

1888-01

Southampton County Chancery - Baker, R. H. vs Drewry, Thomas J.  
Trustee

creditor suit

Francis & Bro.

131  
Baker, Justice &c. —  
or.  $\frac{1}{3}$  In Chancery.

Drury

Bice & Ex<sup>'s</sup>

CO. J. Subrell p. 9.

To Hon: Geo. Blow, Judge Circuit Court  
for Southampton County.  
In Chancery.

Humbly complaining sheweth unto  
Your Honor your complainant R. H. Ba-  
ker Jr., trustee for Francis & Bro. that  
at the May Term 1885 of the  
Circuit Court for Southampton, he  
recovered a judgment against  
~~Thos. J. Drury~~ Drury for the sum of  
\$888.<sup>12</sup>, with interest from 1<sup>st</sup> day of  
January 1884, and \$14.<sup>09</sup> costs, which  
said judgment was duly docketed  
in the Clerk's office of the Circuit  
Court for Southampton, a copy of which  
is herewith filed mark "Exhibit A", and  
prayed to be read as a part of this  
bill; that of this said judgment,  
though execution issued thereon, no part  
has been paid, the execution having  
been returned, "no effect".

That the said Thos. J. Drury is  
seized & possessed in fee simple  
of a certain tract or parcel of land  
lying in said County, containing  
acres, adjoining the lands of Dr. Wm.  
J. Drury, Mrs. Martha J. Drury & others,  
it being the identical parcel of land

devised to said Thos. J. Drewry by his  
father, David Drewry, deceased.

Now Complainant avers & chances  
that the rents & profits of said land  
will not in five years satisfy the  
Judgment & that he is entitled to  
have the said land sold to satisfy his  
own & such other judgments or liens  
as may be thereon. In consideration  
whereof you Complainant prays  
that the said Thos. J. Drewry be made  
a party defendant to this bill & required  
to answer the same; that proper pro-  
cess issue; that all proper orders and  
accounts be directed & taken; that  
the lien creditors of the said Thos.  
J. Drewry be convened before a  
Master Commissioner <sup>in Chancery</sup> of this Court; that  
the lien debt of the said Thos. J.  
Drewry be ascertained & the amount  
thereof & then order of priority of  
lien established; that if it appears  
that the rents & profits of said  
land will not in five years pay  
the judgments, which are liens  
upon the same, that it or so much  
thereof as will suffice to satisfy  
the liens thereon & the cost of suit

to be sold, and the proceeds  
thereof be applied to the payment  
of the said debt & liens; that if  
such rent will so suffice, the  
said land be rented out, & the  
rent & profits thereof be applied  
to the said liens till they are fully  
satisfied, & that all such other,  
further relief may be given as  
in the premises is just right.

And yr. Complainant will waite re-  
corded, p. 4.

In Southampton Circuit Court: May Term 1885.

R. H. Baker. Deutscher

for Francis Bros.

against

Thos. J. Drury

Pliff

Defh.

In case

This day came the parties by their Attorneys,  
and waived the trial of the issue by jury,  
and agreed to put themselves upon the judg-  
ment of the Court. And being fully heard,  
it is considered by the Court that the Plain-  
tiff recover of the Defendant the sum of  
Eight hundred and eighty eight &  $\frac{3}{100}$  dollars -  
the damages claimed in the declaration,  
with legal interest thereon from Jan'y 1<sup>st</sup>  
1884 till paid, and his costs by him about  
his suit, in this behalf expended.

Attest

J. B. Prince Clk.

Baker, Trustee &c  
or 3 Bond  
Denny &c

Know all men by these Presents, That we

W. J. Sebrice and

J. E. Sebrice

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

*Fifteen 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, and also waive any claim, right or privilege to discharge any liability arising under said bond in any currency, funds, counter-claims or offsets other than legal tender currency of the United States.

