1896-19 Southampton County Chancery - Williams, J. E. Mrs Executrix etals vs Devaney, James H. etals

deed of trust given to defraud - restrain from selling as planned - until court can settle question on deed of trust -

Williams, C.C. (Dec.)
Vaughan, C.C.
Nicholsen, Dr. C.W.

Devaney, Nancy
Devaney W.L.
Prince, J.B.
White, W.W. (Trustee)

Bill of Complaint, so far as made from her own knowledge are true, and so far as made upon information derived from others, she believes them to be true.

Given under my hand February 15th 1893.

Jas. L. McLemore

Comr. in Chy. Cir. Ct. Southampton Co.

Williams' Exrs et al.
vs.
Bill & Ex
Dewany et al.

Exh.
Copied

Hands and Seal P.F.
McLemore

To.

The Hon. C. W. Hill, Judge of the Circuit Court for Southampton County.

- In Chancery. -

Humbly complaining your Orators J. E. Williams Executrix of C. C. Williams dec'd. C. C. Vaughan and Dr. C. W. Nicholson show unto your Honor the following case: That on Jany 2nd. 1884. Jas. H. Deavany was indebted to C. C. Williams, (now deceased), in the sum of $602.12 evidenced by bond waiving the Homestead with interest from date - that at the November Term 1892 of the Circuit Court of Southampton County J. E. Williams Executrix of the said C. C. Williams dec'd. obtained upon the aforesaid bond a judgment which has been duly docketed. and an extract of which is herewith filed as Exhibit "A." and prayed to be made a part of this bill; that said Jas. H. Deavany was also indebted to C. C. Vaughan another of your complainants on October 11th. 1892 and for a long time before that day in the sum of $373.70 due by bonds waiving Homestead. one of which bonds is subject to a credit of $80.69 paid Nov. 24th. 1891.; that at the November Term 1892 of the aforesaid Circuit Court, your

Orator C. C. Vaughan also obtained a judgment for his said debt which was duly docketed in the Clerk's Office of this County. a copy of which is filed herewith as Exhibit "B" as a part of this bill.; That on the 1st day of Dec. 1888 the said Jas. H. Dewany was indebted to Dr. Ch. Nicholson in the sum of $311.25 evidenced by note of the said debtor waiving the Homestead Exemptions filed herewith as exhibit marked "C" and prayed to be read as a part of this bill.

That said indebtedness to your orators arose by reason of goods moneys and supplies furnished the said Dewany to enable him from year to year to maintain and cultivate his farm and that none of said indebtedness hasyet been paid:

That at the time the said debts were contracted and all the while until October 11th. 1892. the said Dewany was seized of a track of land near Courtland in the aforesaid County containing 333 acres and valued at about $2000. That on the 11th day of October 1892. after he had received notice by legal process having been served upon him, that suit had been entered against him to obtain judgments and decrees of the aforesaid

your orators he conveyed to ~~W.H.~~ Whitt Trustee his entire tract of land to secure the following debts: two bonds said to be due to Mrs Nancy J. Downey his wife, amounting in the aggregate to something like $2300. Bonds due to J.B. Prince amounting to about $260. and a debt said to be due to his son W.L. Downey for about $50. all of which will more fully appear by reference to a copy of the said Deed of Trust filed herewith as an Exhibit in this cause marked "D".

Your complainants aver and charge that the aforesaid Deed of Trust is made with intent to hinder delay and defraud the creditors of said Downey; that the same is made without valuable consideration and as to your orators is fraudulent void & of no effect as to them, and that they are therefore entitled to have the said deed set aside and the property therein conveyed subjected to the payment of their debts; That said debtor has no personal property or any other property subject to the lein of an execution.

Your orators further showeth, that although the said Trust Deed had been executed but a few months, yet the same was advertised by

waived; that the Court would restrain the said W. W. White Trustee from selling the said land until the further order of this Court; that the said Deed of Trust may upon a final hearing of this cause be set aside as fraudulent & void, and the land therein conveyed sold under direction of the Court, that out of the proceeds your orators debts may be paid and the balance if any turned over to those entitled. that all such further general and special relief may be granted your orators as the nature of their case may require or to Equity may seem meet. And notice is hereby given that the Court will be asked to allow reasonable fee to plaintiffs Counsel conducting this cause. And as in duty your Complainants will ever pray &c.

J. E. Williams Executrix
Shands vs Low &c.

J. L. McLemore
Atty for Vaughan & Middleton.

Virginia
County of Southampton to wit:

This day Mrs J. E. Williams Executrix of B. L. Williams died personally appeared before me and made oath that the allegations in the foregoing

So far as made from her own knowledge
Bill of Complaint, are true, and so far as made
upon information derived from others, she be-
lieves them to be true -
Given under my hand February 15th 1893.

Jas. L. McLemore
Comr. Circ. Ct. Hampton Co.

Williams' Exrs et al.
vs.
Tillery & Ex
Devany et als.

Exh.
Copied

Mandamus and Dorsey P.Q.
McLemore

Mrs. J. E. Williams, Executrix of
C. C. Williams dec'd. - C. C. Vaughan
& Dr C. H. Nicholson Pltff.

Against.

Jas. H. Devany - Nancy J. Devany.
W. L. Devany, J. B. Pruett and
W. H. White, Trustee. Dfdt.

