

1894. 07

Southampton County Chancery -

James, J. C. & Co. vs Newsom, T. B. et al

Sues to collect debt by
asking for bonds held by defendant.

Dorman, H. G. (Trustee)

Sykes, Frances

James for &c.
vs. Bill & Exhibit
Newson et al.

Clerk	13.73
Stiff	5.28
Law	1.00
	16.50
	22.78
Future Cont	2.00
	24.78

McLemore pg.

To
The Honorable C. H. Hill Judge of
the Circuit Court for Southampton County.

Humbly complaining your orator
J. B. James late merchant trading and doing
business as J. B. James & Co who sue for the
benefit of W. A. Downan his Trustee, sheweth
unto your honor, that J. B. Chewson some
time in the year 18 , placed with your
complainant sundry bonds executed by one
Francis Sykes and payable to the said Chewson
to be held by your orator as collateral securi-
ty for the purchase price of sundry goods wares
and merchandise already furnished to him out
of your complainant store and for such as
might from time to time be furnished to him in
the future; that on the faith of said collateral
securities your orator has furnished to said
Chewson sundry bills of merchandise crediting
his accounts with the amounts received from
said Sykes by reason of your complainant being
in possession of the bonds as aforesaid; that on
the faith of the two last bonds held by your orator
for the sum of \$70⁰⁰ each and due Feby 20th 1892
and Feby 20th 1893 he has furnished to the
said Chewson goods and merchandise amounting
to \$, which amount is yet unpaid all of
which will appear by a statement of his ac-
count herewith filed marked "A"; that being

so indebted to your complainant for goods furnished to him upon the faith of the bonds held by your orator as aforesaid, he forbids the said Francis Sykes paying to your orator the amount of said bonds as they become due, or so much thereof as is required to extinguish his indebtedness; that the said two bonds for \$70- each, copies of which are herewith filed marked "X" & "Y", the obligor therein is willing to pay when they become due, to whomsoever this Court may direct, but knows not how to proceed under the existing state of affairs.

Your complainant states further that he is now, and has been all the time, willing and anxious to deliver to the said Chewsons the collateral held by him, provided the goods and merchandise furnished him upon the faith of the said securities are first paid for.

In tender consideration whereof, and for as much as your complainant is without remedy save in this Court, where causes of this nature are alone and properly cognizable, to the end therefore that justice may be done, he prays that J. P. Chewsons and Francis Sykes be made parties defendants to this bill and required to answer the allegations of the same (an answer under oath being waived) that a Commissioner of this Court be appointed to ascertain what amount

is due to the Complainant by the said Chasom;
that Francis Sykes be directed to pay to the
said complainant the two bonds now held ^{when they become due} by him,
or so much thereof as may be ascertained to
be due by the said Chasom; that all such
other accounts may be taken, and inquiries directed,
and that such further general and special re-
lief may be granted to your complainant as
the nature of his case may require, or to equity
may seem meet.

And your complainant will ever pray &c.

Gas. L. M. Lemore p.p.

James. for $\frac{174}{4}$
Q" } Stat: Rules.

News on & al:

2 Oct.

J. C. James, late Merchant -
trading and doing business as
J. C. James & Co. ^{who} sued for the
benefit of H. J. Down and
his Trustee -

Plff

against

J. B. Newsom and Frances Sisters Def.

1891 Oct. 7. Process sp. to 2^d Oct. Rules

" 2 Oct. Rules. Process executed, & bill & Ex: filed.
decrees nisi.

" 1 Nov " Bill taken. In confessed and
cause set for hearing.

