

1878-13

Southampton County - Chancery

Scruggs, W. H. & Co. vs Harris, W. F. et al

I sell land to
pay off Judgment

W. H. Scruggs
L. M. Green

W. F. Harris
James E. Harris
Fannie A. Harris
J. F. Harris
Rebecca O. Harris
J. L. Harris

Law Office of Friend & Davis,

COMMERCIAL NATIONAL BANK BUILDING,

SYCAMORE ST.,

Petersburgh, Va., Aug 4th 1875

Dear Sir

Please issue process in
 Chancery as per memorandum
 below and file the enclosed bill at
 the September Rules of your
 Court & oblige very truly Yrs.
 Friend & Davis

Memorandum

W H Drenry & S M Green
 partners and merchants trading under
 the firm of W H Drenry & Co

W S
 M F Harrip, James E Harrip & Fannie
 Harrip his wife; F F Harrip and Rebecca
 D Harrip his wife and F L Harrip

In Chancery

Re Sept^r Rules 1875
 F & D

121
Circuit Court Southampton

W. H. Gregory & Co

as Bill

Harri & als

1875. September Rules

In the Circuit Court of Southampton County
To the Hon Geo Blow Judge of the Circuit
Court of Southampton in Chancery

Humbly complaining shew unto your
Honor your complainants W H Doermy
& I M Doan partners and merchants trading
under the firm of W H Doermy & Co, that
M F Harris is justly indebted to them in the
sum of One hundred and twenty four ⁸⁵/₁₀₀ Dollars
with interest from Jan'y 1st 1874 till paid and
Eight ⁸⁸/₁₀₀ Dollars Costs adjudged to be paid them
by your Honors Court, as will more fully appear
from a certified copy of the judgment and exe-
cution ~~of~~ issued from said Courts Clerks Office
herewith filed marked "Ex A" and pray
to be taken and read as a part of this bill
That the said M F Harris is possessed of no
personal estate out of which your complainants
can make the said amount now due them
as will appear from the return of the Sheriff
"No Property" endorsed upon the execution, a certified
copy whereof above referred to as "Ex A" is hereby
again specially referred to as a part of this bill
That by virtue of their judgment aforesaid they
are entitled to a lien upon certain land lying in the
County of Southampton now owned and possessed
by the said M F Harris and devised to him

under the will of J^r Howell Harris, a duly certified
copy whereof marked "Ex B" is herewith filed
and prayed to be taken as part of this bill;

And under consideration whereof and forasmuch &c
Your Complainants pray that M^r F Harris; James
E Harris & Fannie A Harris his wife; J F Harris and
Rebecca D Harris his wife. And F L Harris may be
made parties defendant to this bill and ordered to
answer all the allegations herein contained.

That your Honor will direct an account to be
taken showing the Lins binding upon the in-
terest of the said M F Harris in the land disig-
nated; and also the fee simple and annual
value of the interest of the said M F Harris
and all other proper accounts.

That there may be a decree directing the lease
or sale of the interest of the said M F Harris
as to equity money sum best, and the appropriation
of the proceeds of such sale or lease to the payment
of your complainants ~~line~~ judgment and such
other judgment or lins as may appear to be
binding upon the same. And also a ~~fee to~~
reasonable fee to the attorney for bringing this
suit which your Honor is hereby requested
to allow. And that your Honor will grant
unto your complainants such other farther
and general relief in the premises as to equity
shall seem meet and the nature of this

case require, and your compliments
will ever prove &c
Friend & David/c

Drewry H^{co}.
v { Sum^s Chy.

Harris J^r

1875 October Rules

Executed by delivering
a copy of the within to
Rebecca D. Harris wife of
J. H. Harris also by delivering
a copy of the same to her for
J. H. Harris and explaining the
same to her she being over the age
of 16 years He not being at his
usual place of abode This

Lee County September
22nd 1875
Thos. S. Ely J. C. C.

To the Clerk of said Court in and am
allowed 50 cents for each one of the within with
and you hereby lent me one 50 cents would be
allowed for you to lend. The another 50 cents
and charge your friends it up to 22nd 1875.
Thos S. Ely J. C. C.

The Commonwealth of Virginia,

To the Sheriff of ^{Lot}Southampton County---Greeting:

WE COMMAND YOU TO SUMMON as at another time we have, to summon M. F. Harris,
J. F. Harris & Rebecca D his wife & F. L. Harris

if they be found within your bailiwick, to appear at the Clerk's Office of our Circuit 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 themselves and another in our said Court by M. H. Drewry & J. M. Green partners & merchants trading under the firm of M. H. Drewry & Co

And have then there this Writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this 6 day of September A. D. 1875, in the 100th year of the Commonwealth.

L. R. Edwards *cl*

Dewey J^{ro}

& Sum! Chy.