1893. Feb. 18th Procs Issued to 1st Mch Rules -
" 1st Mch Rules - Procs Executed, Bill & Ex: filed.
except W. L. Devany -
decree nisi.
" 2 " " Bill taken for Confessed by
all Defendants except W. L. Devany.
& Cause set for hearing as to
other Defendants.

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Williams's Exty: et. als:
(4) } Stat: Rules
Devany & others

1 Mch

ordered that the same be removed from the docket.

It is further ordered that the Court do not grant an injunction restraining the defendants from cutting timber on the premises described in the complaint and plaintiff excepts.

Upon the hearing and argument of the cause it was ordered, adjudged and decreed that the bill of complaint be and the same is dismissed, and that the defendants have and recover of the plaintiff their costs and charges in this behalf expended, and have execution therefor.

Williams Executrix,

Vs. Decree.

Devanny et al.

1896 March 24

To be entered.

Robert D. Thomas

Judge.

Entered Page 57

Plaintiff to object to the ruling of the Court in refusing to grant an injunction restraining defendants from cutting timber on the premises described in the complaint and to except to the decree of the Court dismissing the bill of complaint.

Filed March 24th 1896.

Williams, Executrix et al.

vs.

Devanny et al.

Williams' Executrix et als.

Vs. Decree.

Devaney et als.

This ~~day~~ this cause came on to be again heard upon the papers formerly read, and upon the report of Special commissioner Jas. L. McLemore, filed ~~during the term~~ this day reporting the receipt and disbursement of the funds from the sale of the real estate, and the execution to the parties of deeds with special warranty for the ~~[illegible]~~ land purchased by them, which report is supported by proper vouchers, and to which no exceptions have been taken, and was argued by Counsel- On Consideration whereof, the Court doth adjudge, order and decree that the said report be and the same is confirmed, and the deeds executed thereunder made firm and binding on the parties, and nothing further remaining to be done in this cause it is ordered that the same be removed from the docket.

In Southampton Circuit Court,

November Term, 1892.

J. C. Williams Executrix of
C. C. Williams dec'd. Pltff.

Against

Jas. H. Devaney Deft.

In Debt

Homestead waived.

Judgment for the Plaintiff against the Defendant for $602 1/2 *with legal interest thereon from* 2. *day of* January, 1884, *till paid, and costs,* $7.85

Extract.

Teste: B. F. McLemore C. C.

In Southampton Circuit Court
November Term 1892.

C. C. Vaughan Pltff. } In Debt.
against
Jas. H. Deveaney Dfdt

Judgment for the plaintiff against the Defendant for $373.75 Homestead waived with interest on $190.87 part thereof from the 1st day of January 1886. and on $43.26 another part thereof from the 1st day of June 1887 and on $139.62 residue thereof from the 1st day of December 1888. till paid + $7.15 costs. — Subject to credit of $35.69 paid Nov. 24. 1891. —

Extract.

Teste. B. F. McLemore C.C.

Int. on $190.87	Dec. 1. 95.	=	124.97
" " 43.26	" " "		23.14
" " 139.62	" " "		58.64
			373.75
Principal			7.15
Costs			587.65
&			35.69
By cash Nov. 24/91.			$551.96
Due Dec 1. 95			

This Deed made Oct 11. 1892. between J. H. Devany of one part and W. H. White Trustee of the other part; Witnesseth: That in consideration of five dollars, the said J. H. Devany does grant and convey with general warranty unto the said Trustee, the following real estate, to wit: a certain tract of land in Southampton County, upon which said Devany now lives, containing 333 acres, be the same more or less, bounded by the land of E. L. Barrett, Milton Beale Wm Shands & L. L. Williams dec'd. In Trust to secure, first - a bond due Mann, Webb, Prince & Co. but now held and owned by J. B. Prince for $118.75 due Nov. 1, 1893. subject to a credit of $100. pd. Dec. 4. 1889, a bond due J. B. Prince for 141.85 due and dated July 1. 1885. and a bond due J. B. Prince for $100. due and dated Nov. 19. 1891. And then to secure the following bonds due to Nancy J. Devany. one bond for $1486. due July 1. 1896. and one bond for $633.50 due Oct. 1. 1892, and then to secure an account for about $50. due W. L. Devany. say Aug. 1. 1892.

Witness my hand & seal the day & year above written

J. H. Devany (Seal)

Southampton County: In the Clerk's Office Oct 11th 1892

The foregoing Deed of Trust from J. H. Devany to J. B. Prince & als trustee, was this day received acknowledged in this office by said Devany, and admitted to record.

Teste: B. F. McLemore D.C.

A Copy:

Teste: A B Urquhart Jr D.C.

Devany & al
to
Prince & B & als trust

Exhibit "D"

Williams' Exr et als.

vs. Decree

Dewaney et als.

