1899_23 Southampton County - Chancery - Prince, Geo. W. Vs. Worrell, Jack et al

To sell land to pay off Judgments

Worrell, B. E.
Barham, R. F. Trustee
Jackson Brick Co.

Geo. W. Prince

vs. { Bill & Exhibits

Jack Powell et als

1897 1st Sept. Rule filed
L. a. 4cy L.L.

SHANDS & SON, p.q.

ATTORNEYS-AT-LAW,

COURTLAND, Va.

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

To the Hon R. R. Prentis Judge of the Circuit Court of Southampton Co Va In Chancery

Humbly complaining, your orator Geo W. Prince showeth unto your honor, that he has Docketed judgements in the county clerks office of this County against Jack Powell. as follows. one for $92.37 with legal interest thereon from Sept 17th 1884 & $1.00 costs, one for $92.37 with legal interest thereon from Sept 15th 1884 & $2.00 costs. one for $26.01 with legal interest thereon from June 8th 1897 & $1.50 costs. all of which will more fully appear from duly certified extracts of the same herewith filed. marked exhibits Nos 1 & 2 & 3, and prayed to be read as a part of this bill. Your orator further showeth unto your honor that the said Jack Powell is seized and possessed of a tract of land in Southampton Co. Va; adjoining the lands of N Lula Pope and others containing 164½ acres more or less. and that being so seized and possessed he executed a deed of trust thereon on aug 19th 1878 to R. T. Barham to secure a debt of $500.00 due by him to B. E. Powell. & that the said debt

is long since due (and a part thereof paid from the proceeds of sale of timber on the said land) and that said deed can be closed up & sale made thereunder. That on Feby 5th 1897 the said Jack Powell for the sum of $400 $200 thereof cash and the residue to be paid in twelve months from that date, sold all standing timber measuring 12 inches in diameter & upward across the stump and which should attain that size during the period given in which to cut and remove the same, to wit; five years from Feby 5th 1897; on the said tract of land. giving all necessary rights of ingress and egress on said land and rights of way over & across it necessary to be had in order to cut & remove said timber. also right to remove other timber across said land during said period. and right to use small timber on said land in constructing railroads across it. all of which will more fully appear from certified copy of said deed of

trust and deed of bargain & sale herewith filed marked exhibits nos 4. & 5, and prayed to be read as a part of this bill. That your orator has been unable to make his judgments by execution and that he wishes the said real estate subjected by proper order to the payment of the same.
In tender consideration whereof & inasmuch as your orator is without relief save in a court of equity, where such matters are especially & alone cognizable, he prays that said Jack Powell B & Powell, R F Bonham Trustee, and Jackson Brothers Company, a corporation, may be made parties defendant to this bill, and required to answer the same, but answer under oath are hereby waived, That the said real estate may by proper decree be subjected to the payment of your orators aforesaid debts. That all proper orders, decrees and inquiries may be made, and decreed, and the court would grant all such

allow, further, full and general relief
as the nature of his case may
require and to equity shall seem meet.
Notice is hereby given to all interested
parties that the court will be asked
to allow a fee to plaintiff's counsel
out of the funds or property under the
control of the court, if such allowance
shall be deemed proper in this case
and your orator will ever pray &c

Shands Bampfr.

Hen W Prince
vs
B Mem for Clerk
Powell Jack et al

Copy deed of Trust from John Powell to Hester Powell. dated aug 19th 1878 to R F Bonham Trustee. D.B. No 33. Page 433 +
Mark it Exhibit No 4

Deed from Dowd D Jackson Brothers to dated July 5 1897. D.B. No 44 Page 432 + Mark it Exhibit No 5.

Prince Geo. N.

vs. } Sum. In chy.

Powell Jack et als.

1897. 1st Sept. Rules.

Sec. 61.

Executed Sept 3 - 97
by delivering a copy of
this Sum: to Jack
Powell.

R. D. Moore Dep
for J. W. Williams
Shff.

(1)

Sept 3

Shands con p.q.

We hereby accept Legal service of the within
Summons
B.B. Powell for W. Shands Solicitor
Jas. Cowan & Co
Att'ys Petitioner

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

We command you to summon Jack Powell, D. E Powell, R.F. Barham Trustee, & Jackson Brothers Company a Corporation.