Newsom et al

ads 3 answers

James for re

The answer of T. B. Newson to a bill of complaint filed by J. B. Jones for & vs him et al in the Circuit Court for Dorchester Co Va

This defendant for answer to the said bill or as much as he is advised it is material for him to answer, answering says that he did place with said Jones some bonds executed to him by Francis Sykes some to be held by said Jones as collateral security for such goods & wares as might be furnished him by said Jones. That they were sufficient to pay and were collected and did pay said Jones nearly; if not quite all he owed him for such goods and wares furnished him by said Jones. That the two bonds of \$70.00 each executed to him by Francis Sykes and due respectively Feby 20. 1892 and Feby 20 1893 were not lodged as collateral with said Jones, but were simply deposited with him for safe keeping and were to be returned to your respondent whenever

he should request The said James
to do so. This respondent prays for
That whatever amount (if
any is due?) is due said James is
due by open account. containing
no waiver of the Homestead
exemption and he asks that the
said plaintiffs may be com-
pelled by the court to deposit
in the papers in this cause the
said bonds of \$70.00 each. and
that they or the proceeds of
them when collected may be
set aside as a homestead for
the benefit of this defendant
his wife and infant children
and having fully answered
he prays hence to be dismissed
with his costs &c

T. B. Newson

Per Shannon & his atty
G. L. Corbin

James for
no. 3 Deer
Chausson et al.

1891. Nov. Term
To be entered.

C. H. H.

Entered

We cannot to this
dear J. C. McLean for
Shands Son & Co.

James for &c.

vs.

Newson & al.

Secur

This day this cause came on to be heard upon the bill & exhibits filed, the answer of J. B. Newson filed during the term by leave of the Court, general replication thereto, and was argued by Counsel. On consideration whereof the Court doth adjudge order and decree that Jas. L. McLeone be appointed a special Commissioner to collect from Francis Dykes the two bonds of \$700⁰⁰ each filed in this cause as they became due, and out of the same pay to J. C. James for &c. the sum of \$800⁰⁰ having first paid the costs of this suit and the remainder in his hand pay to Messrs Shand & son Attorneys for the said Newson - & report to Court. That the said Commissioner shall not proceed to act hereunder until he shall have entered into bond before the Clerk of this Court in the penalty of \$250. with approved security.

James, for 40

Wm. Sum:

Newsom & als

1891. 2 Oct. Rules

Cir: Ct:

McLennan & J.

Executed ^{th-15} Oct 15, 1891

1891 by delivng a
copy of this Sum, to
J. McLennan & J.

Francis Lykes

Wm. Low kept

for J. S. Williams

X

Shipp

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON

J. B. Newsom and Francis

Sykes

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 *3rd* Monday in *October 1891* ~~next~~, to answer a Bill in Chancery exhibited against *them* in our said Court by *J. B. James, late Merchant*

trading and doing business as J. B. James & Co. who
sues for the benefit of H. Q. Norman, his Trustee

And this *they* 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 *7th* day of *October*, 1891, in the 116th year of the Commonwealth.

Teste: B. F. McLeMORE C. C.

S. L. Beaton

.....

S. L. Beaton

1891
Nov. 5-

Debt due J. C. James,

~~80.00~~

By Cash from Bonds due Feb'y 20/92 70.00

" Int on said Bonds from Feb'y 20/90. to 2/20/92 $\frac{8.40}{78.40}$

Feb'y 20. 92 To int on \$80⁰⁰ 3 1/2 mos.

To Comis on \$78.40 5%

1.40

81.40

392

85.32

78.40

6.92

x 5

\$7.37

Int on \$6.92 13 mos.

Mar 20/93 By Cash \$12.00

To Comis on \$12⁰⁰ 5%

60

797

12.00

7.97

\$4.03

- Due Newsam -

To pd costs of suit

" " Comis. on bond

" " for writing returned

24.78

Apr. 7/93 By "Cash

7⁰⁰

7 7⁰⁰

5.00

65.00

63.00

Total last bond & Int. $\frac{84.58}{9.00}$ 65.58

J.J.ROBINSON,
PHILADELPHIA,PA.

D.C.OYSTER,
RIDGWAY,PA.

I.D.BELL,
RIDGWAY,PA.

ROBINSON, OYSTER & CO.

MANUFACTURERS AND DEALERS IN

LUMBER, BOX SHOOKS, FLOORING &c.

OFFICE
ROOMS 104 & 105 GIRARD BUILDING.
BROAD & CHESTNUT STS.
PHILADELPHIA.

SAW, SHINGLE & PLANING MILLS.
CAPRON, SOUTHAMPTON CO. VIRGINIA.
ON ATLANTIC & DANVILLE R.R.