This day this cause came on again to be heard upon the papers formerly read, and was argued by Counsel, On consideration whereof, and it appearing to the Court, that all of the defendant in this cause have failed to plead answer or demur with the exception of J.B. Prince, doth adjudge ordain & decree that so much of the deed of Trust of October 11th. 1892 which conveys the real estate of Jas. H. Dewaney to W.W. White Trustee to secure among others a debt of $1486.— due July 1. 1886. and one bond for $633.00 due Oct. 1. 1892 to his wife Mrs Nancy J. Dewaney, be and the same is hereby declared null void & of no effect as against the plaintiffs in this suit, and that the liens of the plaintiffs are prior to all the debts against said property save the bonds secured in the said deed of Trust & due to J.B. Prince- and also an account of $50. due to W.L. Dewaney secured in the said deed of Trust-

And it further appearing to the Court that the plaintiffs herein are entitled to have the said property or the proceeds thereof, after paying the debts above mentioned to J.B. Prince & W.L. Dewaney

subjects to the payment of the debts, doth. further adjudge order & decree that W.A. White & J.L. McLemore who are hereby appointed Special Commissioners for that purpose proceed to sell the tract of land of 333 acres in the bill & proceedings mentioned at Public auction to the highest bidder, having first duly advertised the same in three or more public places, and upon the following terms: Cash as to [illegible] & balance to be [illegible] such terms as said J.L. McLemore shall desire.

But before the said Commissioner shall proceed to act hereunder they shall enter into bond before the Clerk of the Circuit Court in the penalty of $ [illegible] conditioned for the faithful performance of this or any future duties ~~executed herein~~.

one third cash. bid one in equal instalments on a credit of one and two years from date of sale, said deferred payments to bear interest from day of sale till paid and to be evidenced by bonds of purchaser with approved security with option to said purchaser

upon confirmation of said sale by court to pay all the purchase money cash and take a deed with special warranty for said property and said property is to be sold free from any dower right therein that said Nora Nancy J Devany may have therein, she agreeing to take in lieu of her said contingent right of dower so much cash as the same may be calculated according to law to be worth But said sale under this decree shall not take place sooner than Oct County court day 1895 and the said Commissioner shall not proceed to act under this decree until they shall first have executed before the clerk of this court a bond in penalty of $3000. with sufficient security conditioned for a faithful performance of their duties under this and any subsequent decree that may be entered in this cause

Ord

But there shall be reserved from the Sale the family burying ground of one half an acre of land, with rights of ingress and egress to and from same —

Williams Et Ux
v.
Deree
Deeds Metals.

1890 Nov. 28
Abstracted
Cmp.

Ent 706

Williams' Executrix, et als.

VS. Report of Sale.

Devaney, etals.

1895. Nov. 9. filed

L. A. Gayle. C.

In the Circuit Court of Southamptom County. Virginia.

Williams' Exrx et als.

Versus. Report of Special Commissioner of sale.

Devaney et als.

To, the Honorable Robert R. Prentis, Judge &c.

The undersigned, your commissioner, appointed at the September term I895, of this court to make sale of the real estate mentioned in the bill and proceedings of the aforementioned cause, begs to submit the following:- That pursuant to notice, a copy of which is herewith annexed, and after duly advertising the same, he sold at public auction at Courtland Va., on the 21st day of October, I895, (County Court day) the real estate mentioned in the said bill and proceedings, and which is more minutely described in the annexed advertisement of sale, upon the following terms: One third cash; the remainder in one and two years, equal installments, title retained till all the purchase money is paid, with option to the purchaser to pay all of the purchase money in cash, and take a deed upon confirmation of the sale by the Court. At the sale so made W. A. Howell became the purchaser, of the said tract of land(he being the highest bidder therefor) at the sum of $1250.00 and has expressed a desire to pay the entire purchase price in cash and take a deed, when the same is confirmed by the Court. Your Commissioner thinks the sale a good one, and recommends that the same be confirmed.

October 30, I895.

Respectfully Submitted.

Jas. L. McLemore.
Special Commissioner.

The Commissioner reports specially that he reserved, or excluded from the sale of the farm, in addition to the I/2 acre reserved as and for the burial ground, one acre known as the school house lot, which he sold separately, and C.H.Blount became the purchaser by bidding the sum of $25., the I/3 cash payment for which has been paid in to the Commr. This sale was made with the consent of, and in the presence of all the parties in interest.

Respectfully Submitted.
J. L. McLemore. Spec'l Com'r.

To. Dr. W. L. Delany

Take notice that we shall through our Counsel, apply to the Hon. Robert R. Prentis, Judge of the Circuit Court of Southampton County, at his Office in Suffolk Va., on the 9th day of November 1895. for a decree to be entered in vacation, in the Chancery cause of Williams Civil et als. VS. Delany et als - confirming a sale of real estate made by J. L. McLemore Speacial Commissioner on October County Court day, the 21st., 1895, by virtue of a prior decree entered therein.

Your obedient servant.

C. C. Vaughan et als. plaintiffs.

— by Counsel —

To, Jas. H. Devaney & Nancy J. Devaney

Take notice that we shall apply through our Counsel, to the Hon. Robert R. Prentis, Judge of the Circuit Court of Southampton County, at his Office in Suffolk, Va. on the 9th day of ~~October~~ November I895, for a decree to be entered in ~~###~~vacation, in the Chancery cause of Williams et als. VS. Devaney et als. confirming a sale of real estate made by J. L. McLemore Special Commissioner, on October County Court day, the 2Ist., I895, by virtue of a prior decree entered therein.

To the Sheriff of Brunswick Co.
To execute.

Your obedient servants
P. C. Vaughan et als. plaintiffs.
by Counsel.

1895 Oct 24th Served by delivering a
copy of the within notice to Jno H Delany &
Mary L Delany. Sheriff Dorchester Co
Per Dennis Woodall D.S.

Williams Exrs et als.
v.
Notice.
Delany et als.

