1873-036 SOUTHAMPTON COUNTY CHANCERY PAPERS

SUMMERELL'S EXECUTORS vs. RAWLS

7/1873

other SURNAMES:
Hardy + Brothers, Hardy

Summerells Ex.

v. } Stat. Rules

Rawls

In Southampton County Court

Jordan D Prettlow & Sam'l B Prettlow Exors of Wm H Summerell

against

Robert Rawls

1872. Febry 6. Summons issued

" March 8. Sum. ret. Exd. Bill fill. DN & Dft.

" Apl " Bill taken for confessed & Cause set for hearing

" " 6. Decree for Acct.

" June 13. Rep.

" " 17. Decree

1873 July T. Disp.

Summerlin's Exr

vs 3 Bill
3 Exhibits

Rawls

1872 March Rules

To the Honorable Joseph H Urquhart judge of the county Court of Southampton in Chancery sitting

Humbly complaining your orators Jordan D Patton and Samuel B Patton executors of the last will and testament of Wm H Summerell dec'd shew unto your Honor that at the March term 1871 of this county court of Southampton they obtained a judgment against Robt Rawls on a bond for $70.20cts which was docketed on the 8th of April 1871 all of which will more fully by a certified copy of the said judgment and authentic proof of it being docketed herewith filed marked A and prayed to be taken as a part of this bill. This debt was due and owing long before the adoption of the present constitution of Virginia the judgment carrying interest from the 1st July 1854 and your orators state that it is still outstanding and has never been paid by the said Robt Rawls, that as far from making any effort to pay the same the said Rawls by a deed made the 15th of February 1871 and duly recorded and a copy of which is herewith filed marked B and prayed to be taken as a part of this bill set aside as a homestead two tracts of land one containing 300 acres and the other 210 acres valued at some $1500

all lying and being situate in Southampton county, and your orator charges and avers that those lands are liable for this debt

For tender consideration whereof and inasmuch as your orators are without relief at law and only entitled to relief in a court of equity where such matters are properly cognizable they therefore pray that Robert Rawls may be made a party defendant to this bill and that the court would compel him: as full and perfect answer make to the allegations therein contained as if he had been thereto more fully and specially interrogated that the court would direct one of its commissioners to ascertain the actual and annual value of all the real estate whereof the said Robert Rawls may be seized and possessed including in the estimate the two tracts above mentioned of 300 and 210 acres and also all the judgments that have been obtained against the said Rawls their date and when docketed with their priorities and upon the coming in of the said reports if it should appear that the annual rents of the said lands will not pay your orator debt in five years then that the court would direct the sale of the said lands or as much thereof as may be necessary to pay the same and that the court would grant such other and general relief the premises considered as equity may dictate and the nature of this case may require and as in duty bound your orators will ever pray &c

Thanes p.q.

Summons Com
vs 3 Defts
Rawls
Jo Je entered
J. W. Hagenhart
Int
April Term 72

Commonwealth ex rel
vs 3 Decree
Rawls

This day this cause came on to be heard on the plaintiffs bill taken for confessed as to the defendant Robert Rawls and exhibit filed and was argued by counsel on consideration whereof the court doth adjudge order and decree that one of the commissioners of this court take an account of all the real estate whereof Robert Rawls is now seized and possessed stating its actual and annual value including in the said report the two tracts of land set aside by him as a homestead one containing 300 and the other 210 acres and also an account of all the judgments which have been obtained against the said Robert Rawls and decretal stating their priorities and dignities and report the said accounts together with any matter specially stated deemed pertinent by himself or which may be required to be so stated by any of the parties interested

Summerells Exr.

vs.

Rawly

Southampton County Court, April Term 1872.

Jordan D. Britton & Sam'l B. Britton Executors of William H. Summerell dec'd Plffs.

against

Robert Ranky Defts. In Chancery

This cause came on to be heard on the Plaintiffs Bill taken for Confessed as to the Defendant Robert Ranky & Exhibits filed & was argued by Counsel: On Consideration whereof the Court doth adjudge, Order and decree, that one of the Commissioners of this Court take an account of all the real Estate whereof Robert Ranky is now Seized & possessed, stating its actual and annual Value, including in the said Report the two tracts of Land Set aside by him as a Homestead, one containing 300 and the other 210 acres, and also an account of all the Judgments which have been obtained against the said Robert Ranky and Dockets, stating their priorities, and dignity, & Report the said accounts together with any Matter Specially Stated, deemed pertinent by himself, or which may be required to be so Stated, by any of the parties interested.

