

1884.-22

Southampton County Chancery - Hurst Miller & Co. vs

Lewis S. et al

land sale to settle debt.

The { Miller, Wm. R.  
" Daniel  
Co. { Creighton, Miller R. }

Lewis, Martha (wife)  
Briggs, W. W.  
Prince, J. B.  
Pope - H. P.  
" - J. B.

~~17~~ ~~47~~ #5  
Hurst, Miller & Co 98

at } Stat. Rules

Lewis chd.

In Southampton Circuit Court.

Wm R Miller, Danl Miller, & Miller R Breighton,  
merchants in trade under style of Hurst, Miller & Co Plaintiffs  
against

S Lewis & Martha his wife, W W Briggs, trustee, J B Prince  
Exors M. P. Pope & J. B. Pope Defendants

In Chancery

1882 Sept. 16<sup>th</sup> Summons issued

" Oct. 18 Summons returned "Executed" Bill & filed  
D. nisi vs. Dfts.

" Nov. 18 Bill taken for confessed & cause set for hearing

Hurst, Miller & Co.

to Sumner

Lewis & Co

1882 Oct. Rules

Executed by delivering  
5 Lewis, Maria Lewis  
W. L. Briggs, J. B. Prince,  
+ J. B. Pope each a  
Copy of this Summons  
on the 18<sup>th</sup> + 19<sup>th</sup> day  
of September 1882

W. L. Briggs Shff

# The Commonwealth of Virginia,

To the Sheriff of Southampton County---Greeting:

WE COMMAND YOU TO SUMMON *J. Lewis & Marston Lewis his*  
*Wife, W.W. Briggs's Trustee, J. B. Drinn* *Ex. St. D. Pope &c.*  
*+ J. B. Pope assignee of J. B. Drinn*

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 *them* in our

said Court by *Wm. R. Miller, Daniel Miller & Miller R. Brighton,*  
*Merchants in trade under the style of Hoarst, Miller*  
*&c.*

And this *they* shall in no wise omit; and have then there this writ.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court this *16* day of *September*  
188 *2*, in the *107<sup>th</sup>* year of the Commonwealth.

*L. R. Edwards* *cl*

~~715~~  
Hunt & Miller & Co

vs J Pierce

Lewis

April Term 1884

To be entered

Geo Blow.

Henst Miller & Co.

vs 3 Dece.

Lewis

On motion of plffs, it is ordered  
that this suit be dismissed.

This Deed made this 12<sup>th</sup> day of April 1887  
between S Lewis & Martha A his wife, of  
one part and J W Briggs Trustee of second  
part Nithepeth; That in consideration  
of Five dollars in hand paid the said  
parties of the first part do grant and con-  
vey with general warranty unto the  
said Trustee the following real Estate to wit:  
a certain Tract of Land in Putnam  
County containing 400 Acres or thereabouts  
more or less bounded by the lands of  
James B Lewis John Campbell John Lewis  
& others same being Tract of Land upon  
which the said Lewis now lives. - In  
Trust however to secure a bond for  
Twenty five hundred dollars due  
by said Lewis to J B Prince Executor of  
Harrison Pope deceased of record  
with this deed. And it is agreed by the  
parties hereto that the said sum of money  
shall not be paid under twelve months  
from the date hereof and that it shall  
be optional with said Lewis to pay the  
same within two years after the said  
last mentioned period provided he shall  
pay the interest annually from this date.  
It is further agreed that the said Prince  
shall pay the said sum of Twenty five

hundred dollars to the now existing judgment creditors of said Lewis as the same may be ascertained by reference to the judgment docket of the Clerk's Office of Southampton and any other competent evidence. It is further agreed that should the amount due the existing judgment creditors of said Lewis exceed the sum of \$2,500<sup>00</sup> then the said Prince is at liberty to annul this obligation. In the event of a sale by virtue hereof it shall be after 20 days public notice of time & place upon such terms as the said Prince may devise and in the said event the Trustee shall be entitled to the usual commissions of 5% on gross sales. It is further agreed that the said Lewis shall keep up during the existence of this Deed a policy of Insurance for at least \$1,000<sup>00</sup> on his dwelling house - and his failure so to do shall give the said Prince the right to foreclose this Trust. Witness the following signatures & seals

S Lewis Seal  
Martha A. Lewis Seal

Southampton County Circuit Court  
November Term 1881-

William R Miller Danl Miller and Miller  
R Breighton Merchants in trade under  
the Style of Hurst Miller & Co.

