

1873-12

Southampton County Chancery

McLemore, James

vs Claud, Edwin B. + Prince,
T. cash H.

satisfy judgement

27. 24 23 22 21 12

M. Lemoine

r. } Papers

Williamson's arm

~~70~~ ~~84~~ ~~60~~ ~~50~~ 53.

Claude Gon

3 Papers

Kindreds

1870 May Dumped

McLennan

as Bill

Williamson. Esq.

Enjoin awarded
according to the prayer of
the bill - in the person
the entry of the same being

201 - No. 49

R. H. B.

1859 Nov. 9.

To Her Honor. Richard H. Butler. Judge of the
Circuit Court of Southampton.

Humbly complaining Smith and your
dower again orator James M. Lumsden. That
he was indebted to Bessie Williamson in the sum
of \$1287.12. and by bond dated 19th Dec. 1838. the
consideration of which was the money loaned
to pay for a tract of land bought by your orator
of Siding River - That on 21st Jan'y 1839
the executed a deed of trust on the same land
to secure the payment of the debt to you and
which deed of trust will be paid, in this court
as a part of this will.

That afterwards, being unable to pay, you and
your orator sold him the same land, by
deed bearing date 27th Dec. 1845. which is
herewith filed, That the consideration of the
purchase mentioned in the deed was ~~expressed~~
\$1200 - when in fact and in truth, the considera-
tion was the full amount of what your orator
was indebted to Williamson and which was
not at the time ascertained. That notwithstanding
this agreement, your orator executed to you his
note for \$360 - date 14th April 1846 -

That your orator never was indebted to you
on any account except about the land - That
he sold him the land to discharge his indebted-
ness - That this bond of \$360 - was a part of that
indebtedness - and E. B. Leland, one of the Executors
of Williamson, is fully conversant with ^{the} facts
herein stated.

That notwithstanding, the said bond of \$360 -
was signed in the manner stated - you claim
it - and it was found among his papers, after
his death by E. B. Leland and Joseph H.

who had qualified as his Executors -

That although one of the executors, (and the debt had been secured, yet to maintain themselves they instituted suit in the circuit court of Southampton because, he is not known, at the time of the suit, nor did he and no answer having been offered by him or estate) as entailed, until within the last month that he could prove they obtained a judgment against and issued an execution, which was returned no effect - This was

in the year 1851 -

That lately - an execution has again been issued (not at the instance of the executors, as he is informed) on the judgment and has been issued on your Oration property, which will be sold to satisfy, & debt that has been long ago settled, unless your Honor should interfere by injunction to restrain its collection.

In your consideration of all which, and in as much as your Oration is without remedy in the premises, except in a court of Equity, where such matters are cognizable & ^{affordable} ~~payable~~. To the end therefore that Justice may be done, your Oration prays that Edward B. Clard and Joseph W. Price Executors of Benjamin Williamson may be made defendants to this bill, with apt & proper modes to charge them - and compelled to answer the same fully & unreservedly - That E & B Clard may state particularly, all he knows - about the contract between your Oration & Benj. Williamson his Testator in relation to the settlement of the debt and send your Oration to the said account - and whether his Testator did not, agree to take the land, and to him by and waiting with 27th Dec. 1845. in full satisfaction of what your Oration was indebted to him -

That E & B Clard and Joseph W. Price Executors of Benj. Williamson, be enjoined & restrained from proceeding on the judgment obtained against him in this court in July 1851. for \$360 and the cost

incurred thereon and now in the hands of the Sheriff and grant such other and general relief in the premises as Equity may dictate.

May I please the Court.

Southampton County to wit.

This day James McElmore personally appeared before me a Justice of the Peace for the county aforesaid. and made oath that the Allegations of the foregoing bill are true to the best of his knowledge & belief -

Given under my hand this 7th day of November 1859.

Nathan N. Thomas J.P.

McSimore.

no.

Wm. J. Snow.

assn. of 213 Clarks

1860 May. J. filed by hand

To The Hon. Rich^d H B Allen Judge of the Circuit
Court of Southampton County.