A Copy

Teste, James R Sykes, Clk

Summons issued

vs 1/2 Deed

Rawls

To be entered

J. W. Wyrhart Judge

Summerells ecrs
vs 3 Decrs
Rawls

This day this cause came
on again to be heard on the papers formerly
read and the report of commissioners of this court
made pursuant to a decree entered at the
April term 1872 and to which no exception
have been filed and was argued by
counsel on consideration whereof the
court doth adjudge order and decree
that the said report be confirmed and
it further appearing to this court that
the plaintiffs dedt and the dedt of Handy
& Brothers were both due and owing long
before the adoption of the present constitution
and that the defendant cannot claim the
homestead exemption as against these
debts it being unconstitutional Whereupon
the court doth further adjudge order
and decree that the plaintiffs of Southampton
sell out annually the two tracts of land
in the bill mentioned as belonging to
Robert Rawls one containing three hundred
and the other two hundred and two acres
more or less and apply the proceeds of sale
to the payment of the debts due the plaintiffs and
Handy & Brother as paid and all the
costs of this suit and the said plaintiffs

is further ordered to report his proceedings
annually to this court in order to a
further decree

The Commonwealth of Virginia

To the Sheriff of Southampton County, Greeting:

WE COMMAND YOU to summon Robert Rawls

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 March next to answer a bill in chancery exhibited against them in said Court by Jordan D. Pretlow & Samuel B. Pretlow Executors of Wm. H. Summerell dec'd

And have then there this writ. Witness, OSWIN WHITE, Clerk of our said Court, at the Courthouse, this 6th day of February A., D., 1872, in the 96th year of the Commonwealth.

O. White CC

Sun Job Print, Suffolk, Va

Summerells Exr

v. } Summ. Chy

Rawls

1872 March Rules

Executed
A. T. Cobb Jr
for W. W. Briggs Sheriff

Executed

Summons Exr

vs

Rawls 3 Com: Notice

Executed

W W Driggs Shff

COMMISSIONER'S OFFICE,

Jerusalem May 25th 1872.

TO Jordan D Pretlow & Saml B Pretlow Exors of
Wm H. Summerell —— Plff
against
Robert Rawls —— Deft

You are hereby notified that I have fixed upon the 1st 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:

That one of the Commissioners of this court take an account of all the real Est. whereof Robt Rawls is now seized and possessed stating its actual and annual value including in the same report the two tracts of Land set aside by him as a Homestead one containing 3½ and the other 210 acres, and also an account of all the Judgments which have been obtained against the said Robt Rawls and decretals stating their priorities and dignity &c. &c.

3

required to be taken by a decree of Southampton ~~Circuit~~ County Court, rendered on the April Term day ~~of~~ ——— 1872, 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.

To the Sheriff of Southampton County to execute. James R Tyler *Commissioner.*

Summerlls Exr

v } Com Tylers Report

Rawls

1872 June 13th

An account of the real Estate whereof Robert Rawls is now Seized and possessed its actual & annual Value

	Actual Value	Annual Value
One tract of Land on Sweetwater Swamp containing 310 Acres	$ 1200 00	$ 100
One other tract of Land on Nottoway River containing 210 Acres	659 40	30 00
	$ 1859 40	$ 130 00

There Two tracts of Land are claimed as a Homestead.

Respectfully Submitted
Jas R. Tapley
Com

An account of the Judgments against Robert Rawls and docketed in the Clerks office of Southampton County.

J. D. & S. B. Prettlow Exrs of Wm H. Summell dec. Judgment for		70	20	
Int. from 1st July 1859. to 1st June 1872		54	40	
Costs		7	40	
Docketed Apl 8th 1871.				132 00
Hardy & Brothers Judgment for		63	69	
Int. from 4th March 1868. to 4th June 1872		43	00	
Costs		7	50	
Docketed Feb 3d 1872.				114 19
			$	246 19

Respectfully Submitted
James R. Taylor
Com'r

Commissioners Office
Jerusalem June 10/72

To the County Court of Southampton County.