1895, Nov. 9. Cir Ct.

Williams, Executrix, et als.

VS. Decree.

Devaney et als.

Entered Nov. 9, 1895—
Robert C. Davis.

We consent to this decree.

L B Prince,
C C Vaughan
Dr C W Nicholson
by Jas. L. McLemore Atty
J H Devaney
DHD
Smn R.
N. J. Devaney
C. H. Blount
Williams Ewing
H. G. Howell

Entered page 46.

Williams Executrix et als

In Vacation:

In the Circuit Court of Southampton County, November 9th 1895.

Williams' Executrix et als.

VS. Devaney et als. Decree.

Devaney et als.

This day this cause came on again to be heard upon the papers formerly read, upon the report of Commissioner Jas. L. McLemore, filed November 9th. 1895. to which no exception have been taken, reporting sale of the real estate in the bill and proceedings mentioned, pursuant to a decree entered therein, NOvember 28th. 1894. and September term 1895, and was argued by Counsel. On consideration whereof, and by consent of all parties, the Court doth adjudge order and decree that the said report of the sale as aforesaid be and the same is hereby confirmed, and the said Commissioner, Jas. L. McLemore, is hereby directed, upon the receipt of the purchase price from the purchasers, W.A. Howell, and C.H. Blount, that he make to them deeds with special warranty for the land purchased by them, as shown by the said report of sale.

The Court doth further order, by consent that the said Commissioner Jas. L McLemore, out of the funds in his hands pay first the cost of this suit, secondly, pay to Mrs. N.J. Devaney the sum of $62.52 the same being the present value of her contingent right of dower, in the property sold by him: third, pay to J.B. Prince the debts due him as evidenced by deed of trust of Decr. IIth. 1892, filed in the papers of this cause: fourth pay to W.L. Devaney a debt of $50. as of August Ist. 1892, also secured in the said deed of trust; and lastly, pay the balance in his hands pro rata, to Mrs. E.E. Williams, Executrix C.C. Williams decd. C.C Vaughan, and Dr. C.W. Nicholson, according to the amount of their several debts as evidenced the exhibits filed in the papers of this cause marked, respectively, "A" "B" & "C". and said Commissioner will report to Court.

To the Clerk of the Circuit
Court of Southampton County.

Robt R. Dennis

Williams Exrx

vs. Decree

Dewoody et als.

1895. Sept. 23.

To be entered.

Robert Davis

Copied 6 v

Number 61.

Entered

Page 23

Williams Executix &c

Vs. Decree

Devaney et als.

This day this cause came on to be heard upon the papers formerly read and was argued by Counsel. On consideration whereof the Court dothzadjudge order and decree that the order entered in this cause on the 28th. Novr. 1894 be executed by the said Commissioners either jointly or separately. ~~as they may agree in the matter~~

Form No. 309.

Williams Extrix

vs

J. H. Devaney

J. L. McLemore, Comr.

to { COMMISSIONER'S BOND.

Commonwealth.

Entered

P. 41

Everett Waddey, Stationer and Printer, Richmond, Va. } Form No. 309.

Know all Men by these Presents, That we Jas. L. McLemore

B. F. McLemore & J. B. Prince

are held and firmly bound unto the Commonwealth of Virginia, in the sum of

Two Thousand ——— 00/100 Dollars,

to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligaiton, and any claim or right to discharge any liability to the Commonwealth arising under this bond, or by virtue of said office, post or trust, with coupons detached from bonds of this State. Sealed with our seals, and dated this 24th day of September one thousand eight hundred and Ninety five.

The condition of the above Obligation is such, That if the above bound

J. L. McLemore

shall faithfully perform the duties of his office or trust, as Special Commissioner

under a decree of the Circuit Court of the County of Southampton, pronounced on the 28th day of November, 1894, in the suit therein depending under the name and style of Williams Extr, &c. vs J. H. Duvany et als.

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the presence of

Jas. L McLemore SEAL.

B. F. McLemore SEAL.

J B Prince SEAL.

In the Clerk's Office of the Circuit Court of the County of Southampton:

This day B F McLemore and J. B. Prince

surets on the above bond, made oath before me A B Urquhart Jr Dept for L A Gay Clerk of the Circuit Court of the County of Southampton, that their estate after the payment of all their just debts, and those for which they bound as security for others, and expect to have to pay are worth the sum of Two Thousand dollars; whereupon the said bond is admitted to record according to law.

Given under my hand this 28th day of September 1895.

Teste: A B Urquhart Jr Dept for L A Gay Clerk.

Williams Exrx & als

vs

Devany & others

Injunction Order

On motion of the plaintiffs and Injunction is awarded in accordance with the prayers of the bill enjoining and restraining W. H. White Sheriff and all other persons from selling or otherwise disposing of the tract of land described in the bill of complaint, containing 333 acres, more or less situated on the Courtland & Nottoway Public road and bounded by the lands of R. H. Barrell, N. L. Beale & others until the further order of this Court. But the said Injunction shall not issue until the Plaintiffs or one of them shall have entered into bond before the Clerk of this Court in the penalty of $150- with security to be approved by the Clerk conditioned to pay all costs & damages that may be awarded against them in the event this injunction should be dissolved.

A Copy - Teste: B. F. McLemore C.C.

I certify that the bond required by the above order has been given, with security deemed sufficient.

