

1876-05

Southampton County Chancery - Garris, Exum VS Beale, et al.

grist mill settlement

by
Edwards, L. R. GAL
for:

i. { Beale, Charles
2. { " , Bettie
3. { " , Lucy

118
Garriss

or { Bill & Exhibits

{
{
Bealer &c.

1875 August Rules

Price &c.

To the Hon Geo: Blount Judge of the Circuit
Court of Southampton County, In Chancery.
Humbly Complaining sheweth unto
your Honor, your complainant
Essex Garriot that during the year
1841, he purchased of Charles Beale
one half interest in a water grist
mill situated in Southampton County,
for which he agreed to pay said
Beale the sum of \$—. That he
paid the said Beale about \$—,
prior to Jan'y 20. 1842, and on that
day, the said Beale requested him
to execute his note for the balance
of the purchase money to James M.
Corbitt, said Beale representing that
he was indebted to said Corbitt.
That accordingly your complain-
ant did execute his note for the
balance of the purchase money for
said mill to the said James M.
Corbitt, as will more fully appear
by the said bond, herewith filed marked
(A) & prayed to be taken as a part of this
bill. That since the execution of the
said bond to the said Corbitt, the said
Charles Beale has departed this life
intestate & his widow has also died,
both leaving the following heirs at

law. all of whom are infants - viz-
Charles, Bettie & Lucy Beale. That your
Complainant is ready & anxious to pay
off the bond to Cabitt, whenever he
can get a deed for the mill property,
and he is advised this Court is the
proper source to apply to for relief-
In consideration whereof, and forasmuch
as your Complainant is without
remedy except in this Court where
matters of this kind are properly
cognizable, to the end therefore that justice
may be done, he prays that the said
Charles, Bettie & Lucy Beale, infant
children of Charles Beal dec'd, ~~may~~
and James M. Cabitt may be made
parties defendant to this bill & compelled
to answer the allegations thereof--

That some fit & proper person may be
assigned you at liberty to the infant
defendants, to protect their interests
in this suit-, and that your Honor
will enter an order directing some
party, who may be appointed a
Commissioner for the purpose, to execute
a deed with special warranty to your
Complainant, whenever he shall have
fully paid the balance due for
the purchase of the aforesaid mill
property. And that your Honor will

Grant such other, further, general
& special relief, as the nature of this
Case may demand, or to Equity may
seem meet. And as in duty bound,
your Complainant will ever pray &c.
May it please the Court &c.-
J. B. Prince f.c.

The Joint & several answer of Charles,
Betty & Lucy Beal, infants, by A. R.
Edwards, their Guardian ad litem, to a
bill of Complaint, exhibited in the
Circuit Court of Southampton against
themselves & others by Examen Garrison -
These respondents, having reserved
all grounds of Exception to said bill,
for answer thereto say, that they are
infants & know nothing of the facts
alleged in the said bill - and being
such, submit their rights to the protec-
tion of this Honorable Court. And
having answered, may hence to be
disinipid with their costs &c.-

A. R. Edwards
Guardian ad litem

J. B. Prince p.d.

Garrison

in. 3 notice

Bealer

—

Executed

Wm. Wiggall

To Charles Beale, Bethie & Lucy Beale,
orphans of Chas Beale decd.

Take notice that I shall, on the
20th day of Sept: 1845 at the law Office
of J. B. Paine in the village of Jerusalem
in Southampton County between the
hours of 6 am & 6 pm of that day
proceed to take the deposition of
J. McComb to be read as evidence
in my behalf in a certain
suit in Equity depending in
the Circuit Court of Southampton,
wherein I am plaintiff and
you are defendants-; and if from
any cause, the taking of the said
deposition be not commenced, on
that day, or if commenced be not
concluded on that day, the taking
of the same will be adjourned
and continued from day to day, or
from time to time, at the same
place and between the same hours
until the same shall be comple-
ted.

Sept 8. 1845.

To Shff of Southampton }
to execute }

Respectfully,
Ex. Wm. Garrison
by Counsel.

Harris
in 3 Decree.
Mealer

May Term 1876

To be entered.

Wm. B. Brown

1878 June 21 under this decree made at May Term Circuit Court of
Southampton County I have received of the Clerk of the said Court the bond
of Exum Harris of \$627.76 filed with the bill in this suit as an exhibit.
J. M. Corbett

Garrison
vs 3 Decree.

Bealer.

