

1898-07

Southampton County - Chancery - Council, Edizaheth vs Wamble, W H et al

To. Pay lkt, or to
sell said property to
satisfy lkt.

Sheriff, John N. Austin
Hendley, John A

Council

DS. { Bill Washburn

Wamble, et al.

1897. 1st. Sept. Rules filed
L. A. Gray Co. Inc.

W. J. SEBRELL,
ATTORNEY-AT-LAW,
COURTLAND, VA

Everett-Walkey Co., Stationers and Printers, Richmond, Va.

To The Hon. R. R. Prentiss, Judge of the
Circuit Court of Southampton County:

In Chancery.

Humbly complaining sheweth unto Your
Honor your complainant Elizabeth
Council that on the 18th day of September
1894, W. H. Womble, of said county,
applied to your complainant to ad-
vance and lend to him the sum of \$100.⁰⁰
upon the security of two first mills and
appurtenances in Southampton County, owned
by the said W. H. Womble, and your com-
plainant thereupon agreed to do so,
and did accordingly advance and
lend to the said W. H. Womble the said
sum of \$100.⁰⁰, and the said W. H.
Womble, in accordance with his
agreement, executed a deed of mort-
gage conveying the said property as
therein recited, a copy of which is
herewith filed as "exhibit X", and prayed
to be read as a part of this bill;
that since the execution of the said
deed of mortgage, to-wit, on the 10th day
of May 1897, the said W. H. Womble
has executed a deed of trust on the
said property, along with other property,
to John N. Debrill Sr., trustee, to secure a

debt due to John A. Hundley, as will appear from a copy of the said deed of Trust herewith filed as "Exhibit A", and prayed to be read as a part of this bill, and your complainant is informed that the said John A. Hundley, by and through some arrangement or agreement since made with the said W. B. Womble, has moved away the runners and, perhaps, some other parts of one of the said first mills to the said John A. Hundley's residence, or farm in said County; that although the time limited and appointed by the said deed of mortgage for the payment of the said sum of money, with interest thereon, to-wit, the 18th day of September 1895, has long since passed, the said W. B. Womble, has failed to pay the same, according to his promise, and the said sum of \$100.⁰⁰, with interest thereon, subject to a credit of \$33.⁷⁰ paid in part thereof on the 10th day of October 1894, is still due and payable to your complainant. And your complainant is advised that by reason of the failure of the said W. B. Womble to pay your complainant the said sum of money, with

interest, at the time limited and appointed
by the said deed of mortgage, the
right hath accrued to your complainant
to have the said property sold and the
proceeds thereof applied to the payment of
the said debt due by the said W. H. Womble
to your complainant. In tender consideration
whereof and inasmuch as your complainant
is without remedy save in a Court of
Equity where such matters are properly
cognizable, your complainant prays that
the said W. H. Womble, John N. Sebrill Sr.,
Trustee, and John A. Hundley be made
parties defendant to this bill and required
to answer the same, though answer under
oath is hereby expressly waived; that the
said W. H. Womble may be decreed to pay
to your complainant the said sum of
money with interest thereon, to-wit, the sum of
\$100- with interest from September 18th 1894,
subject to a credit of \$33.²⁰ paid on the 10th
October 1894, and that unless the said W. H.
Womble, or some one for him, shall within
a short time to be named by this honorable
Court pay to your complainant the said
sum with interest as aforesaid, that a com-
missioner be appointed to sell the said
property to satisfy the said debt due to

your complainant, and that all such
other further relief may be granted as
nature of the case may require or to
Equity shall seem meet.

And your complainant will ever pray.
W. J. Schell, p. q. } Elizabeth Council

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

We command you to summon Wm. H. Womble, John N. Sebrice & Austin,
and John A. Henderson

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 1897 next, to answer a bill in Chancery
exhibited against them in our said Court by Elizabeth Council

And this they 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 2nd day of
Sept, 1897, in the 12th year of the Commonwealth.

Teste:

L. A. Gay

C. C.

COMMISSIONER'S BOND.

Com. ill.

vs.

