

1873 - 07

San Francisco County Chancery

Fairman, Alexander & Co Sally Corn B. & Co

'Sale of property to"
sue Judgment

5 ~~10~~

Faison

v } Papers

Hall

Faison Bill
w 3
Hull Luke & others

1858 April Rules

To the Hon: Richard H. Baker judge of the
Circuit Court of Southampton County. ~~Chancery~~
Chancery April 12th, 1858.

Humly complaining sheweth unto
your honor your complainant Alexander
Faison that on the 16th day of March 1858
in the County Court of Southampton, he obtained
two judgments against Wm. B. Hall, one for
the sum of \$155.04 with interest on \$104.49
from Jan'y 1st 1857, and on \$50.55 balance thereof
from Jan'y 1st 1858 till paid, and \$9.66 costs,
and one for \$204.26 with interest from Jan'y 1st
1856, subject to a credit of \$100. paid Feby 13th 1857,
and \$6.96 costs. That executions of Fieri
Facias have been issued on both of said
judgments against the said Wm. B. Hall which
have been returned "no effect". All of which
appear by copies of said judgments and executions
which are herewith filed and prayed to be taken
as parts of this bill. Your complainant further
states that all the property which the said Wm.
B. Hall is entitled to is an equitable interest in
a tract of land lying in this County and slaves
and other personal property conveyed by the
said Wm. B. Hall and Frances E. his wife,
by deed bearing date December 1st 1857 and
duly recorded in the clerk's office of the County

Court of Southampton County to Samuel B. Wells
Trustee to secure the payment of certain debts
due to A. B. Ingubart, Samuel Wells and M.
D. Butler. A copy of which deed is herewith filed
as an exhibit and prayed to be taken as a part of
this bill. Your complainant desires the aid of this
honorable court in enforcing the sale of the said
property, and after the payment of the several debts
provided for in the said deed of trust that the balance
if any may be applied to the payment of your
complainant's aforesaid judgments and executions.
In tender consideration of the premises and inasmuch
as your complainant is without remedy save in
this honorable court. It is prayed that Wm. B.
Hall and Frances E. his wife, Samuel B. Wells
A. B. Ingubart, Samuel Wells and M. D. Butler
may be made parties defendants to this bill, and
that they may be compelled to answer all the
allegations thereof. That your honor will decree
a sale of the land, slaves and other personal
property conveyed by deed bearing date December
1st 1857 from Wm. B. Hall and Frances E. his
wife to Samuel B. Wells trustee to secure certain
debts due to A. B. Ingubart, Samuel Wells and
M. D. Butler, and after the payment of the
said debts out of the proceeds of said sale that
the balance if any may be directed to be applied

to the payment of two judgments obtained in the
County Court of Southampton County at March
term 1858 by your complainant against the said
Wm. B. Hall, one for the sum of \$155.04 with
interest from Jan'y 1st 1857 on \$104.79, and on
\$50.55 the balance thereof from Jan'y 1st 1858, and
\$9.66 costs; and the other for \$204.26 with interest
from Jan'y 1st 1856, duly set to a credit of \$100.
paid Feb'y 13th 1857, and \$6.96 costs -

That all proper accounts may be taken and
that your honor will decree such further and
general relief as equity may dictate, and the
nature of his case may require, and he
will ever pray &c -

Cobb p. 9.

Fusion

Ex. with bill

Stall & wife 10

This deed made this 1st day of December 1857 between William B. Hall and Frances E Hall his wife of the first part and Samuel B Kells the trustee of the other part Witnesseth that in consideration of the sum of one dollar, the said William B. Hall and Frances E Hall his wife do grant unto the said Samuel B Kells trustee, in trust the following property to wit Their interest in and to a certain tract of land in Southampton County known as the George Holliman place, their interest in the following down negroes namely man Harry. and woman Sarah also 2 horses, one buggy harness, Stock of cattle Sheep &c all household and kitchen furniture, all farming utensils, Crops of all description that may be found upon the plantation upon which said Hall resides, In trust to secure A. B. Urganhart in the sum of three hundred and nineteen dollars and $\frac{50}{100}$ due Decr. 1/1857 and also to secure A. B. Urganhart from any harm from a bond due by Elletts D Bailey due to A. B. Urganhart g^{dn} to Geo. A Holliman due the 1st day Jan'y 1858. also to secure the said Urganhart in a bond, on which there is a balance of \$56. due him as guardian of Geo. A Holliman. and to secure Samuel Kells in the sum of Five hundred dollars The condition of the above obligation is such that if the said W^m B Hall shall pay the above obligations and also the sum of One hundred & twenty eight & thirty six cts due M D Butler, when demanded then this obligation to be void. If he should fail to pay said debts, when demanded the said Saml B Kells as trustee, shall at the request of the said Urganhart or Kells set up and sell for cash the above named property and after paying afore named Kells and Urganhart their debts mentioned pay M D Butler his debt and the balance pay over to W^m B Hall Witness the following signatures & seals.