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. next, to answer a bill in Chancery exhibited against them in our said Court by Geo. W. Prince

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 26th day of August, 1897, in the 122 year of the Commonwealth.

Teste: L. A. Gay C. C.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

We command you to summon R. F. Barham 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 1st Monday in Sept. next, to answer a bill in Chancery exhibited against him et als in our said Court by Geo. W. Prince,

And this he 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 26th day of August, 1897, in the 122nd year of the Commonwealth.

Teste: L. A. Gay C. C.

A Copy—Teste: L. A. Gay C. C.

Geo. H. Prince

vs. } Statement of Rules

Jack Powell et als.

Geo. H. Prince — Plaintiff

vs.

Jack Powell, B. E. Monell,
R. F. Barham Trustee and
Jackson Brothers Company
a Corporation — Defendants

1897. 26th. August. Process issued to 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

Form No. 309.

Geo. W. Prince

vs.

Jack Powell et als.

Wm Shands

to { COMMISSIONER'S BOND.

Commonwealth.

1898 Feb. Oct. Filed

L. A. Gay c.c.

Entered Page # 102

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

Know all Men by these Presents, That we Wm. B. Shands and Wm. B. Shands are held and firmly bound unto the Commonwealth of Virginia, in the sum of ($1000.00) One Thousand ~~~~~ 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 8th day of October one thousand eight hundred and Ninety Eight.

The condition of the above Obligation is such, That if the above bound William B. Shands 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 4th day of October, 1898, in the suit therein depending under the name and style of Geo. W. Prince vs. Jack Powell et als. ~~~~~ decree that may be entered in this cause ~~~~~

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

Signed, sealed and acknowledged in the presence of

Wm. B. Shands SEAL.

Wm B. Shands SEAL.

SEAL.

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

This day Wm. B. Shands surety on the above bond, made oath before me L. A. Gay, Clerk of the Circuit Court of the County of Southampton, that his estate after the payment of all his just debts, and those for which he is bound as surety for others, and expect to have to pay is worth the sum of One Thousand ~~~~~ dollars; whereupon the said bond is admitted to record according to law.

Given under my hand this 8th day of October 1898.

Teste: L. A. Gay Clerk.

In Southampton Justice Court,

February 11th, Term, 1897

Geo. H. Prince

Pltff.

Against

In Debt

Jack Powell

Deft.

Judgment for the Plaintiff against the Defendant for $92.[99] Nonsuit, waived with ~~legal~~ interest thereon from the 17th day of September, 1884, till paid, and costs, $1.[00]

Extract.

Teste: B. F. McLemore C. C.

In Southampton Justice Court,

June 30th Term, 1897

G. W. Prince

Pltff.

Against

In Debt.

Jack Powell

Deft.

Judgment for the Plaintiff against the Defendant for $26.00 Homestead waived with ~~legal~~ interest thereon from the 30th day of June, 1897, till paid, and costs, $1.50

Extract.

Teste: B F McLemore C. C.

In Southampton Justice Court,

March 7th Term, 1887

Geo. W. Prince Pltff.

Against

Jack Powell Deft.

In Debt

Judgment for the Plaintiff against the Defendant for $92.38 Damages waived with ~~legal~~ interest thereon from the 15th day of September, 1884, till paid, and costs, $2.00

Extract.

Teste: B. F. W. Lemon C. C.

Geo. W. Primer

vs. { Copy Deed from Jack. Powell to Jackson Bros. Company

Jack Powell et als.

