

1874-12

Southampton County Chancery

Clayton, Richard W. vs Beale, E. W. et al

land sale to settle debt

Story, Elliott L.
Davis, Eliz. V.
Moore, Orris

Richd. Th. Clayton
vs 3

Eliza V. Davis & others

Answers of Defendants

In Chancery -

County Court -

Memorandum
for
Clark

Exhibits

Copy deed of trust from R. H. Williams to
E. L. Hony, 2nd Feb 1870 for benefit of
Orvis Moon wals

copy judgment for R. W. Clayton vs E. W.
Beal Nov term Co Court 1871

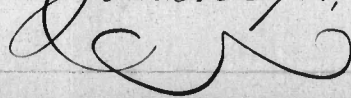
A

IB

The Clerk of the Circuit Court
of Southampton County will
please deliver to Mr. O. Moore
the bonds which were filed
as evidence in the bankruptcy
suit of Clayton vs. C. F. Davis
& others of E. V. Davis

Nov 5, 1874

This day Mr B Shander personally
appeared before me and made oath that
E. W. Beale is not a resident of this
state to the best of my knowledge and
belief given under my hand
This 23^d of Nov 1871

James Tyler, ^{Ch.} Comm^y, in Chancery


Clayton
or { Bill
" { " exhibits
Williams & Co

1892 December
January 18

To The Honorable Joseph Urguhart
judge of the county Court of Southampton
in chancery sitting

Humbly complaining your Orator
Richard W. Clayton sheweth unto
your Honor that on the 2nd of
February 1870 Robert N. Williams by a
deed of trust conveyed to Elliot &
Stony as trustees 212 acres of land to
secure the payment to Orris Moore
Elijah B. ~~Moore~~^{Davis} and E. W. Beale of
three bonds one for \$300 due 1st Jan'y
1871, one for \$300 due 1st Jan'y 1872 and
the other for \$400 due 1st Jan'y 1872
all of which will more fully appear
by a certified copy of the said deed of
trust herewith filed marked A and
prayed to be taken as a part of this
bill, that E. W. Beale is entitled to one
fourth of the amount due on the
said bonds, your orator sheweth further
that at the November term 1871 of
the county court of Southampton he
obtained a judgment against E. W.
Beale for the sum of \$161.73 cts as will
more fully appear by a certified copy of
the said judgment herewith filed

marked B and prayed to be taken as a part of this bill

Your orator states further that E. W. Beale is not at this time a resident of Virginia but resides in N. Carolina and that his interest in this deed of trust is so far as he knows "all the property he owns in the state and your orator is forced to invoke the aid of this court to secure the payment of his debt out of this trust fund. In tender consideration whereof and inasmuch as your orator is without relief at law and only entitled to relief in a court of equity where such matters are peculiarly cognizable he therefore prays that Elliott L. Story, E. W. Beale, Eliza B. Davis and Annis Moon may be made parties defendant to this bill and that the court would compel them as full and perfect answer make to the allegations therein contained as if they had been thereto personally and specially interrogated that the court would direct all proper accounts if any be necessary to be taken to ascertain the interest of the said E. W. Beale in the

said deed of trust and that the court would by its injunction restrain the said Robert N. Williams and Elliott L. Story from paying over to E. W. Beale his share in this deed of trust and bonds but apply the same or as much thereof as may be necessary to the satisfaction of your orator's judgment, and that the court would grant such other and general relief the premises considered as equity may dictate and the nature of his case may require and as in duty bound your orator will ever pray we

Shames Jr.

This day Richard W. Clayton personally appeared before me James A. Tyler Com. in Ch. and made oath that the facts set forth in the above bill are true to the best of his knowledge and belief given under my hand This 18th day of December 1871

James A. Tyler, Commissioner
in Chancery
for the County Court of
Spartanburg

Virginia.

At Rules held in the Clerks Office of the County Court of Southampton
County on the first Monday in January 1872 -

Richard M. Clayton

Plaintiff.

against
Robert A. Williams, Elliott L. Story, E. W. Beale, Eliza V. Davis and Orris Moore. Defendants
In Chancery.

The object of this suit is to restrain and enjoin the Defendants Williams & Story from paying over the moneys or other effects in their hands belonging to the Defendant Beale, and that the same be applied in satisfaction of a judgment in favor of the Plaintiff against the said defendant Beale. And affidavit having been made that the said Defendant Beale is not a resident of the State of Virginia, it is ordered that he appear within one month after due publication of this order and do what is necessary to protect his interest.

A. Copy -

Teste, O. White Ck

"B"

Clayton

Ex: with bill

Beale &

Southampton County Court November Term 1871.

