

1896 - 09

Southampton County Chancery Millhiser, M + Co. vs Bradshaw, J. H. et al

"To sell land to"
settle judgment

Millhiser, Moses
Millhiser, Gustavus
Millhiser, Emanuel
Hicks, Sampson

Bradshaw, G. M.
Griffin, W. J.

To. The Hon. C.W. Hill Judge of the Circuit
Court for Southampton County. Virginia
- In Chancery -

Moses Millhiser, Gustavus Millhiser, Eman-
uel Millhiser & Sampson Hirsch partners
trading & doing business as.

M. Millhiser & Co. Plaintiffs

against

J. H. Bradshaw, R. M. Bradshaw and W. J.
Griffin Defendants.

Your Complainants M. Millhiser & Co
complaining sheweth to the Court that at
the May Term of the Circuit Court of the
County of Southampton they obtained a judgment
against J. H. Bradshaw ^{& R. M. Bradshaw} late partners, trading as
J. H. Bradshaw & Co and W. J. Griffin for the sum
of \$182⁴² with interest and cost, which
judgment is duly docketed in the Clerk's Office
of the County Court for the aforesaid County,
an extract of which judgment is filed herewith
marked "A." -

That said J. H. Bradshaw one of the defendants
is seized of a valuable tract of land in the
County & State aforesaid containing 200 acres
and bounded by the lands of Wesley Kitcher, J. M.
Bradshaw, Alex. Joyner, Jas. Scott, Julius Culp &
others; that W. J. Griffin is also seized of a
tract of land in said County near Black Creek Church

Containing about 85. acres & bounded by the lands
of B. L. Barrett & others.

Your complainants aver & charge, that by
reason of the lien of their judgment as aforesaid
they are entitled to ^{have} the aforesaid real estate
subjected to the payment of their debt; that
there are considerable other debts of record against
the said real estate & your complainants do not
believe the rents & profit arising from the said
two tracts of land will pay the debts in five
years, & therefore they are entitled to have the
said real estate or a sufficient quantity thereof
sold to pay your creditors debt.

In tender consideration whereof, your com-
plainants pray that the said J. H. Bradshaw.
~~Rev. Mr. Bradshaw~~ and W. T. Griffin may be
made defendants to this bill & required to answer
the same; that all proper orders & decrees may
be made & inquiries be directed, that if it shall
appear that the said rents & profits will not
in five years satisfy your complainants judg-
ment & the records lie against the same, that
the said real estate be sold and the proceeds there-
of applied as equity may require, if it should
appear that the rents & profits will in five years
pay the lien against the same, then that the
same be rented for that purpose - that plaintiffs

11
Council be allowed a reasonable fee out of any
funds under the control of the Court for his ser-
vices in this cause - that all such other,
further & general relief may be granted your
complainants as the nature of the case may
require or to equity may seem meet. And
your complainants will ever pray -

W. Millhiser & Co.
by J. L. Or Lemore, atty.

✓
Millhiser & Co
is 3 Amend Rice

Bradshaw et al

1895 2. Aug. Rules filed

To

The Hon. Robert R. Prentiss Judge of the
Circuit Court for Southampton County.
- In Chancery. -

Moses Millhiser, Gustavus Millhiser,
Emanuel Millhiser & Sampson Birch partners
trading & doing business as

M. Millhiser & Co. Plaintiffs

Against

J. H. Bradshaw, R. M. Bradshaw, W. J. Griffin
& Annie H. his wife, M. Langford Trustee, J. B.
Price, John A. Hundley & W. A. Myrick Trustee.
Defendants.

Your complainants M. Millhiser & Co
showeth to the Court that at the May Term of
the Circuit Court of the County of Southampton
they obtained a judgment against J. H. Bradshaw
& R. M. Bradshaw late partners, trading as J. H. Bradshaw
& Co and W. J. Griffin for the sum of \$182.⁰⁰ -
with interest and costs, which judgment is duly
docketed in the Clerk's Office of the County Court
for the aforesaid County, an extract of which
judgment is filed with the original bill &
is prayed to be read as part hereof.

That said J. H. Bradshaw one of the defendant
is seized of a valuable tract of land in the County &
State aforesaid containing acres and
bounded by the lands of Wesley Kitchen, J. M. Brad-
shaw, A. J. Fayner, Jas. Scott, Lucius Campbrell

that upon said tract of land there is a deed
of Trust to secure a bond held by and due to
John A. Hendley ^{assignee} a copy of which deed
is filed in the papers of this cause marked Exhibit
"D".

