several debts and their dignity and the total amounts of the same as secured by said Deed due by Wl. Wl. Gray & Co.

	$	cts	$	cts
1st Class				
Amount of Execution on Forthcoming Bond executed by William Wl. Gray & Dean Gray principals and R. J. Neely as security in favor of Wm. Peete Geo. W. Peete, J. C. East, James Johnson, A. D. B. Merritt, & Wm. H. E. Hurst who sues for the benefit of Wl. R. S. Weaver, Interest, Costs & Commissions of Sheriff included up to the [illegible] day of July 1858 when the same was paid	2123	27		
Interest on the same to August 10th 1858	4	22		
Total Amount of 1st Class Debts			$2127	49
2nd Class				
One Draft on Philadelphia & endorsed by R. J. & Wl. Neely & Geo. W. Peete & Dated 25th Feby 1858.	1100	00		
Costs of protest for non payment	1	41		
3 per Cent Damages &c	33	00		
Amount paid by Neely's Feby 25th 1858	1134	41		
Interest thereon to the 10th August 1858	31	19		
			1165	60
One negotiable Note in the Bank of Virginia at Portsmouth and endorsed by R. J. and Wl. Neely Due Feby 7th 1858	275	00		
Interest thereon to August 10th 1858	8	35		
			283	35
One negotiable note in the Bank of Virginia at Portsmouth and endorsed by R. J. and Wl. Neely and James R. Joynes and Co: Due the 4th Dec 1857	500	00		
Interest thereon to August 10th 1858.	19	47		
			519	47
Amount Carried forward:			4095	91

Amount brought forward				4095	91		
One negotiable note in the Bank of Virginia at Portsmouth and R. J. & W. Neely securities Dated January 16th 1858. due R. J. & W. Neely	300	00					
Interest thereon to 10th August 1858.	10	20					
				310	20		
One negotiable note in the Bank of Virginia at Portsmouth and R. J. & W. Neely securities, Dated July 1st 1857 due R. J. & W. Neely	174	37					
Interest thereon to 10th August 1858.	3	68					
				5	05	20	
Two Receipts for wharf expenses paid by R. J. & W. Neely to George Blow & others Janry 1st 1858	303	77					
Interest thereon to 10th August 1858.	10	13					
				313	90		
One Receipt for money paid by R. J. & W. Neely to Wm H. Wilson as securities, Janry 1st 1858	59	25					
Interest thereon to 10th August 1858	2	17					
				61	42		
Bond due Thomas Pilley - James R. Joynes & Co as securities the 27th August 1857	450	00					
Interest thereon to 10th August 1858.	15	75					
				465	75		
Bond due Dr Powell guardian of James R. Joynes & Co. as securities Dec 25th 1856.	757	50					
Interest thereon to 10th August 1858.	73	85					
				831	35		
Amount of Forthcoming bond due Dr Powell on bond to which R. J. & W. Neely were securities July 2d 1858	334	69					
Interest thereon to 10th August 1858	2	09					
				336	78		
Bond paid 3d Class by R. R. Joynes as security Dec 25th 1857	120	00					
Interest thereon to 10th August 1858	9	00					
Bond paid Lewis Murrell guardian by R. R. Joynes as security, Dec 25th 1857 for them	150	00		129	00		
Interest thereon to 10th August 1858.	11	25		161	25		
Amount paid for them by R. R. Joynes June 1st 1858	82	53					
Interest thereon to 10th August 1858.		96					
				83	49		
One note endorsed by R. J. & W. Neely and S. V. Pratt due	150	00					
				150	00		
So Amount Carried forward				7414	28		