Exh. "5"

This Deed, made this, the 5th. day of Feby. in the year 1897 between John Powell & Hester Powell his wife of Southampton County, State of Virginia, parties of the first part and Jackson Brothers Company a Corporation party of the second part. Witnesseth: That in consideration of the sum of ($400.00) Four hundred dollars, to be paid by the party of the second part, to the said parties of the first part, as follows, to wit: the sum of ($200.00) Two hundred dollars, cash on delivery of this deed, and the remaining two hundred dollars to be paid in twelve months from this date & to bear interest from now till paid (with the understanding that all the purchase money is to be paid before any of the timber is cut) The said parties of the first part, do grant and Convey, with general warranty unto the said party of the second part, all of the standing timber of twelve (12) inches stump diameter and upwards, and which shall attain that size during the period granted for removal, to-wit: during the period of five (5) years from this date on those lands in Southampton County and State of Virginia described as follows, to-wit: on that certain tract of land in said County whereon said parties of the first part now live and purchased by them of George Brittle and adjoining the lands of G.W. Privett, N. Lula Pope, Lewis Marks and others,

containing one hundred and sixty four and a half (164½) acres more or less, and whereas B. E. Morrell has a deed of trust on said property he consents to this sale and releases his lien on the property herein sold with the distinct understanding that all the above mentioned purchase money is to be paid to him as is evidenced by his becoming a party to this deed and signing and sealing the same, The said party of the second part shall have the exclusive privilege to lay and Construct all railroads, tram-ways, Cart-ways, Stables and other fixtures, and right of way on or over said lands, which shall be necessary to remove the timber Conveyed, and shall be entitled to use such small timber as shall be necessary to Construct road-ways, tram-ways and Cart-ways, &c. free of Charge; the location of such road-ways, tram-ways, Cart-ways, &c. to be selected and located by the said party of the second part, and the said John Powell & wife Covenant that they are seized in fee of all the timber herein Conveyed, and the said party of the second part shall have quiet and absolute possession thereof, according to the terms of this Contract, and that the said John Powell & wife will pay all taxes and assessments on the land herein described during the said period of five (5) years. Witness the following signatures

and seals the day and year above mentioned.

Witness. John Powell (Seal)

her
Hester X Powell (Seal)
mark

Benj. E. Powell (Seal)

County of Southampton,

State of Virginia,

I. W. Shands a Commissioner in Chancery for the Circuit Court for Southampton County, Virginia, do certify that John Powell & Hester Powell & Benj. E. Powell, whose names are signed to the within writing, bearing date Feby. 5th, A.D. 1897, have acknowledged the same before me in my County & State aforesaid. Given under my hand this 5th day of Feby, A.D. 1897

Wm Shands Comm'r in Chancery

Virginia.

In the Clerks office of Southampton County Court
Feby. 8th 1897. The foregoing Deed was this day presented and with the certificate thereto annexed admitted to record.

Teste: B. F. McLemore C.C.

A Copy.

Teste: B F McLemore C.C.

Prince

vs

Powell et als

The plaintiff in this cause excepts to that part of Comr. B. F. McA Semore's report filed March 16/98 wherein he states that the Judgements of ~~Thos Pope~~ ~~and Pope~~; and W. A. Reynolds; against said Jack Powell are liens on the real estate of said Jack Powell; and for the following reasons. Namely

1st The Judgement of ~~Reynolds vs Pope~~ vs Jack Powell for $81.00 was obtained July 26/84 and docketed Feby 18/84 and execution was issued thereon on July 26/84. and no return was made on said execution. So that more than ten years has elapsed since the issuing of said execution and no other execution can now be issued on said Judgement - hence said Judgement is now barred by Statute of limitations and can't be enforced - hence is no lien on said real estate

(I) The Judgement of W. A. Reynolds vs Jack Powell for $34.55 obtained Feby 1/84 and docketed Feby 26/84 and no execution has ever been issued on said ~~Judgement~~ and more than ten years has elapsed

since said Judgement has been obtained and no executions can now be issued on said Judgement hence the same is now barred by the Statute of limitations and can't be enforced and hence said Judgement is now no lien on said real estate &c

Geo. W. Pruitt pltff
by Shands Bonnie Attys

Prince
No 3
Powell & ads

Exceptions to Report of Com. R. F. McFarland & others
Filed Feb 16/98

Prince Geo. M.

W. } Decree

Powell Jack et als.

This day this cause came on to be heard on the Plaintiffs bill and exhibits filed therewith. Taken for confessed as to the defendants in this cause, Jack Powell, B.E. Morrell and R.K. Barton, Trustee, on whom process has been duly served, and they still failing to appear and plead answer or demur, and was argued by Counsel.