Answer of Edw B. Gland. one of the Executors of
Benjamin Williamson. To a bill filed in this Court
by James M. Gorman.

This defendant. saying &c. for answer says that
he admits, that he is one of the Executors of Benjamin Williamson
that the bond mentioned in the bill was found
among the papers of his Testator, and that suit
was brought on the same to save the Executors from
any difficulty, in failing to attempt its recovery.

That, he was an intimate friend of Williamson
in his lifetime, and had frequent conversations with
him about his business, and on several occasions
about his transactions with James M. Gorman.

That Williamson, told your respondent. that
he had loaned M. Gorman a sum of money - for
the purpose of paying for the tract of land
stated in the bill. That he had taken the same
back from M. Gorman, in full payment of what
M. Gorman owed him, - he being quite poor -

That on reaching home - he found more due
on M. Gorman acct, in the way of interest - than
he expected, but he never intended to collect -
it - having agreed to take the same for the
whole, ^{acct} ~~although he had not taken for the balance~~

Your respondent further states, that he is fully satis-
fied this bond, is a part of the large transactions
as there was no other transactions, between Wm Gorman
& M. Gorman for many years - M. Gorman was
ignorant of business, could not read or write, had
implicit confidence in Williamson and your
respondent - does not believe that - one cent of
the acct, of \$360 - requiring in this suit - should be

releasing out him - and that - the injunction
should be made perpetual.

And having answered says the same
as before -

May it please the Court.

E. B. Blair

with my own County to suit.

This day I saw and
Blair personally appeared before me, in my County,
of said and sworn to the fact that the facts count-
-ance in the foregoing ~~and~~ ^{as} true to the best
of his knowledge and belief.

Given under my hand this 20th day
of February 1866.

Thos. J. Winter J.P.

Know all men of these presents. That I,
Thomas B. Powell - do hereby nominate, conste-
-lize and appoint Henry S. Howard, + Wm. H. Patton
on either of them, my true & lawful attorney, for
me & in my name, to sign seal, acknowledge
and deliver - as the security of James Mc Lennan
any injunction bond, required, in the case
of James Mc Lennan against Joseph H. Paine
and E. B. Leland Esqrs of Benj. Williamson
now pending in the Circuit Court of South-
ampton County.

And I hereby ratify & confirm, whatever
my said attorney or either of them may do in
the premises.

Witness my hand & seal this 24th day of
Nov. 1859. *Thos B Powell* (Seal).

Southampton County to wit.

I James H. Hardie a Justice of
the Peace for the County aforesaid, hereby certify
that Thomas B. Powell, personally appeared before me
in my County aforesaid - and acknowledged the
 foregoing writing -

Given under my hand this 24th day of Nov.
1859.

James H. Hardie. J.P.

M. L. Moore

2 } Injunctive

Williamson's

1475.

Know all men by these presents that we James M Lemore, & Thomas B. Powell

are held and firmly bound unto Edwin B. Glend and Joseph H. Prince Executors of Benjamin Williamson dec'd in the just and full sum of Fourteen hundred & seventy five 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 25th day of November 1859

The Condition of the above obligation is such that whereas the above bound James M Lemore hath obtained from the Circuit Court of Southampton County an injunction to stay until the further order of the said Court, all further proceedings on a judgment of the said Court on the day of 1851 in favour of the above named Edwin B. Glend & Joseph H. Prince Executors of Benjamin Williamson against the above bound James M Lemore for the sum of three hundred & sixty dollars with legal interest thereon from 25th day of December 1845 till paid and the costs. Now if the said James M Lemore shall pay the judgment aforesaid and all such costs as may be awarded against him and all such damages as shall be incurred in case the injunction aforesaid be dissolved then the above obligation to be void or else to remain in full force and virtue.

Signed Sealed & delivered
In presence of }

James ^{his} M. Lemore (Seal)
Thomas B. Powell ^{mark} by (Seal)
W. H. Paitlow his attorney (Seal)
in fact.

