

1884-30

Southampton County - Chancery

Settle, Josiah J. vs Settle, Milton B.

"To settle judgment"

~~Top~~
Title

is

Title

} Bill
} and
} Exhibits

1883 Febry Rules

To the honorable George Blow judge of the
circuit court of Southampton County in
chancery sitting

Humbly complaining your orator Josiah
J. Seale sheweth unto your honor that
on the 22nd day of April 1873 John
J. Turner and his wife Rosa E. Turner
sold a tract of land lying in the
County of Southampton containing $3\frac{2}{3}$
thirty and a third acres, bounded by
the lands of W. H. Dancy to Josiah J.
Seale and Lucy A. W. Seale his wife
during their joint lives and to the
survivor during his or her lifetime
and remainder after the deaths of
both to Milton B. Seale in fee
simple all of which will more
fully appear from a certified copy
of the said deed recorded, which is
herewith filed and marked exhibit
A and prayed to be taken as a
part of this bill and your orator
further sheweth that at the Nov.
circuit court of this County
1878 he obtained a judgement
against Milton B. Seale for one (\$100)

hundred dollars with interest from the 27th of September 1878 till paid and six (\$6.06) dollars and six cents costs. that the said judgement was duly docketed on the 25th of Nov 1878 all of which will more fully appear from a certified copy of the said judgement herewith filed and marked exhibit B. and prayed to be taken as a part of this bill and your orator avows and charges that the said judgement has not yet been paid. In consideration whereof and inasmuch as your orator is without relief at law and only entitled to such in a court of equity where such matters are peculiarly cognizable; your orator prays that Milton B. Sibley may be made a party defendant to this bill and compelled as full and perfect answers to make to the allegations therein contained as if he were more specially interrogated thereto and he being a nonresident of this State that an order of publication may be issued against him and that one of the Commissioners of this Court be ordered to

take an account of all the docketed judgements against the said Milton B. Sibley distinguishing their priorities and the Court would also decree the sale of his interest in the said tract of land and the payment of the said judgement and that all such other, general and further relief may be given your orator as the nature of his case may require or as equity shall seem meet. and all this your orator as in duty bound will ever pray &

W. B. Shanks & Son per

Settle

to } Sum Chy.

Settle

1883 February Rules

Shand & Son p. 9

The Commonwealth of Virginia,

To the Sheriff of Southampton County---Greeting:

WE COMMAND YOU TO SUMMON *Milton B. Little*)

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 *February* next, to answer a bill in Chancery exhibited against *him* in our
said Court by *Josiah J. Little*

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

Witness, LITTLETON R. EDWARDS, Clerk of our said Court this *13th* day of *January*
188 *3*, in the *10th* year of the Commonwealth.

L R Edwards cc

Little
as
Little } Exhibits,
with at Bill
A & B

\$105

Southampton Circuit Court: Nov Term 1878.

Josiah J. Little Plaintiff
 against
 Milton D. Little Defendant

In Debt

Judgment against the Defendant for \$100.
 with legal interest from 27th September 1878
 till paid & Cost \$6.66.

Abstract

Teste D. R. Edwards C. C.

The above abstract was docketed in the
 Judgment Docket of the County Court of
 Southampton on the 25th day of November
 1878

Teste D. R. Edwards C. C.

A

This Deed made and entered in to this 22nd day of
 April in the year of our Lord 1883 between John
 J. Turner and Rosa E. Turner his wife grantors
 of the first part, and Josiah J. Settle and Lucy
 A. W. Settle his wife and Milton B. Settle son
 of J. J. Settle grantees of the second part, Witnesseth,
 that for and in consideration of the sum of
 Six Hundred and fifty to the said grantors in
 hand paid the receipt whereof is hereby acknowl-
 edged, the said John J. Turner and Rosa E. Turner doth
 grant unto Josiah J. Settle and Lucy A. W. Settle and
 Milton B. Settle a certain tract of land and appur-
 tenances thereto belonging lying in the
 County of Southampton Virginia near Drewry-
 ville bounded as follows, Beginning in Wm. A. Drewry's
 line a short distance north of a black gum stump
 standing on the east side of the path leading
 from Drewryville to said Wm. A. Drewry's, thence
 along a new line S 78° E 53 1/2 poles to a corner
 in the field south of the workshop, thence S.
 44° E 117 poles to a fine a new corner in said
 Wm. A. Drewry's line, thence along his line W 24 1/4
 poles to a black gum standing in a small branch
 thence northward down the branch and along
 said Wm. A. Drewry's line of marked trees to the beginning,
 containing thirty two and one third acres more
 or less, in the following manner and for so to wit:
 the said tract of land to be held, occupied and enjoyed
 by Josiah J. Settle and Lucy A. W. Settle they receiving
 the use and profits thereof during their joint
 lives as joint proprietors, and at the death of either
 of them then to be held and enjoyed by the survivor

during his or her life, and on the death of the survivor
Milton B. Little in fee simple, and the said John D.
Turner and Rosa E. Turner doth warrant unto the
said Josiah J. Little Lucy A. Little and Milton B.
Little the title to the said tract of land forever.
At Witness the following signatures and seal

John D. Turner Seal
Rosa E. Turner Seal

State of Virginia
Southampton County.

