

1897-15

Southampton County Chancery, Drake, E.F.

vs Whitley, J. T. et al

sues to recover debt by
having rents on property
diverted to him -

Gardner, A. L. (Trustee)
Johnson, H. L.

Drake E. F.
+ { Bill & Co.
Whitney et al.

1896. 1st Sept Rules filed
L. A. Gay b.b.

J. B. Prince &
JAMES L. MCLEMORE,

Attorney-at-Law,
COURTLAND, VIRGINIA.

Everett Wadley Co., Stationers and Printers, Richmond, Va.

To the Honorable Robert R. Prentiss, Judge of the Circuit Court of
Southampton County.

- In Chancery-

Complaining, sheweth unto the Court, your complainant, E. F. Drake, that he recovered two judgments aggregating \$94.09 , with interest on \$68.06 from March 27, 1893 till paid and on \$26.03 from 22nd. Aug. 1893, till paid and costs, subject to a credit of \$35.33 paid Sept. 3, 1893, all of which will appear from abstracts of said judgments which are duly docketed in the County Court Clerk's Office, filed herewith, as exhibits, "A".

That said judgments were recovered against J.T. Whitley in a justice Court. That said Whitley owns a tract of land lying in this County near Joynersville, containing about 75 acres, adjoining the lands of E. R. Riers, the Brown place and others, upon which tract of land there is also a deed of trust subsequent to the aforesaid judgments, made to A.L. Gardner trustee, to secure debt due to H.L. Johnson for the sum of \$150.

Your complainant avers and charges that the rents and profits will not in five years pay the lien debts against the said real estate, and that he is entitled to enforce the lien of his judgments by a sale of the entire tract of land, or so much thereof as is necessary to pay said liens.

In tender consideration whereof, your complainant prays that said J.T. Whitley, A. L. Gardner trustee, and H. L. Johnson may be made parties defendants to this bill, and required to answer the allegations therein contained, that proper process issue, that all proper orders and decrees may be entered, enquiries and accounts directed and taken, and if it shall appear that the rents and profits from the said real estate will not in five years pay the debts reported as liens against the said property, then that said property be sold and the proceeds applied to the satisfaction of the lien debts according to their several priorities;

that if said rents and profits will suffice to pay the lien~~x~~debts, then that same be rented out and the rents and profits applied to payment of same; and that all such further and general relief may be granted to you your complainant as the nature of his case may require or to equity may seem meet. Notice is hereby given that the Court will be asked to allow to plaintiff's Counsel reasonable fees for their services in conducting this cause.

And your Complainat will ever pray &c.,

Prince + McGinnis & Co.

In Southampton

Justice

Court,

Aug 22nd Term, 1896

E. H. Drake

Pltff.

Against

In Case

J. J. Whitley

Deft.

Judgment for the Plaintiff against the Defendant for \$ 68. ⁰⁶ with
legal interest thereon from 27 day of March, 1893, till paid,
and costs, \$ 1. ⁰⁰

Extract.

Teste:

D. F. McLean C. C.

In Southampton *Justice* Court,

Augt 22 Term, 1896.

E. H. Drake

Pltff.

Against

In Case

J. T. Whitley

Deft.

Judgment for the Plaintiff against the Defendant for \$ 26. ⁰³ with
legal interest thereon from *22nd* day of *August*, 1893, till paid,
and costs, \$ *1.00*

Extract.

Teste:

D. F. M. Lammey C. C.

Executed Sept. 5th 1896 by decting
a copy of this [unclear] each of the within
named furber. R.D. minor dectym

J. H. Williams
Sept 7

E. L. Drake.

W. J. Sum. In Chy.

Whitney et als.

1896. 1st Sept. Rules.

lir. lct.

~~Moore
Executed by [unclear]
copy with [unclear] in
he [unclear]
Sept. 5th 1896
J. H. Williams~~

(3)

5
Prince & McLenore p. 9.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON

*J. J. Whitley, A. L. Gardner, Jr.,
and H. L. Johnson*

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 *1st* Monday in *Sept* 189*6* ~~next~~, to answer a
Bill in Chancery exhibited against *them* in our said Court by *E. F. Drake*,

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

Witness, L. A. GAY, Clerk of our said Court, at the Courthouse, this *3 / ~~st~~* day of

August, 189*6*, in the 12 / year of the Commonwealth.

TESTE:

L. A. Gay, C. C.

Drake E. F.

vs. } Statement of Rules
Whiting et als.

E. F. Drake

Plaintiff

vs.

J. T. Whitley, A. L. Gardner, Trustee, }

and H. L. Johnson

} Defendants

1896. 31st August. Process Spt. to 1st Sept. Rules

1896 1st Sept. Rules, process returned & executed.

Bill and Ex. filed. Deem nisi.

1896. 2nd Sept. Rules. Bill taken for confession

and cause set for hearing.

Drake E. F.

vs. } Statement of Costs
Whistley et als.

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Duke E. F.
r. Deere
Whitney et al.

1896. Sept 28th
Entered Robert R. Prentiss

R.

Entered Page 97

E. F. Drake

^{vs.}
J. J. Whitley

This day this cause
which has regularly matured at
rule came on to be heard, and
it appearing to the Court from state-
ment of Plaintiff's Counsel that the
matters in controversy in this cause
have been settled out of court, ^{On motion of the plaintiff by the Court,} doth
order that this cause be removed
from the docket.