

1880-06

Southampton County - Chancery

Glenn, Susan vs Shanks, Wm B et al

Payment of funds -
"Cross Bill"

Wm B. Shanks

H C. Beale

Wm. W. Briggs Sh.

To the Honorable George B. Low Judge of the
Circuit Court of Southampton County in
chancery sitting

Humbly complaining your Petitioner
Susan Glom by this her Exord bill files
against Wm B Shandas, H. C. Beale, and Wm W
Briggs in response to a bill filed by Wm B
Shandas against her and H. C. Beale in 1873
sheweth unto your Honor that in July 1870
she made a deed of gift conveying to
H. C. Beale one hundred and fifty acres of
land on condition that he should support
her comfortably during her life that in the
year 1873 Wm B Shandas files his bill against
her and H. C. Beale asking that the said
land should be subjected to his debt which
was contracted before the execution of the
said deed and the court sustaining
his view of the law ^{and} ~~that~~ the said
land to be sold unless the said Susan
Glom should pay to Wm B Shandas his
debt and costs of suit, that under that
decree which was entered in the county Court
of Southampton at the June 1873 Wm W
Briggs sheriff of Southampton who was
directed to make the sale in the court
your Petitioner could not pay the money
therein decreed to the said Wm B Shandas
Reports that at the December county Court
(Third Monday, 1873) he sold the said

one hundred and fifty acres of land
to James H. Joyner for \$280 and that he
paid out the sum of \$112.38 in leaving
a balance due of \$173.62 with interest
from December 1873 and that at the October
term 1874 of the Circuit Court of Southampton
the court confirmed the sale and directed
Mr W Briggs to withdraw the bond collect
it and report to court, and that the said
Briggs did withdraw the said bond, all
of which will more fully appear by all
the papers in the cause of Shames as
shown a copy of which are the papers
of which cases are herewith filed
as an exhibit with this copy and
prayed to be taken as a part of the same
Your Petitioner charges that Mr W Briggs
has collected the said bond and made
a deed to James H. Joyner and that after
paying to Mr B Shames his debt and all
costs and charges amounting in all to the
sum of \$112.38 the said Mr W Briggs
had in his hands the sum of \$173.62
carrying interest from the 3^d Monday in
December 1873 and that this sum should
be paid to your Petitioner for the following
valid reasons

Your Honor will perceive from
an examination of this deed from
your Petitioner to H. C. Beale the said
land was given and conveyed with

the express condition therein stated that
H. C. Beale was to support her for life
and your Petitioner has expressly charged, and
alleges that the said H. C. Beale
has never in any manner complied
with his said covenants but has wholly
refused to do so both before the land
was sold for her but it may be that
he has paid her nothing whatever
Your Petitioner does and alleges that she
is extremely needy and destitute
dependant on charity for support and she
asks that this money in the hands of
the sheriff may be paid to her.

In tender consideration of her age and
infirmities as your Petitioner is without remedy
at law and only entitled to relief in a court
of equity where such matters are judicially
cognizable she therefore prays that Henry C. Beale
Mr W Briggs sheriff of Southampton and Mr
B Shames may be made parties dependant 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 themselves
more fully and specially interrogated that the
court would direct Mr W Briggs sheriff of
Southampton pay to your Petitioner the sum
of \$173.62 that being the balance in his
hands in the case of Shames as shown in
with interest from December 1873 and that

The court would grant such other and general
relief the justice conscience as equity may
dictate and the nature of the case may
require and as in duty bound your Obedience
will ever pray we

Shames p. 9.

Shames

as 3 Crook Hill

Heath 1000

1880 June 8th

Harvey if needed

Treas at the Courthouse of Southampton County before the Judge of the Circuit Court of said County on the sixth day of May in the year 1876

Be it remembered that heretofore to wit on the 7th day of April 1873 Wm B. Shands sued out of the Clerk's Office of the County Court of the said County a summons in Chancery against Susan Glover and Henry Beale, which summons with the Sheriff's return thereon made in the following words and figures to wit:

The Commonwealth of Virginia

To the Sheriff of Southampton County =
= Greeting:

We command you to summon Susan Glover & Henry C. Beale 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 May next, to answer a bill in Chancery exhibited against them in our said Court by Wm B. Shands. And have them there this writ. Witness Littleton R. Edwards, Clerk of our said Court at the Court-house this 7th day of April A. D. 1873 - in the 9th year of the Commonwealth
L. R. Edwards C. C.