On consideration whereof, the Court doth adjudge, order, and decree that one of the Commissioners of this Court proceed to enquire and report. The fee simple and annual value of the real estate owned by Jack Powell. The lien debts on the same, stating their dignity and priority; together with any other matter specially stated, deemed pertinent by said Commissioner, or which he may be requested so to state by any of the parties interested.

A Copy.

Teste: L. A. Gay C.C.

We hereby acknowledge service of
the within Summons
Farmers Bank of
Knox Co Knoxville Texas
B.B. Howell
R.F. Bolton Trustees

Franco
vs } Notice
Powell et. als:

Executed By delivering a copy of this Notice to Jack Powell March 8 1918 R.D. Moore Sheriff for J. Wilkins Co Texas

(1)

1.

COMMISSIONER'S OFFICE,

Jerusalem, Va., Dec 14th **189**7

TO Jack Powell. B. E. Worrell.
R. F. Barham, Trustees and
Jackson Bros. Co. a Corporation.

You are hereby notified that I have fixed upon the 16th ***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 An Account of the fee simple and Annual Value of the real Estate owned by Jack Powell.

2nd The liens debts on said Land. with their dignity and priority. with any other matter specially stated deemed pertinent by the Commissioner. or which he may be required to state by any party interested.

required to be taken by a decree of Southampton Circuit Court, rendered at the September ***term, 189***7 ***, 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 the said Court, the day and year first aforesaid. B. F. McLemore

JAMES R. TYLER, Commissioner.

To the Sheriff of Southampton County to execute.

An Account of the fee simple and annual value of the real Estate owned by Jack Powell reported on the 16th day March 1898.

1 Tract of land, containing 168¼ acres - more or less - the fee-simple value of which is estimated at $843.75

Annual Value $60.00

Respectfully submitted.

B. F. McLemore

Com'r in Chancery.

An Account of the lien debts against the real Estate of Jack Powell. with their dignity and priority. Reported March 16 1898. Viz:

	1. Judgmt in favor of James J. Darden	57 01	
Fi: Fa: Ifsd by J.P. & return Levied	Int: from Janry 12/84 to Apl 1/98.	48:74	
	Costs (Judgment obtained Jany 12/84 + docketed Jany 13/84)	1 00	
		106.75	
	By Cash paid Janry 29/92	4 00	
	Balance		$ 102.75
Fi: Fa: Ifsd by J.P. Janry 26/84 & return	2. Judgmt due Musgrave & Pope.	81 00	
	Int from Janry 26/84 to Apl 1/98	69 25	150.25
	(Judgment obtained Janry 26/84 + docketed July 18/84)		
Fi Fa Issued & Returned "no effects"	3. Judgment in favor of W. A. Myricks	54 55	
	Int: from Feb. 1/84 to Apl 1/98	46.36	
	Judgment obtained July 1/84 + docketed July 26/84	1 00	101.91
Fi Fa Issued & returned "no effects"	4. Judgmt in favor Geo. W. Jones	92 39	
	Int from Sept. 17/84 to Apl 1/98.	74.83	
	(Judgment obtained July 11/94 + docketed July 12/94)	1 00	168 22
	Cr: by fees 76 paid Jany 1/85 & fees 90 paid Apl 6/87		
Fi Fa Issued & returned "no effects"	5. Judgt in favor Jas. J. Darden	46.20	
	Int from Apl 1/98	49.87	
	Costs	1 00	
		96 07	
	By Cash paid Feb. 2/83	4 58	91.49
	(Judgment obtained Oct 6/94 + docketed March 8/97)		
Fi Fa Issued & returned "no effects"	6. Judgmt in favor of Geo. W. Jones	92.38	
	Int: from Sept. 15/84 to Apl 1/98.	74 80	
	Costs (Judgment obtained March 7/97 + docketed May 7/97)	2 00	169.18
	Cr: by fees 76 paid Jany 1/85 & fees 90 paid Apl 6/87.		
Fi Fa Issued & returned "no effects"	7. Judgmt in favor Geo. W. Jones	26 61	
	Int: from June 30/97 to Apl 1/98	1.33	
	Costs	1 50	29.44
			$ 813.24

— or —

Report of Master submitted.

