

1893-47

Southampton County Chancery. Myrick, William E. vs Cross, Mary A.

creditors suit.

get the rent if enough,
if not, sell the land to
satisfy debts.

Barden, James H.
(dec.)

Myrick. com E.

as } Bill in Chas'y
Moy A. Cross

1867 Sept. 5

To the Hon. C. W. Hill Judge of the
Circuit Court of Southampton Co.

Wm. E. Inyick, who mes for him-
self & such other like creditors
of Mary. A. Cross, as ^{caus.} shall in. Take
part in & show the costs of this
suit. complaining sheweth unto the
court, that at the May Term 1887,
of the Circuit Court of Southampton,
he recovered a judgement against
Mary. A. Cross, making obligor of
himself & Jas. H. Bardul. died, for the
sum of \$392.⁸⁵ with interest from
the 19th day of February 1887, & \$7.⁸⁶ costs,
a copy of which is herewith filed,
marked exhibit "A" & prayed to be read
as a part of this bill. that no part
of said judgement hath ever been
paid: that said judgement was duly
docketed on the day of
in the clerks office of the Circuit
Court of the county of Southampton

The said Mary. A. Cross is seized &
possessed in her own right of a tract
of land in said County, about 3
miles from Newsoms Defat. contain-
ing about from 75 to 100 acres of
land, & bounded by the lands of Wm. E.
Inyick & others. the Place called & known

as "Piney Grove".

Your Petitioner avers & charges that the rents & profits of the said land, will not in five years satisfy the judgment upon the same, & that he is therefore entitled to have the said land sold to satisfy his own lien, & any other liens thereon.

In consideration whereof, he prays that the said Mary A. Cross, as surviving obligor of herself & Jacob Barden, dec'd, be made defendant to this bill & be required to answer the same on oath: that proper process issue: that all proper orders & accounts be taken & directed: that the lien creditors of the said Mary A. Cross, be examined before a commissioner in Chancery of this court: that the lien debts of the said Mary A. Cross, be ascertained, & the amounts thereof & their order of priority of lien be established: that if it appears that the rents & profits of the 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 costs of suit & sale, including an attorneys fee of

thirty-five dollars, be paid, & the proceeds thereof be applied to the payment of the said costs & liens: that if such moneys will so suffice, the said lands be rented out, & the rents & profits thereof be applied to said liens until they are fully satisfied: & that all such other further & general relief may be given as in the premises is just & right. And your orator will ever pray &c.

J. C. Parker, p. p.

Wm. E. Myrick ¹²¹ 16

Stat. Rules

Mary A. Cross &c.

Wm E. Myrick - Plaintiff

against

Mary A. Croft.

surviving obligee of

her self + Jas. H. Barden dec'd - Def't.

1887. Augt. 22. Process issued to Sept. Rules.

" Sept Rules. Sum: returned Executed. Bill +

Ex: filed. Deceit nisi & Def't

" Oct: Rules. Bill taken for Confessed and

~~Deceit nisi & Defendant.~~ + cause

set for hearing -

Southampton Circuit Court: In Vacation.

Oct 10th 1887.

Wm E. Myrick -

Plaintiff

vs

3

In Chancery -

Mary A. Croft, surviving
obligor of herself & Jas. H. Barden dec^d - Deft

This day this cause came on to be heard in vacation, upon the bill, taken for confessed & the exhibits filed & was argued by Counsel. Whereupon the Court doth adjudge, order and decree, that one of the Commissioners in Chancery of this Court, is hereby ordered & directed to take an acct of the lien debts of the said Mary A. Croft & their order of priority & also an account of the annual & fee simple value of all the land owned and possessed by said Mary A. Croft in Southampton County - and any other matters not herein named that may be deemed pertinent by said Court or by either of the parties to this suit. And he shall make report to this Court at the next term thereof.

To the Clerk of the Circuit Court
of Southampton Co. - Oct - 1887.

W. H. Hies

Attest - Testo: B. F. M. Lemon Ck.