That W. J. Griffin is also seized
of a tract of land in said County near Black
Creek Church containing about 85 acres and
bounded by the lands of B. L. Barnett & others.
that upon said tract of land there is a deed
of Trust executed to secure a bond now held
by, and due to, J. B. Prince, ^{assignee}, all of which will
appear by reference to copy of said deed filed with
the papers of this cause marked "B".

Your complainants aver & charge, that
by reason of the lien of their judgment as
aforesaid, they are entitled to have the aforesaid
real estate subjected to the payment of their
debts, after the prior liens thereon are paid.
that they are satisfied that the rents and
profits arising from the two tracts of land
will not in five years pay the lien against
the same. and they are therefore ~~are~~ entitled
to have the said two tracts of land or sufficient
thereof to pay the debt, sold. and the proceeds
applied as to equity may seem just.

In tender consideration whereof, your
complainants pray that the said J. H. Bradshaw

R. M. Bradshaw, W. J. Griffin & Annin A. his wife,
M. Langford, Trustee, J. B. Price, John A. Hendley
& W. A. Myrick Trustee, be made parties defendant
to this amended bill required to answer the same as to
to answer the original bill, but answers under
oath are hereby waived; that all proper orders
and decrees may be made & inquiries directed,
that if it shall appear that the rent & profits
arising from the real estate will not in
five years pay the lien debt outstanding against
the same. That the said real estate be sold,
& your orators debt paid to them; that
plaintiffs Counsel be allowed reasonable fees
for his services in the same out of
any funds under the control of the Court,
that all such further & generous relief may be
granted your complainants as the nature
of their case may require or to equity may
seem meet

And your complainants will ever pray

W. L. McLean
by J. L. McLean Jr

Copy the deed of trust from T. M. Bradshaw
to W. A. Myrick trustee for the benefit
of Ruben Morgan
exhibit A

Copy deed of trust from W. T. Griffin to
M. Lankford trustee for the benefit
of A. T. Nelson and file with the papers
B.

exhibit

Southampton Circuit Court: May Term 1894:

Moses Millhiser, Gustave Millhiser, Emmanuel
Millhiser, & Sampson Hirsch, partners trading
and doing business as M. Millhiser & Co

^{vs}
J. H. Bradshaw & R. M. Bradshaw, trading
and doing business as J. H. Bradshaw & Co. and
W. J. Griffin, payee & endorser.

\$782.⁸² Homestead waived. ^{and} \$1.³² per test
fee, with legal interest thereon from 1st day
of Nov. 1892 till paid. ^{and} \$9.⁵⁰ Costs.

A Copy:

Teste Pr. J. M. Lemore c. c.

Bradshaw & Co

add 3 ~~Turner~~

Mullins & Co

Bradshaw & als
ads 3
Millhous & Co

~~Deumumum~~

The defendants say
the plaintiffs bill is not sufficient
in law

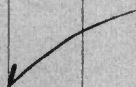
Shands is long p. oc.

Millhous + Lea

Dr } Stat. Rules.

Bradshaw et al

2 Acc. Rules



Moses Millhisen,
Eustavius Millhisen,
Emanuel Millhisen, Atty
Sampson Hursh.

Or

} In Chancery.

J. H. Bradshaw
R. M. Bradshaw Defts.
W. G. Griffin

1894 Act 10 Procepsed to 2" Act Rules

1894 2" Act Rules. Procep ret'd executed

Bill & Ex filed decreed nisi.

1894 1 Nov. Rules Bill taken for con-
fessed and cause set
for hearing.

Willhisen & Co.

Dr. } Sum

Bradshaw & Co.

1894, 2" Oct Rules

Loir. Lot.

Executed Oct 11th
1894 by delivering
a copy of this Sum
to each of the within
named parties defendants

R. J. Williams dep't

for J. M. Williams
R. J.

McLemore p.g.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON.....

J. H. Bradshaw & W. G. Griffin

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 1894* next, to answer a Bill in Chancery

exhibited against *them* in our said Court by *Moses Millhiser*
Gustavus Millhiser Emanuel Millhiser
+ Sampson Hurst partners trading & doing
business as W. Millhiser & Co

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

WITNESS, T. M. HOWARD, Clerk of our said Court, at the Courthouse, this.....*10th*.....day of

October....., 189*4*, in the 11.*9*th year of the Commonwealth.