W^m B Hall (Seal)
F. E. Hall (Seal)
S. B. Kells (Seal)

State of Va. County of Southampton to wit.

We John Baskin and Peter J Holmes Justices of the Peace for the above named County & State do certify that Frances E Hall wife of W^m B Hall, whose names are signed to the foregoing writing bearing date on the first day of Decr. 1857 personally appeared before us in our County aforesaid, and being

examined by us Privily and apart from her husband and having the writing
aforesaid fully explained to her she the said Frances E Hall declared that
she had willingly executed the same, and does not wish to retract it -
Given under our hands this the 1st. Dec. 1857

John P. Boykin J.P.
P. I. Holmes J.P.

State of Virginia County of Southampton

I John P Boykin a Justice of
the Peace for the County aforesaid do hereby certify that William B Hall and
Samuel B Kelle whose names are signed to the foregoing writing appeared before me
in my County aforesaid and acknowledged the same to be their acts. Given under
my hand this the 1st of Dec. 1857

John P. Boykin J.P.

Southampton County In the Clerk's Office the 2^d day of Dec. 1857.

This deed of Trust was presented and together with the Certificate of the acknowledg-
ment of William B Hall and Samuel B Kelle parties thereto and of the privy
examination and acknowledgment of Frances E Hall also a party thereto and was
thereupon admitted to record.

Teste

L.R. Edwards Clk

A Copy

Teste

L.R. Edwards Clk

Southampton County Court. March 16 1858

Alexander Faison

against

Wm B. Hall

Plff

In Case

Def

This day came the plaintiff by his attorney and thereupon came a jury to wit Robert
Rowland Benjamin S Turner Wm H Nicholson Bennett Barnett Alfred J. Stephenson
Pelage Caroon George W. Clements Levi C. Waller Seth H Bishop Wm Joyner
Elijah Nelson and Wm Mallory being selected by lot and sworn diligently to inquire
of damages in this suit upon their oath returned a verdict in the following words and
figures "We the jury assess the plaintiffs damages to \$155.04 with interest on
\$104.49 from Jan. 1st 1857 and on \$50.55 balance thereof from Jan. 1. 1858
till paid Therefore it is considered by the Court that the plaintiff recover against
the defendant the sum of \$155.04 with legal interest on \$104.49 from Jan. 1st 1857
and on \$50.55 balance thereof from Jan. 1. 1858 till paid and
his costs by him about his suit in this behalf expended. And the said Defendant
in Money &c

Plffs Costs \$9.66

A Copy

Teste L.R. Edwards Clk

Southampton County Court. March 16 1858

Alexander Faison

against

Wm B. Hall

Plff

In Debt.

Def

The judgment obtained at the Rules not having been set aside and the
plaintiff being now entitled to a final judgment it is therefore considered by
the Court that the plaintiff recover against the Defendant two hundred and
four dollars & twenty six cents the debt in the declaration mentioned with legal
interest thereon from the 1st day of January 1856 till paid and his costs by
him about his suit in this behalf expended. And the said defendant in Money &c
This judgment is subject to a credit of One hundred Dollars paid Feb. 13. 1857
Plffs Costs \$6.96

A Copy

Teste L.R. Edwards Clk

Alex. Faison
as { Com^r Ref^r

Hall & others

1873 May 6th

Alex^r Faison

vs

Wm B. Hall & others

Southampton Circuit
Court

The undersigned Trustee, begs leave to re-
port, That, under decree of The Circuit
Court of Southampton County, at its
May Term 1858, he proceeded to sell
the property conveyed under deed of Trust
from Hall & wife, in accordance with
said decree - That the sales amounted to
The sum of eleven hundred ^{and one} dollars; to wit
negro man Harry \$50.00, woman Sarah
\$4.00 & interest in land \$202.00
~~of which~~ he has paid W. H. Cobb the sum
of Three hundred & fifty-five ^{and} $\frac{5}{100}$ dollars,
to M. D. Butler one hundred & thirty-four
^{and} $\frac{13}{100}$ dollars, to S. Davis \$4.00 - to S. Keller
one hundred & fifty dollars, & to A. B. Mc
quhart four hundred & sixty-eight ^{and} $\frac{39}{100}$ dollars,
making in all eleven hundred & eleven ^{and} $\frac{57}{100}$
dollars - Respectfully submitted

