1860-017 Chancery Papers. Clayton's extors Vs Bradshaw et al 5/1860

Southampton County

other SURNames: Cobb, Burgess, McClenny, Burges

5a.

Claytons Exrs

v. } Papers.

Bradshaw &c

Claytons Exors

v. } Stat: Rules

Bradshaw &c

In Southampton Circuit Court

A. S. H. Burgess. James M. M'Clenny. Richard W. Clayton & Murdock M. Clayton Executors of James Clayton dec'd

against.

Edwin Bradshaw. Ezekiah Bradshaw, Leonard C. Cobb. & Wesley Bradshaw.

1859 Sept. 26. Summons & issued

" Oct R. Sum's Ret'd Ex'd Bill filed. D. Nisi v. Defts.

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

" Nov. 7. Decree for Sale.

1860 May 7. Decree final

Clayton exrs
vs 3 Bills & exhibits
Bradshaw & als

1859 October Rules

To the Honorable Richard C Baker judge of the Circuit
Court of Southampton County in chancery sitting

Humbly complaining your orators A.S. Vic.
Briggs, James M McClenny, Richard N Clayton and Murdock
M Clayton show unto your Honor that sometime in 1855
James Clayton departed this life testate, and that your
orators qualified as executors to his last will and
testament as will appear by this their testamentary
writing filed marked A, they show that this testator
in his lifetime to wit at the March Term 1859 of
the County Court of Southampton obtained a judgment
against Edwin B Bradshaw and Hezekiah Bradshaw
for the sum of $92.50 cts with interest and costs that
upon the said judgment, an execution has been issued
which has been returned no effects by the Sheriff
of Southampton and that the said judgment has
been docketed, all of which will more fully appear by
copies of the said judgment and execution herewith filed
marked B and prayed to be taken as parts of this bill

Your orators further show that at the time the
said judgment was obtained one of the defendants
Hezekiah Bradshaw owned and was possessed of a life
estate in a Tract of land supposed to contain one
hundred and thirty acres upon which your Orators
judgment was a lien, and that on the 27th of May
1857 the said Hezekiah Bradshaw by deed of trust
conveyed the same to one Leonard C Cobb as Trustee
to secure debts amounting to upwards of $300 due
Nicky Bradshaw, this sale your orators clay- is void
against the lien of their docketed judgment previously
obtained, and they show further that the rents and
profits of the said land will not pay their judgment
and therefore a sale of the said land must be made
by this Court

In Tender consideration whereof and inasmuch
as your orators are without relief at law and only
entitled to relief in a court of equity where such matters

are cognizable, They Thinks may that Edwin Bradshaw Elizekiah Bradshaw, Leonard & Cobb and Wesley Bradshaw may be made parties defendant to this bill and compel them as full and perfect answer make to the allegations therein contained as if they had been herein more fully and specially interrogated, that all proper accounts may be taken, and if it should appear that the said land aforesaid in this bill wide not from its unity and profits pay the judgment of your Orators Testator, that it may be sold and that the court would grant such other and general relief the premises considered as equity may dictate and the nature of this case may require, and as in duty bound your orators will ever pray &c.

Thomas p.q.

Clayton's case

v 3 Dean

J. Bradshaw &c

Nov. Co! 59

To be entered

R. H. Baker

1859 November Term

Clayton Exrs
vs
Z. Deem
Bradshaw &c

This cause came on this day to be heard on the bill and exhibits thereto filed Taken for confessed as to all the defendants Edwin Bradshaw Hezekiah Bradshaw, Leonard C Cobb and Wesley Bradshaw, on whom proofs had been duly served and they still failing to appear and plead, answer and demur to the said bill, and was argued by counsel On consideration whereof the court doth adjudge, order and decree that ~~it~~ the Commissioner ~~of~~ this court proceed to enquire whether what is the actual and annual value of a Tract of land containing by estimation one Hundred and thirty acres in which Hezekiah Bradshaw owned a life estate and conveyed by deed of trust to Leonard C Cobb, and whether the rents and profits thereof for five years would be sufficient to pay the Plaintiffs judgment and report the same to this court together with any other matter specially stated deemed pertinent by himself or which may be required by any of the parties to be stated

Unless the defendant Hezekiah Bradshaw or some one for him shall within thirty days from the date of this decree pay to the Plaintiffs the sum of $97.81 cts with interest on $92.05 cts from the 10th of March 1837 till paid from the sheriff of Southampton County after having given due notice by advertisement at the court house door and in the neighborhood of the property shall proceed to sell the Tract of land in the bill mentioned on a credit of six months in which the defendant Hezekiah Bradshaw had a life estate and conveyed by him to one Leonard C Cobb in trust, and report to this court its orders to be further decree

Southampton Circuit Court November 7th 1859.

