

1893, 50

Southampton County Chancery

Nicholsen C. W. vs

Barham, Waverly
et al

To sell land to "
settle judgments

Barham, Joseph L.
Vaughan, F. H.
Schull, W. L.
Schull, James E.

Nicholson

or 3 13th

Exhibit

Barham nals

To The Honorable George Blow judge
of the circuit court of Southampton
County in chancery sitting

Humbly complaining your Orator
C. W. Nicholson sheweth unto your Honor
that at The November Term 1871 of The
circuit court of Southampton he obtained
a judgement against Wm. B. Barham and
Mrs J. Little for the sum of \$105.21cts with
interest on \$30 paid therefrom from The 2nd of Jan'y
1871 at 12 per cent and on \$75.21cts The other
part at The rate of 10 per cent from The 2nd of
Jan'y 1872 with a credit of \$8 paid ap'x 2nd
1873 and \$8 ^{58cts} costs which was docketed soon
after, all of which will more fully appear
by a certified copy of The said docketed
judgement and time of docketing herewith
filed marked Exhibit A and prayed to be
taken as a part of This bill your Orator
sheweth further unto your Honor that
there is still due and unpaid on The
said docketed judgement The sum of
\$125 - as will appear by his statement
herewith filed marked B and that The
said Wm. B. Barham subsequently
to The docketing of ~~obedient~~ of This
judgement made two deeds of trust

To wit a deed of trust on 462 acres of
land lying in Southampton County to
W. J. Seale as Trustee to secure a bond
for \$1370.96 due to James E. Seale
dated 23^d of May 1881 a deed of
trust to F. B. Vaughan Trustee on the
same 462 acres of land to secure
J. L. Barham bonds amounting to
\$687.55 due at the time the deed
dated the 1st of April 1884 All of
which will more fully appear by
certified copies of the said deeds of trust
in which files marked exhibits B & C
and prayed to be taken as parts of this
bill Your Orator states aors and
charges that his doctrs judgment
is a lien on the said 462 acres of
land belonging to Waverly Barham
and is prior in time to the above
said deeds of trust and that he has
applied to the said W. Barham
to pay off his judgement and he has
failed to do so and consequently
he has to invoke the aid of a court
of Chancery to secure his debt

In tender consideration whereof
and inasmuch as your Orator is

without relief save in a court of equity
where such matters are peculiarly
cognizable he therefore prays that Henry
Barham, Joseph L. Barham, F. B. Vaughan
W. J. Seville and James E. Seville may be
made parties defendant to this bill and
that the court would compel them as
true and perfect answer to the
allegations therein contained as if they
had been themselves to more fully and
specially interrogate that the court
would order all proper accounts to
be taken showing the order and
priority ^{of the debts} and that the court would
order the lands owned by Henry
Barham either to be sold or rented
out as the accounts reported may
show to be right to pay your Honor's
judgment herewith filed, and that
the court would grant such other
and general relief the premises
considered as equity may dictate
and the nature of his case may
require and as in duty bound your
Honor will ever pray us

Thos. B. Long Jr.

Assamcoosic, Va. Feb 17 th 1885-

Mr H H Borden.

To Dr. C. W. NICHOLSON, Dr.

DEALER IN

General Merchandise.

To note Feb 11/77. 12 %		30 00
" " int apr 21/78		8 20
By cash " "		<u>38 20</u>
		8 00
		<u>30 20</u>
To int - apr 19/77		14 48
By cash " "	\$45.00	<u>44 67</u>
	.31	
To note Jan 1/78. 10 %		75 21
" " int May 21/77		<u>40 52</u>
By cash. " "	30.74	<u>115 78</u>
	<u>31 05</u>	
To int - May 21/79		84 73
By cash Mar 8/79	\$5.31	<u>16 24</u>
" Samples May 24/79	7.60	<u>101 67</u>
" " " 29 "	25.00	
	<u>\$37.91</u>	
To int Mar 21/85. 6 % 10 %		63 76
		<u>38 25</u>
		<u>\$102 00</u>

Clerk will copy the following deeds and file
with bill

1881 Deed of Trust W. Barham to W. J. Sebrice Trust TB

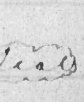
1884 Deed of Trust W. Barham to F. B. Bayham Trust C

Copy docketed judgment E. N. Nicholson vs
Wm. J. Barham and Mrs. J. Little obtained at New
Orleans 1874 and soon after docketed

Then said made this 1st day of April
A.D. 1884 from Henry Borham of the first
part and J. H. Vaughan (Trustee) of the
other parts both of the County of Southampton
and State of Virginia witnesses that
the said Henry Borham doth grant
and by these presents doth convey
unto the said J. H. Vaughan, Trustee
to his heirs forever with General
warranty the following real Estate
to wit: all of that certain tract or parcel
of land lying in the County of Southampton
on which the said Borham now resides
said to contain four hundred and sixty
two (462) acres more or less known as
the ~~Saunder~~^H Borham tract with all
the appurtenances thereon. In trust
however to secure the following bonds
to wit: One bond of J. L. Borham
for one hundred and seventy two dollars
due and on demand the 1st day of May
1883, with interest from that date
and other bonds due the said J. L.
Borham for Eight Dollars and
seventy five cents, on demand and due
May 3rd 1883 with interest from date and
other bonds due the said J. L. Borham
for Twenty 2⁴/₁₀₀ Dollars dated and

due Jan'y 1st 1884 with int: from date
also on other hand due the said J^r
Barham for one thousand and thirteen
60/100 Dollars dated and due Jan'y
1st 1884 with int: from that date with the
credit of Five hundred and twelve 50/100
Dollars - paid April 1st 1884. Now it is
agreed by the parties to this deed
that should there a sale take place under
this deed that the Trustee, shall have a
commission of 5% on gross amount of
sale, and that the property shall be sold
for cash and after paying of interest
the surplus of any pay over the bonds
secured in this deed with all costs &
accrued interest the surplus of any
pay over to the said Haverly Barham
his heirs and Exors.