Humble et al.

W. J. Seave

to

Commonwealth.

1898. 26. 4. April filed

L. A. Gay, Secy.

Know All Men by These Presents, That we, W. J. Sebrill

and Jas. E. Sebrill
are held and firmly bound unto the Commonwealth of Virginia in the sum of \$1000.00

One Thousand & no/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 obligation, 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 26th day of April one thousand eight hundred and ninety-six

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound

W. J. Sebrill
shall faithfully perform the duties of his office or trust, as Special Commissioner

under a decree of the Superior Court of the County of Southampton
pronounced on the 26th day of April, 1898, in the suit therein depending
under the name and style of Council vs. Wornble et al. or any subsequent
decrees in this case

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

Signed, sealed and acknowledged in the
presence of

W. J. Sebrill
James E. Sebrill



In the Clerk's Office of the Superior Court of the County of Southampton.

This day James E. Sebrill

surety on the above bond, made oath before me, L. A. Gay Clerk
of the Superior Court of the county of Southampton, and State of Virginia, that his
estate, after the payment of all his just debts and those for which he is bound
as security for others and expect to have to pay, is worth the sum of \$1000.00
dollars.

Given under my hand this 26th day of April, 1898.

Teste:

L. A. Gay, Clerk.

Council

vs } Statement of Rules

Womble. et al.

Elizabeth Gannell

Plaintiff

vs.

W. H. Noble, John N. Sebrell Sr. }

Trustee and John A. Hundley }

Defendants

1897. 2nd. Sept. Process issued 15 1st. Sept. Rules

1897. 1st. Sept. Rules. Process returned executed.

Bill and exhibits filed

Decree nisi vs Defendants

1897 2nd. Sept. Rules. Bill Taken for Confessed

and Cause set for hearing

This Deed, made September 18th, 1894, between
H. H. Hornble of the County of Southampton, State
of Virginia, party of the first part, and
Elizabeth Council of the County and State
aforesaid party of the second part. Witness:
That, I, the said H. H. Hornble party of the first
part for the consideration of One Hundred dollars
received to my free satisfaction, do give, grant,
bargain, and sell and confirm unto the said Elizabeth
Council party of the second part. Two Grist Mills,
located in the County and State aforesaid, run
by water power, and formerly known as the
property of which Wm Atkinson, died seized and
possessed, to have and to hold the above granted
and bargained premises with all the appurten-
ances thereto attached (except one Turbine
Water Wheel) unto her the said Elizabeth Council,
her heirs and assigns forever, to her proper use
and behoof. And I the said H. H. Hornble, do for
myself, my heirs and assigns, Covenant with
the said Elizabeth Council, her heirs and
assigns, that until the signing and sealing
of these presents, I was well seized of the
property herein mentioned, and had a good
right to sell the same in the manner and
form as written above; and that I will defend
the said granted property against all lawful

Claims and demands whatsoever,

In Witness whereof I have hereunto set my hand
and seal this 18th day, September A.D. 1894,

The conditions of this deed are such, that whereas
the said W. H. Noble is justly indebted to the
said Elizabeth Council in the sum of One Hundred
dollars, so caused by his promissory note of even
date herewith, with interest, and, therefore, if the
said note shall be paid well and truly according
to its tenor, then this deed shall be void, otherwise,
to remain in full force and effect,

W. H. Noble

Seal

Virginia State,

Sauthern County } to wit:

J. A. J. Jayner, a Justice of the Peace in and
for the County & State aforesaid, do certify that
W. H. Noble, whose name is assigned to the writing
wherewith, has acknowledged the same before
me this ^{the} 26 day of Oct. 1894

Given under my hand & seal

A. J. Jayner J. P.

Virginia,

In the Clerk's Office of the County Court, for
Sauthampton County Mch. 15th 1895

This Deed was presented and with the certificate
annexed admitted to record.

Teste: B. F. McLemore C. C.

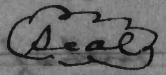
A Copy.

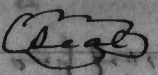
Teste: B. F. McLemore C. C.