Against

J. Lewis

The judgment obtained in the Office  
against the defendant not having been  
set aside and the plaintiffs <sup>being</sup> now entitled  
to a final judgment it is therefore con-  
sidered that the plaintiffs recover against  
the defendant One hundred and eighty  
three dollars and twenty three cents  
the debt in the declaration mentioned, with  
legal interest thereon from the 1<sup>st</sup> day of  
October 1880 till paid, and two dollars and  
twenty six cents Charges of protest of the  
note in the said declaration mentioned,  
and their cost by them about their suit  
in this behalf expended.

Copy Teste L R Edwards Clerk

State of Virginia  
County of Southampton } to wit;  
I John W. Setrell a Comr in Chancery for  
the County Court of the County aforesaid  
do certify that S Lewis whose name  
is signed to the above writing bearing  
date 12<sup>th</sup> day of April AD 1881, this day per-  
sonally appeared before me in said  
County and acknowledged the same,  
and also at same time & place appeared  
before me Martha A Lewis the wife of  
S Lewis whose name is signed to  
above writing bearing date 12<sup>th</sup> day of  
April 1881 and being examined by me  
privily and apart from her husband  
the said S Lewis and having the said  
writing fully explained to her she the  
said Martha A Lewis acknowledged the  
same to be her act and declared that she  
had willingly executed the same and  
does not wish to retract it. Given  
under my hand as Comr aforesaid this  
16<sup>th</sup> day of April AD 1881.

John W. Setrell  
Comr in Chancery

Southampton County, In the Clerk's Office.  
April 19<sup>th</sup> 1881 This Deed of Trust from  
S Lewis & wife to W W Briggs Trustee  
for the benefit of J B Pouncey Exor of  
H B Pope decd was this day received  
and with the certificate thereto annexed  
Admitted to record

Teste L Edwards Clerk

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Hurst, Miller & Co  
vs 3 Bice & Prohibits  
Lewis & others

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1882 October Rules

J. B. Paine Jr.

To the Hon Geo: Blaw. Judge of the Circuit  
Court of Southampton. In Chancery.  
Humbly Complaining, Sheweth unto your  
Honor, your complainants, Wm. R. Miller, David  
Miller & Miller R. Brighton, merchants in trade  
under style of Hurst, Miller & Co, that  
at the Term of the Circuit Court of South-  
ampton County, they obtained two judgments  
against S. Lewis - one for \$183.<sup>23</sup> due  
Oct 1, 1880 & \$7.40 costs and one for \$240.<sup>30</sup>  
and \$8.40 costs - as will more fully appear  
from certified Copies of said judgments  
filed herewith as Exhibits in this cause -  
That the said judgments were duly docketed -  
and Executions of fieri facias have been issued  
thereon - which were unavailing -  
That the said Lewis & ~~Winfred~~ <sup>Winfred</sup>tha, his wife,  
Executed on the 12<sup>th</sup> Apr 1881 to Wm. Duff  
Trustee, a deed of trust on his real estate  
to secure a debt due by said Lewis  
to J.B. Prince & Co H.P. Pope, which deed was  
recorded - as will more fully appear from  
a certified copy herewith filed as an Exhibit  
in this cause - That the said J.B. Prince has  
assigned said bond to H.P. Pope, who now  
holds the same - Your Complainants say  
that the land conveyed in trust by said  
Lewis's wife is all the land they own, but  
that it is worth more than enough to satisfy

the trust deed and that it is the only  
property the said Lewis owns, upon which  
your complainants have a lien for  
their debt, but that they cannot reach  
the same without the aid of a Court  
of Equity. In consideration of all which  
and inasmuch as your complainants  
are without remedy except in a Court  
of Equity where such matters are properly  
cognizable, to the end therefore that justice  
may be done, your complainants pray  
that S. Lewis & Martha, his wife, W. W. Hipp  
Trustee, J. B. Prince for H. P. Pope, & J. B. Pope  
may be made parties defendant  
to this bill and compelled to answer  
its allegations. That an order may  
be entered directing a Commissioner of this  
Court to take an account of your  
complainants' liens and all other  
outstanding liens of every kind  
against S. Lewis, distinguishing their  
priorities. Also an account of  
the annual and absolute value  
of the real estate now owned by S. Lewis,  
or which was owned by him at  
the time your complainants obtained  
and has their payments discharged -  
And that the trustee in the deed of trust

from S. Lewis' share for benefit of J. B. Prince  
may be directed to see the land conveyed  
in that deed, so that it may be ascertained  
if there will be any surplus arising  
from such a sale, liable to the heirs  
of your complainants. And that your  
Honor will grant such other, further,  
general & special relief as to equity may  
seem meet, or the nature of this case  
may require. And as in duty bound,  
Your Complainants will ever pray &c.  
May it please the Court &c. —

J. B. Prince &c.