TESTE:

T. M. Howard....., C. C.

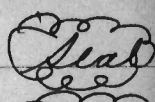
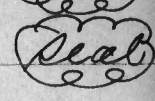
Exhibit
"B"

Trust Deed from
W. J. Griffin & wife
A. L. Nelson

This Deed made this 5th day of June in the year of our Lord. One thousand eight hundred and eighty-four, between W. J. Griffin + Nannis A. his wife, of the County of Southampton Virginia, of the first part, and M. Lauckford, Trustee, of the County of Southampton, Virginia, of the second part. Witnesseth: That the said parties of the first part, for and in consideration of the sum of five dollars, paid by said party of the second part, the receipt whereof is hereby acknowledged, do grant and convey unto the said party of the second part the following property to wit: A certain tract or parcel of land known as a part of the "William Griffin" tract it being the same which was conveyed by deed from Benjamin L. Barrett to the said W. J. Griffin, and on which he, the said W. J. Griffin now resides, containing eighty-five acres, more or less, and adjoining the lands of the said Benjamin L. Barrett and others. In Trust, to secure unto, A. L. Nelson the payment of a bond executed by said W. J. Griffin + wife for the sum of Three Hundred Dollars, bearing

date on the 5th day of June 1884.

Witness the following signatures and
seals the day and year above written.

William D. Griffin 
Nannie A. Griffin 

Southampton County: to-wit:-

I R. A. Bristow, a ~~Justice of the~~ Notary
Public for the County aforesaid, in the
State of Virginia, do certify that W. D.
Griffin, whose name is signed to the
writing above, bearing date on the
5th day of June 1884, acknowledged the
same before me in my County aforesaid.
And that Nannie A. Griffin, the wife of W. D.
Griffin, whose names are signed to the
writing aforesaid, personally appeared
before me in my County aforesaid, and
being examined by me privily and a-
part from her husband, and having
the writing aforesaid fully explained
to her, the said Nannie A. Griffin ac-
knowledged the said writing to be her
act, and declared that she had wil-
lingly executed the same, and does
not wish to retract it.

Given under my hand this 5th day of June 1884.

R. A. Bristow J. P.

Southampton County: In the Clerk's Office
June 16th 1884. This Deed of Trust from
H. D. Griffin + wife to M. Lankford trustee
for the benefit of A. L. Nelson, was this day
received and together with the certificate
thereto annexed, admitted to record.

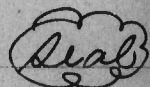
Teste. J. B. Prince C. C.

A Copy:

Teste: B. F. M. Lemons C. C.

This Deed of Trust made the 9th day of November 1888, between R. M. Bradshaw of the one part, and W. A. Myrick, Trustee of the other part, Witnesseth: That in Consideration of the sum of Ten Dollars, the receipt of which is hereby acknowledged, the said Bradshaw doth grant and convey, with general warranty unto the said W. A. Myrick, Trustee, the following real estate to wit: All that piece or parcel of land lying in Southampton Co. Va. bounded by the lands of J. B. Camp, Jas. Scott and W. M. Kitcher, containing four hundred acres, more or less. Said land was formerly known as the Solathiel Lewis farm. In Trust, however, to secure the payment of one bond dated Nov. 9th 1888. of Twenty-five Hundred Dollars with legal interest thereon from date. due Jan'y. 1st 1889 by R. M. Bradshaw to R. N. Musgrave.

Witness the following signatures & seals.

R. M. Bradshaw 

Southampton County, To wit

I, J. S. Thomas, a Justice of said County in the State of Virginia. do certify that

R. M. Bradshaw, whose name is signed
to the writing above bearing date on
the 9th day of Nov. 1888, has acknowledged
the same before me in my County fore-
said.

Given under my hand this 9th day of Nov. 1888.
J. S. Thomas J. P.

Southampton County: In the Clerk's Office
Nov. 9th 1888. The foregoing Deed of Trust
from R. M. Bradshaw to R. N. Musgrave's
Trustee, was this day received and with
the certificate annexed admitted to
record.

Teste: B. F. M. Lemore C. C.

A Copy:

Teste: B. F. M. Lemore C. C.

