

1880 - 15

Southampton County - Chancery

Shande, Tom. B. vs. Glavin, Susan et al

"Payment of debt"

Susan Glavin
J. C. Beale

Shands.

n { Papers

Glover

Chances

as 3 Bill
Exhibit.
Glove is Beale

—
—
—

1873 May Rules

To the Honorable Joseph W. Myerant 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 Glom 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 thereto marked A and prayed to be
taken as ~~a~~ part of this bill. Your Orator states
further ^{that} subsequently to the contracting of the debt
with your Orator by Susan Glom to wit on
the 2nd of July 1870 the said Susan Glom
by deed of gift of record in the clerk's office
of Southampton county conveyed one hundred
and fifty acres of land to one B. C. Beale
the only consideration of which was a support
to herself all of which will more fully
appear by a certified copy of the said deed
herewith filed marked B and prayed to be
taken as a part of this bill. Your Orator
is advised and charges that as to him
this deed is null and void as all
voluntary deeds are null and void as

to credits whose debts were due and
owing before the execution of the said
deeds. Your Orator's debt being due and
owing in this case in March 1870 and
the said debt being executed in July 1870
as will more fully appear by an inspection
of the said records and deeds herewith
filed.

In such consideration whomever 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
Susan Glorn and H. C. Beale may be
made parties defendant to this bill and
that the court would compel them to true
and perfect answer make to the allegations
therein contained as if they had been
more fully and specially interrogated and
that the court would direct a sale of
the tract of one hundred and fifty acres
of land given by Susan Glorn to H. C.
Beale for the purpose of paying your
Orator's debt 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 p. 9.

Shands

2 { Copy Record

Glover

Exhibit sets

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

Be it remembered, that heretofore to wit, on the 19th day of December 1872.
W^m B. Shands sued out of the Clerks 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
barliwick, to appear at the Clerks 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 W^m B. Shands of a plea of trespass on the case. Damages \$50.
And have them there this writ. Witness L. R. Edwards Clerk of our said
Court at the Courthouse this 19th day of December A. D. 1872 in the 97th
year of the Commonwealth

L. R. Edwards Clk

Return. Executed Jan 6th 1873. by delivering a copy of the within and
a copy of the account.

J. L. Barham Deft. Sheriff

And at Rules held in the Clerks 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,

"County Court of Southampton

Rules 1873

Southampton County to wit.

W^m B. Shands Plaintiff complains of
Susan Glover Defendant who has been duly summoned of a plea of Trespass
on the case. For that whereas the said Defendant heretofore to wit, on the 16th
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 R. 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 afterwards aforesaid
in consideration of the promises respectively, then and there promised to pay
the said several ~~sums~~ 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. q.

The following is a copy of the account filed with the declaration -
" Susan Glover

To William B. Shands

Dr.

March 16. 1870. To Suit brought and judgment obtained on seven
bonds against R. L. Bryant, the same being }
Contested. for \$600. } \$50. 00

Interest from 1st Jan'y 1871."

And 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 Courthouse 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 -

Costs \$8. 00

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 in your bailiwick you cause to be made fifty dollars with legal interest thereon from 1st day of January 1871 till paid which Wm B. Shands 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 Shands 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 shew this writ. Witness L. R. Edwards Clerk of our said Court at the Courthouse this 24 day of March 1873 in the 97 Year of the Commonwealth
L. R. Edwards Clk

Sheriff's Endorsement & Return -

"Came to hand 24 March 1873. at 10 O'clock am. W. W. Briggs Shff"
"No property - W W Briggs Shff"

A transcript of the Record -

Teste. L. R. Edwards Clk

Glover
to
Duke } Deeds of
Barjima abalo

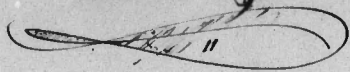


Exhibit (B)

This Agreement made and entered into this 9th day of July, 1870, between Susan Glover of the first part, and Henry C. Beale of the second part; witness that the said Susan Glover doth give and convey unto Henry C. Beale 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 S. Bryan and being the ^{land} formerly owned by James Drake decd. the said tract or parcel of Land is bounded by the Lands of N. B. Cuthbert and Bunch Barnett and furthermore the Susan Glover gives and conveys all of her personal and chattel Estate to the said Beale for and in consideration that the said Beale 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. Beale shall have and hold ^{all} the above named property, him and his heirs forever, provided he the said Beale complies with the above stipulations; the above named property shall not be taken for any of said Beale's indebtedness during said Glover's life-time and the above named property shall be bound for (her) Susan Glover's support, as witness our hands and seals.

Teste

J. R. Rockelle
James F. Suter
Thos. H. Drake

Susan ^{for} Glover Seal
Henry C. Beale Seal
^{mark}
^{his}
^{mark}

Southampton County, In the Clerk's Office, August the 15th 1870.
This Deed of Bargain and Sale from Susan Glover to Henry C. Beale, was this day received and proved by the Oaths of James F. Suter and Thos. H. Drake two of the subscribing witnesses thereto and admitted to record. A Stamp of the Int. Rev. of the United States to the amount of fifty cents, being affixed thereto and duly Cancelled.