Sheriff's Return

Executed by delivering a copy to each

J. L. Fairbank

Dep. Off.

And at another day to wit. At Rules held in the Clerk's Office of the County Court aforesaid on the first Monday in May 1873, came the Plaintiff by his Attorney and filed his bill against the Defendants, in the following words to wit:

To the Honorable Joseph W. Ughent Judge of the County Court of Southampton in chancery sitting.

Humbly complaining your orator Wm B. Shands sheweth unto your Honor that at the March term 1873 of the County Court of Southampton he obtained a judgment against Susan Glover for \$50- on which execution has issued and been returned no effects as will more fully appear by a copy of the said record herewith filed and a copy of the execution and the return thereon marked "A" and prayed to be taken as parts of this bill. Your Orator states further that subsequently to the contracting of this debt with your Orator by Susan Glover to wit on the 9th of July 1870 the said Susan Glover by deed of gift of record in the Clerk's Office of

fifty acres of land given by
Susan Glover to H. L. Beall
for the purpose of paying your
Orators debt and that the Court would
grant such other and general relief
the premises considered as equity
may dictate and the nature of his
cause may require and as in duty
bound Your Orator will ever pray &c
Shanos h. g.

{ Exhibit A }

Pleas before the County Court
of Southampton County at the Court
house thereof on the day of March
1873.

Be it remembered, that heretofore
to wit, on the 19th day of December 1872
Wm. B. Shanos send out of the Clerk's
Office of the said Court a summons
against Susan Glover which with the
return thereon is as follows.

'The Commonwealth of Virginia: To the
Sheriff of Southampton County. Greeting
We command you to summon
Susan Glover if she 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 Wm. B. Shanos of a plea of
trespass on the case. Damages \$50.

And have then there this writ. Witness
J. P. Edwards clerk of our said court at
the Court-house this 19th day of December
A. D. 1872 in the 97th year of the Commonwealth

J. P. Edwards C. C.

Return Executed Jan'y 6. 1873, by delivering
a copy of the writ and a copy of the
account.

J. L. Barham Dist. Shff.

And at Rules held in the clerk's Office
of said court on the first Monday in
January 1873 came the Plaintiff by his
Attorney and filed his declaration
against the Defendant in the following
words, to wit:

Southampton County to wit

Wm. B. Shand Plaintiff complains
of Susan Glover Defendant, who has
been duly summoned of a plea of *Trupa*
on the case, For that whereas the said
Defendant heretofore to wit on the 16
day of March 1870 at to wit, the County
aforesaid, was indebted to the Plaintiff
in the sum of \$50. for services rendered
her as an Attorney and bringing several
suits and recovering Judgment against
P. L. Bryant. And in the sum of \$50-
for money found due from the Defendant
to the Plaintiff, on an account then and
there stated between them. and whereas
the Defendant afterwards to wit, on the
day and year aforesaid in consideration
of the premises, respectively then and

there promised to pay the several moneys respectively to the Plaintiff, on request, yet she hath disregarded her promises and hath not paid any of the said moneys or any part thereof, to the Plaintiff's damage \$50- and therefore he brings suit

Shands p.g.

The following is a copy of the account filed with the declaration

" Susan Glover

To William P. Shands

March 16. 1870. To suit brought and

Judgment obtained on seven

bonds against T. L. Bryant

the same being contested for \$600

Ln

\$ 50.00

And on the defendant not appearing, on the motion of the Plaintiff by his Attorney it was ordered that Judgment be entered for the Plaintiff against the Defendant for Fifty Dollars, the amount of the account upon which this action is brought with legal interest thereon from the 1st day of January 1871 till paid, unless the said Defendant shall appear and plead to issue at the next Rules.