Know all men by these presents that I James M. Lemore of the County of
Southampton, Virginia, in consideration of the terms upon which an Injunction has been
awarded me by the Circuit Court of Southampton County to a judgment of the said rendered
against me on the day of 1851 in favour of Edwin R. Bland & Joseph
St. Prince Executors of Joseph B. Bland dec'd. for the sum of three hundred & sixty dollars
with legal interest thereon from the 25th day of December 1845 till paid & costs. do hereby
release all & every error or errors at law in the said judgment & proceedings.
Given under my hand & Seal this 21st day of November 1851.
James M. Lemore
anark

itc lemore

is

Williamson's Exrs

Notice

For

James itc lemore

15-

Executed

Wm Vickroy
for D. & poles shff

Southampton County - Virginia
September 26th 1869

Mr. James McClellane

Sir :

This is to give you notice
that I shall, at the next term of the Circuit
Court for this County, ^{on the first day thereof} which commences on the
seventh day of November next, apply to the
Judge of the said Court for leave to file an
amended Answer for Edwin B. Leland, one of
The Executors of Benjamin Williamson deceased,
in a certain suit now pending in the said
Circuit Court in which you are Plaintiff
and the said Edwin B. Leland and Joseph H. Prince
Executors of Benjamin Williamson are defendants.

Yours respectfully
Joseph H. Prince
Edwin B. Leland

Exors of Bnfa Williamson
By Tho Menden, their Atty

Williamson's Exon
At. 5.
James McLesner
Answers
of Joseph H. Prince

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To the Hon Richard H. Baker,
Judge of the Circuit Court of Southampton County:
In Chancery -

The Answer of Joseph H Prince, Executor of
Benjamin Williamson deceased to a Bill of Complaint
filed against him and E. B. Celand, the other Executors of the
said Williamson in the Circuit Court of the said County,
by James McLe more.

This Respondent for Answer to so much of
the Complainant's Bill as he is advised it is material
for him to answer, answering, says -

That it is true as alleged in the said Complainant's
Bill, the said bond for ~~\$360.00 cents~~ ^{\$360.00 cents}, executed by the
said McLe more to the said Benjamin Williamson, was
found by his Executor, among the papers of the said William-
son, after his death -

That the said Executor instituted suit and recovered
a judgment thereon considering it their duty to do so -

As to the Consideration of the said bond this Respondent,
of his own knowledge, knows nothing, but must, of
course presume it is still due; and certainly sur-
renders nothing which it is his legal duty to claim
and demand as Executor as aforesaid.

And having answered prayer to be hence dismissed
with his reasonable costs &c.

*\$360.00 cents,

Richard H. B.

State of Virginia - }
County of Southampton } Yo wit

This day personally appeared before
me a Justice of the Peace for said County, in my said County, the
above-named Joseph H. Prince, Executor of Benjamin Williamson and made
oath that the statements made in the foregoing answer are true to the best of
his knowledge and belief. Robert M. Dole J.P.
Given under my hand this 30th April 1868.

M. Lemore

2 } Exhb. with bill

Williamson's Exor.



This Indenture made this 27th day of December in the year of our Lord one thousand eight hundred and forty five between James McLemore & Martha M. McLemore his wife of the County of Southampton & State of Virginia of the one part and Benja Williamson of the same County of the other part. Witnesseth that the said James McLemore and Martha M. for an in consideration of the sum of Twelve hundred dollars to them in hand paid by the said Benja Williamson the receipt whereof is hereby acknowledged have bargained & sold and by these presents doth bargain and sell unto the said Benja Williamson his heirs and assigns forever one certain tract of land lying in Southampton and bounded as follows. Commencing at Roses Swamp on the east thence down the meanders of said Swamp to Fitzhughes line thence a long a publick path to Fitzhughes gate, thence along the line of Newt Harris to the road leading from said Harris to the Crook Rego to Peter Edwards line thence along said Edwards line to the Myoga branch touching Nathaniel Francis line to the beginning containing four hundred eighty four and one fourth acres, to the same more or less with all and singular rights improvements there unto belonging to the said Benja Williamson his heirs & forever, and the said James McLemore & Martha M. his wife do hereby warrant & forever defend all right and title to the same, to the said Benja Williamson free from the claims of any person or persons whatsoever, where as we have here unto set our hands & first our seals the above day and date. Signed Sealed and delivered in

