

1873-032

SOUTHAMPTON COUNTY
CHANCERY PAPERS

HOLMES

VS. EDWARDS' COMMITTEE

6/1873

Holmes

to

}

Stat. Rules

Edwards arm

In Southampton County Court.

James Holmes

against
Wm W Briggs Sheriff & Committee of Allen Edwards do^r.

1872 Sept. 18th Summons issued &
Oct R Sum. Ret. Ex. Bill filed DN & dft.
Nov " Bill taken for confessed cause set for hearing
" I Decree for Decet.
1873 Mar " Decree &
June - Removed from Docket.

Wm W Briggs

Kelly p. 4

James Holmes

M. { Rice

Wm W. Briggs Sh. &
Leaves of Allen
Edward and

Co. Ct.

1872. October Rules

To the Hon. J. W. Wetherhart, Judge of the
County Court of ^{Southampton} ~~Sanseman~~ County - Va

Complaining, shew unto the Court,
Your Complainant James Holmes.

Your Complainant represents to the
Court and says, That on the 3^d day of May
1861 in the Circuit Court of Southampton County,
he obtained a judgment against one ~~Allen Edwards~~
~~Allen Edwards~~ Allen Edwards for the sum of
fifteen hundred dollars with Interest from
the 18th day of March 1857 & \$5.46 cts - on
which judgment an execution ^{was} ~~is~~ issued against
said Allen Edwards & placed in the hands of
the Sheriff of said County, which was returned
by him "no property out of which this Deft can be
made or any of it" -

That the said Complainant
proceeded in the mode prescribed by Law
to enforce the Lien of his Judgment & Fife,
on the estate of said Allen Edwards & a summons
was duly issued by Orin White, Comptroller
against said Allen Edwards, requiring him
to answer certain Interrogatories propounded
to him - which summons was duly executed
in which the said Allen Edwards failed to
answer in which proceedings are now pending
in the County Court of Sanseman County - all
of which will more fully appear by exhibits

of said Judgment, Execution return or other proceedings filed herewith marked A. 183"

1841st p. 216 That under and by virtue of the Execution aforesaid your Complainant Charon H^o. n. acquired a Lien on all the personal property & Business of said Allen Edwards, although not levied on, nor capable of being levied on except such articles as were exempt by law -

That the said Allen Edwards died on the 20th of 1872, in the said County, Intestate, & his estate has been by order of said Court committed to the hands of W. W. Briggs Sheriff of said County for administration; who has taken charge of the personal estate of said Allen Edwards dec^d & sold the same.

Your Complainant says that he has a Lien on the said personal estate as aforesaid and that his Lien is superior to that of Burial expenses or other debts. And that the proceeds of said sale should be applied to the payment of your Complainant's demand -

In consideration whereof & as this Court has jurisdiction to grant all adequate relief -

It is the intent your Complainant prays that the said W. W. Briggs, Sheriff & Committee of the said Allen Edwards dec^d, may be made

defendant's debts, and answer the allegations
herein — That the administration account
of said Briggs as such Representative may
be settled before a Commissioner of this Court,
That the proceeds of all personal estate &
choses in action of said Allen Edwards as
aforesaid may be applied to pay your
Complainant's demand, and that all
other and further relief may be granted &c.
John D. Kilby p. v.

James Holmes .

W

Allen Edward adm

1872

Act. Co. et. Decree

To be entered.

J. W. Vaughan Judge

James Holmes

41.

Allen Edwards admr

This cause came on this day to be heard on the Complainant's Bill taken for Confeſed at rule, as to the Defendant, on whom proceſs had been duly executed ſhe failing to appear and answer; & on Exhibits filed with the ſaid Bill and was argued by Council.

On conſideration whereof the Court doth adjuſt, order and decree that a Commiſſioner of this Court, take & ſettle ~~the following~~^{the following} 1st an account of the tranſactions of Wm W. Briggs or the Perſonal Representative of Allen Edwards dec^d; 2^d An account of the Debts & Demands againſt the ſaid Allen Edwards or his eſtate and their diſpoſal & make report to Court with any matters ſpecially ſtated deemed pertinent by himſelf, or that any of the parties may require to be ſo ſtated.

Holmes
vs. George
Edwards

1
Surrey County Court, November Term 1872.

James Holmes

against
Wm. W. Briggs Sheriff & Committee of Allen Edwards dec'd. Est.

Diff

In Chy

This Cause came on this day to be heard on the Complainant's Bill taken for Compel at Rules as to the Defendant on whom process had been duly executed he failing to appear and answer & no exhibits filed with the said Bill and was argued by Counsel; the Court then considered whereof the Court doth adjudge, order and decree, that a Commissioner of this Court take and settle 1st An account of the trans-
-actions of Wm. W. Briggs as the present representative of Allen Edwards dec'd.

