

1871-13

Sauk County - Chancery

Edwards, L. R.

vs

Headly, William & also

"Injunction"

"Sale of timber unlawfully"

William D. Headly

Edward E. Headly

Richard L. Thel

~~86~~ ~~87~~ ~~79~~ ~~72~~ ~~69~~ ~~67~~ 59

Edwards Jr

v { Papers

Headley Jr

1871 May Dismissed

89 88.

Esward de

vs Bill

Maasly de

1867 June 18 Bill 10 for return
of the Bill of the Maasly de
Bill 10 for return
of the Bill of the Maasly de

City of Norfolk to wit:

This day E W Maysenburg appeared before me
a notary public in & for said city and
made oath to the truth of the allegations
contained in the above bill - Given under
my hand this 15th day of June 1867

R. H. Baker Jr.
No. Public

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

In Chancery

Humbly complaining sheweth unto your Honor your
Orators L N Edwards John W Suckey & E W Maffenburg
that one John M Suckey in the year 1859 obtained from
the Supreme Court a writ of supersedeas to a decree of the
Circuit Court of Southampton County in a case wherein
Abraham Nickols Esq of Thomas P Little was plaintiff
and the said John M Suckey was defendant and in order
that the said supersedeas might take effect the said John
M Suckey gave his bond conditioned according to law in
the penalty of \$4000 with the said John W Suckey & E W
Maffenburg as his sureties, and that on the 21st of February
1859 the said John M Suckey executed a deed conveying
to the said L N Edwards three tracts of land lying in
the county of Southampton known respectively as the
Hermitage tract, the Suckey tract, and the Old Dick tract
together with a warranty of redemption therein named
in trust to secure the said John W Suckey and E W
Maffenburg from loss by reason of the said supersedeas af-
said a copy of which deed is herewith filed marked (A) and
prayed to be taken as a part of this bill. That on the
12th of November 1861 the Supreme Court affirmed the decree
of the said Circuit Court as will appear from a copy of
the certificate herewith filed marked (B) and prayed to be
considered as a part of this bill whereby your Orators
John W Suckey & E W Maffenburg have become bound as the
sureties of the said John M Suckey to pay to the said Abraham

Nichols Esq of Thomas P Little the sum of about \$3500
with interest. That the said John M Suckey is notoriously &
hopelessly insolvent and the lands aforesaid (a considerable
part of the value of which consists in the timber thereon
growing) is the only security which two of your Graces
have from the loss of the entire sum aforesaid. That
it is believed that the said lands would not now sell for
enough to pay the said amount due the said Nichols
as Esq as aforesaid. Your Graces further charge that
the said John M Suckey has been and is now selling
large quantities of timber from the said land without
their consent and that

Headly

Headly and Richard S Lick have cut large quantities
of timber from the said land and disposed of the same
for their own use, and that the said Headly & Lick
are now cutting & removing from the said land
other large quantities of timber and have now in
their possession or in the possession of their agents
large quantities of the said timber which has been
manufactured into lumber to the great injury of
your Graces. In tender consideration of all
which and in as much as your Graces are without
remedy in the premises except in a court of e-
quity where matters of this kind are peculiarly
cognizable to the end therefore that justice may
be done they pray that Abraham Nichols Esq of
Thomas P Little John M Suckey William J
Headly Edward E Headly & Richard S Lick may
be made Defendants to this bill and answer the

allegations therein, that the said John M Suckey may
be enjoined & restrained from selling or otherwise
disposing of any of the timber on the said lands and
that the said Headly & Lick may ^{respectively} be enjoined and
restrained from cutting or removing any of the said
timber now remaining on the said land and from
selling or disposing of any timber or lumber cut from
the said lands now in their possession or in the possession
of their agents, and that the said defendants Headly &
Lick may each full & true & perfect answers make
on their several oaths according to the best of their
knowledge information & belief what quantity of timber
they have by themselves or their agents cut & removed
from the said lands since the 21st day of February
1859 and the quality and description thereof; what
quantity of timber with ^{the} quality & description they
have cut down from the said ^{land} which is now remaining
thereon unmanufactured and what quantity of timber
taken from the said lands manufactured or unmanufac-
tured they have now in their possession or in the
possession of their agents, and that your Honor
will grant such other & general relief in the pre-
mises as equity may dictate and as in duty bound
they will ever pray &c