This Deed, made this 12th day of May A.D. 1897 between William H. Womble and Martha-
le, his wife of the first part and John N. Sebrice
Sr. of the second part, all of Southampton County
Virginia. Witnesseth: That the said parties of
the first part, do grant and convey unto the
said party of the second part in consideration
of the sum of one dollar. The following prop-
erty to wit: All the right title and interest of
the parties of the first part in that certain tract or
parcel of land bought of N. J. Bradshaw by
Wm H. Womble and supposed to contain fifty
acres more or less and bounded by the lands of
Wm H. Womble, Benj. Barnett, N. J. Bradshaw
and the County Poor House Also their right
title and interest in the mill property known
as Atkins mill, with fixtures, lands and all
appurtenances thereto belonging, also the said
Wm H. Womble's interest in one saw mill and fixtures
Complete situated on the farm of J. B. Fayner
near Powers Va. Also one shingle mill and
machinery, one planing mill and machinery
one pair of log wheels and chains thereto
belonging. In Trust however to secure the
payment of a certain note due John A. Hunderly
for Three Hundred Dollars (\$300.⁰⁰) dated 1st
day of May A.D. 1897 and payable on demand

And it is agreed that in case of default in the payment of said note the said Trustee shall after advertising said property at least ten days, proceed to sell the same for cash and shall be entitled to a Commission of 5% on the gross sales for his services.

Witness following Signatures & Seals

W. H. Nomble 

Martha ^{her} Nomble 
mark

County of Southampton to wit:

J. A. J. Joyner a Justice of the Peace for the County aforesaid in the State of Virginia, do certify that W. H. Nomble and Martha Nomble whose names are signed to the writing within bearing date of the 7th day May 1897 has acknowledged the same before me in my County aforesaid.

Given under my hand this 7th day of May 1897

A. J. Joyner J.P.

Virginia.

In the Clerk's Office of Southampton County Court

May 29th. 1897.

This Deed was presented and with the certificate annexed admitted to record.

Teste: B. F. McLenore C.C.

A Copy.

Teste: B. F. McLenore C.C.

Council
} Copy of D.I. from
vs. } Womble to Humding
Womble. et al.

Ex "2"

J.D. B. No. 4 - page 416

Council Elizabeth

vs

Womble W. H., et al.

This day this Cause came on to be heard upon Complainant's bill, and exhibits therewith filed, taken for confessed as to all of the defendants on whom process has been duly served, and they failing to appear and plead answer or demur, and was argued by Counsel. On consideration whereof, the Court doth adjudge, order and decree that, unless the defendant, W. H. Womble, or some one for him, shall, within 30 days from the date hereof, pay to the plaintiff the sum of \$100.⁰⁰, with interest thereon, at six per Centum, from the 18th day of September 1895, subject to a credit of \$33.²⁰ made Oct. 10th 1894. That it be referred to one of the Commissioners of this Court to ascertain and report to the Court, 1st, the annual and fair-market value of the property conveyed in the said deed of Mortgage from W. H. Womble to Elizabeth Council and mentioned and described in Complainant's bill,

2nd, An account of the debts outstanding against the said W. H. Womble that are liens on the said property, with their priorities and dignities, together with any other matter especially stated deemed pertinent by himself

or required to be so stated by any
interested party.

A Copy.

Teste: L. A. Gay G. G.

Council

vs. } Secrecy

Amble, et al.

Entered Sept. 27th / 97

Page 171

W. J. Lebrun, p. 9.

Councils.

Spa.

Womble.

1895 March 8.

County Court.

Execution

W. Williams

Shff

March 8-

(3)

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON

W. D. Griffin, J. A. Johnson
and J. H. Lamp.

B. F. McLeMORE, a Commissioner in chancery of the Circuit
to appear before ~~the Judge of our County~~ Court of Southampton, at the Courthouse thereof,

on the 8th day of March term, 1898, to testify and the truth to speak on behalf

of Elizabeth Bonnell

in a certain matter of controversy in our said Court depending and undetermined between—

Elizabeth Bonnell

, plaintiff, and

W. M. Noble

, defendant.