2^d An account of the debts and demands against the said Allen Edwards or his Estate, and their dignity, and make report to Court with any matters specially stated deemed pertinent by himself, or that any of the parties may require to be so stated.

Copy
Teste,

James R. Tyler, J.C.

Holmes

n

Edward

1873

mar ch. seen

& be entered

M. W. G. Hart J. J. J.

Holmes

47

Allen Edwards adw

This cause came on this
day to be again heard on the papers
formerly read on the report of Court
Zyler made pursuant to the decree
of the Nov. term 1872 of this Court -
to which report there is no exception,
was argued by Counsel. On
consideration whereof the Court doth
confirm the said Report, & doth adjudge
order & decree that Wm W. Briggs
Sheriff & adw of Allen Edwards
and ~~for~~ ^{out of} the sum of \$165.85 which
appears ^{by said report} to be in his hands as such
adw., he pay the costs of this suit
& the Residue, to the plaintiff in
part of his demand ^{of \$1065.89.} against said
Allen Edwards & make report to Court

Holmes,

v

Edward H

Deere

& Report of
Payment.

Nov 16 June 1873

Holmes
v
Edward
Deere

Sauk ampton County Court, March Term 1873.

James Holmes

Shff.

vs.

W. W. Briggs Sheriff and Committee of Allen Edwards decd.

Deft.

In Chancery

This day this cause came on again to be heard on the papers formerly read & on the report of Commissioner Tyler, made pursuant to the decree of the Nov. Term 1872, of this Court to which report there is no exception, and was argued by Counsel, on consideration whereof the Court doth confirm the said report and doth adjudge, order and decree, that W. W. Briggs Sheriff and Administrator of Allen Edwards decd. out of the sum of two hundred and sixty five dollars and eighty five cents, which appears by the said Report to be in his hands, as such Administrator, pay first the costs of this suit, and the residue to the Plaintiff in part of his demand of \$1045.89 against the said Allen Edwards, and Make report to Court.

clerk	\$7.26	n
Shff.	1.00	n
Comm J.	5.00	n
Law f.	16.00	
	<u>\$ 29.26</u>	

A Copy

Teste L R Edwards Clk

Recd. June 16th 1873 of W. W. Briggs
a debt of Allen Edwards decd. one
thousand & fifty two & 59/100 dollars
in full of above decree

James Holmes

When,

m

Edward adw to

This cause came
on this day to be again heard on the
papers formerly read from the report of
Juryman of W. W. Briggs, Sh. & adw
of Allen Edwards dec^d, made under
decree of March Term 1873 - to which
~~report there is no exception~~ ~~made~~ ~~by~~ ~~Counsel~~ ~~in~~ ~~or~~ ~~consideration~~, whereof
the Court both confirm the said Report &
both adjudge and decree that the
proceedings had in the cause be
confirmed & made final & binding between
the parties, and nothing more remaining
to be done in the cause, it is ordered
that the same be removed from the
Docket.

The Commonwealth of Virginia

To the Sheriff of Southampton County, Greeting:

WE COMMAND YOU to summon

Wm W Briggs Sheriff Hommie
of Allen Edwards decd

if *he* be found within your bailiwick, to appear at the Clerk's Office of our *County*
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 him in our
said Court by James Holmes

L R Edwards

And have then there this writ. Witness, ~~OSWIN WHITE~~, Clerk of our said Court, at the Court-
house, this *18* day of *September* A., D., 187*2*, in the *72* year of
the Commonwealth.

L R Edwards

I acknowledge service of this
Summons.

W. L. Briggs

Holmes

v } Sum. Chs

Edward

1872 October Rules -

COMMISSIONER'S OFFICE,

JERUSALEM,

December 16th 1852

To the Creditors of the Estate of
Allen Edwards }
deceased, and all others concerned.

You are hereby notified, that ~~at the request of~~ *By a Decree of the County*
~~Administrator of the estate of the said~~ *of Southampton* deceased,
I have appointed the *23^d* day of *January* next, at my Office, for receiving
proof of debts or demands, against the said decedent or his estate, at which time and place you are
required to attend.

Given under my hand, as a Commissioner of the County Court of Southampton County, the day and
year first aforesaid.

James R. Tyler Commissioner.

Holmes } Report of
Edwards }
Commissioner Tyler.

1873 Feb. 25th
"

The Estate of Allen Edwards.

In ac with William H. Briggs Shff & adm.