presence of
E. B. Bland
M. T. Peete
Edwin Harris

James McLemore
his mark

Martha M. McLemore
her mark

Seal

Seal

Southampton County to wit

Personally appeared before us Edwin B. Bland and Mark T. Peete Justices for the County aforesaid Martha M. McLemore the wife of James McLemore parties to the foregoing Deed and

being examined by us privately and apart from her said husband and
having the deed fully explained to her. She the said Martha M. McEmore
acknowledged that she had signed it voluntarily and without any
fear or favour from her said husband and desired us to certify the
same as her act & deed. Given under our hands & seals this 4th day of
April 1846.

C. B. Bland J. P.
M. S. Peete J. P.

Southampton County in the Clerk's Office the 20th day of April 1846.
This Deed of Bargain and Sale from James
McEmore Wife to Benjamin Williamson was
proved by the Oaths of C. B. Bland, M. S. Peete and Edwin Harris
the Witnesses thereto and admitted to record.

Teste
L. R. Edwards Clk
Attest
Jesse L. R. Edwards Clk

M. Simon

Fr. } Exhlt. with bill.

Williamson's Cross

This Indenture made this 21st day of Jan^y in the year Eighteen Hundred and thirty nine, between James McLenore of the one part and Edwin B. Cland of the second part Witnesseth that the said James McLenore being justly ^{indebted} ~~entitled~~ to Benj^y Williamson of Southampton County in the sum of twelve hundred and eighty one dollars 12/10 due by note bearing date the 19th day of December 1838. and the said James McLenore being willing and desirous to secure the payment of the same to the said Benj^y Williamson or his heirs in consideration whereof \$ more over for and in consideration of the sum of One dollar to him on hand paid the receipt whereof is hereby fully acknowledged said James McLenore hath given granted bargained and sold and by these presents doth sell convey and make over unto the said Edwin B. Cland his heirs or Exors forever the following property to wit One tract of land containing four hundred and eighty four and 1/4 acres be the same more or less it being the land which the said James McLenore purchased of Fielding Rose. To have and to hold the same, also one gray horse and one bay mare unto Edwin B. Cland his heirs and assigns for the express purpose of paying the said Benj^y Williamson the sum above named and if the said McLenore should make default in not paying the said sum of twelve hundred and eighty one dollars and 12/10 on or before the 19th day of Oct^r 1840 then the said Benj^y Williamson shall be at full liberty when it may suit him to require and compell the said Edwin B. Cland to take into his possession the aforesaid property and after advertising the time and place of sale for at least ten days at three publick places convenient to the said McLenores residence to sell for ready money the all the property named in this trust Deed and the said Edwin B. Cland shall have full power and authority to make over in writings a lawful right and title to the purchasers of the said property and the said James McLenore shall forever be barred from selling of any claim to the same either in law or equity and the money arising from the sale shall first be applied to the payment of the said debt due the said Benjamin Williamson with all interest and cost therein accruing and the balance if any, to be paid unto the said McLenore or his heirs and if the said

McLemore pay the said sum with all interest and Costs
thereon at any time before the said property is sold in
manner before mentioned then this Indenture to be
void and all right title and interest here conveyed shall
revert back in the said James McLemore and his
heirs forever. In Witness whereof the said parties
to these presents have set their hands and seals this
day and date first above written &c.

Signed Sealed and
delivered in presence of }
James ^{his} McLemore Seal
C. B. Leland Seal
Benjamin Williamson Seal

Southampton County

In the Clerk's Office Jan'y 21st 1839.

