

1893 - 44

Southampton County Chancery - Lacey, J. H. et al vs Briggs, A. W. et al

"To settle Judgment"

Lacey, L. E.
Lykes, A. J.
Mayer, J. H.

Orin, J. B. Trustee
Ward, J. J.

Lipsey tal
D. 3 Bill Ex.
Grizzard and de

To the Honorable George Blow, Jr,
Judge of the Circuit Court of
Southampton County, In Chancery.
Humbly complaining, shew unto your
Honor, your complainants, J. N. Lacey,
L. E. Lacey and J. A. J. Sykes, that
your complainants, together with
J. N. Murfee, in the year 1872, became
security for James Williams in the
sum of Nine hundred and ninety nine
Dollars for the purchase price of certain
real estate sold by Dr. R. Chambliss, com-
missioner, by order entered ⁱⁿ the Circuit
Court of Greenville County in a certain
Chancery cause then pending in said
Court, entitled Cotton for vs. Williams
administrator &c, The said sum of
\$999.⁰⁰ being payable in three annual
instalments, and became due Jan'y 1st
1873, Jan'y 1st 1874 and Jan'y 1st 1875.
That the said James Williams failed
to pay the said bonds as they became
due and payable, and that the
said Commissioner, by order entered
in the cause at Oct. Term 1872 of
the Circuit Court of Greenville County,
exhibited said bonds as they became
due, and at April Term 1877 obtained
judgment upon the same for the

H. B. Chambliss, substituted Commissioner,

principal sum of \$999.00, with certain credits thereon, all of which more fully appears from a certified copy of said judgment, which is herewith filed, and marked Ex A and prayed to be read and considered as a part of this bill. That after said judgment was obtained, certain decrees were entered in the said Chancery cause of Attorney for J. Williams admr. sale, one of which decrees was entered on the 25th day of October 1879, which appointed E. C. Freidway commissioner to resell the the real estate purchased by James Williams, proper summons having been served upon the purchaser to appear and show cause why said real estate be not resold at his cost. In obedience to the decree entered the said E. C. Freidway did make sale of said real estate at Hicksford, Va on the 1 day of Jan'y 1880, and D. R. Taylor became the purchaser at the sum of \$755.00 which sale was duly reported to the Court, and confirmed by decree entered April 27th 1880

That said sum of \$755.⁰⁰ has been fully paid by the purchaser, and has been applied properly as a credit upon the bonds of the said James Williams, but left a considerable deficit, amounting to some \$700.⁰⁰ for the payment of which sum all parties to the bonds given to J.R. Chambliss, Commissioner, were bound to pay.

That in order to recover said sum of money, a certain suit in Chancery was commenced in the Circuit Court of Greenville County at September Rules 1880, entitled Chambliss, Commissioner v. Lisle et al., to which suit your complainants, Jst. Munfee and Aed. Grizzard were made defendants. That by an order entered in said cause E.L. Turner, a commissioner in Chancery of said Court, made up and stated an account of the several sums that should be paid by the securities of James Williams, and reported the sum to be \$723.⁵², with interest thereon from April 24 1880, which said report was confirmed by decree entered at the April Term of said Court, and by said report the Commissioner reported

that J. St. Murfee and A. W. Grizz-
gord were without means and insol-
vent. Thereupon the Court entered an
order, directing that your complain-
ants pray to the Commissioner the
said sum, and execution was issued
accordingly. Your complainants
therefore paid the sum as decreed
by said Court, with all interest due
thereon, believing that said A. W. Griz-
zard was insolvent, and knowing
that said J. St. Murfee was and
still remains insolvent. Your com-
plainants have recently discov-
ered that A. W. Grizzard, a cob-
ligor, has purchased real estate in
the County of Southampton, and
is now possessed of two hundred
and fifty acres, situated in said
county, assessed at about \$1200⁰⁰,
as appears from the land books of
said County, and also of 15 acres
separate and apart from the above.
Your complainants thereupon had
the judgment docketed in the
Clerk's office of the County Court
of Southampton County, that the
same might be and become a

lien upon the real estate of the
said A. W. Grizzard. Your complt.
further discovered that there was a
deed of trust made in December 1884
by said A. W. Grizzard to J. B. Prince,
Trustee, to secure a debt of \$1000⁰⁰
due to J. J. Woodard, which your
complainants believe to be a charge
upon the estate, valid and binding,
and possesses priority over the lien
of your petitioners.

In tender consideration whereof, and
inasmuch as your complainants
are without remedy save in a Court
of equity where matters of this
kind are alone and properly cog-
nizable, your complainants pray
that said A. W. Grizzard be made
a party defendant to this bill, together
with J. B. Prince, Trustee, and
J. J. Woodard, that the said
A. W. Grizzard be compelled on his
corporate oath to answer the allega-
tions herein contained, that proper
process may issue, that he be com-
pelled by an order of this Court
to contribute the portion due by
him to reimburse your complain-
ants for their outlay, that an

account be taken by a Commissioner
of this Court, showing the amount
that is just to be paid by the
said A. W. Grizzard, defendant, and
ordering the payment of the same,
that all proper accounts be taken
that may be necessary for the at-
taining complete justice in this cause,
that if necessary to attain the ends
of justice, the real estate of the said
A. W. Grizzard be sold, and proceeds
applied as the law directs, and
that your honor will grant such
other, further and general relief as
the nature of the case may demand
and to equity may seem just
May it please, &c.

Reverend & Grizzard J. C.

Lipson }
Cox } In Chy.
Guzzard &c.

Exhibit "A" filed
with Petition for Relief.

In the Circuit Court of Greenville County, April Term, 1877.

St. B. Chambliss Comptroller.

against

Don. Williams Jr. J. H. Lipsey, A. W. Grogan
L. E. Lipsey, J. H. Munro and J. A. J. Sykes.

Plaintiff

In Debt

Defendant

Judgment rendered for the Plaintiff against the Defendants for Ten Hundred
and Ninety Nine Dollars

with interest ^{from} Jan 1. 1872. till paid.

and \$ 4644 costs. Credit \$100. & on Jan 13. 1873. of \$100.
Paid July 15. 1873.

EXTRACT—TESTE:

E. L. Sumner Clerk.

Lifsey & others
vs $\frac{3}{3}$ summons
Grizzard & others

1885. Ap'l Rules

Executed March 31st
1885 by delivering to each
of the within named parties
a copy of the within
summons

G. W. Vick Shff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

Am. Grizzard, I. B. Prince
Trustee, and J. J. Woodard

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 *them*
in our said Court by *J. W. Lifsey, L. E. Lifsey and J. A. J. Sykes*

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

WITNESS, J. B. PRINCE, Clerk of our said Court, this *20* day of *March*, 1885,
in the *109* year of the Commonwealth.

Teste. I. B. Prince C. C.

~~92~~ 189
Lily et al.

7 3 Star Club

~~64~~ ~~65~~
Lizzy et al.

~~57~~ 55

In Court House at New York

J. H. Lacey, L. E. Lacey }
vs J. A. Lacey }
against }
J. M. Lacey J. B. Lacey }
Trustee of J. L. Lacey }
Deft.

1880

In chancery ^{if any} from April Rules

Apr. Rules ^{& Exhibits} Summons, Executed Bill, filed, Deem
mini to April

May Rules. Bill taken for confessed, and
Quinn set for hearing.