

1884-27

Southampton County - Chancery

Barker, A. W.

vs

Nevis, Ann C.

"To settle Judgment"

Parler
no. 3 Decree
Texas

May Term 1884,

Enter this

Geo. B. Low,

✓

Parker

vs }

Decree.

Levy

This cause came on this day to be further heard on the papers formerly read, and was argued by counsel. On consideration whereof, and it appearing that no order has been taken in this cause for seven consecutive years, ^{but to continue it} the Court doth decree that the same be removed from the docket.

Co. C
Parker
in 3
Rever.

Bill & Exhibits.

1873 February Rules

J. W. Wincey

county law
To the Hon. Mr. Luskhat. Judge of the County
Court of Southampton - In Chancery.
Humbly complaining, sheweth unto
your Honor your complainant, A. O.
Parker that at the May Term 1869 of the
County Court of Southampton, he recovered
a judgment against Ann E. Nevers, of
said County for sixty four 44/100 dollars.
subject to credit as will more fully
appear from a certified copy of said
judgment filed herewith, marked (A) and
prayed to be taken as part of this bill.
That upon said judgment a writ of fieri
facias has issued & been returned "no
effect". That the said Ann E. Nevers
has no estate upon which your
complainant can enforce his judgment
him, except her dower interest in
the real estate of her late husband
J. G. Nevers. That the rents & profits of
that estate will not in five years
pay your complainant's demand.
In consideration of all which, and inasmuch
as your complainant has no remedy
except in a Court of Equity, where such
matters are alone cognizable, to the end
therefore that justice may be done, he
prays that the said Ann E. Nevers may

be made a party defendant to this bill
and compelled to answer the allegations
hereof, that a Commissioner of this Court
may be directed to take an account
of your Complainant's demand, and
ascertain outstanding payment due
against the defendant, also an
account of the absolute and
annual value of the house interest
of the said defendant in the real
estate of A. S. Haver died; and if it
should appear that the rents & profits
of the said estate will not pay your
Complainant's demand in five
years, that the same may be sold &
the proceeds properly applied, and that
your Honor will grant such other
further & general relief in the premises
as equity may dictate and the nature
of the case demand, and as
is justly bound, your Complainant will
ever pray. May it please the Court,

J. W. Haver

No property out of which this Fi. &c. can be made on any of it.

C. W. Vick, Deputy
for D. L. Dole, Sheriff.

A. Copy-

Teste, S. R. Edwards &c

Parker

} Ex. s. with bill.
to }

News

Southampton Circuit Court. May Term 1869.
A. W. Parker

against
Ann C. News

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 sixty four dollars forty four cents, the debt in the declaration mentioned with legal interest thereon from the 3rd day of February 1868 till paid and his costs by him about his suit in this behalf expended. This judgment is to be executed for \$15. paid February 18th 1868.

Plff's Costs \$6.90.

The Commonwealth of Virginia, To the Sheriff of Southampton County - Greeting
We command you that of the goods and chattels of Ann C. News late in your bailiwick, you cause to be made sixty four dollars forty four cents with legal interest thereon from the 3rd day of February 1868 till paid which A. W. Parker lately in our Circuit Court of Southampton County hath recovered against her as well for a certain debt as for interest thereon, also the sum of six dollars and ninety cents, which to the said Parker in the same Court were adjudged for his costs in that suit expended, whereof the said News is convict as appears to us of records; 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 August next, and have then there this writ. Witness Edwin White, Clerk of our said Court, at the Courthouse, this 16 day of June 1869, in the 9th year of the Commonwealth.

Edwin White Clk

Sheriff's Returns and Endorsements.

at 7 O'clock P. M.

Came to hand June 24th 1869

W. W. Briggs, Dep. for
D. L. Bell Sheriff.

Parten^d 2 Secura
2.
Secura

Sandwich County Court, June Term 1873.

A. W. Parker

against
Ann E. News

Plff.

Def.

Substantive

This day this cause came on to be heard in the Complaints
Bill which has been taken for Confessd as to the Defendant
Ann E. News. Exhibits filed, with general replication thereto,
and was argued by Counsel, on Consideration whereof the
Court doth adjudge, order and decree, that the Commissioner
of this Court take the following accounts viz;
An account of all the outstanding judgments liens against
Ann E. News distinguishing their priorities -
An account of the annual value and the absolute value
of the down interest of Ann E. News in the real estate of
which A. E. News died seized and possessed; which said
accounts the Commissioner will audit and Report to
Court, together with any other matters specially stated
deemeth pertinent by himself for which may be required
to be so stated by any of the parties interested.

Attest

Justis

James D. Tyler J. C.