D. B. J. P. 1858

Faison

v
Hall &

Nov. Dec 2 1872

To be entered

Geo. B. B. B.

Faison

Hall &

}

On the motion of the plaintiff by Counsel It is ordered that Saml.
B. Kello the Comm in this case be summoned to the first day of the next
Term of this Court to shew cause why an attachment should not be issued
against him for his Contempt in failing to make his report as required
by a former decree in this Cause and there

a copy of this order be served on him

Saml B. Kello ~~Com~~ ^{Grand} ~~Comm~~ ^{Ex-off}

Faison

to } Come Bond

Hall & wife P

Know all men by these presents that we Samuel B. Hells & M. D. Butler
are held and firmly bound unto the Commonwealth of
Virginia in the just and full sum of Fifteen hundred dollars good and lawful money
of Virginia 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 20th day of September 1858.

The Condition of the above obligation is such that whereas by a decree of the Circuit Court of
Southampton County made on the 4th day of May 1858 in a suit in Chancery therein
depending between Alexander Hanson Plaintiff and William D. Hall & Frances E. his
wife & others Defendants the above bound Samuel B. Hells was appointed Commissioner for
certain purposes therein mentioned Now if the said Samuel B. Hells shall faithfully
perform the duties of his trust under the said decree then the above obligation to be void &
else to remain in full force and virtue

Signed Sealed & delivered
in presence of 3

S. B. Hells (Seal)
M. D. Butler (Seal)

Taisons

n. } Copy. To fair

Stall

The Commonwealth of Virginia. To the Sheriff of Southampton County Greeting.
We command you that of the goods and chattels of Wm B. Hall late in your bailiwicks you
cause to be made the sum of One hundred and fifty five dollars & four cents with interest on
\$104.49 from January 1st 1857 and on \$50.55 balance thereof from Jan. 1st 1858 till paid
which Alexander Faison lately in our County Court of Southampton County hath recovered
against him as well for damages as for interest thereon. Also the sum of ten dollars and 16 cents
which in the same Court were adjudged for his costs in that Suit expended. Whereof the said
Hall is convict as appears to us of record, and how you shall have executed this writ make known
at the Clerk's Office of our said Court at the Rules to be holden for the said Court on the first
Monday in June next and have them there this Writ. Witness Littleton R Edwards clerk
of our said Court at the Courthouse this 19th day of March 1858 in the 82nd year of the
Commonwealth

LR Edwards Clk

Sheriff's Endorsement & Return. "Came to hand March 30th 1858. at 8 O'clock A.M.

W W Briggs

"No property of any kind out of which the within Fi. fa. or any part thereof can be made.
W W Briggs Shff

The Commonwealth of Virginia. To the Sheriff of Southampton County Greeting. We
command you that of the goods and chattels of Wm B. Hall late in your bailiwicks you cause to be
made the sum of Two hundred and four dollars & twenty six cents with legal interest thereon
from 1st day of January 1856 till paid which Alexander Faison lately in our County Court of
Southampton County hath recovered against him as well for a certain debt as for interest thereon
also the sum of six dollars and 96 cents which in the same Court were adjudged for his costs
in that Suit expended. Whereof the said Hall is convict as appears to us of record, and how
you shall have executed this writ make known at the Clerk's Office of our said Court at
the Rules to be holden for the said Court on the first Monday in June next and have them
there this Writ. Witness Littleton R Edwards Clerk of our said Court at the Courthouse
this 22nd day of March 1858 in the 82nd year of the Commonwealth

This Execution is to be credited by \$100. paid Feb. 13. 1857.

LR Edwards Clk

Sheriff's Endorsement & Return. "Came to hand March 30th 1858 at 8 O'clock A.M.

W W B

"No property of any kind out of which the within Fi. fa. or any part thereof can be made.