This deed of trust was acknowledged by James McLemore, Edwin B. Leland and
Benjamin Williamson the parties thereto, to be their act and deed and
admitted to record.

Teste

L. R. Edwards Clk

a Copy

Teste

L. R. Edwards Clk

Williamson's Exors
vs 3

James McLennan

Chancery of Exors

J. R. Price

att.

Statement of money collected of the Sheriff
of Southampton in favor Lawson's Exors
James McLenore - and out of which
Wm A. Jones is entitled to receive
one third after payment of expenses.

By amt of judgment pd me. \$360.00

To paid J. J. Knicker - atty. fee. \$50.00

" " J. B. Prince " " 50.00

" " W. A. Jones - for services

in presenting suit. &c. 25.00 \$125.00

\$235.00

To paid W. A. Jones. 1/3 (his share). 78.33

Balance in my hands. \$156.66

which belongs to other heirs - but I do not
know who they are or where they live.

Jan'y 16. 1874.

J. B. Prince atty.

On the jury price for the Platts. The sum of
\$360 - with interest from 6th day of April 1873.
This receipt is acknowledged by consent of
parties -

Jas. H. Williams

Wm. H. Williams
as. } note
Morgan
Nov 24. 1869
Interest
£ 98 9 11/2

Mr Lemmon.

as
comes over. Good -

On the morning of
this case, the Court with oral
that - we upon we made up, to
be tried at the Bar of this Court.

To ascertain, "whether the debt of \$360 -
being a bond executed by James M. Lemmon
to Benjamin Williamson on 1st day of
April 1856 - ^{in the debt and Benjamin Williamson} has been settled or not."

Williamson Esq.

no { Spc

McLumord

1st day May 6th 1890

Executed

W W Briggs

D G Ford & L Dole

Shiff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County---Greeting:

We command you to summon

E. B. Cland

to appear before the *Judge* of our *Circuit* Court of Southampton County, at the Court-house,
on the *1st* day of *May* Term, *next* to testify and the truth to say, on behalf of
Williamson Esq

in a certain matter of controversy in our said Court, depending and undetermined between

McLemore

Plaintiff, and

Said Esq

Defendant.

And this *he* shall in no wise omit under the penalty of £100. And have then there this writ.

Witness, OSWIN WHITE, Clerk of our said Court, at the Court-house, this *20th* day of *April*
1870, in the *94th* year of the Commonwealth.

Oswin White

Williamsons Ex.

in } Exp^d

McLemore

1st day Nov. Cin Ct. 1872

Executed by delivering
a copy

J. L. Parkman
Sept Sheriff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting :

WE COMMAND YOU TO SUMMON

E. B. Cland

to appear before the Judge of our

House, on the

1st

day of

Novemb^r

to say on behalf of

Wm. Prince & E. B. Cland Ex. Wm. Williamson

in a certain matter

of controversy in our said court depending and undetermined between

M. Lemore

Plaintiff and

said Ex.

Defendant

And this they shall in no

wise omit, under the penalty of £100 ; and have then there this writ.

Witness,

J. R. Edwards
~~OSWIN WHITE~~

Clerk of our said Court, at the Court House, this

29th

day of

August

1872, in the

97

year of the Commonwealth.

J. R. Edwards

Williamsons Ex³

ad } Sp.

McLumord

1st day Nov. Bri. 6th 1870

Executed
R. P. Pope
J. H.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County---Greeting:

WE COMMAND YOU to summon

E. B. Glau & *R. P. Glau* mts.

to appear before the *Judge* of our *Circuit* Court of Southampton County, at the Court-house,
on the *1st* day of *November* Term, *next* to testify and the truth to say, on behalf of

Williamsons Exrs

in a certain matter of controversy in our said Court, depending and undetermined between

M. Lemore

Plaintiff, and

Said Williamsons Exrs.

Defendant.

And this *by* shall in no wise omit under the penalty of £100. And have then there this writ.

Witness, OSWIN WHITE, Clerk of our said Court, at the Court-house, this *28* day of *October*
1870, in the *95* year of the Commonwealth.