Harris J^r

1875 & November Rules

Executed by delivering
Millard & Harris a
Copy of this Summons
on the 15th day of
October 1875

W W Briggs J^{ff}

The Commonwealth of Virginia,

To the Sheriff of Southampton County---Greeting :

WE COMMAND YOU TO SUMMON

as at other times we have
Willard F Harris,

if *he* be found within your bailiwick, to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court on the first Monday in *November next*

*To answer a bill in Chancery exhibited against himself & others in our said Court
by W. H. Drewry & S. M. Greene partners & Merchants trading under the
firm of W. H. Drewry & Co.*

And have then there this Writ.
the Court House, this *4*
year of the Commonwealth.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at
day of *October* A. D. 1875, in the *100*

L. R. Edwards Clk

Super

Year of the Commonwealth.

the Court House, this

And have then there this Writ.

day of

Witness, WILLIAM R. EDWARDS

A. D. 187

Clerk of the Court

*M. F. Harris at
Franklin Buchanan
J. P. Harris
Sheriff*

sumption County, at the Rules to be holden for the said Court on the first Monday in
it be found within your jurisdiction, *respected* *at the Court* of our Circuit Court of South-

W. R. Harris

WE COMMAND YOU TO SUMMON

To the Sheriff of Southampton County

The Commonwealth of Virginia

F. L. Harris not found
Harris, I am informed, lives at
Franklin Buchanan
Greeting:

The Commonwealth of Virginia,

To the Sheriff of ^{Sussex} Southampton County---Greeting:

WE COMMAND YOU TO SUMMON *as at another time we have to summon M. F. Harris*
J. F. Harris & Rebecca & his wife & F. L. Harris

if ~~they~~ be found within your bailiwick, to appear at the Clerk's Office of our Circuit 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 themselves and another in our said Court
by W. H. Drewry & J. M. Green Partners of merchants trading under the firm
of W. H. Drewry & Co.

And have then there this Writ.
the Court House, this
year of the Commonwealth.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at
day of *September* A. D. 187*5*, in the 100th.

L. R. Edwards

50 Cts. Shiffs fee inclosed

L.R.O.

Admiral
1873 November Rules

Henry No. 1
to Edmund Esq.

Super

Executed October 26th 1878 by leaving
a copy of the within at the stopping
place of F. L. Harris he having no
fixed home.

F. L. Harpman
Sheriff

The Commonwealth of Virginia,

To the Sheriff of Southampton County---Greeting :

WE COMMAND YOU TO SUMMON

as at other times we have
J. L. Harris

if *he* be found within your bailiwick, to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court on the first Monday in *November next* to answer a bill in chancery exhibited against himself & others in our said Court by *W. H. Drewry & S. M. Greene* partners & Merchants trading under the firm of *W. H. Drewry & Co.*

And have then there this Writ.
the Court House, this *4*
year of the Commonwealth.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at
day of *October* A. D. 187*5*, in the *100*

L R Edwards

Executed by delivering James E
 Starris ^{and wife} a copy of this Summons on
 the 13th day of August 1875. In F Starris
 & E Starris wife & F E Starris are not
 residents of My County

W A Briggs Sff

Dwight 860

Sum. Chy

Starris

1875 September Rules

87
 9
 161

The Commonwealth of Virginia,

To the Sheriff of Southampton County---Greeting :

WE COMMAND YOU TO SUMMON

*M. F. Harris James E. Harris & Fannie A. his
wife F. L. Harris & Rebecca D. his wife & F. L. Harris*

if ~~they~~ be found within your bailiwick, to appear at the Clerk's Office of our Circuit Court of South-
ampton County, at the Rules to be holden for the said Court on the first Monday in *September next*

*to answer a bill in Chancery exhibited against them in our said Court by W. H.
Dewry & S. M. Green partners & merchants trading under the firm of
W. H. Dewry & Co.*

And have then there this Writ.
the Court House, this *9*
year of the Commonwealth.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at
day of *August* A. D. 1875, in the *100*

L. R. Edwards Clk.

have then there this writ. Witness L. R. Edwards Clerk of our said
Court at the Courthouse this 16th day of November 1874, in the 99th
year of the Commonwealth

L. R. Edwards cl^k

Sheriffs Return - "No property - W. W. Briggs shff."

Copy
Jest, L. R. Edwards cl^k

Denny Ho:

Copy Supt. & Exam.

Harris.

Therfor Cdr Lawrence

"Ex. A."

404 fe

In Southampton Circuit Court June 16. 1874.
Wm H Drewry & S M Green merchants trading under the firm of W H
Drewry & Co. Plaintiffs
against
M. F. Harris Defendant } In Debt

The judgment obtained at the Rules against the Defendant 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
One hundred and twenty four dollars and thirty five Cents, the amount of
the account upon which this action was brought, with legal interest thereon
from January 1st 1874, till paid and their costs by them about their
suit in this behalf expended

Plffs Costs \$ 8.88 -

Attest

Teste, L R Edwards Ck

The Commonwealth of Virginia.

To the Sheriff of Southampton County: Greeting -
We command you that of the goods and chattels of M. F. Harris late
in your bailiwick you cause to be made One hundred & twenty four
dollars thirty five Cents with legal interest thereon from January 1st
1874 till paid which W H Drewry & S M Green merchants trading
under the firm of W H Drewry & Co. lately in our Circuit Court of
Southampton County have recovered against him as well for a certain
debt as for interest thereon, also the sum of eight dollars and 88 Cents,
which to the said Drewry & Co. in the same Court were adjudged for
their costs in that suit expended, whereof the said Harris is convicted as
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

Harold Harris

Wells 1873

Ex B

"Ex B"

1704

I Howell Harris considering the uncertainty of life and the duty of being prepared for death, do make and order this my last my last will and testament, hereby revoking all former wills by me at any time made.