At which day to wit, At Rules held in the said Office on the first ~~Monday~~ in February 1873 the Defendant still failing to appear on the motion of the Plaintiff the last order made in this cause is confirmed

And now at this day to wit, At a County Court held for the County aforesaid at the Court house on the day of March 1873, being the last day of the term 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 Fifty Dollars the amount of the account upon which this action is brought, with legal interest thereon from the 1st day of January 1870 till paid and his costs by him in this behalf expended.

The Execution which issued upon the foregoing Judgment, with the Sheriff's endorsement and return thereon is in these words:

"The Commonwealth of Virginia: To the Sheriff of Southampton County Greeting— We command you that of the Goods and Chattels of Susan Glover late of your bailiwick your cause to be made Fifty Dollars, with legal interest thereon from 1st day of January 1871 till paid which Wm. D. Shaws lately in our County Court of Southampton County has recovered against her as well for certain damages as for interest thereon, also the sum of Eight Dollars and — cents, which to the said Shaws

in the same court were adjudged for
his costs in that suit expended,
whereof the said Glover is convicted 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 the
said court on the first Monday in April
next and have then there this writ.

Witness L. P. Edwards Clerk of our
said court at the court house this 24 day
of March 1873 in the 47th year of the
Commonwealth."

L. P. Edwards C. C.
~~~~~

Sheriff's Endorsement & Return

"Came to hand 24 March 1873 at 10. A.  
Clock A. M. W. W. Briggs Shff"  
"No Property - W. W. Briggs Shff"

A transcript of the Record

Teste: L. P. Edwards C. C.  
~~~~~

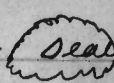
8
Exhibit B.

This Agreement made and entered into this 9th day of July 1870 between Susan Glover of the first part, and Henry C. Beall of the second part; witness that the said Susan Glover doth give and convey unto Henry C. Beall all her right, title and interest in a certain tract of land lying in the County of Southampton, Virginia, containing one hundred and fifty acres more or less, the said tract of land recently purchased of Richard L. Bryant and being the land formerly owned by James Drake ~~and~~. the said tract or parcel of Land is bounded by the lands of W. B. Butler and Bennet Barrett, and furthermore she Susan Glover gives and conveys all of her personal and chattel Estate to the said Beall for and in consideration, that the said Beall is to take care of her) Susan Glover during her natural life, taking care of her, means to feed, clothe and furnish any thing necessary for her support comfortably under this consideration the said Henry C. Beall shall have and hold all the above named property, him and his heirs forever, provided he the said Beall comply with the above stipulations; the above named property shall not be taken for any of said Bealls indebtedness during said Grovers lifetime and the above named property shall be bound for her) Susan Grovers

support. as Witness our hands and seals

Test:

J. P. Rachelle }
James T. Lester }
Thos. H. Drake }

Susan ^{her} Glover 
Henry ^{marry} ^{his} Beale 
^{mark}

Southampton County: In the Clerk's Office, August the 15th 1870
This Deed of Bargain and Sale from Susan Glover
to Henry B. Beale, was this day received and
proved by the oaths of James T. Lester and
Thos. H. Drake two of the subscribing
witnesses thereto and admitted to record.
A Stamp of the Int. Per. of the United
States to the amount of fifty cents,
being affixed thereto, and duly cancelled.

Test:

L. R. Eaworos C. C.

A. Leary Teste

L. R. Eaworos C. C.

And the summons awarded in this cause
being returned executed on the the
Defendants, and they not appearing to
file their answers, on the motion of the
Plaintiff by his Attorney it was
ordered that unless the said Defendants
appear and plead, answer or demur
to the Plaintiffs bill at the next Rules to
be held for the said Court the said
bill will be taken for confessed, and
the cause set for hearing.

And at another day to wit. At a
~~County Court~~ Rules held as aforesaid

on the first Monday in June 1873. the Defendants still failing to appear on the motion of the Plaintiff by his Attorney his bill was taken for confessed and the cause set for hearing - And at another day, to wit, at a County Court for the County of Southampton held at the Court house of said County on the 16th day June 1873.
Shandos

