

1872 - 20

Dorchester County Chancery

Beggsman, Peter

vs Lavin Bros & Co.

"Injunction"

2 all real Estate

Wm H. Prillards

J no +

Wm Lavin - Partner

104 ~~75~~ 87 79 44

Bozeman

v { Papers

Sanier, Bro & Co

Bozeman

v } Bill

Sanier Bro. J. B. Jr.

1869. Feby. 13th bond & given
Spa. & Inj. of Sues

Humbly complaining sheweth unto your
Honor your Oratrix Polly Boyeman that on
The 21st of May 1861 she has signed in presence
of a tract of land containing about forty eight
acres lying in the County of Southampton and
that she was at the same time indebted to Thos
N Briggs in the small sum of \$43.79 to secure
which she executed to the said Briggs a deed of
conveyance ^{a copy of which is herewith filed marked A} for the said land with the express
agreement that he would receive the land
whenever she should pay the said sum of \$43.79
with interest and that sometime about May
1862 she did pay twenty dollars in part of the
said debt and is now ready to pay the remainder
that she has continued on the premises in full
possession thereof ever since the said deed was
executed - that unfortunately the said Thos N
Briggs was killed during the late ^{war} and a creditor
suit was brought against his estate in the Cir
cuit Court of the County of Southampton & Lamin Mo
2 Co and a decree was entered directing Wm H
Preston special Commissioner to sell the said
tract of land and to pay the proceeds to the credit
of the said Thos N Briggs a copy of which decree is
herewith filed marked (B) - Your Oratrix further
sheweth that the Wm H Preston has advertised the
said land to be sold on the 16th of February 1867

In tender consideration of all which and in as
much as your Oratrix is without remedy in
the premises except in a Court of Equity where
where matters of this kind are only cognizable
to the end therefore that justice may be done

she prays that Wm H Preston, Inc & Wm Larnif
merchants & partners trading under the firm
& style Larnif & Bro & Co may be made defts to
this bill and answer the allegations therein that
the said Wm H Preston may be enjoined from
selling the said tract of land containing about
40 acres and that your Honor will grant
such other & general relief in the premises
as equity may dictate and as in duty bound
she will ever pray &c

Southampton County to wit:

This 21st day of January 1869 Percy Boyerman
the Plaintiff in the foregoing bill of complaint
appeared before me a justice in & for the County
of Southampton and made oath that the allegations
therein contained are true

Wm H Parker J.P.

On motion of the Plaintiff an injunction is
awarded to enjoin & restrain the Defts from
proceeding to sell the tract of land in the bill
mentioned: but this order is to be suspended until
the Plaintiff or some one for him shall enter into
bond with good security in the Clerk's office of the
Circuit Court for the County of Southampton in
the penalty of \$150 payable to the commonwealth
of Virginia conditioned to pay all costs & damages
which may be awarded against him in case this
injunction be dissolved

Jan 30th 1869

Rich. H. Baker

To the Clerk of the Circuit Court for the County of
Southampton

Bozeman
& } Injun band

Lanier Bros & Co. N^o

Know all men by these presents that we Patsy Bozeman &
E. W. Maysburg

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of One hundred and fifty 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 13th day of February A.D. 1869

The Condition of the above obligation is such that whereas the above bound Patsy Bozeman hath obtained from the Judge of the Circuit Court of Southampton County an injunction to enjoin and restrain Wm. H. Pretlow, Junr & Wm. Lancer merchants & partners trading under the firm & style of Lancer Bro: & Co from proceeding to sell the tract of land in the bill mentioned to wit a tract of land containing about forty eight acres lying in the County of Southampton and which was conveyed by the said Bozeman on the 21st May 1861 to Thos. St. Briggs, until the further order of the Court - Now if the said Patsy Bozeman shall pay all costs which may be awarded against her and all such damages as may be incurred in case the said injunction be dissolved then the above obligation to be void or else to remain in full force and virtue

Patsy ^{her} Bozeman (Seal)
E. W. ^{mark} Maysburg

Southampton Circuit Court Clerk's Office Feby 1869

The obligors to the above bond this day acknowledged the same before me Clerk of the said Court, and the security made oath that his estate after the payment of all his just & lawful debts is worth the sum of \$150. the penalty of the said bond, as he verily believes -

To inform and restrain the defendants from proceeding to sell the tract of land in the bill mentioned to wit, a tract of land containing about forty eight acres lying in the County of Southampton and which was conveyed by the plaintiff on the 21st May 1861 to Thos. A Briggs until the further order of the Court - The plaintiff having given bond with good security in the penalty of \$150 payable to the Commonwealth of Virginia, conditioned to pay all costs which may be awarded against her and all such damages as may be incurred in case the injunction be dissolved

Teste L. R. Edwards Clk

Bogman

{ Sum. & Layton

Lanier Bro: Jc

1869 March Rules

Executed Feb. 15th 1869
on W. H. Portlow Neg
delivering him a copy.
Jno. & Wm. Lanier are
not residents of any
County

L. H. Gray Depts
for S. Wells shiff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of the County of Southampton—GREETING:

We command you to summon

*M^{rs} H. Dretlow & J^{rs} & M^{rs} Lanier merchants & partners
trading under the firm style of Lanier, Bro. & Co.*

if *they* be found within your bailiwick, to appear at the Clerk's office of our court of Southampton County, ^{*circut*} at the Rules to be holden for the said court, on the first Monday in *March* next to answer a bill in Chancery exhibited against them in our said Court by *Patsy Bozeman*—and this they shall in nowise omit under the penalty of £100.

And have then there this writ.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the courthouse, this *13th* day of *February* A. D., 1869, in the *9th* year of the Commonwealth.

L. R. Edwards



Bozeman
to { Ex
Sunder Bro Hb.



