

1893 - 06

Saunderston County - Chancery

Baker, R. H. Jr to Francis, Nat

"To sell land to"
pay off judgment

Francis + Bro.

Baker, trustee &c -
or. Σ Rice &c.
Francis

1884 Oct. Rules.

W. J. Sibrell, p. 9

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

In Chancery.

Humbly complaining sheweth unto your
Honor your Complainant R. St. Baker
Jr., Trustee for Francis & Bro., that at the
May term 1884, of the Circuit Court of
Southampton he recovered a judgment
against Nat Francis for the sum of
\$1194.³⁹ with interest from July 1st
1884 and \$9.²⁶ costs, which said judg-
ment was duly docketed in the Clerk's
office of the Circuit Court of Southampton,
a copy of which is herewith filed marked
exhibit "A" & prayed to be read as a
part of this bill; that, of this said judg-
ment, though execution issued thereon,
no part has been paid, the execution
having been returned "no property".

That the said Nat Francis is seized
& possessed in fee simple of one
undivided half of a certain tract or
parcel of land, lying in said county,
containing 2000 acres, more or less,
and adjoining the lands of Mrs. L. D.
Francis, A. J. Francis, Mrs. Geo. Gray, E. L.
Fells, Mrs. C. Lykes, E. R. Vick & Dr. J. H. M.
Lykes & others.

Your Complainant avers and

Charges that the rents & profits of said land
will not in five years satisfy the judg-
ment & that he is entitled to have the said
land of said defendant sold to satisfy his
own & such other judgments or liens as
may be thereon - In consideration whereof
your complainant prays that Nat Francis
be made a party defendant to this bill
& required to answer same; that proper
process issue; that all proper orders and
accounts be directed & taken; that the lien
creditors of the said Nat Francis be
convened before a Master Commissioner
^{in Chancery} of this Court; that the lien debts of
said Nat Francis be ascertained, & the
amount thereof & their order of priority
of lien established; that if it appears
that the rents & profits of said land
will not in five years pay the judg-
ments which are liens upon the same
that it or so much thereof as will
suffice to satisfy the liens thereon
and the costs of suit & sale, be sold and
the proceeds thereof be applied to the pay-
ment of the said costs & liens; that if
such rents will so suffice, the said
land be rented out, and the rents & profits
thereof be applied to the said liens

time they are fully satisfied, & that
all such other further relief may
be given as in the premises is
just & right -

And your complainant will ever pray &c -

W. J. Skellie, p. q.

Southampton Circuit Court
May Term 1884.

L. H. Baker & Trustees } Pliff
for Francis & Bro. }
against } In Loco
Est Francis } Defot

The judgment obtained
at the trial against the defendant
not having been set aside and the
plaintiffs being now entitled to
a final judgment it is therefore
considered that the plaintiffs
recover against the defendant
Eleven Hundred and ninety four
\$39/100 dollars the amount of the
accounts upon which this suit
is brought with legal interest
thereon from Jan 1st 1884
till paid and his costs by him
about his suit in this behalf
expended