I, James R. Tyler a Commissioner in Chancery for
the County Court of Southampton in the State of
Virginia, do certify that Rosa E. Turner wife of
John D. Turner whose names are signed to the
writing above bearing date the 22nd day of April
in the year 1873, appeared before me in my
County aforesaid and being examined by me
privily and apart from her husband and having
had the said writing fully explained to her she the
said Rosa E. Turner acknowledged the said
writing to be her act, and declared that she had
willingly executed the same and does not wish
to retract it. Given under my hand this 22nd
day of April in the year 1873

James R. Tyler
Commissioner in Chancery

State of Virginia
Southampton County.

I, James R. Tyler a Commissioner in Chancery for
the above State and County do hereby certify that Jno
D. Turner personally appeared before me and acknowl

edged the above writing to be his act and deed,
given under my hand This 22nd day of April in the
year 1873

James R. Styles
Commissioner in Chancery

Southampton County In the Clerk's Office April
22nd 1873. This Deed of Bargain and sale from
John L. Turner and wife to Joseph J. Settle wife
and Milton B. Little was this day received and
together with the certificates thereto annexed
admitted to record

Teste J. R. Edwards C. C.

Settle

77 } affidavit

Settle

Southampton Circuit Court Clks Office

January 22 1893

This day W^m Shands one of the Counsel in the Chancery Suit of Joseph
I Settle vs. Milton B Settle defending in said Court personally
appeared before me in my office and made oath that the Defendant
Milton B Settle is not to the best of his knowledge a resident of the
State of Virginia Given under my hand the day and year above

L. R. Edwards Clk

Settle

to } Dr. Sub.
Settle }

Copy posted at front door of Pt House
Form 1883

the Clerk's Office of the Circuit Court of
Jefferson County the 25th day of January, 1883.
J. S. Settle Plaintiff

against
Milton B. Settle Defendant.

In Chancery

The object of this suit is to enforce the lien of a docketed judgment in favor of the plaintiff against ^{the Defendant} for one hundred (100) dollars with interest and costs. And affidavit having been made that the Defendant is not a resident of the state of Virginia it is ordered that the defendant appear within one month after due publication of this order and do what is necessary to protect his interest.

Teste

L. R. Edwards Clerk

IN the Clerk's Office of the Circuit Court of
Southampton County the 25th day of January, 1883.
Josiah J. Settle Plaintiff

against
Milton B. Settle

Defendant.

In Chancery

The object of this suit is to enforce the lien of a docketed judgment
in favor of the plaintiff against ^{the Defendant} for one hundred (100) dollars with
interest and costs. And affidavit having been made that the Defendant
is not a resident of the state of Virginia it is ordered that the defendant
appear within one month after due publication of this order and do what
is necessary to protect his interest.

Teste

L R Edwards Clerk

Settle
24.
Settle

Swickhampton Circuit Court May Term 1883.

Joshua J. Settle

Plaintiff

against

Milton B. Settle

Defendant

This day the Court came in to be heard on the Plaintiff's Bill of Exhibits filed therein, and it appearing from the affidavit filed in the papers that Milton B. Settle, the Defendant in this suit, is a non-resident of this State, and that the proper process and order of publication has been issued, in Order to notify him of this suit, and the said Plaintiff's Bill, having been taken for Consideration, as to the said Defendant, was argued by Counsel, On Consideration whereof, the Court doth adjudge Order and decree, that a Commissioner of this Court, proceed to take an account of all such and Judgments against the said Milton B. Settle, and all other Claims of the said Land, and their priorities; also take an account of the actual and annual Value of this interest in the said tract of land, & report the said accounts to Court, together with any matters specially stated, deemed pertinent by himself, or which may be required to be stated by any of the parties interested.

A Copy

Given, James R. Taylor - 68

Settle
20. Report

Settle
Commissioner Taylor

1883. Sept. 14. Filed.
J.B.P. Clerk

An account of all Docketed Judgments against
Milton B. Settle & all other liens on the
real estate of the said Settle & their
priorities &c.