L R Esq
John M Suckey
E W Mufsonburg

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is $\frac{1}{2}$ row
Heavily Le

Edward &c

vs

Heady &c

vs

Or on

On motion of the Plaintiffs and for good cause shown a writ of injunction is awarded to injoin & restrain the defendants John M. Sully from selling or otherwise disposing of any of the timber on the lands in the bill mentioned and to injoin & restrain the defendants William J. Heady Edward E. Heady and Richard S. Lick and each of them from cutting or removing any timber now remaining on the ^{said} land and from selling or otherwise disposing of any timber or lumber cut from the said lands now in their possession or in the possession of their agents - But the Plaintiffs are not to have the benefit of this order until one or more of them shall enter into bond with sufficient security in the clerk's office of the Circuit Court for the County of Southampton in the penalty of \$1000 payable to the defendants conditioned to pay them or either of them all such damages & costs as they or either of them may sustain in consequence of the said injunction in case the same shall be dissolved:

Rich^d. H. Baker

June 15. 1867.

Received June 23rd 1867 on John M. Gurley by delivery
 ing him a copy of the within & on H. G. Vick same day
 by leaving a copy at his house with a white person
 more evidence given of & explaining the purpose of
 for H. Wells clerk

Edward M. D. J.

{ Subpo. & Injunct
 {

Medley J.

1867 July Rules

Executed on Edward
 Medley June 19th. 1867 by
 delivering him a copy &
 on W. G. Medley by leaving
 a copy at his house with
 a white person over sea-
 teen years old, he being
 from home. A. Meddick
 is no inhabitant of any
 county. E. J. Story, depy
 for G. Wells clerk

State I R Edwards 66

To injoin and restrain the defendant John M. Gurley from selling or
 otherwise disposing of any of the timber on the lands in the bill mentioned
 to wit. three tracts of land lying in the county of Southampton known
 respectively as the Hermitage tract, the Gully tract and the old Vick
 tract and to injoin & restrain the defendants William J. Medley,
 Edward E. Medley & Richard J. Vick and each of them from cutting
 or removing any timber now remaining on the said land and from
 selling or otherwise disposing of any timber or lumber cut from the said
 lands now in their possession or in the possession of their agents until the
 further order of the court. Bond with sufficient security being given
 to pay all such damages and costs as the said defendants or either of them
 may sustain in consequence of this injunction in case the same shall be
 dissolved.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU to summon *Abram Reddick admr. Exor. of Tho. B. Little Jr.*
John M Gurley. William I Headley. Edward E Headley and Richard S. Vick

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. L R Edwards. John W Gurley & E W. Haysburg.
and that they shall in no wise omit under the penalty of \$100

and have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-
house, this *18th* day of *June* 1867, in the *91st*
year of the Commonwealth.

L R Edwards Clk

Edwards Jr

to } Stat. Rules.

Headly's Jr

In Southampton Circuit Court

L.R. Edwards. John W Gurley & E.W. Maysburg

against

Abram Riddick, Exor. of Thomas P Little, John M Gurley. William J Headly.
Edward E Headly & Richard S. Vick

1867 June 18 Bill & order for Inj. filed. bond & security given. Subpoena & Inj. Issued.

" July Rules. Subp. & Inj. ret^d Executed on Def^s Gurley. Headly's. & Vick.

Riddick no Inhabitant. Decree nisi to Def^s Gurley. Headly's & Vick

" Aug. R. Bill taken for confessed as to Def^s Gurley. Headly's & Vick.

" Sep. " Cause set for hearing as to Def^s Gurley. Headly's & Vick.