W. J. McLemore

Comr in Chancery

Amh Circ Ct

813.24

In addition to the judgments above reported, there is a deed of trust in favor of Benj. E. Worrell, dated Augt 19. 1878. Executed by John Powell unto R. F. Barham Trustee, to secure a bond for $150.00 Said deed is recorded in the Clerks Office of Southampton County Court. D.B. #33 - page 433. and has priority over all of the judgments above reported.

Respectfully Submitted.
B. B. McLemore
Comr in Chancery

Bruce
vs } Report.
Powell & als
1898. Mch 16. filed.
L. A. Gay b.c.

Commissioner's Office.
Courtland, Va.
March 16th 1898.

To the Circuit Court of Southampton Co.

Pursuant to a decree of the Circuit Court of the County aforesaid entered at the Sept: Term 1897 in the cause of "Pinner & Powell et: als:" the undersigned Commissioner reports to Court that having issued Notices against the parties to the suit legal service of which has been acknowledged by Jackson Bros. Co. and has been duly served on other parties by the Sheriff which said Notice is herewith filed.

Thereupon Your Commissioner
1st proceeded to take an account of the fee simple and Annual value of the real Estate owned by Jack Powell. And finds that the said Jack Powell owns a small tract of land containing 168¾ Acres the fee simple value of which is estimated at $843.75 and the Annual value is estimated at $60.00.

2d An Account of the liens on said land with their dignities and priorities and reports liens on the land consisting of a Deed of Trust and judgments amounting to $1313.24 The Deed of Trust

above referred to, due to Mr B. E. Worrell, is the first lien on the said land., the judgments are arranged according to priority.

Respectfully Submitted.

B. F. McLemore

Comr in Chancery.

Commr's fee $5.00

Geo. W. Prince

vs. } Statement of Costs

Jacob Powell et als.

Geo W. Prince

vs. } Statement of Costs

Jack Powell et als.

Summ. 25¢ 4 copies 50¢ 3. receipts 18. atty. 10. Book. 18= 1.24

Rules $1.00, Entering return 35. filing bill 15= 1.50

Do. 54. 25. Copy Exhibits $2.15; fil. Exceptions 10¢ Comm'r report 15= 2.55

filing Comm'r report 25, Special Comm'r bond 1.45= 1.70

1 continuance 25= 25

2 decrees 4 copies $1.69, Jay Costs 4 copy 40= 2.09

filing away papers 25. Jurisdictional Costs $1.50 1.75

Nov 22/98 Paid L. A. Gay Clerk $11.08

Nov 22/98 J. Williams Sheff. 1.00

Nov 22/98 Paid W B Solon Lawyer 16.50

$28.58

Nov 22/98 paid. B F Jones — Comm. B. F. McLemore fee 5.00

$33.58

Oct. 28, A. 1898

Teste: L. A. Gay C.C.

Prind Geo. W.

½ 3 12½ Dorsey

Powell Jack et al vs

To be entered

Sept 29 ~~Term~~ 1897

Robert C. Dennis.

Entd Page 168

Prince Geo. W.

vs Decree

Powell Jackets (all defendants named in full)

This day this cause came on to be heard on the plaintiff's bill and exhibits filed therewith, taken ~~as~~ for confessed as to the defendants in this cause, and was argued by Counsel. Jack Powell, B.E. Morell and R.J. Barham, Trustee, on whom process has been duly served, and they still failing to appear and plead answer or demur

on consideration whereof, the court doth adjudge, order, and decree, that one of the commissioners of this court proceed to inquire and report:

1st The ~~fee simple~~ and annual value of the real estate owned by Jack Powell.