O. White cl.

Lucas

Mr. Lucas

and

Wm. Jones Esq.

~~Nov. 10 1860~~

Nov. 11 1867

McLure

ad.

Williamson. Exor.

This cause in which the bill has been taken for contempt against the defendants Joseph H. Prince, came on this day to be heard on the bill, answer of Edward B. Bland, ~~filed this day~~, replication thereto exhibited filed and was argued by Counsel, on consideration whereof the court with acquiescence and decree that the injunction awarded the Plaintiff on 9th Nov. 1859. to enjoin & restrain the defendants from proceeding to enforce the judgment in the circuit mentioned, which judgment was reversed by the defendants against the Plaintiff in the circuit court of Southampton, on 20th of 1851. for the sum of Three hundred and sixty dollars, with interest thereon from Dec. 25th 1845. be made perpetual; and that the defendants out of the assets of their Testator his cost by him in this suit expended -

To inform the Defendants their agents, attorneys and all others concerned
 from all further proceedings on a judgment recovered by the Defendants against
 the plaintiff in the Circuit Court of Southampton County on the day of
 1851 for the sum of three hundred & sixty dollars with interest thereon
 from the 25 day of December 1845 till paid & Costs. until the further order of
 the Court. But this injunction is not to take effect until the plaintiff shall
 enter into bond with one or more sufficient securities in the Clerk's Office of the
 said Court in a penalty equal to double the amount recovered by the said
 judgment with such condition as the law requires and until he shall also file
 with the clerk a release of all errors at law in the said judgment & pro-
 ceedings.

Teste

L. R. Edwards C. C.

1859 Jan. 21. the plaintiff has given bond & Security and filed a release of
 all errors at law according to the terms upon which the injunction is granted.

L. R. Edwards C. C.

McLemore

Sub & Supm.

Williamson Esq.

1860 January Rules

Executed Dec 27th 1859 on Edwin B. Blank
 and Joseph H. Bland by delivering each of
 them a copy of the within command
 Left M. L. Bland
 for Wm. H. Bland

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *Edwin B. Glend & Joseph H. Prince, Executors*

of Benjamin Williamson dec'd

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 *January* next, to answer a bill in chancery
exhibited against *them* in our said Court by

James M. Seniore

And this they shall in no wise omit under the penalty of \$100

and have then and there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court
House, this *19th* day of *November* 1859, in the *84th* year of the
Commonwealth.

L. R. Edwards Clk

McLennan

to

Williamson

~~Williamson~~ to

McLennan

as

Williamson Gov.

Nov. 1873

To be entered

Geo. W. W. W.

61

60

3 06

4 27

Dec

Nov at 1873-

My dear Sir:

In answer.

This day this case on the
been on the paper formerly read, and
on the verdict of the jury, rendered on
the issue, assisted the Justice at the Bar
of this Court, and was argued by
Counsel, on consideration whereof the
Court with advice and assent have decreed
that the objection urged in this case be disposed of -
and that the Defendant, James W. Moore
pay to the Plaintiff the sum of \$360 -
with interest thereon from the 6th above
1883, till paid, by consent of parties -
and that ~~the Judge~~ ^{the Judge} pay his own
costs, pay to the plaintiff his costs,
with and attorneys -

57 51 24 19

M. L. Moore

to } Stat. Rules.

Williamson's Gro.

4.27
15.00
19.27
50
60
20.37

In Southampton Circuit Court.

James McEnroe

against

Edwin B. Glend & Joseph H. Prince Executors of Benjamin Williamson dec^d

1859. Nov. 9: Bill filed. Injunction awarded. 19: Process t^e issued

" " 24 Bond & security given. release of errors filed.

1860 Jan. R. Process returned executed. D. nisi & affs.

" Feb. " Bill taken for confessed.

" Mar. " Cause set for hearing t^e

" May. T ans. of Dfr Glend & cause cont.^d

1869 Nov. Issue made up to be tried at the bar of this Court.

1873 " 10: Final decree