Executed May 30th. 1868 on Newton Council & Hannah
his wife & June 2nd. 1868 on Wm. Barnes & Abner
his wife by delivering a copy to each and on Matilda
Norfleet - Lucy G. Norfleet & Merilla Norfleet June 2nd
1868 by leaving a copy for each at their house with a white
person over 16 years old and explaining its purpose they
being from home.

E. L. Story Dep
for G. Wells Shiff

Executed Apr. 30th. 1868 on Groves Barnes &
Hallie his wife & Geo. B. Jenkins by delivering
a copy to each.

P. Caroon Dep.
for G. Wells Shiff

Executed
as
Norfleet's assn
and notice

COMMISSIONER'S OFFICE,

Jerusalem, May 19th

1868

To Edwin Smith & Martha A. Croft Executors of Henry

Croft dec'd & all other creditors of Jeremiah Norfleet dec'd

Against

John B. Jenkins adm^r of Jeremiah Norfleet dec'd & Matilda Norfleet.

Grooms Barnes & Sallie his wife Anderson Council & Hannah his wife

Wm Barnes & Alexena his wife Lucy C. Norfleet & Marietta Norfleet

Plffs

Defts

You are hereby notified that I have fixed upon the 22nd day of June next, if fair, if not, on the next fair day thereafter, (Sunday excepted,) to take and settle, at my office, the following accounts, to wit:

1st An account of the transactions of John B. Jenkins as administrator of Jeremiah Norfleet dec'd. 2nd An account of the debts due by the said Jer. Norfleet or his Estate and their dignity. 3rd An account of the real estate of which said Jer. Norfleet died seized subject to the Dower therein of his widow and the ^{her} simple and annual value thereof And make report with any matters specially stated deemed pertinent by him or which any of the parties may require to be so stated

required to be taken by a decree of Southampton Circuit Court, rendered on the day of May term 1868, in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs, and defendants; at which time and place you are required to attend.

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

May J. Howard

Commissioner.

To the Sheriff of Southampton County to execute.

Know all men by these presents, that we *E W Maysenburg*
Wm H Pulton

are held and firmly bound unto Abram Riddick Exor. of Thomas P. Little,
John M. Gurley, William G. Hedley, Edward E. Hedley, & S. Vick in the just and
full sum of One thousand dollars, to the payment whereof well 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 18 day of
June A.D. 1867

The Condition of the above obligation is such that Whereas *L.R. Edwards*
John W. Gurley & *E. W. Maysenburg* have obtained from the judge of the Circuit
Court of Southampton County an injunction to enjoin and restrain the defendants
John M. Gurley from selling or otherwise disposing of any of the timber on the lands
in the plaintiffs bill mentioned, to wit three tracts of land lying in the County of
Southampton known respectively as the *Hermitage tract*, the *Gully tract*, and the
Old Vick tract and to enjoin & restrain the defendants *William G. Hedley*, *Ed-*
ward E. Hedley & *Richard S. Vick* and each of them from cutting or removing any
timber now remaining on the said land and from selling or otherwise disposing of
any timber or lumber cut from the said lands nor in their possession or in the possession
of their agents. Now if the above bound *E. W. Maysenburg*
shall pay & satisfy to the said Abram Riddick Exor. as aforesaid, *John M. Gurley*,
William Hedley, *Edward E. Hedley* & *Richard S. Vick* or either of them all
such damages and costs as they or either of them may sustain in consequence of the
said injunction in case the same shall be dissolved, then the above obligation to be
void otherwise to remain in full force and virtue.

E. W. Maysenburg (Seal)
Wm H Pulton (Seal)
(Seal)
(Seal)

In the Clerks Office of Southampton County Court June 19th 1867.

This bond was acknowledged by the obligors therein, and

the security therein made oath that his ^{estate}
after the payment of all his just debts is worth the sum of One thousand
dollars, the penalty of the said bond, as he verily believes.