Orris Moore who dies for the benefit of Eliza V Davis & Edward W Beale heirs of Wm. L Williams

Plff

against

Richard W Clayton

Def

In Case

Plffs Costs

\$9.25

Def's Costs

\$6.10

On the motion of the Defendant who pleaded non assumpsit set off, to which the plaintiff replied generally, the judgment claimed in the office is set aside and thereupon came a jury to wit W. Hart, James M Barnes, Archer Atkinson, James Edwards, B W. Stephenson, R F. Barham, R E Darden, Harris Turner, Albert Bryant, Samuel Ferguson, R W Coker & Robert Williams, who being elected tried & sworn the truth to speak upon the issue joined upon their oaths do say - "We the jury find for the plaintiff Mrs. Eliza V Davis, and assess the damages at twenty two dollars and ninety four Cents (22 94) with interest from 28 October 1869." "and we the jury find for the defendant Richard W Clayton against E W Beale and assess the damages against the said E W Beale for R W Clayton for \$161.53 ch with interest from this day" Therefore by consent of parties it is considered by the Court that the plaintiff for the benefit of Eliza V Davis recover against the Defendant twenty two dollars ninety four Cents his damages assessed as aforesaid with legal interest thereon from the 28 day of October 1869 till paid and his costs in this behalf expended - and that the Defendant recover against E W Beale One hundred and sixty one dollars fifty three cents with his damages assessed as aforesaid, with legal interest thereon from this 21st day of November 1871 and his costs by him about his defence in this behalf expended -

A Copy

Teste, O White Ck

"B"

Clayton

Ex: with bill

Beak of

Clayton

~ } Or. pub

Beale & Co

Posted at Gt. W. Jans
Or day 1872.

Christian Sun

Virginia.

At Rules held in the Clerk's Office of the County Court of
Southampton County, on the first Monday in January 1872.

Richard W. Clayton

Plaintiff.

against

Robert A. Williams, Elliott L. Story, E. W. Beale, Eliza V. Davis and Orris
Moore Defendants.

In Chancery.

The object of this suit is to restrain and enjoin the Defendants Williams and
Story from paying over the moneys or other effects in their hands belonging to the
Defendant Beale and that the same be applied in satisfaction of a judgment in
favor of the Plaintiff against the said Defendant Beale. And affidavit having
been made that the said Defendant Beale is not a resident of the State of Virginia,
it is ordered that he appear within one month after due publication of this order and
do what is necessary to protect his interest.

Attest

Teste, C. White 66

Williams

To

Brighton

to } Ex. with bill

Beale & Co

This Deed made this 2^d day of February in the year 1870, between Robert N Williams of the one part and Elliott L Story of the other part Witnesses, that the said Robert N Williams doth grant unto the said Elliott L Story the following property. One tract or parcel of land lately purchased by him the said Robert N Williams of the heirs of William L Williams dec^d being the land of which the said W^m L Williams lately died seized and possessed, containing two hundred and twelve acres more or less and bounded by the lands of James R Ricks & others - In trust to secure the following debts, One bond executed by said Robert N Williams to Eliza V Davis, Orris Moore, and Edwin W Beale on the 1st day of January 1870 for three hundred dollars payable the 1st day of January 1874, with interest from date, One bond executed the same date for three hundred for ~~three~~ hundred dollars payable the 1st day of January 1872 with interest from date, and one bond executed the same date for Four hundred dollars payable the 1st day of January 1873, with interest from date. — Witnesses the following signature and seal

Robert N Williams (Seal)

Southampton County. In the Clerks Office February 2^d 1870.
This deed of trust from Robert N Williams to Elliott L Story, Trustee, for the benefit of Eliza V Davis & others was acknowledged by the said Robert N Williams to be his act and deed and admitted to record a Stamp of the Int. Rev. of the United States to the amount of one dollar being affixed thereto and duly cancelled

Teste

James R Tyler DC

Attest

Teste, O White CC

Richard H. Clayton
vs
Eliza V. Davis & others

This cause was again this day restored to the docket, by consent of parties - And by the like consent the defendant Eliza V. Davis is allowed to withdraw ~~the three bonds~~ from the papers in this suit. The three bonds executed by Robert M. Williams to Eliza V. Davis, Orris Moore & Edwin W. Beale filed with the Defendants' answers & marked A. B. & C. on the said Eliza V. Davis giving to the Clerk of this Court a receipt for the said bonds. And there appearing nothing further necessary to be done in this suit the same is dismissed from the docket.

Rich^d M. Clayton
vs $\frac{3}{3}$

Eliza V. Davis & al

Decree

Octo term '74

To be entered

Geo. V. Nelson.

We consent to this Decree

Ans J. Kinred
for defendants
Nov 13 1874
for plaintiffs

Record Nov 10. 1874 of the Clerk of Southern Circuit Court the
exhibits filed with Defendants answer Marked A.B. & C. and referred to within

O. Moore for

E. V. Davis

Clayton

as 3 Dec
Beals

To be entered

Yessirson.

June Term
1874

Clayton

Dec 3

Beals

This day this
cause came on
again to be heard on the papers
formerly made and on motion of the
plaintiff, by his counsel his bill
is dismissed

The Joint & Several Answer of
Eliza V. Davis & Orris Moore to a Bill
filed against them Edwin W. Beale Rob-
ert A. Williams & Elliott L. Story in the
County Court of Southampton County, by
Richard M. Clayton.