Myrick
Naticco
Cross.

1887. Oct. 27.

Executed Oct 26th by
delivering copy to Henry
D. Cross, & Wm. Myrick
Oct 26/87 A. F. Cobb
M-8488

Commissioner's Office,

Jerusalem, Va., Oct. 13 1887

To Wm. E. Myrick Esq. Mary A. Cross

You are hereby notified that I have fixed upon the 27 day of Oct. next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:

- 1st - An account of the lien debts of Mary A. Cross - showing their order of priority.
- 2^d - An account of the fee simple and annual value of all the real Estate of the said Mary A. Cross. with any other matter specially stated - deemed pertinent &c.

required to be taken by a decree of Southampton Circuit Court, rendered ~~at the~~ ^{in vacation} Oct. 10 term, 1887, 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.

B. F. M. Lemore

Commissioner.

To the Sheriff of Southampton County to execute.

An Account of the feesimple and annual value of the real Estate of Mary A. Cross, situated in Southampton County. Taken in obedience to a decree of the Circuit Court of Southampton County entered in vacation - Oct. 10. 1887 - in the Chancery Cause of Myrick vs Cross. by B. F. M. Lemon Esq. in Chancery. on the 27th day of Oct. 1887.

				Fee Simple - Annual	
Life Estate in	43 1/2 Acres.	@ \$12 per Acre	522 00	35.00	
Fee	" " 12 " "	" 3 " "	36.00	5.00	
"	" " 19 " "	" 8	152.00	10.00	
Fee Simple value - total				\$710.00	
Annual " "					\$50.00

Respectfully Submitted
B. F. M. Lemon Esq.

An Account of the lien debts of Mary R.
Cross - arranged according to their priority -

by B. F. M. Lemore, Comr in Chancery of the Circuit
Court of Southampton County - pursuant to decree
hereto annexed. Oct 1887.

1 st	A Judgment in favor of H. E. Myrick	392.85
"	Int. from Feb: 19. 1887. to Nov - 1887.	16.49
	Costs	7.86
	Total -	417.20

Respectfully Submitted
B. F. M. Lemore
Comr in Chancery

Myrick
v 3 Report

Cross &c.

1887. Oct. 27. filed

Commissioner's Office
Jerusalem. Oct. 1887

To the Hon: C. W. Hill. Judge of the Circuit
Court of Southampton County.

Pursuant to a decree of the Circuit Court
of Southampton County - entered in vacation
on the day of October 1887. in the Chancery
Cause of Myrick vs Cross - the undersigned -
one of the Commissioners of said Court.
to whom was referred for settlement - by said
decree, the following accounts: 1st - An
account of the Real Estate of Mary A
Cross. showing the fee simple and annual
value of the same.

2nd, An account of the lien debts of the
said Mary A Cross. with their priorities:
Reports to Court, that on the 18th day of Oct
1887. he issued Notices against the parties,
Plaintiff and Defendant, requiring them
to appear before him, at his Office, on
the 27 day of Oct 1887. to attend the settle
of the aforesaid accounts: That said
Notices has been returned Executed.

Whereupon the Commissioner proceeded
to take, 1st - An account of the real Estate
of Mrs Mary A Cross: and finds Mrs
Cross charged upon the Land Books of
this County, with a life Estate in $43\frac{1}{2}$ Acres.

of land, valued at \$522.⁰⁰ - and, also, a
fee simple interest in 31 acres, valued at
\$188.⁰⁰ - aggregating \$710.⁰⁰ - the annual
value of which, the Commissioner has
assessed at \$50.⁰⁰ -.

The Commissioner has also taken an ac-
count of the lien debts of Mary R. Cross.
and reports a judgment against her
in favor of Wm. E. Myrick - amounting
to \$417.²⁰ - inclusive of interest to Nov 1.st
1887, and costs.

Respectfully Submitted

B. F. M. Lerner

Comr in Chancery

Commissioner's fee

\$5 - to Plaintiff

Wm. E. Inghick.

vs

Mary. A. Cross
Suzer's Obligor.