OS } Decree
Gloria v. als

This day this cause came on to be heard on the Plaintiff's bill taken for confessed as to both the Defendants Susan Glover and Henry C. Beall and the exhibits filed and was argued by counsel, on consideration whereof the Court doth a judge order and decree, that unless the Defendants Susan Glover and Henry C. Beall shall by the 1st day of October 1873 pay to the Plaintiff Wm. B. Sandos the sum of fifty Dollars with interest thereon from the 1st of January 1871 and the costs of this suit, then the Sheriff of Southampton after giving at least twenty days notice of the time and place of sale by public advertisement at the Court house door and at least two Public places in the neighborhood of the land proceed to sell at Jerusalem on some County Court day to the highest

bidder the tract of Land containing one hundred and fifty acres now in the possession of Henry C. Deal it being the land conveyed to him by Susan Glover, on the following terms to wit sufficient cash to pay the sum of \$50 - with interest from the 1st of Jan'y 1871, and costs of common law suit \$8 - and costs of this suit and balance of the purchase money on a credit of twelve months taking from purchaser's bond with approved security, carrying interest from the day of sale, retaining the title until the further order of this Court and return the bond along with his report for a further decree of the Court.

And after words, for pursuance of an Act of the General Assembly of Virginia this cause was removed to the Circuit Court of this (Southampton) County to be further proceeded in -

And after words, to wit, on the 23rd February 1874, the Commissioner appointed under the decree rendered in this cause on the 16th day of June 1873 - made his report in the following words to wit:

"In obedience to a Decree of the County Court of Southampton rendered at June Term 1873 in the Chancery suit of Shanks against Glover, I

advertised according to the directions of said deed the Tract of Land in the possession of Henry C. Beale conveyed to him by Susan Glover containing one hundred & fifty acres, and sold the same to the highest bidder at Public Auction, in the Town of Jerusalem on the 3rd Monday in December 1873, and at the sale so made, James H. Dayner became the purchaser by bidding therefor the sum of Two Hundred & Eighty Dollars, which is three fourths the appraised value. and the said James H. Dayner paid Ninety four Dollars in cash, and executed his Bond for one Hundred & Eighty six Dollars payable one year after date, with J. M. Powell as his security, which bond is herewith returned as a part of this Report. Out of the cash payment of Ninety four Dollars, I paid Wm B. Shands Deft Interest & costs amounting to \$74.40 & took his receipt for same which is herewith returned. I paid costs of suit as follows: Clerk \$5.38 Sheriff \$1.00 Lawyer \$16.00 Auctioneer \$2.00 My Commission for selling \$14.00 making in all \$112.38 leaving a Balance due me of \$18.38

Respectfully Submitted
 W. W. Briggs Comy

And at another day to wit at a Circuit
Court held for the County aforesaid
on the 29th day of October 1874
O hands

51 } Deane
Glover xals

This day this cause came on
again to be heard on the papers
formerly read and the report of
W. W. Briggs Sheriff of Southampton
in pursuance of a decree of the
County Court entered at the June
Term 1873 directing him to sell a
tract of Land containing 150 acres
in the possession of H. C. Beall
and to which report no exceptions
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 that W. W.
Briggs withdraw the Bond for \$186
executed by James H. Dayner and
J. M. Fowell from the papers in
this cause and collect the same
and when paid make to James
H. Dayner a Deed with Special
Warrant and report his proceedings
to Court in order to a further decree.

And now on this day to wit. At a
Circuit Court held as aforesaid
on the day and year first herein

RECEIVED BY THE CLERK OF THE COURT

TO THE CLERK OF THE COURT
AT JACKSONVILLE
FLORIDA

Beale &c

1880 July Rules
to appear at the Court of the
County of Duval Florida
on the 1st day of July
1880

Executed by delivery
H C Beale a copy
of this Summons on
the 1st day of July
1880

W W Driggs
Jack Beale &c
of this Summons
W W Driggs

Summons 1880 & acknowledgment
the within summons
J. H. Beale

THE COMMONWEALTH OF VIRGINIA.

To the Sheriff of Southampton County.---GREETING:

We Command You to summon St. C. Beale, Wm H Briggs and
Wm B. Shands

to appear at the Clerk's office of our Circuit Court for South-
ampton County, at the Rules to be holden for the said Court on the first
Monday in July next to answer, a Cross bill in chancery
exhibited against them in our said Court by Susan Glover

and have then there this writ.