Judgment against Milton B. Settle for	\$	cts
	100	00
Interest from 27 th September 1878, to the 27 th day of September 1883,	30	00
Costs	4	66
	\$	134 66

Judgment obtained November Term,
1878, for the same, Circuit Court, and
Docketed the 25th day of November
1878.

An account of the actual & annual value,
of the interest of William B. Settle, in
the tract of Land in the proceedings
mentioned.

A tract of 32 1/2 acres of Land Gen. George Allen,	actual annual	
	\$2250	50 00
Respectfully Submitted, James H. Tyler, Commissioner		

Commissioner's Office,
Jacksboro, Pa.
September the 11. 1883.

To the Circuit Court of Southampton County;
Pursuant to a decree of the Circuit Court of
Southampton, entered at the May Term 1883,
in a Chancery Suit depending in the said Court
between Josiah J. Settle against Milton B.
Settle, the undersigned one of the Commissioners
of the said Court reports that he posted a
Notice at the Court house door directed to
the Creditors of the said Milton B. Settle,
requiring them to appear before him at his
said Office on the 3rd day of September
1883, & prove their claims. That only one
claim was reported, to wit; a Judgment
for (\$136.44.) That your Commission finds the
actual value of the said Estate to be \$422.
50 & the amount value \$50. All of which
with the decree, Notices &c are herewith
returned. Given under my hand this 11.
day of September A. D. 1883.

Comd for for this
Sept 10 \$5.00 chg
to the Plaintiff.
James Tyler,
Commissioner.

The Commissioner states specifically that the actual
value of the Land $32\frac{1}{2}$ acres which Josiah
J. Settle and his wife Lucy A. W. Settle
held for life is (\$422.50 cts) and the
annual value is (\$50.00) and that their
son Milton B. Settle, is entitled to
the reversion in fee on the death of
the longest liver; that his interest is
worth \$150. and his annual interest
nothing, as he will not enter in
possession or enjoy the rents and
profits until the death of the
longest liver; Josiah J. Settle
being some fifty years old,
and upwards, and his wife Lucy
A. W. Settle about forty years old.

Respectfully,

James R. Tyler
Commissioner

Little

is Statement Rules

Little

Southampton Circuit Court

Joseph I. Little

vs

Milton B. Little

1883

Liby Rules Bill filed affidavit of non residence
of the defendant and order of publication
made June 23-July 1883 vs defendant
for one month to answer

March Rules Decree nisi

April Rules cause set for hearing

May Term Decree for answer &c.

Settle
vs 3 bondsmen
Bond
Settle

1883 Nov 29th Filed

Know all men by these Presents, That we *Wm Shands*
and *W. B. Shands*

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of

Two Hundred Dollars, to the payment whereof well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. And we, the obligors herein, hereby waive the benefit of our homestead exemption as to this obligation. Sealed with our seals and dated this *29th* day of *November* A. D. 188*3*

THE CONDITION of the above obligation is such that if the above bound

Wm Shands, who has been appointed a Special Commissioner by a decree of the Circuit Court of Southampton, entered at the November Term 1883, in a chancery suit therein depending styled Pettle vs Pettle, to sell Milton B. Pettle's reversionary interest in a tract of land containing 3 1/2 acres of land, now held for life by J. J. Pettle Srife, shall faithfully perform his duties under said decree and any other decrees in this cause

~~shall faithfully discharge the duties of~~ ~~office or trust according to law,~~ then the above obligation to be void, or else to remain in full force and virtue.

Signed, sealed and delivered }
in presence of the Court.

Wm Shands [Seal.]
Wm B Shands [Seal.]
[Seal.]
[Seal.]

To the Honorable George. Blow judge of the circuit court
of Durhampton county in chancery sitting

The undersigned Special Commissioner begs leave
to report that in obedience to a decree rendered
at the November term 1883 of the circuit court
of the abovesaid county in chancery case of
Stille v's Stille, that after having given notice
of the place, time and terms of the sale as
required by the said decree. proceeded to sell
at public auction in the town of Jerusalem on
the 17th day of December 1883 to the highest bidder
Milton B. Stille's reversionary interest in the
tract of land as described in the said decree
the said tract or parcel of land containing some
32 1/2 acres of land. And J. J. Stille being the
highest bidder, become the purchaser, paying
for it the sum of forty one dollars And as
there was a docketed judgement against
the said M. B. Stille of one hundred dollars & costs
in favor of the said J. J. Stille as reported by
Commissioner Tyler. the said amount of forty one
dollars was credited upon the said docketed
judgement. And upon receiving the said amount
of forty one dollars. your undersigned Commissioner
thereupon made the said J. J. Stille a deed
with special warranty for the said Milton
B. Stille's reversionary interest in the said
tract of 32 1/2 acres of land. as directed

is do by the aforesaid decree. and all of
which is

Most respectfully submitted by
W^m. Shanks.