Attest

Teste J. B. Pringle

⁺⁵⁵
Baker Jr. ¹⁸⁸ ~~58~~ ⁵⁹

vs. J. Stat: Kuler

Francis ~~57~~ ⁵²

~~~~~

In Southampton Circuit Court.

R.H. Baker, Jr. Trustee for Francis  
vs. Br.

Pliffs.

against

Nat: Francis.

Deft.

John Chace.

1884. Sept 12 Summons issued to Oct: Rules.

" Oct: Rules " with Exctd. Bill & Exhibits filed.

Deere nisi or deft.

" Nov " Cause set for hearing.

Southampton Circuit Court Nov.  
Term 1884

Baker Jr. Trustees &c. Plffs  
against

Francis - Deft } In  
Chancery

This cause came on this day to be heard.  
In the vice taken for confessed and  
exhibits filed and was argued by  
counsel. On consideration whereof  
of the Court doth adjudge order  
and decree that a Commissioner  
of this Court convene before  
him the line creditors of said Francis  
and audit and state the following  
accounts to wit:

1<sup>st</sup> An account of the line debts  
of the said Francis 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 to enquire  
whether or not in his opinion  
the rents and profits of the said  
real estate will in five years pay  
the line on the same and report  
his proceedings under this order to  
Court together with any <sup>other</sup> matters  
specially stated deemed pertinent

by himself or which may be  
required to be stated by any parties  
interested

A Copy  
Jas J B Prince AC

Walter W. Truitt  
No 3  
7  
Francis,

A Copy

An Account of the lien debts of  
 Nat. Francis. Showing their priorities -  
 Taken by B. F. McLeamore, a Commissioner  
 in Chancery for the Circuit Court of South-  
 ampton County, on the 21<sup>st</sup> day of March 1885  
 Pursuant to Notice accompanying this  
 report. Required to be so taken by a decree  
 of the Circuit Court of Southampton County -  
 entered at the November Term 1884. -

1<sup>st</sup>. A Deed of Trust, executed  
 March 4<sup>th</sup> 1884 & recorded in  
 the Clerk's Office of South-  
 ampton County March 7<sup>th</sup> 1884  
 for the benefit of Mrs C. E. Pope  
 to secure two Bonds, amount-  
 ing to seven - to  
 Said notes bear interest from  
 Feby 25<sup>th</sup> 1884. -

\$1530.00

2<sup>nd</sup>. A Judgment in favor  
 of R. H. Baker Jr, Trustee for  
 Francis P. No. - ~~James~~  
 from the Circuit Court of  
 Southampton County, on the  
 7<sup>th</sup> day of May 1884 for  
 with interest from Jan'y 1<sup>st</sup> 1884,  
 and Costs  
 Total amt due debt.

\$1194.39

9555

926

\$2829.20

Respectfully Submitted  
 B. F. McLeamore  
 Clerk in Chy

An Account of the Annual and Absolute value of the real Estate of Nat Francis taken by B. F. McLeuro. Commissioner in Charge for the Circuit Court of Southampton County -  
April 1<sup>st</sup> 1885.

|                    |         |          |
|--------------------|---------|----------|
| 1000 Acres of land | Annual. | Absolute |
| valued at.         | 320.00  | 4000.00  |

Respectfully Submitted  
B. F. McLeuro  
Commr in Chg

Baker, Trustees.

Report

Francis

1885. April 8<sup>th</sup> filed-

Commissioner's Office  
Jerusalem 7<sup>th</sup>

April 1<sup>st</sup> 1885

To the Hon: Geo. Blow, Judge of  
the Circuit Court of Southampton  
County.

In obedience to a Decree  
of the Circuit Court of Southampton  
County - rendered at the November  
Term 1884 - in the suit of "R. H.  
Baker, Jr. Trustee for Francis & Bros."  
against "Ngile, Francis"  
the undersigned one of the Commis-  
sioners of said Court, to whom was  
referred the taking of the several  
accounts asked for in said Decree  
begs he now submit the following  
report: That on the 24<sup>th</sup> day of  
Feb: 1885 he issued Notice to the ~~him~~  
~~parties to the suit~~ <sup>parties to the suit</sup> ~~of said Francis requir-~~  
~~ing them to appear at his Office~~  
in Jerusalem - on the 1<sup>st</sup> day of  
April 1885. to attend the taking of  
the aforesaid accounts - which  
Notice has been returned to your  
Commissioner duly executed by the  
Sheriff of this County and is here-  
with filed, forming part of this re-  
port: That on the said 1<sup>st</sup> day of  
April 1885 he proceeded to take the

accounts, to wit: 1<sup>st</sup> - An account of the lien debts of the said Nat. Francis which are as follows: 1<sup>st</sup> - A Deed of Trust executed by Nat. Francis, to secure the payment of two bonds due Mrs. Caroline R. Pope amounting to \$1530.<sup>00</sup> - 2<sup>nd</sup> - A Judgment due R. H. Baker Jr, Trustee for Francis & Mrs. amounting to \$1299.<sup>20</sup> - which sums, added, make \$2829.<sup>20</sup> as the total amount of the lien debts. - 2<sup>nd</sup> - An account of the annual and absolute value of the said Nat. Francis's real Estate: viz: - 1000 Acres of land, estimated at \$4 per acre. making \$4000 - the absolute value of said land. (this estimate is about one-third more than the assessed value of said land - as will appear by reference to the "Land Book" of this County) the Commissioner has taken 8% of this amount, (\$4000) as the annual value. making \$320.<sup>00</sup> which sum, multiplied by five, gives \$1600.<sup>00</sup> - from which, it will be seen, that the rents and profits of said real Estate, will not in five years, pay the liens on the