Sealed with our seals and dated this

3

day of

*July*

A. D. 1887

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

W. J. Sebrice, who was appointed  
a special Commissioner by a decree of  
the Circuit Court of Southampton  
entered at the Nov: Term 1886, in  
the Chancery cause therein  
depending styled Baker Trustee  
vs. Drury - to see the land  
of Thos J Drury

shall faithfully discharge the duties of  
or else to remain in full force and virtue.

*under said decree*  
office or trust according to law, then the above obligation to be void,

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

*W. J. Sebrice*  
*J. E. Sebrice*



Baker, Trustee &c.

200. 3 Deers  
Henry

1886. Aug 18

Dorchester Circuit Court, May Term 1886.

Baker, Trustee &c. Piffs:

vs.

Drewry

Def.

In Chancery

This day this Cause came on to be heard on the Bill, taken for Confessd, & the exhibits therewith filed; and was argued by Counsel;  
On Consideration whereof the Court doth adjudge, Order & decree, that a Commissioner of this Court be sworn before him the Lien Creditors of Thos J. Drewry and audit & State the following accounts, to wit: 1<sup>st</sup> An account of the assets & debts of said Thos J. Drewry, distinguishing their priorities; 2<sup>d</sup> An account of the annual and absolute value of his real Estate; and the said Commissioner is also directed to inquire whether or not, in his Opinion, the rents and profits of the said real Estate, will in five years pay the liens on the same; & report his proceedings under this Order to Court, together with any other matters specially stated, deemed pertinent by himself, or which may be required to be so stated, by any party interested.

A Copy

Teste,

J. B. Prince, Ck

Baker, Trustees &c.

" Notice

Drewry

1886. Augt 18"

Executed Aug 13<sup>th</sup>/86  
by delivering a copy  
of within at Residence  
Thos G Drewry

J. L. Barkman  
Clerk

Commissioner's Office,

Jerusalem, Va., July 26<sup>th</sup> 1886

To R. H. Baker Jr. Trustee for Francis & Mrs.  
and Thos. J. Drury

You are hereby notified that I have fixed upon the 18<sup>th</sup> day of Augt  
next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office,  
the following accounts, to wit:

- 1<sup>st</sup> An account of the lien debts of Thos. J.  
Drury, distinguishing their priorities.
- 2<sup>nd</sup> An account of Annual & absolute value of  
his real Estate. & the Commissioner is directed  
to enquire whether or not the rents and profits  
of said real Estate ~~will~~, in his opinion, pay  
the liens on the same in five years.  
with any other matter specially stated deemed  
pertinent &c. &c.

required to be taken by a decree of Southampton Circuit Court, rendered at the May  
term, 1886, 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 said Court, the day and year first  
aforesaid.

R. F. McLenore

Commissioner.

To the Sheriff of Southampton County to execute.

An account of the lien debts of Thos. J. Drury  
 taken by B. F. M. Lemore, a Commissioner in Chan-  
 cery of the Circuit Court for Southampton County, on  
 the 18<sup>th</sup> day of August 1886. pursuant to a decree of  
 the said Circuit Court, entered at the May term  
 1886, in the Chancery cause of "Baker vs. Trustees  
 of Drury".

— 4<sup>th</sup> Class —

|                 |                                                                                                                                                           |           |
|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 1 <sup>st</sup> | A judgment obtained in the<br>Circuit Court of Southampton<br>County, at the May Term 1885<br>in favor of R. A. Baker vs.<br>Trustees for Francis & Sons. | 888.12    |
|                 | Int. from Jan 1/84 to Nov 1/86                                                                                                                            | 151.98    |
|                 | Costs of suit                                                                                                                                             | 14.09     |
|                 | Total amts. lien debts                                                                                                                                    | \$1054.19 |