B. F. McLemore C.C.

Williams' Exrs & als

vs

Devany & others

1893 Sheriff's Sale

Execution for $2.20 - 1893 by delivering a copy of this writ to each of the within named parties as well W. T. Devany who is not a resident of this County

E. Gilliam Sheriff

for D. W. Williams

Sheriff

X

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON Jas. H Devany, Nancy J Devany W. L. Devany, J.B. Prince and W. H. White 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 March next, to answer a Bill in Chancery exhibited against them in our said Court by Mrs. J.E. Williams Executrix of C.C. Williams dec'd C.C. Vaughan & Dr C.M. Nicholson.

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 18" day of February, 1893, in the 117th year of the Commonwealth.

Testo: B.F. McLemore C. C.

Williams Exor + als
vs
Devany + others

Injunction Order:

On motion of the plaintiffs an Injunction is awarded in accordance with the prayers of the bill, enjoining and restraining W. W. White Trustee and all other persons from selling or otherwise disposing of the tract of land described in the bill of complaint containing 333 acres, more or less, situated on the Courtland & Holloway public road and bounded by the lands of R. H. Barrett, W. L. Beale + others until the further order of this Court. But the said injunction shall not issue until the plaintiffs or one of them shall have entered into bond before the Clerk of this Court in the penalty of $150- with security to be approved by the Clerk, conditioned to pay all costs + damages that may be awarded against them in the event this injunction should be dissolved.

A Copy - Teste: B. F. McLemore C.C.

I certify that the bond required by the above order has been given, with security deemed sufficient.

B. F. McLemore C.C.

W. L. Devany

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON Jas. A. Devany, Nancy J. Devany H. L. Devany, J. B. Prince and W. H. White 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 March next, to answer a Bill in Chancery exhibited against them in our said Court by Mrs. J. E. Williams Executrix of C. C. Williams dec'd C. C. Vaughan & Dr C. W. Nicholson

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 18" day of February, 1893, in the 117th year of the Commonwealth.

Teste: B. F. McLemore C. C.

Williams Eric et als
v. Injunction
Order
Devany et als

In Vacation
1893. Febry 17
To be entered

Williams Ex'rx. & als.
vs. } Injunction Order
Devany & others.
In Vacation.

On motion of the plaintiffs an Injunction is awarded in accordance with the prayers of the bill enjoining and restraining W. H. White Trustee and all other persons from selling or otherwise disposing of the tract of land herein described in the bill of Complaint, containing 333 acres more or less situated on the Courtland & Nottoway public road and bounded by the lands of R. H. Barrett W. L. Beale & others until the further order of this Court.

But the said Injunction shall not issue until the plaintiffs or one of them shall have entered into bond before the Clerk of this Court in the penalty of $150, with security to be approved by the Clerk, conditioned to pay all costs & damages that may be awarded against them in the event this injunction shall be dissolved. C M Stith

To the Clerk Circuit Court }
Southampton County. } Feb. 17. 1893

Williams' Exts et als:

vs

Injunction Bond

Downey et alters

1893. Feb. 18" filed.

Know All Men by These Presents, That we, J. E. Williams - and William B. Shands -

J. H. Downey or W. W. White, Trustee

are held and firmly bound unto ~~the Commonwealth of Virginia~~ in the just and full sum of one hundred and fifty — 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 this bond, or by virtue of said office, post or trust, with coupons detached from bonds of this State.

Sealed with our seals and dated this day of February A. D. 189 3

THE CONDITION of the above obligation is such, that if the above bound J. E. Williams, Executrix of the last will and testament of C. C. Williams, dec'd. - C. C. Vaughan and C. W. Nicholson, who did, on the 17th day of February 1893, sue out of the Circuit Court of Southampton County - in vacation - An Injunction enjoining and restraining W. W. White, Trustee - and all other persons from selling or otherwise disposing of the tract of land described in the bill of Complaint - Containing 333 Acres, more or less - situated on Courtland & Holloway Public Road - bounded by the lands of R. N. Barrett, M. L. Beale & others, until the further order of this Court - Shall pay all costs and damages that may be awarded against them in the event this injunction shall be dissolved.

~~shall faithfully discharge the duties of~~ ~~office or trust~~ according to law, then the above obligation to be void, or else to remain in full force and virtue.

Signed, sealed and delivered in presence of the Court.

J. E. Williams Executrix SEAL

Wm B Shands SEAL

SEAL

SEAL

their bill as to him thereby be dismissed, and that he thereby be allowed to assert his rights under said last cause. and having answered, he prays hence to be dismissed with his costs &c.—

May it please the Court &c.—

I. B. Reed

Sworn to before me B. F. McLemore. Clerk of the Circuit Court of Smithampton Co. May 8. 1893

Williams Sols &c.

By

Attorney Written

Answer of

I. B. Reed

Williams Ltd &c

vs. Answer of J. B. Rucker

Devany & others

This respondent, saving and reserving &c for answer to said bill. That he does not know what amounts J. H. Devany owes C. C. Williams dec'd, B. L. Payton or C. C. Nicholson, and hence he is not prepared to admit any of the allegations of the bill as to this matter.

That he does not admit any fact alleged in the said bill in regard to said debts. That it is true on the 11th Oct 1892 J. H. Devany executed to somewhat Trustee a deed of trust, in which he conveys his tract of land, in which among other debts, to secure bonds due your respondent amounting to about $300. That said bonds were for money loaned said Devany by your respondent. and that said debt is a just and honorable one.