Exhibit
"A"

Deed of Trust from
R. M. Bradshaw
to
R. N. Musgrave

Bradshaw's

ads 3

Plus

Millman & Co

Bradshaw & al

Ad 3
Millhams & Co

Plea

The plea of R. M. Bradshaw and
W. T. Griffin to a bill in chancery in the
circuit court of Southampton by Millhams & Co
vs them & others

These defendants by protestation
not confessing or acknowledging all or any
of the matters and things in the said bill
of complaint contained to be true in the
manner and form as the same are therein
set forth, for a plea averting to the said
bill doth plead and aver that R. M. Bradshaw
by a deed of Trust dated the 4th of November
1888⁸ and a copy of which is hereto filed
and prayed to be made a part of this plea dis
cussing this land which the plaintiffs seek
to charge with their judgment to carry
W. A. Myrick as Trustee to secure a bond
of \$2500 due to Remond Muzgron and carrying
interest from the 1st of Jan'y 1889 and that
W. T. Griffin and wife did by a deed the
Trust made the 5th of June 1889 convey
the tract of land containing 8.5 acres
which the plaintiffs in this suit seek
to charge ^{with their debt} to M. Lankford as Trustee to
secure a debt of \$300 due to A. L. Nelson

A copy of which is filed with plea
March 18

These defendants are that W. A. Myrick as
Trustee and M. Lankford as Trustee have prior
deeds on these lands to certain debts due to
Rustin Musgrave and A. J. Nelson that they
ought to be but are not made parties to the
said bill wherefore these defendants pray
judgment of this honorable court whether
they shall be compelled to make any further
or other answer to the said bill and pray
answer to be dismissed with their reasonable
costs and charges in this behalf most
correctly sustained

Shaw & Son J. A.

L. A. GAY, Clerk.

Clerk's Office of the Circuit Court of Southampton County.

Courtland, Va., Sept. 5..... 1895..

To the Clerk of the County Court of Southampton Co.,

You will please copy Deed of Trust from J. H. -
Bradshaw to John A. Hendley, ^{assignee} to be used in suit of
Mc Michie & Co, vs Bradshaw et al, as Ex. "A"

Deed of Trust from W. J. Griffin to J. B. Prince assignee
to be used in same suit as Ex. "B"

L. A. Gay c.c.

M. Michelson & Co.

VS } memorandum
for Exhibits -
Bradshaw & Co.

I executed this ~~copy~~ by delivering a copy to each
of the within named parties except W. A. Myrick, who is not
a resident of this Co., W. J. Griffin was not at home. I delivered
a copy to his wife - Griffin who is a member of his
family over the age of sixteen and explained it to her.
R. M. Bradshaw not being at home I delivered
a copy for him to his Bro. J. H. Bradshaw who is a
member of his family over the age of sixteen
and explained it to him.
August 3. 1895.

W. E. Gordon

Subscribed and sworn to before me

D. F. McLeod, Clerk in Chg.

Mr. Millard & Co.

US } Sum. in Chancery

J. H. Bradshaw & Co.

1895. 1. August Rules

W. E. G.

J. L. McLeod p. 9.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON

*J. H. Bradshaw, R. M. Bradshaw,
H. J. Griffin & Annie H. his wife, M. Lantford Trustee,
J. B. Pinner, John A. Houdery, & H. A. Myrick Trustee,*

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 *August* ^{an amended & original} next, to answer a Bill in Chancery
exhibited against *them* in our said Court by *Moses Millhiser, Gustavus
Millhiser, Emanuel Millhiser & Sampson Birch partners
trading & doing business as M. Millhiser & Co.*

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

WITNESS, *L. A. Gay* T. M. HOWARD, Clerk of our said Court, at the Courthouse, this *22nd* day of
January, 189*5*, in the 12*th* year of the Commonwealth.

TESTE:

L. A. Gay, C. C.

I acknowledge due legal service of
this summons July 23: 1895 W. A. Myrick

W. A. Myrick,

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON *H. A. Myrick, Jr.*

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 *August* ^{an amended & original} next, to answer a Bill in Chancery exhibited against *himself* in our said Court by *Moses Mitchell, Guarantors - Mitchell, Emanuel Mitchell & Sampson Nitch, partners* trading & doing business as *M. Mitchell & Co.*

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

WITNESS, *T. M. HOWARD*, Clerk of our said Court, at the Courthouse, this *22nd* day of

July, 189*5*, in the 12*th* year of the Commonwealth.