Amount brought forward				7414	28		
3d Class							
One half of the sum of Thirteen hundred Dollars due James R. Joynes and William A Joynes the 14th Dec 1857 the Date of Deed of Trust of the Debts Due to them	650	00					
Interest thereon to the 10th August 1858	25	36					
Total amount of Debts of the 3d Class Interest included to the 10th August 1858				675	36		
A Class.							
Account due John R. Cooke & Co Dec 31st 1857	26	91					
Interest thereon to the 10th August 1858		98					
						27	89
Note due Bain & Co. June 25th 1858.	116	16					
Interest thereon to the 10th August 1858.		87					
						117	03
Account due J. C. Wooden July 4th 1856	7	56					
Interest thereon to the 10th August 1858.		94					
						8	50
Account due Wright & Davids Dec 31st 1857	9	94					
Interest thereon to the 10th August 1858.		36					
						10	30
Account due C. Anderson April 11th 1857	57	69					
Interest thereon to the 10th August 1858	4	37					
						59	06
Account due Sherwood & Jones July 28th 1858	12	53					
Interest thereon to the 10th August 1858		2					
						12	55
Balance of Bond due James R. Joynes & Co: (the sum of $650.00 being Debt of the 3d Class) on the 14th December 1857	1664	45					
Interest thereon to the 10th August 1858	65	46					
						1729	91
Bond due James R. Joynes & Wm. Joynes the 1st January 1857.	40	00					
Interest thereon to 10th August 1858	1	46				41	46
An account due Jas R. & Wm A. Joynes Dec 31st 1856	65	60					
Interest thereon to August 10th 1858	1	34					
						71	94
Amount Carried forward						10198	48

Amount brought forward			$ 10198	48
One Bond due Jas R. Joyner & Co Jany 1st 1854	82	53		
Interest thereon to 10th August 1858.	22	83		
			105	36
Account due Newsom R. Joyner Dec 31st 1857	1148	39		
Interest thereon to August 10th 1858.	42	10		
			1190	49
Account due Benj B. Kindred May 12th 1856	487	50		
Interest thereon to August 10th 1858	65	80		
			553	30
Account due Benj B. Kindred May 1st 1857	223	67		
Interest thereon to August 10th 1858.	17	14		
			240	81
Bond due Holliday Hayley 20th August 1854	201	00		
Interest thereon to Dec 25th 1854	4	25		
Amount due " " "	208	25		
Amount paid " " "	4	20		
Leaves due " " "	204	05		
Interest thereon to the 10th August 1858	44	38		
			248	43
Bond due Holliday Hayley Dec 25th 1857	440	00		
Interest thereon to the 10th August 1858.	16	50		
			456	50
Bond due Holliday Hayley Dec 25th 1856	450	00		
Interest thereon to the 10th August 1858	43	87		
			493	87
Account due H. V. Niemeyer January 1st 1858	259	38		
Interest thereon to the 10th August 1858	9	72		
			269	10
Note due H. V. Niemeyer January 29th 1858	462	78		
Interest thereon to the 10th August 1858	14	65		
			477	43
Judgment due Nancy Powell Dec 25th 1857	50	00		
Interest to June 19th 1858	1	45		
Costs	5	59		
Amount due June 19th 1858	57	04		
Amount paid " " "	5	25		
Leaves due " " "	51	79		
Interest thereon to 10th August 1858		41		
			52	20
Amount due R. C. Waller Jany 1st 1858	100	00		
Interest thereon to 10th August 1858	3	66		
			103	66
Amount Carried forward			$ 14388	63

Amount brought forward			$ 14388	63
Total Amount of Debts Due by Wl. W. Gray & Co. secured with interest inclusive up to the 10th day of August 1858.			$ 14388	63

2nd An Account shewing the several debts and their dignity and the total amounts of the same as secured in said Deed due by Wl. W. Gray individually.

2nd Class.