That the charge in said bill that the said deed of trust was made to hinder delay and defraud the creditors of said Devany, so far as your respondent is concerned is most unqualifiedly denied. That the said deed of trust, like those made in the ordinary course of business, prefers some creditors over others, but respondent has yet to learn that this is ever a cause for complaint, much less a badge of fraud.

Respondent submits that unless Complainants can prove the fraud as they have alleged

To,

Take notice that we shall through our Counsel, apply to the Hon. Robert R. Prentis, Judge of the Circuit Court of Southampton County, at his Office in Suffolk Va., on the 9th day of Nov 1895. for a decree to be entered in vacation, in the Chancery cause of Williams &c &c et als. VS. Downey et als. confirming a sale of real estate made by J. L. McLemore Speacisl Commissioner on October County Court day, the 21st., 1895, by virtue of a prior ~~decr~~ decree entered therein.

Your obedient servant,

C. C. Vaughan & others, plaintiff
by J. L. McLemore p.q.

Williams Exhr &c.
vs
Dixon
Devany & others

1893 May Term
may 8th
To be entered.
C W D

Entered may 8

Williams Fitz H.

vs Divorce

Devaney Forbes

This day this Cause came on to be further heard on the Complainants bill & exhibits filed and on the answer of D.B. Prince filed by leave of the Court and was argued by Counsel, On consideration whereof, leave is granted J.H. Devaney and Nancy J Devaney & W.L. Devaney and Coverchite to file their Separate answers during the next six months and as to all other matters this Cause is Continued—

Williams
vs. } Receipt.
Quinn.

Insurance to W.A. Howell for $12.50.

Church property Dec. $25.00 to Baptist Church
Poytus - & $9.50
paid in cash.

FIRST NATIONAL FIRE INSURANCE COMPANY

OF

FREDERICKSBURG, VA.

312 TENTH STREET.

W. T. DIX, Agent for Virginia.

$439.13

Received December 4, 1895, of Jas. L. McLemore special Commissioner in the Chancery cause of Williams et als. vs. Devaney et als. Four Hundred & Thirty Nine Dollars, and Thirteen cents, in full settlement of bonds held by me as assignee of J.B.Prince, which were secured by deed of trust on the farm of said Jas. H. Devaney and directed to be paid by decree entered in said cause November 9th. 1895.

Assignee of
J. B. Prince,

by, T. J. Pope for
N. Leila Pope

$439.13

Rec'd Dec. 4. 1895 of J. L. McLemore Special Master in the Chancery Cause of Illinois Cent. R.R. vs. Downey et al. Four Hundred and Thirty nine 13/100 Dollars in full settlement of bonds held by me as assignee of J. B. Runnells which were secured by Deed of Trust on the farm of said Jas. H. Downey & directed to be paid by Decree entered in said cause Nov. 9. 1895.

J. Q. Pollard
Assignee.

$62.[illegible]

Received of Jas. L.McLemore Special Commissioner, in the Chancery cause of Williams' Executrix et als, Vs. Devaney et als, the sum of Sixty Two 53/100 Dollars, in full of amount due me as per decree entered in the said cause November 9th. 1895.

Decr. I, 1895.

N. J. Devaney

Rec'd of J. L. McLemore, Spec'l. Commissioner
Fifty Dollars, for selling Swamp land Oct 5-
21. 1895

R. R. Moore

Also paid $1.05 per notice on Swamp Land Certificate
" " 1.00 for plats

$60.00

Received of Jas. L. McLemore Special Commissioner, in the Chancery cause of Williams' Executrix et als, Vs. Devaney et als, the sum of Sixty Dollars, in full of amount due me as per decree entered in the said cause November 9th. 1895.

Decr. 1, 1895.

W. L. Devaney

Debt. $50. aug. 1. 92
Int. 10
$60.

Wakefield Va
Dec 4th 1895

Williams Estate
Vs. Statement of Costs
Devaney et als,

Williams Eulvis &c.
Vs } Statement of Costs
J. N. Devaney et als

2 Summ. 50-6 Copy 78- rect. 15- atty. 10- Book, 18= 1.74
Rule 1.00- return 35- fil. bill 15- Do. Exhibits 25= 1.75
Making and injunction bonds &c. 75- 5 Deeds $3.60= 4.35
Copy Exhibits 75- Tax Costs 40- fil. away papers. 25= 1.40

Clerk Paid L. A. Gay $9.24
Sheriff 2.50
Lands &c. 1/2 pd to Wishards paid L & M- 16.50
$28.24
Sheriff Brunswick Co pd. 1.00
Future Costs 3.97
Total. $33.21

JMH .75 L.A.G. - Pd R. Howard Admr
B.F. McL $6.43 paid. B.F. McLemore
L.A.G 2.07 Paid L.A. Gay
$9.24

$141.88 On demand for value received, I owe and promise to pay I B Prince one hundred and forty one & 88/100 dollars. I waive my homestead Exemption as to this debt. Witness my hand & seal July 1. 1885.

Jas H Deray {seal}

Franklin, Va., Aug 14 1884

On demand Nov. 1, 1883, we promise to pay to MANRY, WEBB, PRINCE & CO.,
or order One hundred & eighteen 75/100 DOLLARS,
for value received, and it is agreed that the interest shall be at the rate of 6
per centum per annum, and we hereby waive the benefit of the Homestend
Exemption as to this debt.