Item 1st After paying my just debts I give to S. F. Harris my cream horse.

Item 2nd I leave to my wife and children all the remaining part of my estate, during her natural life or widowhood, my children to be clothed and well educated, out of the proceeds arising therefrom if sufficient: and if not my executors shall sell such species of property as they may think proper, for that purpose and in case my wife should marry, in that event it is my will and desire, for her to have one third part of my estate as the law would direct, allotted to her in dower as if there had been no will.

Item 3rd At the death or marriage of my wife, my will and desire, that my son Theophilus F. Harris shall have his choice of one of the following negro boys, Henry, William or Watt either one of them which he may think proper to take.

Item 4th At the death or marriage of my wife I give to my son Willard F. Harris my horse tract of land including the land lying on the west side of the Mill pond, and in case he should die without lawful issue, then and in that case I give the above named tracts of land to my next youngest son James E. Harris, and in case he should die without lawful issue I then give it to the next youngest, surviving son in like manner as before mentioned to them and their heirs forever, my main object for so disposing of the above named tracts of land is to keep it in my family.

Item 5th At the death or marriage of my wife, I leave all the balance of my real estate not yet named to be sold and the moneys arising therefrom to be equally divided between all of my children except Theophilus F. and Willard F. Harris who have specific legacies above named.

Item 6th My desire is that my son Theophilus F. Harris shall have his education completed out of the proceeds of my estate either by sale of property or otherwise, my object for doing this is to make him equal with the balance of my children, as my intention is not to give him any thing more than what I have already expressed above in the first and third clauses.

Item 7th My wish is that at the death or marriage of my wife or in case of either or both wants, to have the balance of my negro property yet disposed of equally divided between all of my children except Theophilus F. and Millard F. Harris, whom I have given specific legacies.

Item 8th At the marriage or death of my wife, my wish is to have all of the perishable property sold and after paying all expenses debts &c I give to my youngest son Millard F. Harris one thousand dollars, my reason for doing so, is because Millard F. Harris will have no legal title to his land unless he should have a lawful issue, and in case of his death without lawful issue, the next youngest surviving son, shall have his legacy and &c by giving up first his portion of my estate which he is entitled to draw from the proceeds of my will and if he should not be willing to give up his interest for that Millard F. Harris then I extend the right to the next youngest son in like manner and in case he should not be willing to give up his legacy for that of Millard F. Harris, then I extend the right to the next youngest son in like manner and in case he should not be willing to give up his legacy for that of Millard F. Harris, then my desire is that it shall be sold and equally divided between ^{all} my children except Theophilus F. Harris and the son to whom the right has been already extended.

Item 9th I constitute and appoint my brother James Harris and son Theophilus F. Harris the executors to this my last will and testament.

Given under my hand and seal this the eleventh day of January

One thousand eight hundred and fifty four.
In presence of

W^m A. Jones,
J. W. Cland,
Thos. B. Powell
G. N. Mosgrave

Howell Harris Seal
"3

At a Court held for the County of Southampton, the 17th day of April 1854
This last Will and testament of Howell Harris dec^d, was this day proved by
the oaths of Joseph W. Cland and Geo. N. Mosgrave two of the subscribing
witnesses thereto and therefore ordered to be recorded. And as the intestate
James Harris by Theophilus F. Harris the executor therein named who made
oath (and together with Joseph W. Cland, Robert F. Jones & W. E. Portland
his securities, (who justified on oath as to their sufficiency) entered into and
acknowledged a bond in the penalty of thirty five thousand dollars conditioned
according to law. Certificate is granted them for obtaining a probat of the
said will in due form.

Teste,

L. R. Edwards cllg

A Copy

Teste L. R. Edwards cllg

68 91
Dewey & Co
v } Stat. Rules
Harris & Co

	9.76
Sh.	3.00
	16.00
Law.	28.76

To be dismissed.
1878 May - Removed from
the Docket.

In Southampton Circuit Court

W. St. Drury & S. M. Green partners and merchants trading under
the firm of W. St. Drury & Co.

against
M. F. Harris, James E. Harris & Fannie A. Harris his wife, J. F. Harris &
Rebecca D. Harris and F. L. Harris

1875 Aug 9 Sum. Chy issued

" Sept R - " Ret Executed on Defs. J. E. Harris wife - other Defs.
not residents. Bill filed D. Nisi to Dfts J. E. Harris wife. New
process against other Defs. Returnable to Oct. Rules

" Oct R. Sum. ret. Ex on Dfts J. F. Harris wife - Other Defs not found -
Bill taken for confessed as to Dfts J. E. Harris & wife - cause set for
hearing as to them. D. Nisi to Dfts J. F. Harris wife & New
process awarded against Defs M. F. Harris & F. L. Harris -