1872		Dr	Cr
Oct 18	By Am. Sale of Personal Property due this day		\$ 258 00
	to paid Grier at sale	2 00	
	" paid clerk " sale	2 00	
	" paid appraisers	3 00	
	" paid Chas Smith for Coffin	38 00	
	" paid Mr Edwards for Bricking Grave	15 00	
	" paid Holland & Gay, Cutcher & Lewis for Shroud	9 25	
	" Clerks Tickets	5 00	
	" Commissions on \$258. ⁰⁰ @ 5%	12 90	
	" Commissions for this ac retained	5 00	
	" Balance due Est.	165 85	
		<u>\$258 00</u>	<u>\$258 00</u>
Feb 18	By Am. Balance due brot down		\$ 165 85
	with interest from date til paid		

Respectfully Submitted
James R. Tyler Comr.

An Account of the outstanding debts against the Est^t
of Allen Edwards dec. as proved before, Jas R Tyler Commissioner
in chancery

Commissioners Office
Jerusalem July 24th 1873

To James Holmes Judgt of Allen Edwards and William Murphy for	1500 00
Int from 18 th March 1857 to 17 th Nov 1858	240 00
	1740 00
Paid 17 th Nov 1858	240 00
	1500 00
Int. to 29 th March 1858.	398 10
	1898 60
Paid 29 th March 1858	1000 00
but due	898 10
Int. to Sept 17 th 1860	132 18
	1025 28
Paid Sept 17 th 1860	418 29
	606 99
Int. on same to 1 st July 1873 - 12 yrs 4 mo 11 days	1450 14
	\$1057 13
Cash	84 6
Total of debts	\$1065 89

Respectfully Submitted
James R Tyler
Com

To the County Court of Southampton County
Pursuant to a decree of the County Court of Southampton County
rendered at the November Term 1872. in a suit in chancery
depending in said court between James Holmes and Wm W.
Biggs Sheriff & Committee of Allen Edwards dec. the undersigned
one of the Commissioners of said court to whom was referred for settlement
the following account. viz An account of the transactions of 1870.
Biggs as the present representative of Allen Edwards
and an account of the debts and demands against the said Allen
Edwards or his Est. and their dignity and make report to court & reports
to the court that on the day of last he issued notice against
the several parties aforesaid, requiring them to attend the settlement
of the sd. ac. before him at his said office on the 23rd day of
Jan^y which was returned to your Commissioners duly executed
that the parties aforesaid appeared before the Commis. (by attys
in obedience to said notice and he thereupon examined & stated &
settled the foregoing as set up to 18th Feb^y 1873. and on that
day the balance due the est. of \$145,89¹⁰ and also the ac.
of debts to said Est. to be \$1065,89¹⁰ with interest included up
to 1st Feb^y 1873. The Commissioners have nothing to state
especially to the court. The Commissioner further reports
to the court that after the completion of said ac.
he retained the same in his office ten days for the
examination of the parties, which with the decree
and notes on the ac. returned
Given under my hand as Commissioner aforesaid
the day & year first aforesaid

James R Tyler Comm.

Commissioners fee \$5.00
" " "

~~Chet~~ on Bank Jan 16 1893

Jan 10 1893	415.01
Febr 10 1893	120 00
Edwin Wills	114 00

St. Louis,

2

Edward, adw

2 Ex. with Bice

So. amp. Co. et.

Book 778
Holmes

2 } Copy papers

Edward "a"

11.1.19

Southampton Circuit Court May 3rd 1861.

James Holmes

against

Wm Murfee & Allen Edwards

Plffs

vs Dfts

Dfts

The judgment obtained at the Rules against the Defendant Edwards 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 said Defendant Edwards the sum of fifteen hundred dollars, the debt in the declaration mentioned with legal interest thereon from the 18th day of March 1851. till paid and his costs by him about his suit in this behalf expended - And the said Defendant in Money for This judgment is to be credited for \$240. paid Nov. 17. 1853. for \$1.000 paid March 29th 1853 & for \$418.29 paid September 17th 1860 - Plffs Costs \$8.46

Copy

Teste

J. R. Edwards Dcl.

Interrogatories propounded to Defendant Allen Edwards by plaintiff
1st what real estate, or Interest in real Estate have you in Virginia or elsewhere.
2. what personal & chattel estate have you, & does Warren Edwards owe you & Bond
if so how much. 4. who else owes you & how much & how, 5th Has any one any
estate for you. 6th what other estate have you.