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

Witness, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 2nd
day of March, 1898, in the 122 year of the Commonwealth.

TESTE:

B. F. McLeMORE C. C.

Council

Notice

Wmble

1898. March 8.

Executed March 1st
1898 by delivering a
copy of this Notice to
H. Wmble

J. Williams

Shiff

I hereby acknowledge legal
service of this notice

Elizabeth Council,

By W. J. Schell,
her attorney.

(1)

Commissioner's Office,

Jerusalem, Va., Feb 21st 1898

To Elizabeth Council
and Wm. Womble

You are hereby notified that I have fixed upon the 8th day of March next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:

- 1st The Annual and fee Simple Value of the property conveyed in the deed of Mortgage from Wm. Womble to Elizabeth Council - mentioned and described in the said deed.
- 2nd - An account of debts against Wm. Womble, that are liens against the said property - with their priorities.

required to be taken by a decree of Southampton Circuit Court, rendered at the Sept term, 1897, in a suit in chancery depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

Given under my hand, as Commissioner in Chancery of said Court, the day and year first aforesaid.

B. F. McLeary

Commissioner.

To the Sheriff of Southampton County to execute.

An Account of the fee simple and Annual value of the property conveyed in the deed of Mortgage from W. H. Womble to Elizabeth Comrie. dated Sept. 18th 1894. and recorded in the Clerk's Office of Southampton County Court.

Two Grist Mills. (Water power) and Appurtenances. formerly the own as Wm. Dickinson. situated in Southampton County.

Fee Simple value - estimated at	\$500.00
Annual value	\$50.00

Respectfully Submitted.

B. F. McLeary
Clerk in Chancery.

An account of the lien debts of W. H. Hamble. with
their priorities - reported by B. F. McLenore, Commissioner
in Chancery. On the day of March 1898.

1 st A Mortgage in favor of Elizabeth Connies. To secure a debt of \$ 100.00 ~~Due from Sept. 18. 1895. to Oct. 10. 1894~~ By Cash. Paid Oct. 10. 1894.	3370	66.30
2 ^d Deed of Trust in favor of Jno. A. Hendley. To secure a debt of	300.00	300.00
		\$ 366.30

Respectfully Submitted.

B. F. McLenore

Comr in Chancery -

Council

2^d } Report.

Mem. 6th

1898. Feb 17. filed.

Commissioner's Office -
Courtland, Va.

March 8th 1898.

To the Circuit Court of Southampton Co.

Pursuant to a decree of the said Court, entered the 29th day of September 1897. in the cause of Council & Noble. the undersigned Commissioner reports to Court, that on the 21st day of February 1898. he issued Notices against the parties to this suit - requiring them to appear before him at his Office, on the 8th day of March 1898. at which time and place he should proceed to take the accounts called for by the aforesaid decree. that said Notice was duly executed, and is herewith returned. At the same time, the Commissioner issued Subpoenas against H. J. Griffin, Jack Johnson and J. N. Camp. as witnesses. And said witnesses having appeared before the Commissioner in obedience to said Subpoena. and being duly sworn, he proceeded to take the following accounts, viz:

1st An Account of the fee simple and annual value of the property conveyed in the Deed of Mortgage from W. H. Noble to Elizabeth Council. mentioned and described in the Plaintiff's bill. The fee simple value of the

Council
vs. $\frac{3}{3}$ In Chauany.
Dumble et al.

Report of Comr.
W. D. Sabrell.

1898. 4th. Oct. Filed

L. A. Gay b. b.

Council }
vs. } Report of Comr. W.D. Sebrell,
Womble et al.

In this cause, the Commissioner would report that, since the last term of the Court, the defendant, W.H. Womble has paid in full the claim of the plaintiff, Elizabeth Council, and, also, the costs in this suit, as will appear from receipts of the parties herewith filed; and that Jno. A. Hundley, the only other lien-creditor of the said defendant, W.H. Womble, as per his written statement herewith filed, has informed the Commissioner that he wishes his lien to remain as it is and that he does not wish the said defendant's mill-property sold to satisfy his lien debt.