Respectfully Submitted.  
 B. F. M. Lemore  
 Comm<sup>r</sup> in Chancery

An account showing the number of acres of real Estate owned by Thos. J. Drury, and the actual and annual value of the same. taken by W. F. McLenore a Commissioner in Chancery of the Circuit Court of Southampton County, on the 18<sup>th</sup> day of August 1886. in obedience to a decree of the said Court rendered at the May term 1886. in the Chancery Cause of "Baker, Trustee & Drury".

|                                     |                       |   |          |         |
|-------------------------------------|-----------------------|---|----------|---------|
| An undivided $\frac{1}{2}$ interest |                       | } | Actual   | Annual  |
| in a tract of land, con-            |                       |   |          |         |
| taining by estimation               |                       |   | value    | value   |
| 550 Acres, valued at                |                       |   |          |         |
| \$3. per acre                       | \$1650. <sup>00</sup> |   | \$825.00 | \$75.00 |

Respectfully Submitted

W. F. McLenore  
Comm in Chancery

Baker, James T. Jr.

Report

Drawing

1886. Oct. 22. Filed

Commissioner's Office -  
Jerusalem J<sup>no</sup>  
Augt 18<sup>th</sup> 1886.

To the Circuit Court of Southampton Co.  
In obedience to a decree of the Circuit  
Court of Southampton County entered at  
the May Term 1886 in the Chancery suit  
of "Baker, Trustee for J<sup>r</sup> & Drury," depen-  
ding in said Court. the undersigned, one  
of the Commissioners of said Court, to whom  
was referred for settlement, by said decree,  
An account of the lien debts of Tho. J. Drury -  
and an account of the actual and annual  
value of the real Estate of said Drury,  
and report also, whether the rents and  
profits of said real Estate will, in five  
years, pay the liens on the same, reports  
to Court: That on the day of July 1886  
he issued Notices against the parties  
requiring them to attend the settlement  
of said accounts, before him at his  
Office in Jerusalem, on the 18<sup>th</sup> day of  
Augt. 1886; that said Notice has been  
returned to your Commissioner duly  
executed; that said Drury appeared  
before the Commissioner in obedience  
to said summons: That on said 18<sup>th</sup>  
day of Augt 1886, he proceeded to take  
an account of the lien debts against

Thos. J. Drury. and finds a judgment  
in favor of R. H. Baker & Danstee for  
Francis & Pro. inclusive of interest to Nov<sup>r</sup>  
1886, and Costs amounting to \$1054.<sup>19</sup>

2<sup>nd</sup> An account of the Actual and Annual  
value of Tho<sup>s</sup>. J. Drury's real Estate, and  
finds said Drury charged on the land  
Books of this County with an undivided  
one-half interest in a tract of land  
Containing by estimation 550 acres, the  
Actual value of which the Commissioner  
estimates at \$825.<sup>00</sup> and the Annual  
value at \$75.<sup>00</sup>. In the opinion of  
the Commissioner, the rents and profits  
of the said land will not, in five years,  
pay the lien thereon.

Respectfully Submitted.

B. F. McLenore

Clerk in Chancery

Commissioner's

fee \$10<sup>00</sup>

Chg<sup>s</sup> to Plaintiff

Baker, Jr. Trustee for  
Francis & Bros.

vs G Simmons

Drewry.

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1885. Sept: Rules

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Executed August 10<sup>th</sup>  
1885 by delivering to  
Thos J Drewry a  
Copy of the within  
Simmons

G. W. Vicks  
Sheriff

36

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THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

*J. J. Drury*

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

*September*

next, to answer a bill in Chancery exhibited against

*him*

in our said Court by

*R. H. Baker Jr. Trustee for Francis & Bro*

And this

*you*

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

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

*3*

day of

*August*, 188*5*,

in the

*109*

year of the Commonwealth.

*Teste. J. B. Prince C. C.*

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Baku, Trustee &  
W. Z. Deere.  
Drawing.

Nov. Term 1886.

To be entered

Geo. B. Low.  
Z

✓  
Costs. B. L. C. \$8.43  
Shk .60  
Law & 16.50  
Comm 10.00  
\$35.43

W. J. Tibbels, Sec.

Baker, Trustee &c.

v.  $\frac{3}{4}$  Decree.