W W Briggs Shff

Copied

Teste

LR Edwards Clk

2
The Commonwealth of Virginia,

To the Sheriff of Southampton County—GREETING.

YOU ARE HEREBY COMMANDED TO SUMMON

Mr B. Hall & Frances C. his wife, S. B. Kello. A. B. Urquhart. M. D. Butler & Saml. Kello

to appear at the Clerk's Office, of our *brevent* - 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 Alexander Faison

and have then and there this Summons.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at his Office, this

March

1858, in the

82^d

17 day of
year of our Commonwealth.

L R Edwards Clk

Executed by delivering each of within named
Defendants a copy of this Summons.

John Briggs Esqr
Wm Briggs Esqr

Furson

to { Sum. Chy

Hall &

1838 April Rules

Faison

2 } Stat. Rules

Stall 40

Southampton Circuit Court

Alexander Faison

against
William B. Hall & Frances & his wife, Samuel B. Kello, A. D. Wagonhart, Samuel Kello
& M. D. Butler.

1858. March 17. Summons issued return to April Rules.

" April Rules. Sum. ret. Executed. Bill filed & D. Kello v. Defts.

" " (Last Monday) Bill taken for confessed & cause set for hearing 1st

" May 1. Decree for sale 1st

1872 Nov. Rule v. Com.

1873 May. Removed from Docket 1st

Executed by delivering
Saml. D. Keen a copy of
this Decree

W. W. Briggs shls

Faison

to } Copy decree
Hall &

Southampton Circuit Court. November Term 1872

Faison

against
Hale & Co

Deft

Dfts

} In Chancery

On the motion of the plaintiff by Counsel. It is ordered that Samuel B. Kello, the Commissioner in this cause, be summoned to the first day of the next Term of this Court to shew cause, why an Attachment should not be issued against him for his contempt in failing to make his report as required by a former decree in this cause and that a copy of this order be served on Said Samuel B. Kello Commissioner as aforesaid.

Copy -

Teste: L. R. Edwards Clk

Fairson
N 3 - ~~Heaven~~
Hall & others

7th
May Court 1858
To be entered
R. H. Baker

Fairson

v

Hall & others

The bill of the complainant having been taken for confessed
upon whom process has been duly served
at the order as to all the defendants, and they still failing to appear
and answer, the cause this day came on to be heard on the bill
of complainant and exhibits therewith filed, and was argued
by counsel, on consideration whereof the court doth adjudge, order
and decree that unless the defendant William B. Hall within
sixty days from the date hereof, pay to the plaintiff the sum
of \$155.04 with interest on \$104.49 from Jan'y 1st 1857, and
on \$50.55 balance thereof from Jan'y 1st 1858 till paid, and \$9.66
costs, and also the sum of \$128.03 with interest thereon from
Feby 13th 1857 till paid, and \$6.96 ^{costs}, as well as the costs
incurred by the said plaintiff ^{in this suit} that Samuel B. Wells shall
proceed to sell for cash ^{to the highest bidder} after having given at least twenty
days public notice of the time and place of sale ^{of the} ~~all of the~~
^{personal} ~~property~~ conveyed by the said William B. Hall to him as
trustee ^{of trust} bearing date Decr 1st 1857, ^{and wife} ~~property~~ of which
is ~~apparently~~ filed as an exhibit, and after paying the expenses
of this decree and said sale, pay the several debts secured
by the said deed of trust, and out of the balance pay
to the said Alexander Fairson the several amounts
specified above, and the balance if any to the said
William B. Hall. And that the said Samuel B. Wells
make report of his proceedings under this decree to this
Court in order to a final decree, that the said Samuel
B. Wells shall not proceed to execute this decree until he

Shall enter into a bond with good security in the clerk's
office of this court before ^{in the penalty of \$10,000} the said clerk payable to
the Commonwealth of Virginia conditioned for the
faithful performance of his trust under this
decrea -

Taiwan

M. } Beccu.

Wall Lottm.

May Oct. 1873.

To be entered

Givinslow.

Jainson, vs. Hall.

This day this cause came on for
hearing and the papers formerly read were
on the Report. J. B. Kello. and was argued
by Counsel. on consideration whereof. The Court
Confirming said Report. to which no ex-
ception has been filed, ~~and was argued by~~
~~Counsel~~ on consideration whereof
nothing further appearing to be done in
this cause, it is ordered to be removed
from the docket, with liberty for either party
on motion, to reinstate the same.