Witness: B. H. Dewey (SEAL.)

(SEAL.)

A. McDermott

Nov 21. 1895.

In settlement of guardian transactions, I assign this bond to Miss Lula Pope without recourse.

I. B. Pruett

Memory
No 3 Bond
Pruett

$100. On demand for value received I promise and promise to pay S B Pence One Hundred Dollars. I waive my homestead exemption as to this debt. Witness my hand and seal Nov 19. 1891.

J W Downey (Seal).

T. J. POPE,
SOUTHAMPTON CO., VA.

J. H. RIVES,
NORFOLK, VA.

Pope & Rives,

Cotton Factors and Commission Merchants,

Specialties: Cotton, Corn, Peanuts and Lumber,

No. 4 Rowlands Wharf and 2 & 4 Roanoke Dock

REFERENCE, BY PERMISSION:
BURRUSS, SON & CO., BANKERS,
NORFOLK, VA.

Norfolk, Va., Dec 7th 1895

Jas. Tillmore Esq.
Courtland, Va.

Friend Jim.

Yours of the 6th inst. including check $1 to hand. I very hurriedly estimated the amt. of int. on Bonds hence my mistake. I herein enclose you receipt with my signature. Please accept thanks.

Guess I shall leave for Atlanta to night but think I shall be home court week when I hope we may be able to ~~appreciate~~ enjoy a hunt.

Yours &c
J. H. Pope.

Law Office of Jas. L. McLemore,

Substituted Trustee for J. J. Robinson.

Courtland, Va., 189

Recd Decr. 1. 1895. of J. L. McLemore Special Commissioner. In the case of Williams Exr vs et als. vs. Devaney &c. Three Hundred & Six & 22/100 Dollars. same being my prorate distribution of funds in his hands arising from sale of the real estate of Jas. H Devaney after paying certain prior debts directed by the decree of distribution in said cause.

Mrs J. E. Williams Extrx
of C. C. Williams dcsd
Per N Shands
atty

$161.37/100,

Received, December 9th. 1895. of Jas. L. McLemore, Special commissioner, in the Chancery cause of Williams' Exrx. et als. Vs. Devaney et als. the sum of One hundred and Sixty One 37/100 Dollars in full of amount due me ~~[illegible]~~ from sale of Devaney land under decree of the Circuit Court, entered November 28, 1894, and Sept. 23, 1895.

C. C. Vaughan

Devaney Acct -

Paid

Clerks Costs $9.24

Att 16.50 ½ - to W Stands

paid Dec. 2. 95 16.50

$25.74

1893
Oct
29th

C le Vaughan &c
To Sheriff Brunswick County Dr.
To Executing Notice on Jas H
Deramy & Nancy L Deramy application
to Clerk for dower in
Decatur
R B Humbree Sff

Paid Oct 29th
Receipt of
J L McLemore
R B Humbree Sff

$131.18,

Received, December 9th. 1895. of Jas. L. McLemore, Special commissioner, in the Chancery cause of Williams' Exrx. et als. Vs. Devaney et als. the sum of One hundred and Thirty One 18/100 Dollars in full of amount due me ~~from~~ from sale of Devaney land under decree of the Circuit Court, entered November 28, 1894, and Sept. 23, 1895.

C. W. Nicholson

Williams' Exrx. et als.

VS. Final Report of Spcl. Commissioner.

Devaney et als.

Circuit Court of Southampton County, Virginia.

Williams, Exrx. et als. Vs Devaney et als.

Report of disbursements made by J.L.McLemore, Commr. under a Decree entered in the said cause in vacation Novr. 9th. I895.

By amount recd. from sale to W.A.Howell,		$I250.
" " " " " to C.H.Blount,		25.
To comms. on $I275.	$ 34.50	
" paid Crier	5.	
" paid for posters,	I.	
" paid for writing two Special Commr. deeds	20.	
" paid Cost of suit,	33.21	
" " Mrs. Devaney for her contingent right of dower.	65.50	
" paid Dr. Devaney preferred debt,	60.	
" paid T.J.Pope, assignee of J.B.Prince preferred debt,	439.I6	
" amo. retained to pay taxes,	I7.70	
" Paid Mrs. E.J.Williams Exrx. her prorata share as one of the plaintiffs,	306.22	
" paid C.C.Vaughan, same per cent,	I6I.37	
" paid Dr.C.W.Nicholson, same per cent,	I3I.I8	
Remd for contingent costs.	3.I4	
	$I275.00	$I275.00

Vouchers supporting said report are herewith returned.

I895, Decr, 3Ist.

Respectfully Submitted,

J. L. McLemore

Special Commissioner,

Your Commissioner would report further, that the said W.A.Howell, and C.H.Blount have both paid the amounts of their purchases in full, and that he has made to each of them a deed with special warranty for the land reported as sold to them respectively, and asks that the same be confirmed.

Jas. L. McLemore

Special Commissioner

Law Office of Jas. L. McLemore,

Substituted Trustee for J. J. Robinson.

Courtland, Va., 189

Total Rec'd 1275.