This Indenture made this 21st day of May in the year 1861, between
 Patsy Boyeman of the one part and Thomas W. Briggs of the other part,
 Witnesseth, that the said Patsy Boyeman for & in consideration of the sum
 of Two hundred & forty dollars, doth grant with general warranty unto
 the said Thomas W. Briggs, a certain tract of Land lying &
 being in the County of Southampton, containing forty eight
 acres, being the same tract of Land which was allotted her
 as one of the Wothoray Tribe of Indians at of the Land held
 in Commend by the said Wothoray Tribe of Indians at the
 October Term 1851, of Southampton County Court.

Witness the following Signatures & Seal.
 Witness, Henry S. Howard.

Patsy ^{Wife} Boyeman (Seal)
 Mark

Southampton County, In the Clerk's Office, May 21st 1861,
 This Deed of Bargain & Sale was acknowledged by Patsy Boyeman,
 a party thereto, & admitted to records.

Teste, S. R. Edwards, Ck

Attest,
 S. R. Edwards, Ck

S. R. Edwards, Ck

Bozeman
vs $\frac{4}{3}$
Linn B. & Co

Report of
Commiss. Purser

• Filed

Nov 7. 1872.

Bozeman
vs $\frac{3}{4}$ Report of Ammir. Parier.
Sanier Bros & Co.

In this cause, your
Ammir reports that in pursuance
to an order entered at the May
Term 1872 of this Court, he has made
a deed with special warranty to
Patsy Bozeman for the land in the
proceedings mentioned. There is nothing
further to be done in this cause.

Respyt admitted

To Hon. J. P. Blane -

J. W. Mace

Bozeman

to } Stat. Rules

Sanier, Bro & Co

In Southampton Circuit Court

Patsy Bozeman

against

Wm A Pretlow & Son & Wm Lanier merchants & partners trading under the firm style
of Lanier, Bros. & Co.

1869 Jan 30 Bill filed. Inj. awarded

" Feb 13 Bond & security given - Sp. & Inj. awarded

" Mar. Rules. Subpa. & Inj. not. Executed on Pretlow & Son. No other Defts. no inhabitants
D. New to Pretlow

" June 20 - No Rules having been taken in consequence of vacancy in Office of
Clerk - Bill taken for confessed as to Dft. Pretlow Cause set for hearing as to
him

Sanier, Bro. Hec.

to } Copy Decree

Briggs adm of

Eclutice

Southampton Circuit Court May the 7th 1868.

Quicus L. Lanier, Robert V. Lanier, Robert W. Spilder & John W. Selby, partners in trade, trading under the firm style of Lanier Bros & Co. who sue for the benefit of themselves and all other creditors of T. N. Briggs dec^d who shall come in and contribute to the expenses of this suit.

Plffs

against

In Chancery

Sam^l Kello Sheriff and as such adm^r of T. N. Briggs dec^d and Elizabeth Briggs, infant by L. R. Edwards her guardian ad litem. Defts.

This day this cause came on again to be heard on the papers formerly read and on the report of Commissioner Howard made pursuant to a decretal order entered in this cause at the November Term 1866, to which no exceptions have been filed and was argued by Counsel. On consideration whereof, the Court confirming said report doth adjudge, order and decree, that W^m H. Proctor, who is hereby appointed ^{a Special Commissioner} for that purpose, proceed after having given at least twenty days notice, of time and place of sale, by advertising at the courthouse door and at two or more public places, to sell to the highest bidder, at public auction, the real estate of which Thomas N. Briggs died seized and possessed, in the bill and proceedings mentioned, to wit, Twenty six acres on Flag run, Five acres in Jerusalem, two acres in Valley run, and Forty eight acres in Indian Woods, on the following terms to wit, Sufficient in cash to defray expenses of Suit & sale, including a fee of fifty dollars for Counsel, and the balance on a credit of twelve months, taking from the purchaser or purchasers, bond or bonds with sufficient security, carrying interest from date, and retaining the title until the purchase money shall have been paid, which said bond or bonds he is directed to return to this Court, together with a report of his proceedings under this decree.

But the said Commissioner is not to execute the provisions of this decree until he shall have given bond in the Clerks Office of this Court with good and sufficient security in the penalty of one thousand dollars, payable to the Commonwealth of Virginia, conditioned faithfully to discharge the duties herein assigned him and of any other decrees that may be hereafter entered in this cause touching the proceeds of the real estate hereby directed to be sold.

This decree is granted subject to the provisions of an act of the General Assembly of Virginia passed March 2^d 1866, entitled "an act to stay the collection of debts for a limited period."

A Copy. Teste, L. R. Edwards cl^k

Bozeman
in 3 Decree.

Sanio Bros & Co

This day this Cause
came on to be again heard on
the papers formerly read and
the report of Ammirer Pence filed
during the term & was argued by
Counsel. On consideration whereof,
the Court, adopting the said report
on the basis of this order, doth
adopt & decree that this Cause
be removed from the docket,
at the costs of the plaintiffs.

Bozeman

in 3 Dec

Sanier Bros

Nov 1882

To be entered.

Geo. B. B. B.

Bozeman

is $\frac{1}{2}$ Sec

Lamin Busted

May Term 1872

To be entered

Geo. B. Wood

apert to

Wm. W. Wood

Bozeman
for ^{to} ~~the~~ ^{decre.}
Lanier Bros & Co

This day this cause came
on to be heard on the bill & exhibits filed,
and was argued by Counsel on consid-
eration whereof, and by consent of
parties, the Court doth appoint L.B. Prince
a Special Commissioner for the purpose
of conveying to Patsey Bozeman, the
tract of land in the proceedings
mentioned, with special warranty.
And the said Prince is ordered to
make report to Court.