Decree

This day this cause came on to be heard upon the papers formerly read, & upon the report of Causis B. F. McLe-more, to which report no exceptions have been filed & was argued by counsel.

In consideration whereof the court doth confirm said report, & it appearing to the court that the real estate of said Mary. A. Cross as ascertained by said report, will not suit and for enough in five years, to pay the debts of Mary. A. Cross, as ascertained by said report, now therefore the court doth adjudge, order, & decree, that J. C. Parker, who is hereby appointed a special Causis for that purpose, proceed at once to advertise for sale the real estate, belonging to said Mary. A. Cross, as ascertained in said report, in the County newspapers & in two or more public places & on the premises, & after having advertised the same for at least 30 days, he

he shall proceed to sell the same in the
town of Newsum. in this County, at pub-
lic auction, to the highest bidder, upon
the following terms, one-third cash, &
the balance in one & two years. till
rescued until all purchase money
paid, with privilege to purchaser to
pay all cash as soon as the sale
is confirmed by the court, & take a
good receipt: & said Court shall col-
lect the one-third cash payment, ~~and~~
~~of it shall pay the expenses and~~
hold the same subject to the further
order of this Court. But before
entering upon the discharge of his
duties under this decree said Parker
shall execute a bond in the penalty of
\$1200.⁰⁰, with approved surety, conditioned
for the faithful discharge of his duties
as such Court. And he shall report
to this court at the next term
thereof.

Myrick

Decree 2nd
Cross.

Nov Term 1867
To be entered
Clerk

Entered 27th

To Mary A. Coass. (remaining obligor
of herself & Jack Borden, deceased) Defendant
in a suit in Chancery now pending
in the Circuit Court of Southampton
against her, in which Wm E. Myrick
is Plaintiff.

You are hereby notified that on
Monday Oct 10th 1887 at 5 o'clock P.M. in
the Court-house in Suffolk Va.
C. W. Hill, Judge of said Court, will
be asked by the said Plaintiff to grant
an interlocutory decree in said
cause directing an account of
the lien debts of said Defendant
to be taken, & also an account of
the presumable value of all her land
in said County, & also of the gross
or rental value of said land.

Respectfully,

Franklin, Va.

Oct 1st 1887

J. C. Burke & Co. p. q.

Wm E. Myrick
vs } In Chancery
Notice to Defendant
Mary A. Grass, etc.

Executed Octo. 8th 87
by delivering to Mary
A. Grass a copy of this
notice

A. F. Cobb Sept for
J. W. Williams Shuff

Myrick

or Sum

Crop &c.

1887. Sept. Rules
lev: let

Executed by delivering
a copy of this summons
to Henry A. Crag Sept 1st
1887

A. F. Cobb Deft for

J. W. Williams Sheriff

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *Mary A. Loope, surviving*
obligor of herself and James H. Barden dec?

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 *her* in our said Court by

Wm E. Mayrick

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

B. F. M. Lemond
Witness, *J. B. Prince*, Clerk of our said Court, this

22 day of *August*
188*7*, in the *112* year of the Commonwealth.

Testo: B. F. M. Lemond

C. C.

In Southampton Circuit Court,

Wm. E. Myrick Mary Term, 1887

Plff.

In Debt

Against

Mary A. Cross Surv'g obligin
of herself + Jas H. Barden dec^d. Def^t.

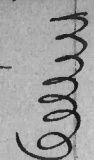
Judgment for the Plaintiff against the Defendant for \$ 392.⁸⁵ with
legal interest thereon from 19 day of Feb, 1887, till paid,
and costs, \$ 7.⁸⁶

Extract.

Teste:

B. F. M^r Lemore C. C.

Myrick

Tr.  cont.

Armed

429.42

Myrick V Cross. Costs

Spa 20. Cop: 10. Noting .35. atty 10. filing 25

Rules 1.00 2 dectees + Copies 1.44. Cop: Exhib: 25-
filing Exhib 5. Latching + recording Comm's bond.