Comm	34.00	
Crier	5.00	
Postage	1.00	
Deeds	20	
	60.00	60.00
Costs Suit		214.50
Preferred Debts	65.66 Mrs D.	
	434.16 Dr.	
	60. Dr Dawson	615.73
	38 24 cent	
	17.70 Taxes	
		598.77

Paid Mrs Williams 306.24 paid.

" " Vaughan & Co. 292 55

598.77 598.77

Pays. 29% +.

Due C.O. Vaughan $161.37

" Dr. Nicholas 131.18

161.37 / 131.18

20 / 12 50

$181.37 / $108.68

Mrs. William Shore

Vaughan & Pribble

Law Office of Jas. L. McLemore,
Substituted Trustee for J. J. Robinson.

$306.25
240.55
598.77

Courtland, Va., 189

~~1259.50~~

1275.
60.50
1214.50
615.73
598.77

65.66
439.13
60.
33.24
1770
615.73

598.77

544.81
7.15
551.96
44.01
$ 993.97
1040.40
2034.37

1031.55
7.85
1040.40

Law Office of Jas. L. McLemore,
Substituted Trustee for J. A. Robinson
Courtland, Ala.,

95. 12
80 1
10. 11

190.89 6
114.04
10 60
124.54

190.87 5
954 8
95 48
10.59.9

95.
87
8.-

11

1895. 12 1
87. 11
8. 11-

43.26 5
2595.56 6
20.71 2
239
23.09

43.26 5
21630
2163
25.30 7

43.26 5
34608
21630
2163
25.30 7

139.62 4
27924
5584 8
5 5 8 4 0 4
5 5 8. 6 4 0 4

95.-
88.-
7

2034 3

598.270 ((29+
4 6 8 5 4
191896 0
14395 03

993.97
29
8945.73
19879 4
28825 483

57

248.24
3017
5995

1020.40
29+
9 3 6 3 6 0
2 0 8 0 8 0
189
301.7 4 6

118.75
36
7125.0
3562.5
5.9
433.33
118.25
1620.08
1.00
162.08
36
37248
18624
2234.88
2.08
84.42

311.28
8
186768
112.13.76

311.28
x2
622.56
124.512
130.73.76

84.12 4
84 11 1
6 1 3
95.12 1
84 12 4
6

141.88 1/2
6
8.51.28
3 59
883 1

283.76
7.95
3.59

95.12 1
1891.11 19
4 10
95.12 1
84 1 2
19.11

602.12
6
36.12.72
11
396.32
33.13
480.45

662.12
5.2
301260
30106
331.3.66

396.42
3313
429.55

311.28
6
1867.68
130.73.76

E. T. SEMANS, President. G. A. FOWLE, Secretary.

THE FIRST

National Fire Insurance Co.

CAPITAL STOCK $300,000. OF FREDERICKSBURG, VA.

189

Statements of debts on Downey land.

Bond J.B.P 118.75

Int from Nov. 1/83.

Cr. Dec 4'89. by cash $100. Due on this bond. Dec. 4. 95 84.41

Bond J.B.P July 1. 1885 141.88

" " Nov. 19/1891. Int. 10 yrs + 5 mos. 88 67 230.55

100.

Debt. W. L. Downey Aug. 1 92. Int 4 yrs + 10 dys 24.17 124.17

30. 60

Int 3 yrs + 4 mos 10 499.13

Judgment J. R. Williams Exr vs Jany 2/1884. 602.12 1032.50

430 43 1040.40

Note Dr C.H. Nicholson Dec. 1/1888. 311.28

130 73

Note due C.C. Jany 1. 1885. 190 87 442.01

" " " " " 1887 124 97 315.84

43.26

" " " Dec. 1. 1888 23.14 66.40

139.62 7.15 cash

58 64

198.26 162.57

By Cash Nov 24/91. 35 69 35.69 986.87

162.57

Int Calculated to Dec. 1. 95 Total $2019.37

Due Mrs Downey Dower $665.66

Due J.B.P. secured by Dow- 439.13

" Dr Downey " " " 60.

564.79

Costs 33.24

$597.93

Total Mrs Williams Debt to Dec 1. 95 $1032.55
" C W Nicholson " " " 442.01
" C C Vaughan " " " 544.81
Abstract of Judgment $2019.87

443.
29
3978
884
12819

544.81
29
4903
1089
15799

152.99
128.18
281.17
5
286.17

294.55
286.17
6.38

128.18
2.00
131.18

157.99
3.36
161.35
131.18
292.55

[illegible]
Due from sales $ 1.25
Income on $300 1.25
" " 97¢ 1.25
" Boiler 5.00
" " Pasture 2.00
" Mowing the dues 20.
$60.50

Payments debt
Due mrs. MEAK 60.50
" " C.M.B Burns 131.45
Cash on $300. 9.50
" " $97. 129.95
Cain 1.25
Pasture 5.00
Rent meal 19.15
" C.M.B. 10.
10.
10.
60.15

$1295.00

Swamp Dor. H.
December 188 $311.28

"C"

Dec Dec. 1. 95
$442.01

Elmwood, Va., December 1st 1888

DUE DR. C. W. NICHOLSON, *heirs or assigns, on demand,*

One day *after date,* One Hundred & Eleven & 28/100 *Dollars,*

value received, without offset, the maker singly, or maker and endorser jointly, waiving the Homestead Exemption as to this debt. Negotiable, with interest from maturity.

J H Tevanny (Seal.)

Witness: .....

No. ..... (Seal.)