Parkes
to
Kewes } Conn. Notice

Executed
W W Briggs atty

COMMISSIONER'S OFFICE,

Jerusalem, June 27th 1873
pff

TO A. W. Parker

against

Ann E. Nerves

Deft

3

You are hereby notified that I have fixed upon the 25th day of July next, if fair, if not, on the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to-wit: An Account of all the outstanding judgments liens against Ann E. Nerves distinguishing their priorities — An Account of the annual value and the absolute value of the doves interest of Ann E. Nerves in the real Estate of which st. G. Nerves died seized & possessed which said acct the Commissioner will audit and report to Court. &c

3

required to be taken by a decree of Southampton Circuit Court, rendered on the 25th day of June 1873, in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the day and year first aforesaid.

To the Sheriff of Southampton County to execute.

James R. Tyler Commissioner.

Parker

Case
Nerves

Report of

Manucript Tyler

1873 Oct. 13th

An account of the outstanding Judgments lien against
Ann E. Nevers distinguishing their priorities & as follows: -

Circuit Ct May Term 1868		
Susan N. Harris adm of Wm P Harris		
Judgment in A. E. Nevers for	83 42	
Int from 13 th Decr 1865 to 1 Oct 1873	31 00	
Costs	6 65	
<u>Prin's Docketed June 1st 1868.</u>		121 07

Circuit Ct May Term 1868		
John G. Weeks. Judgment against		
Ann E. Nevers for	77 79	
Int from 1 st Nov 1867 to 1 st Oct 1873	27 12	
Costs	6 65	
<u>Prin's Docketed June 1st 1868</u>		112 06

Circuit Ct May Term 1869		
A. W. Parker Judgment against		
Ann E. Nevers for	64 44	
Int. from 3 rd Feby 1868 to 18 Feb 1868	~~10 10~~	
	64 54	
Paid 18 th Feby 1868	15 00	
	49 54	
Int. to 1 st October 1873	16 60	
Costs	6 90	
<u>Prin's Docketed May 12th 1869</u>		73 04

County Ct March Term 1871		
John W. Magee "for Benefit of Wm H. Hall.		
Judgment against A. E. Nevers for	125 00	
Co obligor &		
Int. from 14 th Feby 1867 to 1 Oct 1873	49 68	
Costs	7 49	
<u>Chambliss Docketed 8th April 1871.</u>		182 17
Respectfully Submitted Jas R. Tyler Com.		488 34

Commissioners Office
Jerusalem Oct 10th 1873

To the Circuit Court of Southampton County.

Pursuant to a decree of the County Court of Southampton County rendered at the June Term 1873 in a suit in chancery pending in said Court between A. W. Parker and Ann E. Neves, the undersigned one of the Commissioners of the said Court to whom was referred to for settlement the following account trust
An account of all outstanding Judgments liens against Ann E. Neves. distinguishing their priorities -

An account of the annual value and the absolute value of the dower interest of Ann E. Neves in the real Estate of which A. G. Neves died seized & possessed &c reports to the Court that on the 27th day of June last he issued notices against the several parties aforesaid requiring them to attend the settlement of the said account before him, at his said office on the 25th day of July, which were returned to your Commissioners duly executed. The parties aforesaid appeared by attorneys before the Commissioners in obedience to said notice, and he thereupon examined stated & settled the foregoing accounts, to the 1st day of October 1873. and on that day, finds the amount of Judgments liens to be \$488.34 Cents "with interest and Costs added" and also the account of absolute value to be \$100.00 and the annual value to be \$1.00

The Commissioners reports, nothing of a special matter, The Commissioners further reports to the Court that after the completion of the said accounts, he retained the same in his said office, ten days for the examination of the parties, which with the decree and notices are herewith returned.

Given under my hand as Commissioner aforesaid the day & Year first aforesaid

James R. Tyler
Com.

Commissioner's fee \$3.00
Charged to the Plaintiff

An Account of the Annual and absolute Value of the real Est dower interest of Ann E. Neves in the real Est: of which A. G. Neves died seized &c.

absolute Value	Annual Value
\$100 00	1. 00

5.35
60/
96
691

~~##~~ 37

Parker

} Stat. Rules

News

Received by Clerk Circuit
Court Aug. 13th 1873.

In Southampton County Court
A. W. Parker

against
Ann E. Naves

1872 Decr 12. Summons issued.

1873 Jan. R. Sum. Ret. Executed.

" Feb. Bill filed D. Nisi to Dft.

" Mar. Bill taken for Conf. Cause set for hearing.

June 6. Decree for account

" Oct 15 Report.