This day this cause came on to be further heard on the papers formerly read, the report of Court Corbitt filed during the term and was argued by counsel. On consideration whereof, & no exceptions being filed to said report, the Court doth adjudge order & decree that the same be confirmed: and it appearing to the Court that it is necessary for J. M. Corbitt to have the bond of James Garrison, for \$627.²⁶, filed with the bill in this suit, and that it is ^{no} further necessity in the suit, leave is hereby granted the said Corbitt to withdraw the same by receipting to the clerk of the Circuit Court for it. and nothing further appearing necessary to be done in this cause, it is ordered to be removed from the docket.

Garris
in $\frac{1}{3}$
Bealis

Answer of
J. M. Corbett

Garrison

in 3 Answer of J. M. Corbitt

Beale's-

This respondent for answer to said bill, says - That the bond filed in this case, all belongs to the estate of Charles Beale, but Charles Beale owed the money to your respondent, and when the bond was executed Charles Beale directed Wm. Garrison to make it payable to Corbitt & not to himself - so that when this money is collected, it will ^{be} so much credit on what Charles Beale owes this respondent. and having answered pray hence to be dismissed - P.

Nov 4. 1875

cc.

J. M. Corbitt

Garrison
on 3 Decree
Bealer Jr

Nov 2nd 1845-

To be entered,
Geo: Blow-

Garrison
vs 3 Decree.

Beale &c.

This day this Cause came on to be heard on the Complainants bill, which ~~upon the answer of~~ ~~between taken for confessed~~ ~~into the debt~~ J. M. Cabitt, the answer of the infant debt, by A. R. Edwards, then Gordon & taken and was argued by Counsel. On consideration whereof, the Court doth & doth order & decree that whenever James Garrison, the Complainant in this suit shall pay to J. M. Cabitt, the balance due on his note of \$627. ²⁶, filed with the Complainants bill, then J. M. Cabitt, who is hereby appointed a Commissioner for the purpose, execute to the said Garrison a deed of bargain & sale with special warranty for the one half interest in a certain Water mill, in Southampton County, owned by Charles Beale, & sold by him to James Garrison, in the lifetime of said Chas Beale. And said Com. will report his proceedings under this order to Court.

Garrison
v. 3

Beales

Report of Commr
Cortitt

May 5. 1836

Garriss

vs 3 Report of Comr Corbitt.

Beales

In this cause your Court submit
the following report. That pursuant to
authority given by decree of Nov Term 1875,
your Court has executed to Henry Garriss
a deed with special warranty for one half
mill property bought by said Garriss of Chas
Beale, in his lifetime, said Garriss having
fully paid the bond filed in the papers for
\$627-²⁶/₁₀₀ by giving a trust deed on other
property. I would ask leave to introduce
said bond - and this suit may now be dismissed.

To Judge Circuit Court.

Respy submitted - J M Corbitt.

Garris

v } Sepa

Beale

1875 September 20th at
Jerusalem

Excuted

W W Driggs stff

The Commonwealth of Virginia:

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU, That you Summon

J M Corbett

to appear before the Judge of our *at Jerusalem in* Court of Southampton County, at the Court-
house, on the *20* day of *September 1875* Term to testify and the truth
to say on behalf of

Exum Harris
Circuit of said County
in a certain matter of controversy in our said Court depending and undetermined between

Exum Harris

Plaintiff and

Beales orphans

Defendant .

And this *he* shall in no wise omit under the penalty of *\$* and have then there this
writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court at the Courthouse, this *9* day
of *September* 1875, in the *100* year of the Commonwealth.

L R Edwards

The Commonwealth of Virginia:

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU, That you Summon

J. M. Corbitt

to appear before the Judge of our *at Jerusalem in* Court of Southampton County, at the Court-
house, on the *20* day of *September 1875* Term to testify and the truth
to say on behalf of *Exum Harris*

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

Exum Harris

Plaintiff and

Beales Orphans

Defendant .

And this *he* shall in no wise omit under the penalty of

\$

and have then there this

writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court at the Courthouse, this *9* day
of *September* 187*5*, in the *100* year of the Commonwealth.

L. R. Edwards

Garris
v } Stat. Rules.
Beale &

1896. May - Removed from
the Docket.

In Southampton Circuit Court.

Exum Harris

against
Charles, Bettie & Lucy Beale infant children of Charles Beale dec:
& J M Corbitt.

1875 June 22: Summons issued

" Aug R Sum's ret? Executed. Bill filed. L R Edwards assigned
Gov addition to infant Defts. Ansr of infants Gen. Rep. D Nise v
Deft. Corbitt.

" Sep. R. Bill taken for confessed as to Deft. Corbitt. Cause set for
hearing as to all Defts.

" Nov. T Deceit R.

1876 May T Report & decree dismissing Deft & Co with draw bond