Pursuant to a decree of the County court of Southampton County rendered at the April Term 1872 in a suit in chancery depending in said court between Jordan D Prettlow & Samuel B Prettlow Exrs of Wm H Summell dec'd and Robert Rawls. the undersigned one of the commissioners of the said court to whom was referred for settlement by said decree the following accounts to wit: That one of the Commissioners of this court take an account of all the real estate when of Robert Rawls is now seized and possessed. Stating its actual and annual value including in the said report the two tracts of Land set aside by him as a Homestead one containing 300 acres and the other 210 acres, and also an account of all the Judgments which have been obtained against the said Robert Rawls and docketed stating their priorities and dignity &c. I respects to the court that on the 25th day of May last. he issued notices against the several parties aforesaid requiring them to attend the settlement of the said accounts before him at his said office on the 1st day of June. The parties aforesaid appeared by atty. and he thereupon stated and settled the foregoing accounts of the actual and annual value of the real est. and finds the actual value to be $1859.40 and the annual value to be $185.00

The Commissioner reports specially that the said Robt. Rawls claims the said real est. as a Homestead and is of record in the clerks office of Southampton county. The commissioner further reports to the court that after the completion of the said accounts. he returned the same in his office ten days for the examination of the parties. which with the accounts are herewith returned.

Given under my hand as commissioner

aforesaid the day and year first aforesaid

James R. Tyler

Com. for $5.00

Memorandum

for

Clark

Memorandum for Clerk

Copy judgment of D Dist. U.S. Britton vs Robert Rawls March Term 1871 and also certificate of being docketed 8 April 1871 A1

Copy deed of Robert Rawls 15th Feby 1871 selling assign 570 acres of land as mentioned IB and file all in papers

Shands p.q.

Summerells Ex

v Eb. Judd

Rawls

Clks fee 30¢

Southampton County Court. March 21. 1871.

I. D. Pretlow & B. Pretlow Executors of Wm H. Summerell dec'd Pltfs

against

Robert Rawls Deft

In Debt.

The judgment obtained at the Rules not having been set aside and the plaintiffs being now entitled to a final judgment, it is therefore Considered that the Plaintiffs recover against the Defendant Seventy 20/100 Dollars, the debt in the declaration mentioned with legal interest thereon from the 1st day of July 1859 till paid and their Costs by them in this behalf expended.

This judgment is to be Credited for $9.89 paid.

Docketed April 8. 1871.

A Copy.

Teste, T White cc

Robert Rawls' Deed

claiming Homestead &c

Fee 34¢

Know all men by these presents that I Robert Rawls of the County of Southampton, in the State of Virginia, a householder and head of a family do declare and make known, that I claim as a homestead and property exempt from levy and seizure Sale &c. Under an act passed by the General Assembly of Virginia, entitled "An act to prescribe in what manner and on what Conditions a householder or head of a family shall set apart and hold a homestead and personal property for the benefit of himself (or herself) and family exempt from Sale for debt." Approved June 27th 1870 - the following real estate, to wit. One tract of land in Southampton County, Virginia, Containing three hundred acres more or less, and bounded on the North by the lands of Charles Rawls, on the South by the lands of William Diggs colored, on the East by the lands of B.F. Bell and on the West by the lands of Williamson Shields & A.L. Barrett - One other tract of land in said County of Southampton State of Virginia Containing two hundred and ten acres more or less and bounded as follows On the North by the lands of John Wiggins, on South by Thomas Beaman, on the East by the land formerly owned by Jeremiah Northcut, on the West by the land of Elisha Darden - the said two tracts of land is estimated at the value of fifteen hundred dollars - and the following personal property, to wit. Household and Kitchen furniture, one bay mare, three hogs, Six head of Cattle, two Carts, and wheels, plows, gear &c. The said personal Property is estimated at the value of three hundred dollars, the valuation of both the real and personal property hereby claimed not being Two thousand dollars but valued at the sum of Eighteen hundred dollars ($1800.00)

Witness my hand and Seal this 15th day of February A.D 1874.

Robt. Rawls (Seal)

Southampton County, In the Clerks Office, February 16th 1874.

This deed was this day acknowledged by Robert Rawls and admitted to record. Stamps of the internal Rev: of the United States to the amount of two dollars being affixed thereto and duly Cancelled.

Teste.

James R Tyler DC.

A Copy -

Teste. O. White DC