One negotiable note due Columbia Wilson Jany 24th 1858 endorsed by R. J. & Wl. Mealy & paid by them	3/3	400	00	
Costs of Protest		1	03	
Amount due Jany 24th 1858		401	03	
Interest thereon to August 10th 1858		13	03	
				414 06
One negotiable note due Columbia Wilson Jany 17th 1858 endorsed by R. J. & Wl. Mealy & paid by them	3/3	200	00	
Costs of Protest		1	03	
Amount due Jany 17th 1858		201	03	
Interest thereon to August 10th 1858		6	41	
				207 44
Total Amount of Debts due by Wl. W. Gray individually with interest included up to the 10th August 1858.	3/3		$ 16 21	50

Respectfully Submitted
Henry S. Howard Comr

4th An Account of the amount of the execution due to G. W. Pirtle by Wl. W. Gray & Co as referred to in the second above named cause.

Amount Due May 26th 1854	$ 3333333
Interest Thereon to 11th Dec 1857	$ 706663
Amount of Costs	$ 103
Amount Due 11th December 1857	$ 1040496
Amt directed to be collected by Plaintiffs atty's this day	$ 196129
	$ 2086776
Leaves due 11th Dec 1857	$ 8207
Interest Thereon to 10th August 1858	$ 2168983
Amount due 10th August 1858	

Respectfully Submitted
Henry S. Howard Comr

5th An Account of Debts due by W. W. Gray & Co: to H. V. Niemeyer and Holliday Hayley as referred to in the Third and fourth aforenamed Causes.

Account due H. V. Niemeyer Janry 1st 1858	259	38		
Interest thereon to 10th August 1858	9	72		
			269	10
Note due H. V. Niemeyer Janry 29th 1858	462	78		
Interest thereon to 10th August 1858	14	65		
			477	43
Total amount due H. V. Niemeyer 10th August 1858			$747	53
Bond due Holliday Hayley 20th August 1854	204	00		
Interest thereon to Decr 25th 1854	4	25		
Amount due " " "	208	25		
Amount paid " " "	4	20		
Leaves due " " "	204	05		
Interest thereon to the 10th August 1858	44	38		
			248	43
Bond due Holliday Hayley Decr 25th 1857	440	00		
Interest thereon to the 10th August 1858	16	50		
			456	50
Bond due Holliday Hayley Decr 25th 1856	450	00		
Interest thereon thereon to the 10th August 1858	43	87		
			493	87
Total Amount due Holliday Hayley 10th August 1858.			$1198	80

Respectfully Submitted
Henry L. Howard, Comm.r

Commissioners Office
Jerusalem October 6th, 1858.

To the Circuit Court of Southampton County.

Pursuant to a decree of the Circuit Court of Southampton County rendered on the 5th day of May 1858, in four suits in chancery depending in the said Court between Joshua Pretlow, plaintiff, H. V. Niemeyer, Holliday Hayley, George W. Peete, George F. James, Benjamin B. Kinchen, Benjamin B. Wallace, Nancy Powell, R. J. Neely, W. Neely, William A. Joyner, James R. Joyner, Jerrison R. Joyner, W.m W. Gray, Dean Gray, and Garrett B. Mumford Defendants. - George W. Peete plaintiff, W. W. Gray, Dean Gray, Joshua Pretlow, R. J. & W. Neely, J. V. Pratt, James, William and Jerrison Joyner Defendants, H. V. Niemeyer plaintiff W. W. Gray, Dean Gray, and Garrett B. Mumford partners doing business under the name and Style of W. W. Gray & Co: Joshua Pretlow, trustee Peete & Co. Winfield R. S. Weaver, R. J. and W. Neely George W. Peete J. V. Pratt, Virginia Bank Portsmouth, Jas R. Joyner, Columbia Wilson Dr. F. B. Powell, W.m A. Joyner, Thomas Ridley and J. R. Gray, Defendants & Holliday Hayley, plaintiff, and W. W. Gray, Dean Gray, and Garrett B. Mumford doing business under the name of W. W. Gray & Co:, Joshua Pretlow Peete & Co:, Winfield Weaver, R. J. Neely, and R. J. and W. Neely, G. W. Peete, J. V. Pratt, Virginia Bank Portsmouth, James R. Joyner, Columbia Wilson, Dr Powell, W.m A. Joyner, Thomas Ridley and J. R. Gray, Defendants, the undersigned, one of the Commissioners of the said Court, to whom was referred for settlement by said decree the following accounts:

1st An account of the transactions of Joshua Pretlow as trustee, under the Deed of Trust executed by W. W. Gray, on the 4th December 1857.

