

1886 - 05

Santhampton County - Chancery

Council, B.F.
et al

vs. Uzzle, Geo. W.
et al

"Partitions as well
Gual Eitch to settle
infants share"

Council, Joseph
Luter, John +
Luter Emma, his wife

Norris, Berry +
Norris, Sally, his wife

Uzzle, W. H.

~~Stagg~~ +

~~Stagg~~, Mary his wife

Uzz

(Uzzle, Augustus
and Uzzle, Geo. W.)

Council

vs G. deane

Wyzel

Nov Term 1886.

To be entered.

Geo. Blom,
→

✓

Council re. 28

vs } Decree

Uzgle others

Nov. Term 1884

To be entered.

Geo. B. Snow

✓

Council &c.,

vs

}

Decree

Uzgle & others

This day this cause came on to be further heard on the papers formerly read, and was argued by Council. On consideration whereof, the Court doth adjudge, order and decree that Geo. H. Council who has sold the land belonging to the estate of Henry Council, dec'd, to Willis Bradshaw and collected the purchase money and paid over the same to the parties entitled, as appears from his report as Special Commissioner filed in this cause, be and he is hereby directed, ^{to} file his report in this cause by the next term of this Court, showing whether or not he has executed to the purchaser a deed with special warranty for the said land as required by the terms of a decree entered herein at the November Term 1877.

Council re 24
to Clerk
Aggell + others

May Term 1886

To be entered

Geo. Blow,

✓

Council & c
vs
Decree

Wells & others

This day this cause came on to be further heard in the papers formerly read and was argued by counsel. On consideration whereof the Court doth adjudge order and decree that a rule be issued against Geo. W. Council requiring him to show cause if any he can why he has failed to comply with the terms of the decree entered in this cause at the Novr term 1884. and the Court doth decree that the rule be made returnable to the first day of the next term of the Court.

Council
on 3 Dec
Wzyle H.

May June 1876
To be entered.
Geo. B. Lord.

Council
in 3 Decree
Wzyle D.

This day this Cause came on to be further heard on the papers formerly read and the report of Court Council filed Apr 19. 1896. and was argued by Council. On consideration whereof, no exceptions being filed to the said report, the Court doth adjudge order & decree that the same be confirmed and the sale therein reported be held firm binding between the parties. And the said Court will collect the cash payment & take bond from the purchaser, according to terms of decree entered Nov: Term 1895, and make report to Court.

Council
on $\frac{1}{3}$ Decree
Luzerne

Nov Dec 1845-
To be entered.

Geo. B. Brown.

Council 4th

on 3rd Decr.

Agg. 2nd

This day this Cause was docketed by leave
of Court & consent of parties - and upon the like
leave & consent Cause on to be heard on the
Complainants bill, the accession of the infant
defendants by J.R. Edwards, their Son and
Heir, and was argued by Counsel. On consid-
eration whereof, the Court doth adjudge order
& decree that ~~just before~~ a case of this Court
enquire or not to Court whether the land in
the proceedings mentioned can be divided in
kind among the parties entitled or not, together
with any other matters he may deem pertinent.

Committed
in 3 Dec
Luzerne Co.

Nov: Tenn 1845-
to be entered.

Geo Blom

Councils

vs 3 Decree

Wzyle &c.

Wzyle &c.

This day this Cause came on to be again heard on the papers formerly used & the report of Commr. Tyle filed during the term & was argued by Counsel. On consideration whereof, and the Court adopting said report as the basis of this decree, doth adjudge order & decree that Geo H. Council, who is hereby appointed a special Commissioner for the purpose, after advertising the Real Estate in the proceedings mentioned by public notices posted at three or more public places in the County of Southampton for twenty days, expose the same to sale at public auction upon the following terms to wit. one half cash. The balance on a credit of twelve months, the purchaser to give bonds with approved security carrying interest from day of sale and the title to be retained for the deferred payment. But the said Commr will not proceed to act under this decree until he shall have executed and filed with the Clerk of this Court, a bond in the penalty of \$200. with security to be approved by said Clerk, conditioned to faithfully execute this and any other decree in this Cause. and said Commr will make report to Court of his proceedings ~~of~~ under this order.