Witness: Littleton R. Edwards, Clerk of our said court, at the Court-House
this 9th day of June 1880 in the 104th year of the Common-
wealth.

L. R. Edwards cc

THE COMMONWEALTH OF VIRGINIA.

To the Sheriff of Southampton County.---GREETING:

We Command You to summon *Henry L Beale Wm W Briggs Sheriff*
of Southampton & Wm W Briggs
to appear at the Clerk's office of our *Sevent* Court for South-
ampton County, at the Rules to be holden for the said Court on the first
Monday in *July next* to answer, a *cross bill in chancery*
exhibited against them in our said Court by Susan Glover

and have then there this writ.

Witness: Littleton R. Edwards, Clerk of our said court, at the Court-House
this *18* day of *July* 188*0* in the *107th* year of the Common-
wealth.

L. R. Edwards

THE COMMONWEALTH OF VIRGINIA.

To the Sheriff of Southampton County.---GREETING:

We Command You to summon *Henry C. Beale, Wm W Briggs, Sheriff*
of Southampton & Wm W Briggs
to appear at the Clerk's office of our *Superior* Court for South-
ampton County, at the Rules to be holden for the said Court on the first
Monday in *July next* to answer, a cross bill in Chancery
submitted against them in our said Court by Susan Glover

and have then there this writ.

Witness: Littleton R. Edwards, Clerk of our said court, at the Court-House
this *18th* day of *June* 188*0* in the *104th* year of the Common-
wealth.

L. R. Edwards cc

Glover

or Z. Sum. Chy

Shames Jr

1880 July Rules

Exhibit A

Henry C. Reale &

Copy of the Summary

in the 1st day of

July 1880.

W. W. Wigg

I acknowledge

Service of this Summary

W. W. Wigg

THE COMMONWEALTH OF VIRGINIA.

To the Sheriff of Southampton County.---GREETING:

We Command You to summon *Henry C Beale, Wm W Briggs Sheriff*
of Southampton & Wm W Briggs
to appear at the Clerk's office of our *Circuit* Court for South-
ampton County, at the Rules to be holden for the said Court on the first
Monday in *July next* to answer, *a cross bill in chancery*
exhibited against them in our said Court by Susan Glover

and have then there this writ.

Witness: Littleton R. Edwards, Clerk of our said court, at the Court-House
this *18th* day of *June* 188*0* in the *101st* year of the Common-
wealth.

L R Edwards

Glover

} Stat Rules
 }

Beale & Co

OK	\$ 1.480
Sh	150
Low	1650
	\$ 29.80

1880 November Term

In Southampton Circuit Court.

Susan Glover

Plaintiff

against

Henry C Beale, Wm M Briggs Sheriff of Southampton and
Wm B. Shands

Defendants

1880 June 9th Summons issued

July 18th Summons not Executed - Bill filed. Decree nisi
or Defts.

Aug 11 Bill taken for confessed.

Sept 11 Cause set for hearing.

Shanas
as 3
Gloom
and
Gloom
as 3
Bialenah

To be entered
November, 1880

Levi Beow.

Shands }
 vs }
 Gloom }
 vs }
 Gloom } Deane
 vs }
 Gloom }
 vs }
 Beale vs }

This day these causes
 came on to be heard the
 case of Shands vs Gloom
 on the papers formerly made
 and the case of Gloom vs
 Beale vs on the plaintiffs
 bill taken for confessed
 as to all the defendants

H. C. Beale, Wm W Briggs sheriff of Southampton and
 Wm B Shands and exhibits filed and was argued by
 counsel On consideration whereof the court doth
 adjudge order and decree. That the decree entered
 into between Susan Gloom and H. C. Beale on the
 2^d of July 1870 be set aside and declared void
 and of no effect and the court being of the opinion
 that the money now in the hands of Wm W Briggs
 sheriff of Southampton reports in hand in the case
 of Shands vs Gloom should be paid to Susan
 Gloom doth further adjudge order and decree that
 Wm W Briggs sheriff of Southampton pay to Susan
 Gloom the sum of one hundred and seventy three
 dollars and sixty two cents with interest thereon
 from the 2^d of December 1873 till paid and that
 the said Susan Gloom pay the costs of this suit