[Faint, mostly illegible handwriting in the middle section of the document.]



[Faint handwriting at the bottom of the document, possibly a signature or date.]

(Seal)
(Seal)
(Seal)
(Seal)

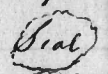
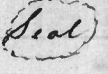
Gurley

To } L. Trust.

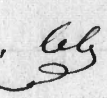
Gurley & Mafpenburg

(A)

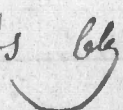
Whereas John M. Gurley has obtained from the Supreme Court a writ of Superseas to a decree of the Circuit Court for the County of Southampton, rendered at the November Term 1856. in a case wherein Fhos Little's Exr. was plaintiff, and the said John M. Gurley was Defendant, and whereas in order that the said Superseas may take effect, the said John M. Gurley has given his bond Conditioned according to Law, in the penalty of \$4000. with John W. Gurley and E. W. Mapenbury his Securities, and whereas it is the wish of the said John M. Gurley to ^{keep} indemnified his said Securities and to save them harmless from all damages by reason of their having become bound as aforesaid. Now therefore this Deed made this 21st day of February 1857, between the said John M. Gurley of the one part, and S. R. Edwards Trustee of the other part, Witnesseth that the said John M. Gurley doth grant unto the said S. R. Edwards, the following property to wit: a tract of Land known as the Hermitage tract containing about Seven Hundred and fifty four acres, a tract of Land known as the Gully tract containing about Two hundred and fifty three acres, and a tract of Land known as the Old Vick tract, containing about Two Hundred acres, all of the said Lands lying in the County of Southampton on the Nottoway River, and the Seaboard and Roanoke Rail Road, also all the Equity of Redemption or remainder, to which the said John M. Gurley is entitled in certain Slaves and other property conveyed to the said E. W. Mapenbury in trust to secure certain debts by Deed dated the day of 1858. now of record in the Clerk's Office of Southampton County. In trust to secure the said John W. Gurley, E. W. Mapenbury from all loss and damage by reason of the Surety ship aforesaid, and it is provided that the said S. R. Edwards shall be entitled to five per cent on the amount of all Sales made under this Deed. — Witness the

following Signatures and Seals the day and year first
above written to wit: the 21st day of February 1859.
John M. Gurley 


Southampton County: In the Clerk's Office, February 21st 1859.
This Deed of trust was acknowledged by John M. Gurley,
a party thereto and was admitted to Record.
Teste,

S. R. Edwards, 

Copy

Teste - S. R. Edwards 

Abram Riddick Executor of Thomas P. Little dec'd. Plff.

against
John M. Gurley Executor of Wm A. Spark dec'd. & in his own right. Defr.

A copy of the decision of the Supreme Court of appeals in this case, certified by the Clerk of that Court, was received by the Clerk of the Circuit Court of Southampton County in the Vacation of the Court on the 23rd day of December 1861. and the same being now entered of record according to the Statute, at the end of the proceedings of the preceding Term is in the words and figures following to wit:

Virginia: At a Supreme Court of appeals held at the State Court house in the City of Richmond on Tuesday November the 12th 1861.

John M. Gurley

appell.

against

Abram Riddick executor of Thomas P. Little deceased. appellee

Upon an appeal from a decree pronounced by the Circuit Court of Southampton County on the 10th day of November 1858, in a suit in which the appellee was Plaintiff, and the appellant in his own right and as executor of William A. Spark deceased was defendant. This day came the parties by their Counsel, and the Court having maturely considered the transcript of the record of the decree aforesaid, and the arguments of Counsel, is of Opinion, for reasons stated in writing and filed with the record, that there is no error in the said decree; therefore it is decreed and ordered that the same be affirmed, and that the appellant do pay unto the appellee, damages according to Law; and also his costs by him about his defence in this behalf expended. Which is Ordered to be certified to the said Circuit Court, Appellee's costs in the Court of appeals \$108.34.

at copy
Teste

Edw Allen C.C.
"