Council
v. 3 Report.
Wzgle v.

Apr 19. 1876

Commrs. } Benja. F. Lemmings et al
Deputes }
 Geo. W. Myzler & others

To. The Honorable Judge. of the circuit
Court. of the County of Southampton
In pursuance of the decree of
said County above made at its Nov.
Term. 1875. Your Commissioner begs
leave to make the following report, in
the proceedings Your Commissioner did on
the 18th day of Dec. 1875 after advertising
at three public places. giving twenty
days notice herein and said adj.
and Expos. to the highest bidder the
real Estate mentioned in the said
decree. Twenty five acres of Land more
or less and Willis Bradshaw. became
the purchaser. at the sum of Three
Hundred and fifty Dollars. all
of which Your Commissioner respectfully
submits to Your Honor.

Geo. W. Lemmings.
Commr.

Council

or $\frac{1}{3}$ Rule
Uzziel &

1886. 12th day Nov
Term Cir: Ct.

Executed Sept 4th
1886 by delivering
a copy of the within
~~the~~ summons to the
within named Geo
W Council.

R N Barrett Deputy
for J S Barham shff

The Commonwealth of Virginia,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

G. W. Council

to appear before the Judge of our *Circuit* Court of Southampton County, at the Courthouse,
on the first day of *Nov:* Term next, to *show cause, if any he*
can why he has failed to comply with the
terms of the decree entered in the chancery
suit of ~~W. J.~~ Council vs Wylie & others, at
the Nov: Term 1884.

And have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, at the Courthouse, this *12* day
of *Aug*, 188*6*, in the *111* year of the Commonwealth.

Teste J. B. Prince C. C.

57.

Council & al

to 3 Pnd

Wzlo et al

Know all men by these presents, that we Geo. H. Councill and Willis Bradshaw are held and firmly bound unto the Commonwealth of Virginia, in the just and full sum of One 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 hereby waive the benefit of our homestead exemption as to this obligation. Stated with our seals and dated this 15th day of November A.D. 1875.

The Conditions of the above obligation is such, that if the above bound Geo. H. Councill take ^{by} a decree of the Circuit Court of Southampton County rendered at the November Term thereof 1875 in the suit of P. F. Councill & al v Geo. H. Uzzell et al appointed Commissioners for certain purposes in said decree mentioned, under the said decree and under any other decree in the said cause, shall faithfully discharge the duties of his said office or trust according to law, then the above obligation to be void, otherwise to remain in full force and virtue. Signed, sealed and delivered in presence of ~~the Court~~.

G. H. Councill
Willis Bradshaw

Seal
Seal

Southampton County Circuit Court November 15th 1875.
This bond was acknowledged by Geo. H. Councill and Willis Bradshaw whose names are signed thereto and admitted to record.

Attest, J. H. Edwards C. C.
Attest, J. M. Parker D. C.

Alfred

Date, West, Parker & Co.

Col's fees \$5.00 paid J. R. Edwards
Law & Tax \$16.50
\$21.50

Received of all
at J. R. Edwards
Alfred & Co.

Southampton Circuit Court November Term 1875.

P. J. Council et al

Plaintiffs

against

Geo. H. Wozzle et al

Defendants

In Chancery

This day this cause came on to be again heard on the papers formerly read and the report of Commissioner Dyer filed during the term and was argued by Counsel. On consideration whereof, and the Court adopting said report as the basis of this decree, doth adjudge order and decree that Geo. H. Council who is hereby appointed a special Commissioner for the purpose, after advertising the real estate in the proceedings mentioned by public notice posted at three or more public places in the County of Southampton for twenty days, expose the same to sale at public auction upon the following terms to wit - one half cash the balance on a credit of twelve months, the purchaser to give bonds with approved security carrying interest from day of sale and the title to be retained for the deferred payment. But the said Commissioner will not proceed to act under this decree, until he shall have executed and filed with the Clerk of this Court, a bond in the sum of \$200, with security to be approved by said Clerk, conditioned to faithfully execute this and any other decree in this cause. and said Commissioner will make report to Court of his proceedings under this order.

