

1894-03

Southampton County Chancery.

Edwards, W. E (adm.) vs Council, Alex

To force settlement of land
bought & partially paid for.

Edwards, A. W.

Edward Adams
or 3 Bied Schib
Council

2 Apr Rules

I B. P. P. P.

To the Hon. C. C. Steele, Judge of the Circuit Court
of Southampton. In Chancery.

Complaining thereof unto your Honor
your complainant W. E. Edwards
Adm'r of W. Edwards died as follows.
That during the year 1888, your complain-
ant's intestate sold $16\frac{1}{2}$ acres of land
bounded by the Mottoway and Monroe Roads
and in Southampton County to one
Alice Council for the price of \$8.00
per acre, amounting to \$132, and
the said Council agreed to pay for the same
in instalments of five years. This agree-
ment was not reduced to writing, but
the said Council has made several
payments on said land at different
times, as will fully appear by receipts
given him by the said W. Edwards
in his lifetime and by your complain-
ant since the death of W. Edwards.
That also, which are herewith filed marked
"A" and prayed to be taken as parts of this
bill. That at the time of the sale of this
land, the said W. Edwards was seized of a
good fee simple estate in the same and
could have given the said Council a
good & sufficient deed for the same.
That the said Council has not more

than paid the interest on the pension
money - and refuses or is unable to
pay any of the principal of the debt,
although he has been often applied to
for the same. That the estate of A. W. Ed-
ward is in process of settlement and
the money for this land is needed to
aid in paying the debts due by said
Estate. That the refusal of said Council
to comply with his contract is contrary to
Equity and good conscience. In considera-
tion whereof, and inasmuch as your
Complainant has no remedy except in
a Court of Equity where such matters
are properly cognizable, your Complain-
ant prays that the said said Council
be made a party to this bill and com-
pelled to answer the allegations thereof.
But answer under oath is expressly
waived. That the said Council be
compelled to specifically carry out his
agreement, or else that the said
land be sold by a Com. to be appointed
by this Court - and that your Honor will
grant such other further general
and special relief as to Equity may
seem meet or the nature of this
Case may require - and in
duty bound to obey it please the
Court &c.

I. P. Paine Jr

202
Edwards' Admin
& } Stat: Rules
Council

2 apr

Mm E. Edwards, Admr of
A. H. Edwards, dec^d - ~~Plff~~

Against

Alex: Councils - Def.

1893. Apr 13. Procep Ep^o to 2 Apr Ruler

" 2" " R: Procep Executed - Bill & Ex: filed.

decree nisi.

" 1 May R: Bill taken for Confessed and
Cause set for hearing.

Received of the Council two
dollars in part payment on land.

Dec 24, 1888

A. W. Edwards.

2.00

Received of the Council six dollars & forty
six cents in part pay for land that I bought
of John Drake lying between the Kottawa &
Monroe roads.

Dec 27, 1889

A. W. Edwards. 4.46

Received of the Council four dollars
for value received. ~~Dec~~ Jan 10, 1891

A. W. Edwards.

4.00

Received Dec 21, 1891 of the Council
twenty dollars in part pay on land
sold to him by

A. W. Edwards. Per

W. E. Edwards, Adm.

20.00

Received Dec 19, 1892 of the Council
eight dollars in part pay for the land
bought of A. W. Edwards.

W. E. Edwards, Adm.

8.00

40.46

Land 16½ acres.

\$8.00 per acre.

\$132.00

Edward Admin
r. Report
Council

To the Hon. Will. Heil Judge &c

The undersigned spec. Commr. in the
Chancery cause of Edward Adm'r v. Council
appointed to receive the sum of \$65. from
D. I. Webb as per Decree of Chas. Term 1893
begs to report that he has collected the
same & executed to him a writ with special
warranty for the track of land in the bill's
proceedings mentioned.

The Funds arising from the same he has
disposed of in accordance with the decree
entered in the cause of Edward vs Edward
Adm'r. as may be seen by Report filed
during the May Term 1894. in the said cause.

Respectfully Submitted

Wm C. Edwards.

Commr.

Edward's Adm.

by 3 Report
Sale
Council

Edwards Admrs

vs 3 Report of Comr. W.E. Edwards.

Council

In this cause your Comr submits
the following report: That pursuant
to decree in this cause entered at
May Term 1893. your Comr has sold
the land in the proceedings mentioned
to D. J. Webb. for \$65. The sale is
a good one and I recommend its
confirmation. Mr. Webb is ready
to pay in cash.