James Holmes

by John R. Kilby Atto

21 Dec 1869.

The Commonwealth of Virginia,

To the Sheriff of Southampton County Greeting:

You are hereby commanded to summon Allen Edwards to answer upon oath interrogatories to the said Allen Edwards filed with the undersigned, one of the Commissioners in Chancery of the County Court of Southampton County, by James Holmes (under a certain writ of *Fieri Facias* which issued from the Circuit Court of said County upon a judgment rendered in said Court on the 3^d day of May, 1861, for the sum of Fifteen hundred dollars and cents, with interest thereon from the 18th day of March, 1851, till paid, and \$8.46 costs) to ascertain the estate on which the said writ of *Fieri Facias* is a lien, and to ascertain any real estate in or out of the said Commonwealth, to which the said Allen Edwards is entitled, which judgment is subject to a credit of \$240. on 17th Nov. 1855 & \$1000. on 29 March 1858, 44 18. 29 on 17 Sept. 1860. And you are hereby further commanded to ^{the} summon ^{said} Allen Edwards to make return of the answers to the said interrogatories, to the said Commissioner, at his said Office, within 30 days from the date of this Summons, and this he shall in no wise omit under the penalty of \$1000; and have then and there this Summons, Witness Oswin White, Commissioner of the said Court at his said Office the 21 day of Decr. 1869, in the 94th year of the Commonwealth.

Oswin White

Compt.

The following is a true copy of the interrogatories referred to in the foregoing summons.

1. What real estate, or interest in real estate have you in Virginia or elsewhere?
2. What personal or chattel estate have you?
3. Does Warren Edwards owe you a Bond & if so how much?
4. Who else owes you how much & how?
5. Has any one, any estate for you?
6. What other estate have you?

Teste Oswin White

Commiss.

Executed December 28th 1869 by delivering to A. Edwards a copy of the within Notice.

G. W. Vick Dp Sheriff.

To the County Court of Southampton County;

The undersigned, one of the Commissioners of the said Court, reports to the Court, that on the 21st day of December, 1869, James Holmes filed with your Commissioner a copy of a judgment obtained by him in the Circuit Court of Southampton County on the 3rd day of May, 1861, against Allen Edwards for the sum of Fifteen Hundred dollars and cents, with legal interest thereon from the 18th day of March, 1851, till paid and \$8.46 costs, (upon which judgment the said James Holmes has sued out of the Clerk's Office, of said County, a writ of *fieri facias* against the said Allen Edwards;) and has also filed interrogatories to the said Allen Edwards, to ascertain the estate on which the said writ of *fieri facias* is a lien, and to ascertain any real estate in or out of this State, to which the said Allen Edwards is entitled; that on the day upon which the said judgment and interrogatories were filed with your Commissioner, he issued a summons, (after such affidavit was made as required by law,) against the said Allen Edwards directed to the Sheriff of said County. Commanding him to summon the said Allen Edwards to answer the said interrogatories on oath, and to ^{make} return thereof to your Commissioner at his Office within 30 days thereafter; that the said summons, to which was subjoined a copy of the said interrogatories, was placed by your Commissioner in the hands of the said Sheriff, and was by him returned duly executed upon the said Allen Edwards as appears from his return thereon endorsed; And that the said Allen Edwards has failed to file with your Commissioner, answers to the said Interrogatories in obedience to the said summons, within the time therein prescribed. Given under my hand as Commissioner aforesaid, the day and year first aforesaid.

Commissioner's fee \$5.00 }

Oswin White, Commissioner.

Copies. Teste L. R. Edwards lb

Sample of ...

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"B"

The Commonwealth of Virginia,

To the Sheriff of Southampton County - Greeting:

We command you that of the goods and chattels of Allen Edwards, late of your bailiwick, you cause to be made fifteen hundred dollars with legal interest thereon from 18th March 1851 till paid which James Holmes lately in our Circuit Court of Southampton County hath recovered against him as well for a certain debt as for interest thereon, also the sum of Eight dollars and 46 cents, which to the said Holmes in the same Court were adjudged for his Costs in that suit ~~expended~~, whereof the said Edwards 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 said Court on the first Monday in February next, and have then there this writ. Witness, Edwin White, Clerk of our said Court, at the County-house, this 21st day of December 1869, in the 44 year of the Commonwealth.

C. White Clerk

This execution is to be credited for \$240 p^d Nov: 17. 1853. for \$1.000 p^d March 29 1858 for \$419.29 p^d Sep: 17 1860.

C. White Clerk

No property out of which this Fine can be made or any of it

G. M. Nick Dy
Sheriff.

Copy
Jesse

L. R. Edwards

Int. from 18 March 1857 to 17 Nov
1858 — 2 yrs. 8 mths.

cr. Then

Int from 17 Nov 1858 to 29 March 1858
4 yrs. 4 m. 12d.

cr. Then

Int from 29 March 1858 to 17 Sep. 1860
2 yrs. 5 m. 18d.

cr. Then

with Int from 17 Sep. 1860 — Balance

cents

\$1500.00

240.00
\$1740.00
240.00
\$1500.00

378.00
\$1878.00
1000.00
\$878.00

130.74
\$1008.74

418.29
\$590.45

8.48