2nd An account shewing what part of the assets conveyed in the said Deed are the social assets of W. W. Gray & Co: and what part the individual assets of W. W. Gray.

3rd An account shewing the several debts and their priority and the total amounts of the same as owned by said Deed due by W. W. Gray & Co: and the amount due by W. W. Gray individually.

4th An Account of the amount of the execution due G. W. Peete & Co: by W. W. Gray & Co: as referred to in the second above named cause.

5th An Account of Debts due by W. W. Gray & Co: to H. V. Niemeyer and Holliday Hayley, as referred to in the Third and fourth above named causes, reports to the Court that on the 12th day of July 1858, he issued and had published in the Southern Argus a Newspaper published in Norfolk

City for the usual time as appears by the certificate of one of the editors of the said Paper. All of the said parties not appearing on that day, the settling of said accounts was adjourned from day to day until the 3rd day of September 1858 when your Commissioner completed the foregoing accounts.

The Commissioner further reports to the Court that after the completion of the said accounts, he retained the same in his office ten days for the examination of the parties, which with the decree and notices aforesaid, he herewith returned.

Given under my Hand, as commissioner aforesaid, the day and year first aforesaid.

Henry S. Howard, Comr.

Commissioners fee $40.00
Charged Joshua Pratt as trustee
Printers fee $13.16

Petition
vs
Decree
Original

1858
May Court — Decree
To be entered.
R. H. Baker.

Pettow
vs.
1 Niemeyer & others

Peete
vs.
2 Gray & Co. & others

Niemeyer
vs
3 Gray & Co & others

Hayley
vs.
4. Gray & Co. & others

In the first above named cause, N. V. Niemeyer & Holliday Hayley, Grant B. Murfee this day by leave of the Court filed their answers & the pltff. replications thereto, & the said cause came on to be heard on the Bill taken for confessed as to the other Defendants, on whom process has been duly served and they still failing to appear and plead, answer and demur to the said Bill, & on exhibits filed with the said bill —

and the second above named cause, in which the plaintiff appears to have proceeded against the Defendant Dean Gray, who is out of the County: in the manner prescribed by Law against absent defts: and he still failing to appear and answer came on to be heard on the bill taken for confessed as to said Dean Gray, and also as confessed as to all the other Defendants, on whom process has been duly executed and they still failing to appear plead answer & demur to said bill, and on the exhibits filed with the said Bill —

and in the third above cause in which the pltff appears to have proceeded against the defendant Dean Gray who is out of the County in the manner prescribed by Law against absent defendants she still failing to appear and answer, came on to be heard ~~on the bill taken~~ on the bill taken for confessed as to him; and also taken for confessed as to the other defendants on whom process has been duly served & they still failing to appear and answer

and the fourth above named cause in which the plt. appears to have proceeded against the defts. Dean Gray & Garret B. Murdock who are out of the County in the manner prescribed by Law against absent defendants they still failing to appear & answer, came on to be heard on the bill taken for confessed as to them; and also taken for confessed as to the other defendants on whom process has been duly served & they still failing to appear & answer — and the said four above named causes came on this day to be heard together and were argued by Counsel. On Consideration whereof the Court doth adjudge, order & decree that a Comr. of this Court take the following accounts —

1st an account of the transactions of Joshua Pretlow as trustee under the Deed of Trust executed by W. W. Gray on the 14th Dec. 1857.

2d an account shewing what part of the apelty conveyed in said deed are the social apelty of W. W. Gray Hs. and what part the individual apelty of W. W. Gray.

3d an account shewing the several debts & their priority and the total amt. of the same, as secured by said Deed, due by W. W. Gray Hs. and the amt. due by W. W. Gray individually —

4th an account of the amt. of the execution due to G. W. Pettit by W. W. Gray Hs. as referred to in the second above named cause.

