

1886-14

Southampton County Chancery. Moore, W.W. vs Screws, James

suit to sell house & land to
recover cost of brick that
went into house.

Moore
as } Bill, &c.
Screws

1885 April Rules.

Parker, f.c.

To the Honorable George Blaw, Judge of
the Circuit Court of Southampton County.
In Chancery.

Humbly complaining, shews unto your
Honor, your Complainant, W. L. Moore,
that he is a manufacturer of bricks;
that some time in the fall of the year,
A. D., 1884, at the said County of South-
ampton, James Screws, of the said County,
applied to him for a certain quantity,
for the construction of a certain dwelling
house and out buildings which he then
proposed to erect and did erect; that
your Complainant sold and delivered
the said bricks to the said James Screws
at the price and value of \$27.⁶⁵/₁₀₀, which
he promised and agreed to pay whenever
he should be thereafter requested to do
so; that the said James Screws has never
paid the said \$27.⁶⁵/₁₀₀, or any part
thereof, but the same to pay, wholly neg-
lects and refuses, that, within ninety
days after the completion of the said dwell-
ing-house and out buildings, your Com-
plainant ^{filed} in the Clerk's Office of South-
ampton County, a full and true account,
upon oath, of the bricks sold and deliver-
ed, together with a statement attached,

declaring his intention to claim the benefit of the Law relating to Mechanics Liens, as in that case made and provided, a Copy of which is herewith filed, marked Exhibit "C", and made a part of this Cause; that this suit was commenced within six months after the lien on said buildings was secured; and that, therefore, your Complainant has the right to enforce the payment of the sum due him, with interest from December 15th 1884, the time the said sum became due, by a sale of the said dwelling-house and out buildings, and so much land therewith as may be necessary for the convenient use and enjoyment of the same.

In Consideration whereof, and forasmuch as your Complainant is without adequate remedy at law, and only entitled to relief in equity which such matters are properly Cognizable, he, therefore, prays that the said James Screws may be made a party defendant to this bill, and be required to answer the same on oath; that an order may be entered directing a sale of the said dwelling-house and out buildings, and so much land therewith as may be necessary for the

Convenient use and enjoyment of the premises; and that, such other, further, general and special relief may be granted as is just and right.

And as in duty bound your Complainant will ever pray, &c.

May it please the Court, &c.

W^m H. Parker, f.c.
" "

Mr James Screws
To H. H. Moon Do

884

Dec 10 To 3950 Brick @ 7. \$27.65

To J. B. Truitt

Her K of the County Court of
Southampton Co. Va

Do five

Please take

notice that H. H. Moon of the
County of Southampton County Va
hold a claim against James Screws
non by Miss Bridges on Pottery
River for the sum of twenty seven
+ 65/100 dollars due to him for Brick
furnished said James Screws for the
construction of a dwelling house
on a certain tract of land belonging
to the said James Screws and that
I have said claim a lien on said
house & tract of land upon which
said house is situated pursuant
to an Act of the General Assembly
for Virginia to secure the pay of
Mechanics & persons furnishing of
building toward the construction
or repairing of buildings

Given under my hand this 31st day
of Decr 1884

W. L. Moon

Southern County Clerk
Office Jan 9th 1885 This writing
was this day received, acknowledged
and according to Law

Test J. R. Green CC

A copy
Test Jas. L. McLean S.C.

Moore
to \$ Decree
Screws

May Term 1886
To be entered

Geo. W. Blount.

✓

Moore
vs 3 Decree

Screws

This day this cause came on to be heard on the papers formerly read and it appearing to the court that there is nothing further remains to be done ^{motion of} on the complainant, it is ordered that the same be removed from the docket

Moore ✓

✓ } Sum

Servant

1885. April Rules

Qr: OK

Executed March 27th 1885

by delivering to James

Servant a copy of the within

Summons

G. W. Vick Sheriff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

James Scruggs

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 *April* next, to answer a bill in Chancery exhibited against *him*
in our said Court by *W. H. Moore*

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

WITNESS, J. B. PRINCE, Clerk of our said Court, this

24 day of *March*

, 188

in the *109*th year of the Commonwealth.

Teste

J. B. Prince cc.

Moore
vs
Screws

3
3
3

Decree.

This day this cause came on to be heard on the Complainant's bill taken for confessed, the exhibit therewith filed, and was argued by Counsel. On consideration whereof, the Court doth adjudge, order and decree that, unless James Screws shall, within sixty days after the adjournment of this Court, pay to the Complainant the sum of \$27. ⁶⁵/₁₀₀ with interest from December 15th 1884, and the costs of this suit, the principal and interest, however, being subject to all just and lawful credits to which the said James Screws may be entitled, J.B. Prince be appointed a Special Commissioner to sell to the highest bidder for cash, after giving reasonable notice of time and place of sale, by either written or printed advertisements posted at two or more places in the neighborhood, the dwelling-house and out-buildings of the said Screws, mentioned and described in the bill, and so much land therewith, belonging to him in fee simple, as shall be necessary for the convenient use and enjoyment of the same. But the said J.B. Prince shall not proceed to act under this decree as such Commissioner, until he shall have first execu-

ted bond before this Court or the Clerk thereof in vacation, with personal security, to be approved by the Court or Clerk in the penalty of \$ 300. Conditioned and payable as prescribed by law, and without first obtaining a certificate from such Clerk that the ^{same} required by this decree, has been executed, and appending such certificate or a copy thereof to the advertisement. And the said Commissioner is required to report his proceedings under this decree to Court.

Board
as Decree
S. Crews

April Term.
1885 ~~Nov~~

To be entered.
Yes & Record.

✓
Dismissed.
Nov. 1886.
over 100 in
S. Crews
to more or less

Moore 1724
in 3rd of Rules
Series

In Southampton County Court

W. H. Moore (Plff)

against
James A. Lewis & Co

In Chancery

1888

March 24th ^{Indy} Summons to April Rules

Apr. Rules - writs Executed, Bills & Exhibits filed.

Declar. made & signed

May " Cause set for hearing -