Feb^y 21st. 1884.

Special Commissioner

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Index

55

Full

Special Commissioner

Report

1884: Feb 21. Filed

Settle }
 & } Decree
Settle }

May Term 1883

To be entered

Geo. Beeson
C.

Settle

or

Settle

}

Decree

This day this cause came on to be heard on the plaintiffs bill and exhibits filed therewith and it appearing from the affidavit filed in the papers that Milton B. Settle the defendant in this suit is a non resident of this state and that the proper process of order of publication has been issued in order to notify him of this suit and the said plaintiffs bill being taken as confessed as is the said defendant was argued by counsel, on consideration whereof the court doth adjudge, order and decree that a commissioner of this court proceed to take an account of all docketed judgments against the said Milton B. Settle and their priorities, also take an account of the actual and annual value of his interest in the said tract of land and report the said accounts to court together with any matters specially stated & deemed pertinent by himself or which may be required to be so stated by any of the parties interested

Settle

as 3 Decree

Settle

Nov Term 1883

To be entered

Geo. A. Blow.

✓

Settle
vs. J. Deere
Settle

This day this cause came on again to be heard on the papers formerly made and the report of Commissioner Taylor made pursuant to a decree of this court entered at the May term 1883 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 William Shanda who is hereby appointed a special commissioner for that purpose shall after giving thirty days notice of the time and place of sale at Druryville and Jerusalem proceed to sell at Jerusalem on some county court day at public auction to the highest bidder Milton B. Settle's remaining interest in a tract of land containing $32\frac{1}{2}$ acres now held ~~by~~ life by J. J. Settle and his wife Lucy C. W. Settle on a credit of twelve months except cash sufficient to pay the costs of this suit and sale taking from the purchaser bond with approved security for the residue of the purchase money carrying interest from the day of sale but with option of the purchaser to pay all the purchase money in cash and upon his doing so the commissioner will make to him a deed with special warranty and pay the debt reported by the commissioner and return his receipts along with his report in order to a further decree. But the said commissioner shall not proceed to act under this decree until he shall have given bond in the penalty of two hundred dollars ^{with good security} conditioned for a faithful performance of this and any other decree which may be entered in this cause.

Settle
3 Chy of
3 Decord -

Settle

1883. Nov. Term

Ch: Ch

Chas's fee 50.
Ch's in cash

Southern Circuit Court: November Term 1883
Josiah J. Settle: Plaintiff
vs.
Milton B. Settle. Defendant
In Chancery

This day this cause came on again to be heard on the papers formerly read, and the report of Commissioner Tyler, made pursuant to a decree of this Court, entered at the May Term 1883, and to which report no exceptions have been filed; and was argued by Counsel on either side whereof the Court doth adjudge, order and decree, that the said ~~said~~ report be confirmed, and that William Shands, who is hereby appointed a special Commissioner for that purpose, shall, after giving twenty days notice of the time and place of sale, at Druryville and Jerusalem, proceed to sell at Jerusalem on some County Court day, at public auction, to the highest bidder, Milton B. Settle's reversionary interest in a tract of land containing 32 1/2 acres, now held for life, by J. J. Settle and his wife Lucy A. W. Settle. On a credit of twelve months, except cash sufficient to pay the cost of this suit and sale. Taking from the purchaser, bond with approved surety,

for the residue of the purchase money -
 carrying interest from the day of sale
 but with option of the purchaser to pay all
 the purchase money in cash, and upon
 his doing so, the Commissioner will make
 to him a deed with special warranty
 and pay the debt reported by the Commis-
 sioner, and return his receipts along with his
 report in order to a further decree.
 but the said Commissioner shall not pro-
 ceed to act under this decree, until he
 shall have given bond in the penalty
 of two hundred dollars, with good security,
 conditioned for a faithful performance
 of this and any other decrees which may
 be entered in this cause.

Attest: J. B. Prince C. C.

Costs:

clerk. S. R. E. \$4.27

" J. B. P. 2.82

Shff. .50

Order Publication —

Sawyer 16.50

Commr. Tyler. 5.00

124

Little

as 3 Deere

Little

To be entered

May Term 1884

Geo. T. Brown.



Settle

vs 3 Deere

Settle

This day this cause came on again to be heard on the paper formerly read and the report of Special Commissioner Milton B. Little, summonary return in William Shands of the sale of 32 1/2 acres of land to J. J. Settle of the payment by the said J. J. Settle of the purchase money and the making of a deed with special warranty to the said J. J. Settle all done pursuant to a decree of this court entered at the November term 1883 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 it appearing that there is nothing further to be done in this cause it is ordered that the same be removed from the docket.