

1886 - 19

Santhampton County - Chancery

Ortlow & Moore vs Scruse, James

"2 will dwelling in
pay debt."

Ortlow, John

Moore, W. W.

Ortelow and Moor
vs } 1911, &c
Screws

1885 April Rules

Parker, p. 9.

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

Humbly complaining, shew unto your
Honor, your Complainants, John Preble, Sr.,
and Wm. H. Moore, partners doing business
under the firm, name of Preble and Moore,
that they are lumber dealers; that some
time in the fall of the year, A. D., 1884, at
the said County of Southampton, James
Screws, of the said County, applied to them
for a quantity of lumber for the construction
of a dwelling-house and certain out build-
ings which he proposed to erect, and did
erect; that your Complainants sold and
delivered the said lumber to the said
James Screws at the price and value of
\$66.77, which he promised and agreed to
pay whenever he should be thereafter re-
quested to do so; that the said James
Screws has never paid the said sum of
\$66.77, or any part thereof, but the same
to pay, wholly neglects and refuses; that
the said sum of \$66.77, was due and pay-
able, with interest thereon, December 15th,
A. D., 1884; that, within ninety days after
the completion of the said dwelling-house
and out buildings, your Complainants filed

in the Clerk's Office of Southampton County,
a full and true account, upon oath, of the
lumber sold and delivered, together with a
statement attached, declaring their inten-
tion to claim the benefit of the law relating
to mechanics' liens, as in that case made
and provided, - a copy of which is here-
with filed, marked Exhibit "E", and made
a part of this cause; that this suit was
commenced within six months after the
lien on the said dwelling-house and out-
buildings was secured; and that, therefore,
your Complainants have the right to en-
force the payment of the sum due them 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 Complainants are without adequate
remedy at law, and only entitled ^{to relief} in equity
where matters of this kind are properly
cognizable, they, therefore, pray 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 en-
joyment 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 Complain-
ants will ever pray, &c.

May it please the Court, &c.

Wmth Parker, f.c.
"

Pettlow & Morris

4 } Sum

Servants

1885: April Rules

Ch: Ch

Executed March 27th 1885

by delivering to James

Servants a copy of the within

Summons

L. W. Vicks Sheriff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

James Screws

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 *John Bretton Sr and W. H. Moore doing*

business of under the firm name of Bretton & 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*5*

in the *109*" year of the Commonwealth.

Teste.

J. B. Prince C.C.

Penton move
to 3rd corner
Levitt

J. B. Pence, Conn.

1886. Mch 1

Filed.

To L.B. Priner, Coun. in
Chancery Suit Reintromore
v. Sereot.

You can report the basis
in said suit as settled &
have case dismissed
Met 1. 1886.

For Wm. J. Moore & W. W. Moore

1113
Pickton & Moore
7 3/4 Hat Rules
Screws

In Southampton Circuit Court
John Pickett & son and
H. Moore doing business
under the firm name of
Pickett & Moore Pltff
against
James A. Woods Defd
Sept

Wm. G. G. G. G.

1886

Mar 24 Summons to April Rules

Apr 6 Rule " retd. Executed, Bill & Exhibits
filed - Deaver nisi & depn,

May " Deaver set for hearing.

Wreilaw and Home
vs  Decree.
Screws

This day this cause came on to be heard on the Complainants' 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 W. Screws shall, within sixty days after the adjournment of this Court, pay to the Complainants the sum of \$66.⁷⁷ with interest thereon from December 15th 1885, and the costs of this suit, the principal and interest, however, being subject to all just and lawful credits to which the said James W. 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, 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

executed 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 \$100 - Conditioned and payable as prescribed by law; and without first obtaining a certificate from such clerk that the bond required by this decree, has been executed, and append such certificate or a copy thereof to the advertisement. And the said Commissioner is required to report his proceedings under this decree to Court.

Richard Moore
vs
Decree
Screw

1885 - ~~May~~ Term.

To be entered.

W. B. Low.

Pettow & Moore
vs
Screws

3
Score

May Term 1886

Enter

Geo. W. Howard

✓

Pretlow & Hoose }
vs } Decree

Screws

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