TESTE:

L. A. Gay, C. C.

Millhouse & Co.

vs. } Statement of Co. & Co.

Bradshaw & Co.

Milliken & Co.

vs.

} Statement of Costs

Brodehan et al

Sum. 25-8 Copies 1.04 Recd. 18-atty, 70, Dock. 18-	1.75
Recd 50, entering return 35. fil. Amended bill 15-	1.00
D- Exhibits 15, Recd 50, fil. Answer 15-	= 80
Copy Exhibits 75- Lat. cost 40, =	115
Paid L. A. Gay	6.70
	3.50
	<u>\$ 8.20</u>

B. F. McLeamore 75 paid B & M

L. A. Gay

3.95

\$ 4.70

M. Millkier

Dr. { Stat. ~~Rep.~~

Bratskawa et al

$$\begin{array}{r} 148. \\ 36 \\ \hline 176 \end{array}$$

Stat of costs in Chancery suit of
M. Mulhisen Leg^a Brodshaw & Co sales

Clert 10

25-39-18-10-18-50-35-15-15= 2.25

50-15-⁴25-⁵50-⁵50-40-25-³⁶72 3 27

Paid: L. A. Gay \$¹⁰ (5.52)

Shff-
Lwrc

JMR has been paid - Pair 1.50

Pair JLM - 16.50

13 7 m Lumber 25 paid B. & M. \$ 23.52

L. A. Gay 2.95

J. M. Howard 2.90

6.10

Millhiser & Co.

vs } Statement of Rules
Bradshaw et als.

Moses Millhiser, Gustavus Millhiser, Emanuel-
Millhiser, & Sampson Birch partners trading and
doing business as M Millhiser & Co. Plaintiffs
VS } In Chancery

J. H. Broadshaw, R. M. Broadshaw, H. J. Griffin & Annie
A. his wife, M. Lankford Trustee, J. B. Prince, John A.
Hendley & W. A. Myriatic Trustee. Defendants

1895. 22nd July, Process Spt. to 1st Aug. Rules to
answer an amended bill

1895. 1. Aug. Rules, Process returned executed.

Amended Bill filed, Deem nisi VS defendants

1895. 2nd Aug. Rules, Bill taken for confessed
and cause set for hearing.

Ch. Stillman & Co
v. $\frac{3}{3}$ Dresher

Bradshaw et al.

1894 Nov
To be returned.

L

Ch. Chittin & Co
v. ^{4.} ³ Deere
Bradshaw & others.

This day this cause came on again to be heard upon the Bill & Exhibits filed, the demurrer & plea of defendant with general replication thereto and was argued by Counsel.

On consideration whereof the Court doth refuse to sustain the defendants demurrer and plea of non-joinder of co-defendants, but doth decide that the said bill of complaint is sufficient in law. and doth further adjudge, order and decree that this cause be referred to one of the Commissioners of this Court with instruction to take and report to Court the following:-

1st. An account of the lien debts of record against the defendants, J. H. Bradshaw, R. W. Bradshaw & J. Griffin, separately, and also conjointly, with their priorities.

2nd. An account of the real estate of which the said defendant are possessed with its annual & fee simple value.

3rd. Whether or not the rents & profits will in five years pay the debts reported as liens against the same.

4th. Any other matter specially stated deemed pertinent by himself or required to be so stated by any interested party.

Millhiser & Co.,
Vs. Bradshaw et al.
Decree.

1896, March 24

To be entered.

Robert R. Millhiser

Decree.

Entered

Page 56.

and decrees that this cause be dismissed from the docket.
cause have been settled by compromise and of course both withdrawn and
to plaintiff's counsel that the matters in controversy in the said
counsel. On consideration whereof and it appearing from statements
the original and amended bills and exhibits filed and as stated by
that this cause came on to be heard upon

1890. March
To be entered.
Bradshaw et als.
vs.
Millhiser & Co.
As.
December.

Decree.

This day this cause came on to be heard, upon the original and amended bills, and exhibits filed, and was argued by Counsel. On consideration whereof, and it appearing from statements of the plaintiff's Counsel that the matters in controversy in the said cause have been settled by compromise out of court, doth adjudge, order and decree, that this cause be dismissed from the docket.