1873 Nov. Decree to sell

1874 Feb. 25 Report.

" June 5 - Decree &c

Parker
v { Same Chy
Newes

1870. January Rules

The Commonwealth of Virginia

To the Sheriff of Southampton County, Greeting:

WE COMMAND YOU to summon

Ann E. Neves

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 a bill in chancery exhibited against her in an said Court by *A. W. Parker*

L. R. Edwards

And have then there this writ. Witness, ~~OSWIN WHITE~~, Clerk of our said Court, at the Court-house, this *12* day of *December* A., D., 1872, in the *97* year of the Commonwealth.

L. R. Edwards

Parker
in { Response
Never

1874 Feb 23

Received of Parker

In Obedience to a Decree of the
Circuit Court of Southampton County
rendered at November Term 1873, in the
Chancery suit of Parker against Nevers; I
advertised the Dower Interest of Ann E Nevers
in the Real Estate of A. L. Nevers, according
to the directions of said Decree, and sold the
same to the highest bidder at public auction, at
Coopers old Store near the premises, on the 5th day
of December 1873, and at the sale so made Wm
H Gwaltney became the purchaser by bidding therefor
the sum of twenty five dollars; and the said
Wm H Gwaltney paid in cash the full amount of
the purchase money; which is in my hands subject
to the order of the Court.

Respectfully Submitted
W C Driggs Comr.

Parker

on 4 Dec.

Never

Nov: 1873

To be entered.

W. B. B. B.

Parker

vs. $\frac{2}{3}$ Devere.

Neves.

This day this cause came on to be again heard on the papers formerly read and the report of Commissioner Tyler filed Oct. 13. 1873, and was agreed by Counsel. On consideration whereof the Court, confirming said report, to which no exceptions have been filed, doth a Judge order and decree that W. W. Riggs, Sheriff of Southampton County, he & he is hereby appointed a special Commissioner for the purpose that he expose to public sale, the life interest of Ann E. Neves in the real estate whereof A. G. Neves died seized, after twenty days public notice of time, place & terms of sale, upon the following terms: to wit. One third cash, the balance on a credit of one & two years, ^{equally annual installments of} the purchaser to execute bonds for deferred payments, carrying interest from day of sale, and the title to be retained until the whole purchase money is paid. And the Commissioner will, out of each payment, pay an attorneys fee of fifteen ^{and costs of} dollars to D. Prince, and make report to Court of his proceedings under this order.

Parker
to } Copy Series

News

Southampton Circuit Court November Term 1873.

A. M. Parker

Plaintiff

against.

Ann O. News

Defendants

In Chancery

This day this cause came on to be again heard on the papers formerly read and the report of Commissioner Tyler filed October 13th 1873, and was argued by counsel. On consideration whereof the Court, confirming said report, to which no exceptions have been filed, doth adjudge order and decree that M. W. Briggs, Sheriff of Southampton County, be and he is hereby appointed a Special Commissioner for the purpose, that he expose to public sale, the life interest of Ann O. News in the real estate whereof A. O. News died seized, after twenty days public notice of time, place & terms of sale, upon the following terms: to wit: One third cash, the balance on a credit of one and two years equal annual instalments the purchaser to execute bonds for deferred payments, carrying interest from day of sale, and the title to be retained until the whole purchase money is paid. And the Commissioner will out of cash payment, pay out attorneys fees Two dollars to J. M. Vines - and costs of suit and make report to Court of his proceedings under this order.

Attest-

Teste, J. R. Edwards Clk

CLERK \$6.91

Sh. 1.50

Comm Tyler 5.00

Law 10.00 \$23.41

Parker

as $\frac{3}{2}$ Recd.

Rever

June Term 1893

To be entered

J. W. Whitcomb
Judge

Parker

vs. E. Neve.

Neve,

This day this Cause came on to be heard on the complainant's bill which has been taken for confessed as to the defendant Ann E. Neve, Exhibit filed, with several application checks and was argued by counsel. On consideration whereof the Court doth a Judge order & decree that a Commissioner of this Court take the following accounts, viz: an account of all the outstanding judgment liens against Ann E. Neve, distinguishing their priorities. An account of the annual value and the absolute value of the dower interest of Ann E. Neve in the real estate of which A. E. Neve died seized, which said accounts the Commr. will audit & report to Court together with any other matters specially stated deemed pertinent by himself or which may be required to be so stated by any of the parties interested.

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Parker
on 3 Dec
Nevins

To be entered

Geo T. Shaw

Same Term
1874

I consent to this
deed -
J. B. Price
att.

Parkes
as 3 Decem
News

This day This cause
came on again to
be heard on the papers formerly made
and the report of Mr W Briggs made
pursuant to a decree made at
the November term 1873 of this
court 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 Mr
W. Briggs by consent of Mr J B Guething
some ~~offer~~ to hold for the benefit of
incents to Ann E News a decree
with special warranty of the land
sold and after paying the costs of
this suit the balance of the
purchase money pay over to Mr
J B Holl and return his receipts to
court along with his report in
order to a further decree.