A. S. H. Burges James H. McCleny Richard W. Clayton & Murdock H. Clayton Executors of James Clayton dec'd Plffs

vs

Edwin Bradshaw, Hezekiah Bradshaw, Leonard C. Cobb & Wesley Bradshaw. Dffts } In Chancery

This cause came on this day to be heard on the bill and exhibits therewith filed taken for confessed as to all the defendants, Edwin Bradshaw, Hezekiah Bradshaw, Leonard C. Cobb, and Wesley Bradshaw on whom process has been duly served and they still failing to appear and plead, answer and demur to the said bill and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that unless the Defendant Hezekiah Bradshaw or some one for him shall within thirty days from the date of this decree pay to the plaintiffs the sum of $99.81 Cents with interest on $92.50 cents part thereof from the 16th of March 1857 till paid, then the Sheriff of Southampton County after having given three weeks notice by advertisment at the Courthouse door and in the neighbourhood of the premises shall proceed to sell the tract of land in the bill mentioned on a credit of six months in which the Defendant Hezekiah Bradshaw held a life estate and conveyed by him to one Leonard C. Cobb in trust, and report to this Court in order to a further decree.

Mosby

Teste P. R. Edwards C.C.

Rec'd May 2nd 1860 of W. L. Briggs
Shff. of Hampshire County - One Hundred
& twenty one & 79/100 Dollars in full of this
Decree.

M. M. Clayton

Clayton's Exrs
vs
Copy Decree
Braddock Sr

Blaylock et al.

v

Bradshaw Ad.

May Co. 1860

To be entered

R. H. B.

Clayton & or. v Bradshaw Lal

It appearing by the report of the sheriff of the return of the writ of fi. fa. which issued in this case, that the plaintiffs demand has been satisfied, it is ordered that this case be discontinued from the docket -

Clayton's Exors.

v. } Surr. Chy.

Bradshaw &c

1859 Act. Rules

Executed

Oct 1st 1859 by

delivering them a

copy

G W Wicks

Deputy Sheriff

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON Edwin Bradshaw Hezekiah Bradshaw Leonard Cobb & Wesley Bradshaw

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 October next —, to answer a bill in chancery exhibited against them — in our said Court by

A. S. H. Burgess. James M. McClenny. Richard W. Clayton & Murdock W. Clayton Exors of James Clayton decd

and have then and there this writ. *Witness*, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this 26 day of September 1859, in the 84 year of the Commonwealth.

L R Edwards Clk

Clayton's Ex-
Com 3 Com-Report
Broadshaw

May 2nd 1860

Clayton Exm.
vs
Bradshaw

In obedience to a Decree rendered at November Term. 1859 The Defendant Hezekiah Bradshaw paid the full Amount of Debt Interest and Cost, and therefore said Not sell the Land ordered to be sold be sold in said Decree.
May 2d. 1860

W A Dwiggins Sheriff

Debt due Mar 16th 1857. ℔ 99.81

Int Tie July 16. 1860 on (925.0) 16.18

115.99

Shff Cruse 5.80

℔ 121.79

Clayton's Exors

v. } Exhibt with bill

Bradshaw &c

A

Southampton County Court. September 19th 1859.

The last Will and Testament of James Clayton decd was proved by the oaths of Alfred T. Stephenson and Robert M Doles two of the subscribing witnesses thereto and thereupon ordered to be recorded. And on the motion of A. S. H. Burges. James M McClenny, Richard W. Clayton and Murdock M Clayton the executors therein named who made oath and together with Wm D. McClenny. Allen Edwards. Alfred T Stephenson & Thomas J Brister his Securities (who justified on oath as to their Sufficiency.) entered into and acknowledged a bond in the Penalty of Eighty thousand dollars conditioned according to law, Certificate is granted them for obtaining a probat of the said Will in due form.

A Copy

Teste L R. Edwards CC

Claytons Exors

v. } Exhts with bill

Bradshaws

A

B

Southampton County Court. March 22d 1859

James Clayton
against
Edwin Bradshaw & Hezekiah Bradshaw

Pff
Dfts
} In Debt.

The judgment in the Office not having been set aside and the plaintiff being now entitled to a final judgment it is therefore considered that the plaintiff recover against the Defendants Ninety two dollars and fifty cents the debt in the declaration mentioned with legal interest thereon from the 16th day of March 1857 till paid and his costs by him about his suit in this behalf expended. And the said Defendants in Mercy &c.

Pffs Costs $7.31.

A Copy
Teste LR Edwards Cc

The Commonwealth of Virginia. To the Sheriff of Southampton County. Greeting.
We command you that of the goods and chattels of Edwin Bradshaw & Hezekiah Bradshaw late in your bailwick you cause to be made Ninety two dollars fifty cents with legal interest thereon from the 16th of March 1857 till paid which James Clayton lately in our County Court of Southampton County hath recovered against them as well for a certain debt as for interest thereon: also the sum of Seven dollars and 31 cents which to the said Clayton in the same Court were adjudged for his costs in that suit expended, whereof the said Edwin & Hezekiah Bradshaw are convict as appears to us of record: And how you shall have executed this writ make known at the Clerks Office of our said Court, at the Rules to be holden for the said Court on the first monday in June next. and have then there this Writ.
Witness Littleton R Edwards Clerk of our said Court, at the Courthouse this 25th day of March 1859 in the 83d year of the Commonwealth.

LR Edwards Clk

Sheriffs Endorsement & return. "Came to hand March 30th 1859 at 10. O Clock A.M.
Wm W Briggs.
No property out of which this Fi. Fa or any part thereof can be made
Geo W Vick Dy for
W W Briggs Shff."

Copy
Teste LR Edwards Cc