40

Journal
+ 3 Report
Wzgle.

Receipts

1877 February 22nd

Statement of money collected by
 B. F. Council, Comr. from Miller
 Mashaw, purchaser of the real
 Estate belonging to Estate of Henry
 Council - dec. and amount
 1875 due each of his Legates.

Dec 18. By amt of purchase money. \$350.

Charges:

To pd attor fee - \$16.50

" " " " " 5.00

" Comr's Comps. 16.50

37.50

\$312.50

By Int on \$175. for 10. mo.

8.75

\$321.25

To be divided into 6 whole
 shares as follows.

To B. F. Council $\frac{1}{6}$ - \$53.54 $\frac{1}{6}$

" Joseph Council $\frac{1}{6}$ 53.54 $\frac{1}{6}$

" John Luter & Emma ^{wife} $\frac{1}{6}$ 53.54 $\frac{1}{6}$

" Perry Harris & Sally ^{wife} $\frac{1}{6}$ 53.54 $\frac{1}{6}$

Geo W. Council $\frac{1}{6}$ 53.54 $\frac{1}{6}$

Children of Margaret

Lizze - formerly Council

as follows - $\frac{1}{6}$ of $\frac{1}{6}$ -

To W. H. Lizze - 8.92

" - Stagg & Mary ^{wife} 8.92

" J. T. Lizze - 8.92

" Geo W. Lizze - 8.92

Geo W. Lizze - 8.92

" Superior Lizze - 8.92

321.25

Received of Geo: H. Council
Counr, the sum opposite our
names on other side -

L B^{his} X Morris & wife ^{his}
mark

John F. Zell

William: Zell

George W. Zell

John Luter

Emma Luter his wife

James: Zell

E. W. Stagg Mary E. Stagg

Joseph: C. Councille

Received payment in full

B. H. Council

I have qualified as Guardian for
Augustus Wyle & received his share.

Nov 5. 1877.

Geo W. Council.

by J. B. Munn

attd.

A. D. Stephens
Cutter.

Councils

21 3/4
Nizley.

In this case, at the request of
Comr. J. R. Tyler, ^{will} state that he knows
the land desired to be sold well, and
he knows it to be impossible to divide
it in kind; it would in my opinion
be to the interest of all the parties
concerned to have it sold.

Nov: 5. 1845.

Respy.

A. T. Stephenson

Councils 30
in 3

Wzble r.

Report of Comr
Tyler -

Nov 5. 1895

Council

or 3 Report of Comr Tyler.

Wzyle &

~~This day~~ In this case your
Comr would report to Court that from
the best information he can get,
he is of opinion that the land in
the proceedings mentioned cannot
be divided in kind; there are only
about 25 acres, and to divide this
quantity among several parties
would, in the opinion of your Comr,
be in the interests of all. Mr. A. J. Hopken-
son, a gentleman who knows the land
well, has by a certificate herewith filed,
given his opinion that the land cannot
be divided. I would therefore recommend
that it be sold.

To Judge Cir - Ct.

Nov. 5. 1893.

Comr's fee \$2.50

Chg. to Plaintiffs

Respy submitted.

James R. Tyler
Commissioner.

Council 9th 36
in 4 Decree
Wzyle St.

Nov 1877

To be ruled,

Geo Blow

1877 November 6th
done Y

Council &
on 3rd Decree.
Wiggle & others

This day this Cause came on to
be further heard on the papers
formerly read & the report of Comr
Geo. W. Council filed Feb'y 22. 1897,
reporting collection of all the purchase
money for the land in the proceedings
mentioned & receipts of the parties
interested for the same were argued
by Council. On consideration whereof,
two exceptions being filed to said report
the same is hereby confirmed. And
the Court doth further decree that
Geo. W. Council, Comr. execute to
Willis Bradshaw, a deed with
special warranty for the land
in the proceedings mentioned,
make report to Court.