Nov 9. 1893.

Respy submitted.

W.E. Edwards

To Judge Cir Ct.

Is' acceptm }

Spl Comr.-

Edward's Adam
vs 3 Dec
Annice

1894 May Term
To be entered
CWH

Entered 660.

Edward's adm.

nr 3 Decree.

Council

This day this Cause came on to be again heard on the papers formerly read and the report of W. E. Edwards, filed during the term, reporting collection of \$65. from D. J. Webb for purchase price of land sold under decree in this Cause, the proper distribution of same, and execution of deed with special warranty to said Webb, and was argued by Council. On consideration whereof, and no exception being filed to said report the same is confirmed, and nothing further appearing necessary to be done in this Cause, the same is ordered to be removed from the docket.

Edwards Admrs.

vs Decease

Council

This day this Cause came on to be heard on the Complainant's bill, taken for confessed as to the acct of Alex Council, the exhibits filed and now argued by Council. On consideration whereof the Court doth adjudge order and decree that unless Alex Council or some one for him shall within ninety days from the date of this decree pay unto W. E. Edwards admr of Auldewoods the sum of \$132, with interest thereon from Jan 1. 1888, subject to the credits as shown in a paper filed in this Cause, and marked Exhibit "A". then that W. E. Edwards who is hereby appointed a special Comr for the purpose take possession of the 16^{1/2} acres of land, which is the same as that described in the Complainant's bill. and which was sold by A. W. Edwards in his lifetime to Alex Council, and after ninety days public notice of time and place of sale, that he sell the same for cash. and report his proceedings to Court. But should the said Council or some one for him before the expiration of the 90 days pay the said sum of money as

above indicated, then the said Edward will
present to said Council or to such party
as he may wish a deed with special
warranty for said land and report to
Court. The said Court will not proceed to determine
this decree until he shall exhibit a bond
before the Clerk of this Court in the penalty of
\$250, with security to be approved by said Clerk
unconditionally to faithfully perform this and any
further order in this cause. and said Court will
afford to his notice of sale a certificate from the Clerk
of this Court that the bond required by this decree has
been properly secured - and return same with his report.

Edward D. Adams
vs B. Reese
Council

1843. May Term

May 8.

To be returned.
CWA

This decree copied

Entered

Edward & Arthur
in $\frac{3}{3}$ ~~Presence~~
Council

1893 Nov Term

To be entered.

CMSL

Clerk's
Stfb
Law

9.45
✓
16.50
\$ 26.95 pl to
10.70

Entered 625-

Edward Adams

or 3 Heere.

Council

This day this Cause came on to be further heard on the papers formerly read, the report of Court W. S. Edwards filed during the term, reporting sale of the land in the proceedings mentioned to D. T. Webb for \$65.⁰⁰ to which there is no exception and was agreed by Council. On consideration whereof, the Court doth confirm said report and doth further decree that W. S. Edwards special Crier receive the sum of \$65. from D. T. Webb, and when paid that he execute to him a deed with special warranty for the land in the proceedings mentioned and after paying the costs of this suit, that he pay the balance in his hands to the creditors of said Edwards, and make report to Court.

State: lost in lby suit of
Edwards Admin & Council

Clerks

\$ 9.45

Shff.

50

Law

16.50

\$ 26.45

Edwards' Admⁿ
rⁿ } Sum:

Council

1893. 2nd April Rules.
Sec: Sec:

Executed April 13th
1893, by delin^g a copy
of this ~~Sum~~ to Mission
Council wife of and
a member of the family
of Alex. Council over
the age of sixteen years
and obtaining its passport
to put the said Council
at being found at his
usual place of abode

J. M. Williams
Sgt.

X

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *Alex: Connell*

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 *8th* Monday in *April 1893* ~~next~~, to answer a Bill in Chancery exhibited against *him* in our said Court by

W. E. Edwards, Admin^r of

A. W. Edwards, dec^d.

And this *he* shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this *13th* day of *April*, 189*3*, in the 11*th* year of the Commonwealth.

Teste: B. F. McLemore

C. C.

W. E. Edward
+
B. F. McLeimore

to } COMMISSIONER'S
BOND.

Commonwealth.

1893 Aug 17 filed

Recorded
Page 29.

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