2 The lien debts on the same, stating their dignity and priority, together with any other matter specially stated, deemed pertinent by said Commissioner, or which he may be required so to state by any of the parties interested

This Deed made this 19th. day of August A.D. 1878. between John Powell and Hester, his wife, of the one part, and R. Frank Barham, Trustee, of the other part, all of the County of Southampton and State of Virginia, Witnesseth: That the said John Powell and Hester, his wife, doth grant unto the said R. F. Barham, trustee, with general warranty, the following property, to wit: one hundred and sixty four and one half acres land (164½) be the same more or less; being the same tract or parcel of land bought of George Brittle and adjoining the lands of Harrison P. Pope, dec'd. Geo. W. Pope's Est. Lewis Marks and others. In trust to secure Benj. E. Worrell in a debt due by bond for five hundred dollars, dated Aug. 19. 1878

In Witness whereof we have hereunto set our hands and affixed our seals this 19th. day of August A.D. 1878

John his X mark Powell (Seal)

Hester her X mark Powell (Seal)

Southampton County }
State of Virginia } to wit:

I, John N. Debrell, a Commissioner in Chancery for the County Court of Southampton County, do certify that Hester Powell, wife of John Powell, whose names are signed to the above writing bearing date 19th. day of Aug. 1878. personally appeared before me, and being examined by me privily and apart from her said husband, and having the said writing fully explained to her, she, the said Hester Powell, acknowledged the same to be her act, that she had willingly executed

the same and does not wish to retract it,
Given under my hand as Commissioner in Chancery
this 19. day of August 1878.

F. N. Debrell
Comr. in Chancery.

Southampton County, In the Clerks Office Aug. 19. 1878.
This Deed of Trust from John Powell & wife to
R. F. Barham, Trustee, for the benefit of Benj E.-
Worrell, was this day proved and acknowledged
by said Powell to be his act and deed, and together
with the Certificate thereto annexed, admitted to
to record.

Teste: L. R. Edwards D. C.
A Copy.
Teste: B F McLemore D.C.

Ex. 4."

Exs. N. Prince
Copy D.T. & M.
vs
Worrell Trustee
Jack Powell et als

Geo. K. Prince

vs Z Final Decree

Jack Powell et als

Enter this

April 4th 1899

Robert N. Phillips

Geo W Price
vs 3 Final Decree
Jack Powell et al

This day this cause came on to be heard on the papers formerly read, and are agreed to by Counsel. It being suggested by the plaintiff's counsel and that the judgement docket showing that since the last order in this cause, the said Jack Powell has paid off & satisfied the judgements declared by the last decree entered in this cause as being valid liens on his real estate. and it further appearing that he has also paid all costs in this cause, and there being nothing further to be done herein. Consideration whereof the court doth adjudge order and decree that this cause be removed from the docket

Geo N Prince

vs 3 2nd Decree

Jack Powell et al

To be entered

Oct 4 1878

Robt R Harris

Entered Page # 234

Copies for special Comr

Geo W Price
vs
2nd Decree
Jack Powell et al

This day this cause
come on to be heard on the testimony
formerly read and upon the report of
Com B F McLemore filed Mch 16th 1898 and
the exceptions filed to said report, and
was argued by Counsel. in consider-
ation whereof, the court sustains
the said ~~exceptions~~ and adjudges, orders and decrees
that said report, so far as it
sets forth that the judgements therein
reported against said Jack Powell
~~and~~ in favor of ~~Wm Price~~ the Price, and
W.a Impleds as liens on the real
estate of said Powell is erroneous
; and that said judgements ~~are barred~~
by the statute of limitations, ~~and can~~ cannot
be enforced, hence are no liens on
said real estate. That said
report in all other respects is
correct and is so confirmed,
and it appearing from said report
that the rents and profits of the
said real estate in the bill and
proceedings mentioned will not,
in five years, pay off the liens
on it, the court doth further

adjudged and decreed that Wm Shands who is hereby appointed a Special Commissioner for the purpose, should proceed; after having first given at least twenty days notice of the place time and terms of sale by advertisement duly posted at three or more public places in the county, to sell the said real estate at Public auction on some county court day in Courtland, Va., to the highest bidder. and upon the following terms; one half of the purchase money cash and balance on a credit of twelve months from day of sale, the purchaser giving his bond for said deferred payment carrying interest from day of sale till paid and payable twelve months from day of sale. with option to purchaser upon confirmation of said sale by court to pay all the purchase money cash and take from said Special Comr a deed with special warranty for the said real estate sold him

But the said Commissioner shall not proceed to sell under this

decree until he shall have executed before the clerk of this court a bond with approved security in the penalty of $1000 conditioned for the faithful performance of his duties as said Commissioner under this and any further decree that may be entered in this cause and said Comr shall report his proceedings to court