1.74 filing Notice 25. As Comm's report .25

Cost + Cop 40. Entering on proc'f book .18

64K \$ 6.56

Shff 1.50

Lawff. 16.50

Comm B.F.M. 5.00

\$ 29.56

21.85

Future Costs

Myrick.

or } Lewis Bond

Letter

Recorded page 11.

Know all men by these Presents, That we *John C. Parker and*
C. C. Vaughan + J. D. Patton

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of
Twelve 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 *21* day of *November* A. D. 18*87*

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

John C. Parker
who was appointed Special Commissioner, by a decree
of the Circuit Court of Southampton County, entered at
the November Term 1887, in the Chancery Cause of
"Myrick against Cross", to see the real Estate of
Mary A. Cross, according to the terms and con-
ditions of the said decree. - Shall faithfully
perform the duties required of him, by the aforesaid
decree, and those of any other decree which may
be entered in said Cause

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

~~office or trust~~ according to law, then the above obligation to be void,

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

J. C. Parker
L. W. Patton
C. C. Vaughan



In Southampton Circuit Court,

May Term, 1887

Mrs E. Myrick

Plff.

In

Debt

Against

Mary Abrax. Surs. Obligor.
tc.

Deft.

Judgment for the Plaintiff against the Defendant for \$392.⁸⁵ with
legal interest thereon from 19. day of February, 1887, till paid,
and costs, \$7.⁸⁵ (Homestead waived).

Extract.

Teste:

R. F. M. Lemore

C. C.

Franklin Pa.,

1888

Mr. J. C. Parker special courier for *Myrick & Co. Bros*

To Southampton Democrat, Dr.

W. H. STROUD, Proprietor.

Job Printing Done with Neatness and Dispatch at Low Prices.

Nov. 24	To 5 inch ad 4t of Lewisdale	8 00
Dec 19	" 100 1/8 bills for same	1 25

500
500

paid Jan 19, 88
W. H. Stroud

9 25
3 25
13 13
10

Recd Jan 18th 1868 of
J. C. Parker Special Commr for
Can of the land of Mrs Mary
Crosby the Aunt of Myrick & S.
Crosby five \$5.00 dollars as
Crosby gave.
J. M. Williams
Commr

\$22.75

Franklin Co. June 27/89

Rec'd of J. C. Parker. Special Commissioner
in suit of Hysick vs. ~~Case~~ the
sum of Levately. Two or 75.00 dollars.
\$16.50 for fee & tax in this suit: \$3.50 for
fee & tax in C. L. judgment: \$2.50 for
writing deed: & 25.00 pd by him for
copy of judgment.

J. C. Parker. atty

Newcastle Va. June 27th 1888

Received of J. E. Parker. Special Commissioner
in the suit of Myrick vs Cross
the sum of Four Hundred ninety-
nine & $39/100$ dollars. as the amount
of judgment, & interest thereon, &
costs paid by me, in judgment
obtained by me against Mary A.
Cross, surviving obligor, at the May
Term of the Circuit Court of
Southampton County Va 1887.

Wm. E. Myrick

Witness

B. A. R. M. agt

Witness signature.

8/11⁵⁶

Countland Va. Sept-19/89

Recd of J. C. Porter: Special basis in
unit of Myrick as Cross. Six $\frac{56}{100}$
dollars clerks fees in said unit up
to Jan'y 20th 1888 - five $\frac{20}{100}$ dollars
Commissioners fee in said unit.

B. F. McLenore

A statement of the receipts & disbursements of J. B. Pokes, Special Commissioner in suit of Myrick vs Case.

1888.