These Respondents for answer to so
much of the Complainant's Bill as they are
advised it is material for them make an-
swer to, answering, say -

that it is true as alleged a Deed of
Trust was executed by the said Williams
to secure the payment of certain bonds
therein described - but these Respondents
expressly state & ~~positively~~ affirm that
on the tenth day of November 1871, prior to
the obtaining of the said judgment by the
said Clayton against the said Beale by the
said Beale did, for value received transfer
and assign all his right, title & interest in and
to the said bonds to the said Eliza V. Davis
which will more fully appear by reference
to the said bonds herewith filed as part of
this Answer & marked A & B. & C -

and they therefore deny absolutely that the
said Beale now has or did have any interest
whatever in the said bonds at the time of
the obtaining of the said judgment.

And these Respondents having answered
these Respondents pray to be heard dismissed
with their reasonable costs &c.

Attest
R. D.

State of Virginia - County of Southampton. Suit

This day personally appeared before me a Commissioner in Chancery for ~~the~~ ^{the} ~~peace of~~ ^{County of} said County, in my said County, Eliza V. Davis & made oath that the statements made in the ~~first~~ ^{first} Answer are true to best of her information & belief.

Given under my hand this 17th day of January A.D. 1872.

James A. Tyler, ~~J.P.~~
Comm in Chancery

State of Virginia - County of Southampton. Suit.

This day personally appeared before me a Commissioner in Chancery for the County Court of said County, in my said County, Orris Moore and made oath that the statements made in the ~~first~~ ^{first} Answer are true to the best of his information and belief.

Given under my hand this 11th day of January A.D. 1872.

James A. Tyler

Comm^r in Chancery &c

Rich^d M. Clayton

Eliza V. Davis & others

Answer of

Orris Davis & Orris Moore

Virginia - Southampton County - Irish -

This day personally appeared before me,
^{Comm in Chancery}
~~a justice of the peace for said County~~, in my said
County, Robert v. Williams & Elliott L. Story
and made oath that the statements made in
the within Answer are true to the best of their
information & belief.

Given under my hand this 15th day of Janu-
ary A.D. 1872.

John W. Tyler,

J.P.

Comm in Chancery

Richard M. Delapton

vs
Elija V. Davis & others

Answer of
R. A. Williams & Elliott L. Story

The Joint & several Answer of
Robert A. Williams & Elliott L. Story
to a Bill filed against them & Eliza
V. Davis, Orris Moore & Edwin W. Beale
in the County Court of Southampton County, by
Richard M. Clayton.

These Respondents for answer to so
much of the Complainant's Bill as they are
advised it is material for them to answer, say
as follows - to wit -

The said Williams admits the ex-
ecution of the Deed of Trust & bonds men-
tioned in the said Bill & that the said
bonds are still due except so much as
he has paid on the same for which they
are credited - and further says that he
knows nothing further in connection with
the allegations of the said Bill -

The said Story admits that he
was mentioned as trustee, as he is informed, in
the said Deed of Trust -

That the said Orris Moore informed
him on the day the said judgment was ob-
tained by the said Clayton against the said
Beale that the said Beale had assigned all
his interest in the said Williams' bonds to
the said Eliza V. Davis - he knows nothing
further -

And these Respondents having answered
pray to be hence dismissed with their rea-
sonable costs &c -

Respectfully
R. D.

In Southampton County Court

Richard W Clayton

^{against}
Elliott L Story, E W Beale, Eliza V Davis & Orris Moore

1871 Dec 18 Bill filed & process issued

1872 Jan. R. Sum. ret. Executed on all Dfts except Beale, not a resident. ~~ff~~
Bill filed & nisi to Dfts. Story, Davis & Moore - Or. Sub to Dft.
Beale

Feb. " Bill taken for Confessed as to Dfts. Story, Davis & Moore & cause set for
hearing ~~ff~~

1874 June Dismissed.

" Oct Leave given to withdraw papers

#95

Clayton

to } Stat Rules &c

Beale &c

Received by Clerk Circuit
Court Aug. 13th 1873.

The plaintiff in this suit having made the proper affidavit, it is ordered that the officer serving the within writ do attach such debts as are already due or to become due to the Defendant E. W. Beale (who is a non resident of the Commonwealth of Virginia) from the other Defendants Robert W. Williams & E. L. Story or either of them: also any other estate of the said Defendant E. W. Beale whether in his own hands or in the hands of the other Defendants or either of them, to answer the future order of the Court

Shands p. g.

Teste O. White Clk

Clayton
 {
 E. L. Story
 {
 Beale
 {
 1842 January Rules

For service by delivering to the
 Williams & Story & their
 or to their each a copy of this
 Summons. E. W. Beale is not a resident
 of this County

The Commonwealth of Virginia

To the Sheriff of Southampton County, Greeting:

WE COMMAND YOU to summon *Robert W Williams, E. L Story, E. W. Beale, Eliza W Davis & Orvis Moore*

if *they* 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

January next to answer a bill in Chancery exhibited against them in our said Court by *Richard W Clayton*

And have then there this writ. Witness OSWIN WHITE, Clerk of our said Court, at the Court-house, this *20* day of *December* A., D., 187 /, in the *96* year of the Commonwealth.

O. White