same.

The aforesaid Accounts are filed  
with this report - and prayed to be  
read as part thereof.

Respectfully Submitted  
B. J. McLeone  
Clerk in Chancery

Commissioners fee \$10. —  
ok? to Plaintiff. —

Baker. Trustees of

" } Notice

Francis

1885. April 1<sup>st</sup>

I went to the residence of  
John Francis, he being  
from home. I left a copy  
of the within summons with  
Mrs John Francis who is  
a white member of his  
family over 10 years of  
age and explained its pur-  
port to her.

G. W. Vick Dr  
for W. W. B. Co  
Shreve

Commissioner's Office,

Jerusalem, Va. Feb 27 1885  
To R. H. Baker Jr. Trustee for Francis  
of Mrs. and Nathl Francis

You are hereby notified that I have fixed upon the 1<sup>st</sup> day of April next, if  
fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts,  
to wit: An account of the lien debts of  
Nathl Francis - distinguishing their  
priorities -

2<sup>d</sup> An Account of the annual and  
absolute value of said Francis's real  
Estate - and whether or not, the rents  
& profits of the same will, in five years  
pay the liens on the same

required to be taken by a decree of Southampton Circuit Court rendered at the Nov<sup>r</sup> term,  
1884, 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 the said Court, the day and year first aforesaid.

B. H. M. Lemore

Commissioner.

To the Sheriff of Southampton County to Execute.

Baker Jr. Trustee &c  
L  
rs } Sp' in Chy  
Francis

1884. Oct. Rules

Qiv. Ct.

Executed Sept., 22,  
1884, by delivering  
a copy of this sum-  
mons on the within  
named Nat Francis  
in person.

W W Briggs

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THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

*Nat Francis*

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

*October*

next, to answer a bill in Chancery exhibited against

*him*

in our said Court by

*R. H. Baker Jr.*

*Trusted for Francis*

*W. Gro*

And this

*he*

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

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

*12<sup>th</sup>*

day of

*September*

, 188*4*,

in the

*109<sup>th</sup>*

year of the Commonwealth.

*Testo.*

*J. B. Prince C. C.*

Baker, Gustav H.  
or.  $\frac{3}{4}$  Decree.  
Francis

Nov. Term 1884-

To be entered-

Geo. Blount,  
 $\frac{3}{4}$

Entered  
102

V  
V

Paker jr. Trustee &c  
vs } Decree  
Francis }

This cause came on this day to be heard on the bill taken for Confessed and exhibits filed and was argued by Counsel - On consideration whereof the Court doth adjudge order and decree that a Commissioner of this Court come before him the lien creditors of Chat Francis and audit and state the followings accounts, to wit.  
1<sup>st</sup> An account of the lien debts of the said Francis 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 enquire whether or not, in his opinion, the rents and profits of the said real estate will in five years pay the lien on the same and 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 parties interested.

Baker, Trustee &c.

vs.  $\Sigma$  Deere.

Francis.

This day this cause came on again to be heard upon the papers formerly read, and the report of Com<sup>r</sup>. B. F. McLinne, filed Apr<sup>l</sup> 8<sup>th</sup> 1885, reporting that the rents and profits of the Real Estate in the bill mentioned will not in five years pay the debts which are liens on the same. On consideration whereof, the Court, confirming the said report, doth adjudge order and decree that W. J. Sebrell be & he is hereby appointed a Special Commissioner to expose to sale at Public auction the said Real Estate, after giving 30 days' notice of the time & place of sale, by written advertisements posted at four or more public places in the County of Sackhampton, upon the following terms, to wit: One third Cash: the balance on a credit of One <sup>Five</sup> and ~~three~~ years from the day of sale. The credit installments to bear interest from the day of sale - taking from the purchaser bonds with approved security for the deferred payments, and the title to be

retained till the purchase money is  
fully paid. But the said Commissioner  
shall not proceed to ask under this  
decree until he shall have executed  
a bond <sup>in the penalty of \$6000.<sup>00</sup></sup> with approved personal se-  
curity, before the Clerk of this Court,  
conditioned & payable as the law  
directs. And the said Commissioner  
shall not advertise the said Real  
Estate without first obtaining a cer-  
tificate from the Clerk of this Court that  
the bond required by this decree has  
been given & ~~appending~~ such certificate  
or a copy thereof ~~shall~~ be appended  
to the advertisement. And said  
Commissioner will make report to Court.