Drury -

This day this cause came on to be further heard upon the papers formerly read upon the report of Com<sup>r</sup>. Mr. Leman under decree herein entered at the May term 1886, to which report there is no exception & was argued by counsel. On consideration whereof the Court, confirming the said report, doth adjudge, order & decree that W. J. Sebrue, who is hereby appointed Commissioner for the purpose, after having given due notice of the time & place of sale, by printed advertisements posted at four or more public places in the County of Southampton, do proceed to sell the Real Estate in the proceedings mentioned, belonging to Thos. J. Drury, consisting of an undivided half-interest in a tract of land lying in said County, containing 650 acres, more or less, & adjoining the lands of Dr. Wm. F. Drury, Mrs. M. J. Drury & others, it being identical land devised to said Thos. J. Drury by his father David Drury, decd., upon the following terms to wit: One third cash; one third on a credit of twelve months & the residue on a credit of two years from day of sale, the credit

instalments to bear interest from day of sale, the purchaser to give bonds with good personal security for the deferred payment & the title to be retained till all the purchase money is paid. But the said Commissioner will not proceed to act under this decree until he shall have entered into bond, with approved security, before the Clerk of this Court, in the sum of \$1500<sup>00</sup>—, conditioned for the faithful discharge of his duties hereunder, and a certificate from the Clerk that the bond required by this decree has been duly executed shall be appended to the advertisement of sale. And said Commissioner will report to this Court.

Baker, Trustie &c.,

17.  $\frac{1}{3}$  Decree.

Drumy-

May Term 1886

To be entered-

Yott Blow.

✓

Cochran, Pa.

Baker, Trustee &c.,  
vs.  $\frac{3}{3}$  Deane.

Drewry.

This day this cause came on to be heard on the bill, taken for confessed, & the exhibits therewith filed, and was argued by counsel. On consideration whereof the Court doth adjudge, order & decree that a Commissioner of this Court convene before him the lien Creditors of Thos. J. Drewry and audit and state the following accounts, to-wit: 1<sup>st</sup> " An account of the lien debts of said Thos. J. Drewry, distinguishing their priorities; 2<sup>nd</sup> " An account of the annual and absolute value of his real estate; and the said Commissioner is also directed to inquire whether or not, in his opinion, the rents & profits of the said Real Estate will in five years pay the liens on the same, and report his proceedings under this order to Court, together with any other matter specially stated, deemed pertinent by himself or which may be required to be so stated by any party interested —

Baker, Trustee re.,  
v.  $\int$  Stone.  
Drury.

May term 1888.

To be entered -  
C. H. Hill  
✓

Prince & Seabree  
p. q.

Baker, Trustee &c.,  
vs. } Deere.  
Dewey.

This day this cause came on to be further heard upon the papers formerly read, and upon the statement of the Attorney for the Plaintiff showing that the matters involved in this suit have been settled by compromise between the parties, <sup>and was argued by counsel</sup> On consideration whereof and it appearing to the Court that nothing further remains to be done in this cause, it is ordered that the same be removed from the docket.

Baker, Dexter re.,

or,

3

Drumy-

Statement of  
Atty. for plff.

Baker - Inster - &c

n. } statement of attys' for plff.

Drewy -

The matters in controversy in this  
suit have been settled by compro-  
mise between the parties.

Price & Sebel, p.g.

145-  
Baker, Trustees V<sup>n</sup>

r { Stat: Rules

Dewey

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In Southampton Circuit Court.  
R. H. Baker Jr. Trustee for Francis & Bro -  
Plaintiff  
against

J. J. Drury Defendant.  
In Chancery

1885

Aug 3 " Sum to Sept: Rules  
Sept: Rules " Ex P. Bill & Exhibits filed - deors vi ci:  
" " vs Deft -  
Oct " Case set for hearing -