

1874 ~ 28

Southampton County Chancery

Johnson, T. L.

vs

James, Richard H. et al

land sale under Deed of Trust

Prince, Joseph B.
Barham, Joseph H.

Johnson

as 2 Bill
3 exhibit

James nals

1872 May Rules

To the Honorable Joseph W. Bingham judge of
the county court of Southampton in chancery
sitting

Humbly complaining your orator J. L.
Johnson sheweth unto your Honor that at
the March term 1870 of the county court of
Southampton he obtained a judgment at common
law against Richd B James for \$100 with
interest from the 1st of October 1865 and which has
been docketed as to wit the 31st of March 1870
All of which will more fully appear by a certified
copy of the said judgment ^{and} a certificate of its being
docketed herewith files marked A and prayed to
be taken as a part of this bill and that this
judgment is still outstanding and unsatisfied

Your Orator states further that on the 11th
of October 1871 Richd B James and his wife made
a deed of trust to Joseph B Pinner as trustee
conveying 140 acres of land to secure to
Joseph B Barham the payment of a certain
debt due him All of which will more
fully appear by a certified copy of the said deed
herewith files marked B and prayed to be taken
as a part of

Your Orator states and charges that this
judgment is a lien and charge on the 140
acres of land conveyed to Jos B Pinner by
Richd B James and he now invokes the

aid of this court to enable him to enforce
his lien on the said land

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 Richard H James Joseph B Prince
and Joseph H Barham may be made parties
defendant to this bill and that the court would
compel them as full and perfect answer makers
to the allegations therein contained as if they had
been themselves more fully and specially interrogated
that the court would direct one of its commissioners
to inquire into and report the actual and
annual value of the 140 acres of land
conveyed as aforesaid by Richard H James and
all the judgments which have been obtained
against him prior to October the 1st 1871 and
docketed with their priorities and which are
still outstanding and unsatisfied and if it
should appear that the said land does not pay
them in five years then that it may be
sold for that purpose and that the court would
grant such other and general relief the
justice considered as equity may dictate and
the nature of his case may require and as
in duty bound your orator will ever pray he
thrust p. 9.

A 113

Johnson

to { Eat^s with bill

James

This Deed of trust made this 16th day of October 1871, between Richard H James & Georgianna his wife of the first part Joseph W. Prince, Trustee of the second part and Joseph H Barham of the third part, Witnesses: that in consideration of the herein after mentioned premises, the said parties of the first part do grant & convey unto the said J. W. Prince, trustee as aforesaid, the tract of land upon which the said R. H. James now lives, containing 640 acres, bounded by the lands of Jos H Barham Mepn. R. U. Virgihart & J. G. Little, to him & his heirs forever, with general warranty. In trust however, to secure the payment of a bond of even date with this deed, due by the said R. H. James to Joseph H Barham for two thousand dollars, on demand & carrying interest at the rate of 12 per cent per annum. It is stipulated by the parties to this deed, that if a sale should take place, the trustee shall be allowed 5 per cent Commissions on the whole amount of sales. It is further agreed that upon notice from the said J. H. Barham, the trustee after 30 days ^{public} notice of the time & place of sale, shall sell all the real estate herein conveyed for cash or upon such terms as the said J. H. Barham may propose. Witnesses the following Signatures & Seals.

Rich H James
Georgianna James
J. W. Prince

Seal
Seal
Seal

County of Southampton to wit:

I Jno W Sebell a Commissioner in Chancery for the County aforesaid, State of Virginia, do certify that R. H. James, whose name is signed to the writing above bearing date Oct 16. 1871, acknowledged the same before me in my County aforesaid. Given under my hand this 16th day of October 1871.

J. W. Sebell Commissioner
in Chancery.

Southampton County to wit:

I Jno. W. Sebell, a Commissioner in Chancery, for the County aforesaid, do certify that Georgianna James, the wife of R. H. James, whose names are signed to the writing above bearing date Oct 16. 1871, personally appeared before me in the County aforesaid and being examined by me privily and apart from her husband and having the writing aforesaid fully explained to

her she the said Georgianna James acknowledged the said writing to be her act and deed and declared that she had willingly executed the same and does not wish to retract it. Given under my hand this 16th day of October 1871.

J. W. Sebell Commissioner in
Chancery.

Southampton County In the Clerk's Office November the 4th 1871

This Deed of trust from R. H. James and wife to Joseph B. Prince Trustee for the benefit of Joseph H. Barham was this day acknowledged by the said Joseph B. Prince and together with the Certificates thereto annexed admitted to Record. Stamps of the Int. Rev. of the U. S. to the amount of two dollars being affixed thereto and duly cancelled.

Tested

James R. Tyler D.C.

Attest

Teste, James R. Tyler Ck.

Southampton County Court March Term 1870

J. L. Johnson

against
Richard H. James

Plff

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 that the plaintiff recover against the Defendant One Hundred dollars, the debt in the declaration mentioned with legal interest thereon from the 1st day October 1865 till paid and his costs by him about his suit in this behalf expended.

Plffs Costs \$ 6. 66.

Docketed March 31st 1871 -

Attest

Teste

J. R. Tyler Ck.

Johnson

as 3 Decm
James

To be entered

Geo. W. Snow.

Summ Term
1874

Johnson

as 3 Decree

James

This day This cause
came on again to

be heard on the papers formerly read
and on the motion of the plaintiff
by his counsel his bill is dismissed

Memorandum
for
Clark

Memorandum for Clark

Copy judgment J. L. Johnson vs Richd H James
March 1870 is certificate of being docketed

A

Copy deed of Trust Oct 16th 1871 Rel'd H James
to Jos B Prince for Jos H Barham

TB

and file with bill

Amold jr.

Executed by delivering R. H. James
Jos H Barham & Jos B Price each
a Copy of this Summary.

W W Driggs shff

Johnson
to { Sum. Chy.
James W
1872 May Rules.

The Commonwealth of Virginia

To the Sheriff of Southampton County, Greeting:

WE COMMAND YOU to summon *R. H. James J. N. B. Ashom & J. B.*
Primer Trustees of _____

if *they* be found within your bailiwick, to appear at the Clerk's Office of our *Court*
Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in
May next to answer a bill in chancery exhibited against them in our said
Court by Sheron L. Johnson _____

And have then there this writ. Witness, *James R. Tyler*
~~OSWIN WHITE~~, Clerk of our said Court, at the Court-
house, this *17th* day of *April* A., D., 187 *2*, in the *96* year of
the Commonwealth.

J. R. Tyler *cl*

1874

Johnson

to } Stat. Rules

James Y^d

1874 June Dismissed

1873 Jan -

Colles

Shft

Law Y^d

434
50

1600

2084

1872

Received by Clerk Circuit

Court Aug. 13th 1873.

In Southampton County Court

J. L. Johnson

Richard A. James ^{against} Joseph B. Prince & Joseph H. Barham

1872 April 17. Summons issued.
" May R. Sum. Ret. of Ex. Bill filed. D. Nisi to Dfl.
" June Bill taken for Confld. & Cause set for hearing &c.

1874 June - Dfl?