Jan 18	To suit bid for land sold	\$530.00	
Jan 28	By Ed J. W. Williams, Auctioneer		5.00
"	" " J. B. Pokes, writ taken & taxed atty fee on C. L. judgment		3.50
"	" " J. B. Pokes, taxed fee writ taken in this suit		16.50
"	" " Case on sales \$5-30.00		26.50
"	" " Ed J. B. Pokes for waiting deed		2.50
"	" " Capt. Strand for advertising		9.25
June 16	" " for copy of C. L. judgment		.25
" 27	" " judgment due Myrick		392.85
"	" " suit on case from Feb 19/87		32.08
"	" " costs to Sheriff & Clerk in C. L. case		4.26
"	" " Clerk's ^{or Case's} costs in this suit		16.56
"	" " Sheriff's costs " " "		1.50
	Balance ^{future costs} " " "		2.50
			116.51
		\$530.00	\$530.00

1888

June 27 By balance in hand of Case

116.51

Mynick
as } Cam's Statement
Cross Ref'd

Filed May 5 - 1890

90

Myrick. Wm E.
as } Decree 1st
Cross. Mary. A

To be returned Oct 10
1887.

C. M. Hill

Entered
268

Wm. E. Myrick,

Plaintiff

vs
Mory. A. Cross.

unwinding obligor of

himself & Jas. H. Borden decd - deft.

} Decree in Vacation.

This day this cause came on to be heard in vacation upon the Bill taken for confessed & the exhibits filed, & was argued by counsel.

Whereupon the Court doth adjudge, order & decree, that one of the Commissioners in Chancery of this Court is hereby ordered & directed to take an acct of the lien debts of the said Mory. A. Cross, & their order of priority, & also an account of the annual & possible value of all the land owned & possessed by said Mory. A. Cross in Southampton Co., & any other matters not herein named that may be deemed pertinent by said Court or by either of the parties to this suit. And he shall make report to this Court at the next term thereof.

To the Clerk of the Circuit

Court of Southampton Co

Oct

1887

To the Hon. C. W. Hill, Judge of the
Circuit Court of Southampton Co.

Pursuant to a decree entered at
the November Term 1887 of said
Court, in the chancery cause of
Myrick vs Cross, being obligor, the
undersigned, who was appointed by
that decree as Special Commissioner,
has come to report to the
Court as follows: that on the
18th day of January 1888, after having
advertised the time & place of sale
for more than 30 days, in manner
as directed by said decree, your
Court did expose for sale in the
town of Newsum, to the highest
bidder, upon the terms stated
in said decree, the land directed
by said decree to be sold: that at
that sale, Wm E. Myrick, being
the highest bidder, became the
purchaser thereof, for the sum
of Five Hundred & thirty dollars, that
your Court collected at once of
Wm E. Myrick the sum of One hun-
dred & twenty-six & $\frac{6}{100}$ dollars, which is
one third of the sum bid for the
land, which sum your Court now

holds in his possession, subject to
the further order of this court: your
learned would further state that the
said com. E. Myrick is desirous &
anxious to pay the balance of the
purchase money & take a deed for
the land. Your learned states that
as far as he can ascertain, the
price paid for the land, is a fair
one, & would recommend that
the sale be confirmed, & that a
deed be ordered to be given to com.
E. Myrick at once, the balance of
the purchase money collected paid
out as may seem just & right.

Respectfully Submitted,

J. C. Porter.

Franklin, Va.

Special Commissioner

April 25th 1888.

Myrick 115-

vs

Leach

Report of Commissioner

1888. April 25th filed.

B. F. M. cc.

Myrick

7th } cleared

cross

Valued 1887 \$3202

+ cross tiled

Southampton Circuit Court: Nov. Term 1887.

Wm. G. Myrick

vs

Mary F. Croft

Surv'g Obligor.

} Decree

This day this cause came on to be heard upon the papers formerly read & upon the report of Commissioner B. F. McLenore. To which report no exceptions have been filed & was argued by counsel.