Witness the following Signatures and
Seals

Haverly Barham 

Witness

Southampton County to-wit:

J. R. E. Darden a Notary Public

for the County aforesaid in the
State of Virginia to certify that
Haverly Barham whose name
is signed to the within writing

being dated on the 1st day of April
1884. I acknowledge the same before
me in my County aforesaid,
Given under my hand this 1st day
of April 1884.

J. C. L. Ordway, J. P.

Southampton County, South
Carolina Office April 3^d 1884. This
Deed of Trust from Tharley
Barbours to J. H. Vaughan Trustee
for the benefit of J. L. Barbours
was this day received and together
with the certificate thereto annexed
admitted to record.

Attest J. B. Lawrence, C. L.

A copy

Attest Jas. L. McLeary, S. C.

This Deed made this 23^d day of
May A.D. eighteen hundred and eighty
one between Waverly Borham of the
first part and W. J. Sebrell of the second
part all of the County of Southampton
State of Virginia (Witnesseth) that
the said Waverly Borham of the first
part hath granted unto the said W. J.
Sebrell partly of the second part all
that certain tract of land formerly
belonging to Samuel H. Borham, lying
on Three Creeks and Raccoon Swamp
and containing by old survey of 62 1/2
acres be the same however measured,
and adjoining the land of W. B. West
brooks & others; In trust to secure
a debt of \$1370.⁰⁰ due by bond ex-
ecuted by said Waverly Borham to
James E. Sebrell Guardian & bearing
date of May 23^d A.D. 1881.

Witness the following signatures
& seals -

Waverly Borham *(seal)*

Southampton County in the Clerk
Office May 23^d 1881. This Deed of Trust
from Waverly Borham to W. J. Sebrell
executed for the benefit of James E. Sebrell

Giordiano, & as this day received and
acknowledged by the said Bonham to
be his act and deed and admitted
to record

Attest L. R. Edwards C. C.

Copy
Testo J. B. Paine C. C.

B
am

502

C. W. Nichols - Plaintiff

(75)

Warren Bankam &
G. Stebbins.

Defts.

In Debt

Judgment granted the Plaintiff against the Defendants for \$105.²¹ with interest on \$30.⁰⁰ part thereof from Jan'y 2^d 1871. at the rate of 12 per centum per annum. On \$75.²¹ another part thereof, at rate of 10 per cent, per annum from Jan'y 2^d 1872 till paid & \$8.⁰⁰ costs, subject to a credit of \$8.⁰⁰ as of Apr. 21st 1873. - Docket Nov: 23rd 1876.

Copy from the record

J. B. Trine cc.

Nicholson

or 3 summons

Barham &c

1885. Meek Rules

Executed To by ^{15th} each
1885 by delivering to of the
parties named within a copy
of the within summons

G W Vick Dy
for Mr. W. Briggs Sheriff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

*Waverly Buchanan, Jos L. Bagham
J. H. Vaughan, W. J. Sebree and James
E. Sebree*

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 *March* next, to answer a bill in Chancery exhibited against *them*
in our said Court by *C. W. Nicholson*

And this

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

WITNESS, J. B. PRINCE, Clerk of our said Court, this *11* day of *Feby*, 188*5*,
in the *109th* year of the Commonwealth.

Teste. J. B. Prince C. C.

760- ~~121~~
Nicholson

vs 3 Stat Rules
Barham &

~~~~~  
~~~~~

In Southampton Circuit Court.
Geo. W. Nicholson

Plff

against

Harvey Barham, Jr. L. Barham, F. H. Vaughan
W. J. Schell, trustee and J. Schell. Defts. In
Chancery

1885

Feb'y 11. Summons to Meek Rules.
Meek Rules. ... Exts. Bill & exhibits filed. Decree nisi in Defts.
Apr " Cause set for hearing.

~~71 67 57~~
57

Nicholson

on 3 Decm

Barham is also
May Term 1885 -
In his interest

Good Blow,
2

119

Certs to strength - May 1885:

Cek	\$5.65
loff	2.50
Lawg	16.50
	<u>\$24.65</u>

Nicholson

on 3 Decree

Barham vs al

This day This cause came on to be heard on The plaintiffs bill Taken for confessed as to all The defendants Wmly Barham, Joseph L Barham, F. B. Vaughan, W. J. Seville and James B Seville and exhibits Therewith filed and was argued by counsel, On consideration whereof The court doth adjudge, order, and decree, That unless The defendants shall pay to The plaintiff The sum of \$125 - The amount of his judgement and The legal costs of This suit on or before The 1st of December 1885. Then The sheriff of Southampton George W Vick after twenty days notice shall rent out The tract of land now owned and occupied by Wmly Barham for The year 1886 and collect The rent and apply The same to The payment of The above said judgement and costs of This suit and report his proceedings to court in order to a further decree

Amount due on judgment

\$ 24,585.00