The Commissioner would, therefore, state that there is nothing further to be done in this suit, and recommends that the same be removed from the docket.

Respectfully submitted,
W.D. Sebrell,
Special Commissioner.

Clerk's Office
OF THE
Circuit Court of Southampton County,

Courtland, Va., _____ 189

Lamencie

vs. } Statement of Costs

Honorable

Sum. 25. 3 Copies 39. receipt 18. Atty 10=	.92
Docket 18. Rules p 1.25. Entering return 35=	1.58
Filing bill W. Do. 25. 15 Copy Ex. p 1.25. replication 15=	1.65
Filing Court's report 25. 2 Decrees + 1 copy 1.95	1.33
Taking special Court's bond 12. 1.40. Tax Court 40=	1.80
Filing away papers 25=	.25
Postage Court about \$2.00	2.00
7/21/98 Paid L. A. Gay	W. L. 9.48
Paid M. Williams	Shff. 3.50
Paid W. J. Webb, p. q.	Laura. 16.50
	\$29.48
Court B. F. McLeannan's bus paid. B. F. M.	5.00
	\$34.48

Received Sept. 6th 1898 of W.J. Schell,
att^y. one & no/100 dollars, which together
with the \$80.⁰⁰ heretofore paid me by
him is in full settlement of the
claim due me by W.H. Womble mentioned
in suit of Council vs. Womble.

G. M. ^{his} X Council, for Eliza-
_{mark} bet Council.

Witness:

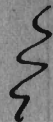
M. L. Beale

Received May 16th 1898 of W. J. Sebrill,
atly. Eighty & ^{no}/₁₀₀ dollar, amt.
collected this day from W. H.
Wamble.

Elizabeth Luncie
by G. M. Luncie

Council

vs.



Womble char

Ans. A. Huddle's
written request
~~that~~ property be
not sold re.

~~Exhibit~~

To W. J. Sebrell, Special Commissioner
in Chancery suit of Council vs. Womble,
depending in the Circuit Court of Southampton
Co. Va. -

I hereby inform you, and through you,
the Circuit Court of said County, that I am
willing to let my lien against W. H. Womble
remain as it is, and that, therefore, I do
not wish you as special Commissioner
in the above styled suit to sell the
mill property mentioned in the bill in the
above suit, to satisfy my said lien -

Very respectfully,
John C. Hendley

Council
vs. $\frac{3}{3}$ Deere.
Womble et als.

To be entered -
Sept. 29 1897
Robert N. Huntis

Entd costs, including
fees &c. as above

Entd Page - 171 -
W. J. Sibrell, Jr.

Council Elizabeth

vs. ~~3~~ Decree.

Womble, W. B., et al.

This day this cause came on to be heard upon Complainants bill, and exhibits therewith filed, taken for ^{to all of the defendants on whom process has been} ~~to all of the defendants on whom process has been~~ ^{duly served and they still failing to appear and plead answer or demurr} ~~duly served and they still failing to appear and plead answer or demurr~~ Confessed, and was argued by Council. On consideration whereof, the Court doth adjudge, order and decree That, unless the defendant, W. B. Womble, or some one for him, shall, within 30 days from the date hereof, pay to the plaintiff the sum of \$100.⁰⁰, with interest thereon, at six per centum, from the 18th day of September 1895, subject to a credit of \$33.⁷⁰ made Oct. 10th 1894, ~~the said defendant, W. B. Womble, and all persons claiming under him, be therewith forever barred and foreclosed of and from all equity of redemption in the property conveyed in the deed of mortgage in the bill mentioned, to-wit, two grist mills, located in Southampton County, Virginia, run by water power and formerly known as the property of Wm. Alkinson dec'd, with all the appurtenances therewith attached (except one turbine water wheel); and in case of default in the payment of the said sum of money, with interest as aforesaid, that J. N. Sibell Jr., who is hereby appointed a special com-~~