In consideration whereof the court doth confirm said report; & it appearing to the court that the real estate of said Mary F. Croft as ascertained by said report, will not rent out for enough in five years to pay the debts of Mary F. Croft, as ascertained by said report; now therefore the court doth adjudge, order & decree that J. C. Parker who is hereby appointed a special Commissioner for that purpose proceed at once to advertise for sale the real estate, belonging

to said Mary & Grofs. as ascer-
tained in said report; in the
County newspaper & in two
or more public places & on the
premises, & after having adver-
tised the same for at least 30
days, he shall proceed to sell
the same in the town of New-
sons, in this County, at public
auction, to the highest-bidder,
upon the following terms, one
third cash, & the balance in
one & two years title reserved
until all purchase money
paid. with privilege to pur-
chaser to pay all cash as soon
as the sale is confirmed to
the court, & take a deed there-
for: & said Court shall collect
the one third cash payment
and hold the same subject
to the further order of this
Court. But before entering upon
the discharge of his duties under
this decree said Parker shall
execute a bond in the penalty
of \$1200.⁰⁰ with approved secur-
ity conditioned for the faith-

ful discharge of his duties
as much longer. And he shall
report to this court at the
next term thereof.

A copy-

Dated: B. F. M. Lemire C. J.

Myrick }
or } Report of Cairns.
Cross }

To the Hon C.W. Hill, Judge
the the Circuit Court of the
County of Southampton Va.

Your Cairns respectfully
reports that since his last re-
port on the 27th of Oct. 1888,
the said Wm E. Myrick has
accepted the deed, the matters
of attorney's fee having been
arranged, & your Cairns has
collected all of the purchase
money. \$6-30.⁰⁰/₁₀₀ & paid out the
same as is shown by the
statement hereto attached, for
which vouchers to support it
are filed.

Respectfully,
J. C. Parker
Special Cairns

To the Hon C. W. Hill. Judge
of ~~the~~ ^{the} Circuit Court of Southampton
Co., Pa.

The undersigned, appointed
by decree of said Court of Nov
Term 1887, as special Commissioner
in the suit of Myrick vs Cross,
to sell said land mentioned in
said bill, belonging to Mrs Cross,
& directed by decree of May
Term 1887, to collect all fur-
ther money of Wm E. Myrick
& give him deed for said land,
pay out the money collected as
directed, respectfully reports
as follows. That on the 29th
day of June 1888, he made a
good & sufficient deed from him-
self to Wm E. Myrick & tendered
the same to him requesting
payment of the balance of the
further money; the said
Myrick refused to accept
said deed or to pay the balance
of said money at present, giving
as a reason therefor that he
would prefer to await your
honor's decision in the
matter of who is to pay atty's

in this case. & then fix it
all up at once.

Your Com's then reports that
the matter then stands just as
it was last case, awaiting
your Honor's decision on that
point.

Respectfully
J. C. Porter.
Special Com's

Myrick 106 108
Com's
Rept
Cross

1888. Oct. 27. Filed
B. F. M. C. C.

Myrick
vs

Cross. Surry Obligor }

This day this cause came on to be heard upon the papers formerly read & upon the report of Special Commissioner J. C. Parker. to which report no exceptions have been filed, & was argued by counsel.

In consideration whereof the court doth fully confirm said report & the same reported decree, & doth further adjudge order & decree that the said Commissioner J. C. Parker. proceed to collect from the said Wm E. Myrick, the balance of the purchase money for said land, as reported, & make & deliver to him a good sufficient deed, with special warranty, in fee simple, for the land sold, as mentioned & described in the bill & other papers in this cause; and out of the money he now has in hand, together with the balance collected as above directed, the said Parker, shall pay first - all the expenses of this suit, including

which fee will be considered in a future

Myrick
or } Decree of
Cass

an Atty's fee of (\$25.00) Thirty-five
dollars. second - he shall pay to
Wm E. Myrick the debt - ascertained
by the former report of Cass's
B. F. McLenore. ^{which \$35.00 paid out of the fund to his atty.} to be due to him
third - he shall pay the balance
if any to Wm. E. Cass. or his
assigns. And said Cass shall
make report to this court at the
next term thereof. of what
he has done under this decree

Myrick 1888
To be entered.
C. H. Hill