Philadelphia.

June 29th. 1893.

Mess. Robinson, Oyster & Co.,

Gentlemen:-

If you will arrange to give us satisfactory security of the sufficiency of which security we are to be the sole judges, for our debt of about Nine Thousand Four Hundred Dollars, we will agree to stop all proceedings at law against Robinson, Oyster & Co., or J. J. Robinson or J. J. Robinson & Co., And will agree to sell to the assignee or trustee of Robinson, Oyster & Co., Under your deed of trust dated June 24th. 1893 all the lumber required by a continuation of contract made with Robinson, Oyster & Co., for the output of our mill for two years from date thereof, except that the said trustee will not be expected to take title to all the lumber as delivered from the kilns as heretofore. But we will retain such part of the lumber as may not be required to fill said trustee's orders, retaining also the privilege of selling such surplus to other parties and at other prices as we may see fit.

In case your trustee does not require all the lumber produced by our mill, we would expect you to take a fair proportion of the lower grades, or different grades at different prices based on a fair average of the mill output product for the month.

This offer is to remain open until July 5th. 1893.

Signed,

G. W. Truitt & Co.

(Copy)

James L. v. Report.
Newsoms et al.

Your Comm appointed at the Nov. Term 1891. in this cause to collect certain bonds due to J. D. Newsom. and pay out the same as directed by the said decree - by the report that he has done the same, and herewith returns his statement as a part of this report.

1893 Dec. 15

Respectfully Submitted

J. L. McLeone
Spec. Comm.

Your Comm would report further that the bonds collected by him were due by Francis Sykes & secured by Dec of Trust in tract of land near Capron Pa. & that after she had paid him all of the bonds therein secured, he executed to her as Spec Comm, a Release of the aforesaid Dec of Trust.

Respectfully Submitted.

J. L. McLeone
Spec Comm.

James for &c.
r. Report

Newsom J. D.

1893. Dec. 15

Statement of Bond Payable to Trojar. B
 Newsoms. Collected in Chancery Cause of
 James for &c. v. Newsoms - and paid out
 in accordance with the said Decree -

Amount due J. C. James 80 00
 Int on same from Jan'y 1. 1891. to Feb. 20/92. 5 46

By Amos. of 1st bond due Feb'y 20/92 70.00
 Int on same for 2 yrs Feb'y 20/90, to Feb. 20/92. 8.40
 To Cash on \$78.40 5 % 3 92

89.38 78.40

Bal. due J. C. James Feb'y 20/92 10 98
 Int on same to Aug 7/93. 90

1188

Aug 7/93 By Amos. of said bond due Feb. 20/93 70.00
 By Int. on same Feb'y 20/90 to Feb'y 20/93 14.18
 To Davis. on \$84.18 5 % 4 20
 To Writing Dies Release 5 00
 " Paid Costs of Suit 24 78

45.86 84.18

To paid Mrs. Shand & Son

38 32
 \$ 84.18 \$ 84.18

Rec'd August 7. 1893 \$38.32
 Shand & Son

James for &c.
v. 1000 Deere
Newcom chals.

1894 May Term
To be entered.
@not

5

Entered 663

James for &c.

Dee see
Newson J. D. et al.

This day this cause came on again to be heard on the papers formerly read upon the report of ^{the} Comm. J. L. McLeure filed Dec. 15. 1893. reporting collection of the bonds in the bill mentioned was argued by Counsel. On consideration whereof the Court doth confirm the said report & doth further order that the Release Decd as executed by the said special Comm. J. L. McLeure be made firm & binding & nothing further remaining to be done in this cause it is ordered that the same be removed from the docket.

Jan 10

v.

Whitehead

James. for J. & Newman - Costs.

Sum: 20 - Copy 20 - Rect 18 - Atty 10 - Book 18 -
Ruler \$1.00 Ent: return 35 - filing fees 15 - Dep: 15 -
Answers 15 - deorce 72 - taking & record's bond
1.25 - tax Costs 40 - filing away paper 25 -

bluick 5.28

Shiff 1.00

Laes J. 16.50

Future Costs 1.00

24.78

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