missioner for the purpose, do, after having advertised the time and place of sale for twenty days by notices posted at three or more public places in said county, expose to sale, by public auction, the said property, to-wit, two grist mills, located in said county, run by water, and formerly belonging to Wm. Atkinson, dec'd, with all the appurtenances therunto attached, (except one turbine water wheel), same being the property conveyed by said W. B. Womble in the deed of mortgage mentioned in complainant's bill, upon the following terms, to-wit: one-half cash, and the balance on a credit of months, taking from the purchaser a bond, bearing interest from day of sale, with approved personal security for the deferred payment, and the title to be retained till all the purchase money is paid and the sale confirmed by the Court, with the option to the purchaser to pay the entire purchase price in cash.

But the said Commissioner will not proceed to ask under this decree until he shall have intefed into bond, with approved security before the Clerk of this Court, in the penalty of \$, conditioned for

the faithful discharge of his duties under this or any further decree in this cause. And the said Commissioner will make report to this Court.

That it be referred to one of the Commissioners of this Court to ascertain and report to the Court, 1st the annual and fee-simple value of the property conveyed in the said deed of mortgage from W. H. Womble to Elizabeth Council and mentioned and described in complainant's bill —

2nd — An account of the debts outstanding against the said W. H. Womble that are liens on the said property, with their priorities and dignities, together with any other matter specially stated or deemed pertinent by himself, or required to be so stated by any interested party.

Council & Wamble.

What is mine property conveyed by Wamble
to Council worth \$500.00 per Simpson.
Annual \$50.00.

Members:

W. T. Griffin - 74.

Z. Johnson - 82.

J. H. Cassip - 66.

Council
vs. $\frac{3}{3}$ Deere.
Womble et al.

1898- April Term-

Enter this
April 5th, 1898
Wm. J. Deere

Entd - 204 -

W. J. Deere, y. c.

Council

vs.

}
}
} Decree.

Womble et al.

This day this cause came on to be further heard upon the papers formerly read, and upon the report of Commissioner B. F. McLeimore, filed March 17th 1898, to which report there is no exception, and was argued by Counsel. On consideration whereof, the Court doth approve and confirm the said report. And, it appearing from the said report that the rents and profits of the property in the bill and proceedings mentioned will not in five years pay the debts that are liens thereon, the Court doth adjudge, order and decree that W. D. Sebrell, who is hereby appointed a special Commissioner for the purpose, do proceed, after having duly advertised the time, place and terms of sale, to sell the property in the proceedings mentioned, consisting of two Grist mills, located in Southampton County, Virginia, run by water power, together with all the appurtenances therunto attached or belonging (except one turbine water wheel), same being the mill property of which William Atkinson died seized and possessed, and since owned by the defendant, W. H. Womble,

upon the following terms, to-wit, One-Third Cash, the balance payable in equal installments of one and two years from the day of sale, the purchaser to execute bonds with approved security for the deferred payments, said bonds bearing interest from day of sale, and the title to be retained until all the purchase money is paid, with the option to the purchaser to pay the entire purchase price in cash and take a deed ^{upon confirmation of the sale by the Court,} for the said property.

But the said Commissioner will not proceed to act under this decree until he shall have entered into bond with approved security before the Clerk of this Court, in the penalty of \$1000.—, conditioned for the faithful performance of his duties under this or any subsequent decree in this cause.

And the said Commissioner will make report to this Court.

Council
vs. Decree.
Womble et al.

This day this cause came on to be further heard upon the papers formerly read, upon the written statement of Geo. A. Hundley requesting that the property of the deposit mentioned in the proceedings be not sold to satisfy his lien-debt, and upon the report of W. J. Sebrill, Special Commissioner, this day filed by leave of the Court, to which report there is no exception, and was argued by counsel. On consideration whereof the Court doth approve and confirm the said report, and it appearing that nothing further remains to be done in this cause, it is ordered that the same be removed from the docket.

Council
vs. ³ Decree.
³
Wombles et al.

Entered this—

Oct. 4, 1898.

Robert H. Paulis

Entered Page # 226

Debate, pg.