Council

or 3 Reports

Wizell

1886. Nov 5

Filed L.B.Pee

Council's Report of Comr G. W. Council
vs
Wyzel

In this cause your comr makes following
report - I have paid to Gustavus Wyzel
the sum of \$10.⁵⁶, which was the amt;
due him and herewith return his
receipt for same. There is nothing
further to be done in this cause

Nov 5. 86 -

To Ind. Cir Ct,
S'ampton

Recpt submitted -

Geo^W H. Council
by I. B. Prince

august 22 1881

received \$10.50 cents in full payment that is
due me from my uncle henrys estate & W Council
special commissioner as he is my guardian as
I am now 21 years of age

Yours truly ^{Wm} J. Zell
^{attys}

George B McBlain counsellor
witness

~~1879-1880~~
Council &
in 3 Bill
uzzle sorting

1875 October Rules

I. B. Oliver Jr.

To the Hon Geo: Blount. Judge of the Circuit
Court of Southampton. In chancery.

Humbly complaining, I sheweth unto
Your Honor, your complainants, B. F.
Council. Joseph Council, John Luter &
Emma, his wife, formerly Council, Perry
Norris & Sally his wife, formerly Council,
Geo: H. Council, & W. H. Lizzle, ^{Stagg & Mary E. his} that during
the year 1875, Henry Council died intestate ^{wife, formerly Lizzle - J. Lizzle & John H. Lizzle -}
leaving your complainants & J. T. Lizzle
~~John H. Lizzle, - Stagg & Mary E. his~~
~~wife, formerly Lizzle, Geo H. Lizzle &~~
~~Augustus Lizzle, his heirs at law and~~
~~distributors.~~ That said Henry Council
was in his lifetime, ^{and at the time of his death} seized of certain real
estate in Southampton County, containing
about 25 acres -; that Geo H. Lizzle & Augustus
Lizzle are minors. under twenty one years
of age. Your complainants state further
that the said real estate, as they believe
is not susceptible of partition amongst
the parties entitled thereto; and they desire
the same, if it cannot be divided, to be
sold and the proceeds distributed
among the parties in proportion to their
respective interests therein. In considera-
tion whereof, and forasmuch as your
complainants are without remedy, except
in a Court of Equity where matters of
this kind are properly cognizable, to the
end therefore that justice may be done

Your complainant pray that ~~J. J. Luzzie~~
~~Geo W. Luzzie~~, — ~~Stagg & Mary E. his wife,~~
~~formerly Luzzie~~, Geo W. Luzzie and Augustus
Luzzie, may be made parties defendant
to this bill & compelled to answer the allega-
tions thereof — that some fit & proper person
may be appointed by the court ad litem to defend
the infants Geo W. & Augustus Luzzie — that
the said real estate may be divided
between the parties aforesaid, if practicable,
and in case the same be indivisible
in kind, that it may be exposed to sale
and the proceeds thereof distributed
among the parties entitled thereto —
and that your Honor will grant such
other further & general relief, as the nature
of this case may require or the Equity may
seem meet — And as in duty bound, your
complainant will ever pray &c —
May it please the Court &c —

S. B. Luzzie Jr.

The Answer of Geo W & Augustus Wylie, by
L.R. Edwards, their bon ad litum, to a bill
of Complaint exhibited in the Circuit Court
of Southampton against themselves & others
by B. F. Council & others.

These respondents, saving & reserving all
grounds of exception to said bill, for answer
thereto say - that they are minors, and
being such, know nothing of the facts
alleged in said bill; they therefore submit
their interests to the protection of their
Court - and having answered, pray
hence to be dismissed &c.

L. R. Edwards,
bon ad litum -

B. F. Council pt -