5th an acct. of Debts due by W. W. Gray Hs. to H. V. Niemeyer & Holliday Hargis as referred to in the third & fourth above named cause.

And make report to Court with any matters specially stated deemed pertinent by him or that may be required by any one of the parties to be so stated, and that the said Comr. advertise the time & place of taking said accounts in some newspaper published in Norfolk City for the usual time, in place of personal notice on the parties

[redacted] Pretton
to [redacted]
Norman, Grayson
[redacted]
[redacted]
to [redacted]
R. N. Baker

1858 November

Petition
to
Niemeyer
Pet[illegible]

Gray &bo. vals.
Niemeyer
vs.
Gray &bo. vals.
Haley
vs.
Gray &bo. vals.

This day these causes came again to be heard on the papers formerly read, and the Report of Commissioner H. S. Howard made in pursuance of an order entered at the May Term 1858, to which no exception have been filed & was argued by Counsel. On Consideration whereof, the Court Confirming said Report, it is adjudged & decreed, that the said Isaac R. Pritchett, after paying the costs of this suit, (except Lawyers fees in the three last mentioned causes) and the expenses of the trust, & paying first the Sum of One hundred dollars retained by the said trustee as per said Report aforesaid, and pay the amount reported to be in his hands in discharge of the several debts, (to those entitled thereto) mentioned in the said trust deed observing the priority therein prescribed: and should there not be sufficient to pay the whole amount of debts in any one class of creditors, that he then distribute the same pro rata among said class of creditors. and the Court doth further adjudge, order & decree, that the said trustee report to Court an account of his proceedings, returning so vouchers for the several sums paid by him.

Petition for

vs

Graybeal.

1860

May 6th Decree

To be entered.

To be entered.

R. H. Baker

Pretlow sal. v. ~~Gray~~ & Co. Niemeyer &c
— Peete v. Gray & Co
— Niemeyer v Do
— Haley v Do

These causes came on this day to be again heard on the papers formerly read & the Court without deciding any question in the same remaining undecided and without prejudice otherwise than as hereby decreed to any of the parties doth adjudge order & decree that the defendants W. W. Gray Dean Gray & Garret B. Minbet, doing busines under the name & style of W. W. Gray & Co. pay to the several parties following the following sums of money to wit. To H. V. Niemeyer the sum of $269.10, with Interest on $259.38 part thereof from the 10th of august 1858 tile paid. To H. V. Niemeyer the sum of $477.43 with Interest on $462.78 part thereof from same day. To Holliday Hayley the sum of $1198.80 with Interest on $1094.05 part thereof from the 10th of Augt 1858 tile paid and the cause is continued for further proceedings

~~268.4~~ 204.05
440.00
450.00
1094.05

Prellow

≈ } Stat. Rules

Niemeyer Hf.

Southampton Circuit Court

Joshua Pretlow

against

H. V. Niemeyer. Holliday Hayley. George W Pete. George T. James. Benjamin B. Kindred. Benjamin C. Waller. Nancy Powell. R. J. Neely. W. Neely. William H Joyner James R Joyner. Nicerson R Joyner. William W Gray. Dean Gray. Garrett B Mursett

1858. March 17 Summons issued returnable to April Rules

" April Rules. Summons ret'd Executed. Bill filed. Decree Nisi v. Defts.

" " " (Last Monday). Bill taken for confessed & cause set down for hearing &c

"

" Nov. Decree &c

1866 May 7 Removed from the Docket

1858 Nov.ᵉ Bill Costs

Bills.	℔ 11.55	
Stiff	1.00	
Comm.	40.00	
Pmts	12.16	
Law fees	16.50	℔ 81.23

Office G.B. Murfee's costs Bills ℔ 0.25

Office Memorandum . . 0.25

Joint Costs Law 15.00

℔ 15 50