Teste

G. R. Edwards Clk

A Copy

Text

L.R. Edwards Esq

Rec^d Nov. 13th 1874 of The Clerk of the Circuit
Court a bond due by Jas St Seymour & M Powell for
\$186.00 filed in this suit

Wm Driggs Com

Shards
in { Repent
Glover

1874 Feb 23

In obedience to a Decree of the County Court
of Southampton rendered at June Term 1833 in
the Chancery Suit of Shands against Glover, I adver-
tised according to the directions of said decree
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 1833; And at the
Sale so made James A Joyner became the Purchaser
by bidding therefor the sum of Two Hundred & Eighty
dollars; which is three fourths the appraised value;
And the said James A Joyner paid ninety four
dollars in Cash, and executed his bond for one
Hundred & Eighty six dollars payable one year
after date, with G. 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
^{took his receipt for same which is herewith returned}
Wm D Shands Debt Interest & Costs amounting to \$74.40,
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. L. Briggs Comr

Shands

or } Rough Record

Glover Jr

Pleas, 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 Clerks Office of the County Court of the said
County a summons in chancery against Susan Glover and Henry Beale which
summons with the Sheriffs return thereon made is in the following words and figures.
to wit, The Commonwealth of Virginia & (here insert summons)

Sheriffs Return - here insert.

And at another day to wit, At Rules held in the Clerks 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,
(here insert bill and exhibits,

And the summons awarded in this cause being returned executed on the Defend-
ants 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 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 it was ordered 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 Courthouse of said County on the 16th day of June 1873.

This day this cause came on to be heard &c (here insert decree)

And afterwards in 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 afterwards, 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 - (here insert it)

And at another day, to wit, at a Circuit Court held for the County aforesaid on the

29th day of October 1874 -

This day this cause came on again to be heard &c

(here insert decree)

And now on this day to wit, At a Circuit Court held as aforesaid on the day and year first herein aforesaid to wit, on the sixth day of May 1876

This day this cause came to (here insert decree)

125

Shands
v } Stat. Rules

Glover X^y

1896 May. Dismissed

Received by Clerk Circuit
Cant. Aug. 13th 1893.

In Southampton County Court

Wm B Shands

against
Susan Glover & Henry C. Beale

1873 April 7 Subpoena issued

" May 10 Sp. Ret. Executed. Bill filed. D. Nisi to 24th

" June 11 Bill taken for Conf. Cause set for hearing 8th

" " Decree for peff.

1874 Feb 23 Report

" Oct Order to Collect

1876 May Dismissed

1880 " Cause reinstated on the docket

" Nov Decree final

Shands
vs. 2 Spa in
Chancery
Glen & Beale

1873.

May Rules Co. Ct.

Executed by delivering
a copy to each

J. S. Bonham

J. P. Shiff

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, by Wm. B. Shands.

And have then 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 *93th*
year of the Commonwealth.

L R Edwards, Clk

Sussex County Court, Jan Term 1873.

William B. Shantz

Plff:

against

Susan Glan and Henry C. Beale

Def:

In Chancery

This day this Cause came on to be heard on the Plaintiff's Bill taken for confessed as to both the Defendants Susan Glan and Henry C. Beale and the Exhibits filed and was argued by Counsel; on consideration whereof the Court doth adjudge order and decree, that unless the Defendants Susan Glan and Henry C. Beale shall by the 1st day of Oct. 1873, pay to the Plaintiff W^m B. Shantz the sum of fifty dollars with interest thereon from the 1st day of January 1871, and the costs of this suit, then the Sheriff of Sussex County after giving it twenty day 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 said County Court day to the highest bidder, the tract of Land (containing two hundred and fifty acres, now in the possession of Henry C. Beale, it being the said County to him by Susan Glan, in the following terms, to wit; Sufficiently Cash to pay the sum of fifty dollars, with interest from the 1st of January 1871, and

Costs of Common Law Suit \$8.00 and Costs of this Suit, and balance of
 the purchased money on a Credit of twelve months taking from
 the purchaser 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 the Report for a further decree of the Court?

Atty

Cell	\$ 5.38	Rec from H. H. H. H. H.	
Sh.	1.00	Do	
Law H.	16.00	\$22.38. Do	
		8	
		30.38	
Costs		11	
		41.38	
Ans			per H. H. H. H.

Shands

Do

Shands

June 1873

per H. H. H. H.

Shands

per 10-1873 Rec from H. H. H. H.
 Shands - 11-1873 do do do do
 the same volume to be paid by H. H. H. H.

Shandas

vs 3 Decem
Glover & als

This day this cause came on to be heard on the plaintiffs' bill taken for confessed as to both the defendants Susan Glover and Henry C Beale and the exhibits filed and was argued by counsel on consideration whereof the court doth adjudge, order and decree, That unless the defendants Susan Glover and Henry C Beale shall by the 1st day of October 1873 pay to the plaintiff Wm B Shandas the sum of fifty dollars with interest thence 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 neighbourhood of the land proposed to sell at auction 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 Beale & being the place 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 purchase bond with approved security

carrying interest from the day of sale
retaining the title until the justice man
of this court and return the bond
along with his report ~~for~~ a justice
decree of the court

Charles

as 3 Decm

Glover

June Term 1873

Do. entered

J. W. McArthur

Judge

1873 June

Shanley

on 3 Dec
Glover 1841

Oct Term 1874

to be entered

Geo. T. Wood.

Shannon

vs 3 Deane
Glover vs

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 same time 1873 directing him to see a tract of land containing 150 acres in the possession of C. C. Beale 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 C. Joyner and G. M. Powell from the papers in this cause and collect the same and when paid make to James C. Joyner a deed with special warranty and report his proceedings to court in order to a further decree.

Chances

vs 3. Deere
Glover

May Term 1876

To be entered

Geo. T. Blom.

Hands

vs 3 Decm

Gloou

This day This cause came
on again to be heard and
on motion of the plaintiff his bill
is dismissed

Shawls

on 3 Dec 1880

Glover

To be returned

May Term 1880

Geo. W. B. S.

[Signature]

Shands

103 Deane

Glover

On motion of Susan

Glover This case is

submitted on the docket