

1900. 03

Southampton County Chancery Council, T. R. (Admin.) vs Griffin, W. T. et al

use rent to pay bills, if not
sufficient, then sell land to
settle.

Council, Jos. L. (decd.)

Beale, James I.

Doles, John R. (Trustee)

Councils Adm
vs 3 Bice Bxhite
W. T. Griffin & others

Primer & M. L. Leman
K. V.

1897. 1st. Sept. Rules Filed.

L. A. Gay 4.4.

To the Hon R. R. Reuther - Judge of the Circuit
Court of Southampton County, Va.

In Chancery.

Complaining Sheweth unto your Honor
your Complainant J. L. Councille Adm^r
of J. L. Councille died, as follows -

That on the 17th day of July 1897, your Com-
plainant obtained a judgment against
W. T. Griffin for the sum of \$100. with
interest from Feby 22. 1893, which was
doctored in the Clerk's Office of the County
Court of Southampton County on July 19th
1897 - as will more fully appear from
a certified copy ^{exhibit} of said judgment, filed
herein as Exhibit 'A' - as a part of
this bill. That the said Griffin has no
personal property outside of the provisions
Exemptions. That on the 23rd day of March
1896, W. T. Griffin & his wife made a deed
of trust to M. R. Dole, trustee, conveying
85 acres of land in trust to secure a
bond for \$450 due to James J. Reple.
which said trust deed was admitted
to record in the Clerk's Office of Southamp-
ton County Court March 25, 1896, as
will more fully appear from a certified
copy of said deed filed herein as
Exhibit 'B' as a part of this bill. That the
said 85 acres of land is all the land
the W. T. Griffin owns, and the same will
not rent for enough in five years to
pay your Complainant's judgment -

In consideration whereof and as much as your Complainant is without remedy in the premises kept in a Court of Equity where such matters are properly cognizable, to the end therefore that justice may be done, he prays that W. T. Giffen, James S. Beale, and John R. Dole, trustees may be made parties defendant to this bill and compelled to answer the allegations thereof. That unless it can be made to appear that the rents and profits of the land owned by W. T. Giffen, subject to the deed of trust in favor of James S. Beale will pay your Complainant's payment in five years, that the same may be sold, and after paying the debt secured to James S. Beale and any other prior liens, ^{except of the} the residue may be paid to your Complainant to settle his payment. and that all proper orders may be entered. That your Honor will grant such other, further, general & special relief as to Equity may seem meet or the nature of this case may require and as in duty bound your Complainant will ever pray &c. May it please the Court &c.

Prayer &c. W. T. Giffen

Council's Adm.

v.s. } Statement of Rules

Griffin et. als.

J. R. Bannice Administrator }
of Jas. L. Bannice decd } Plaintiff
vs.

W. J. Griffin, James I. Beale }
and Geo. R. Dales Trustee } Defendants

1897. 28th. Aug. 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.

In Southampton Justice Court,

July 17th. Term, 1897

J. R. Lounice Admr. of Jos. Lounice decd.

Pliff.

Against

In Debt

H. J. Griffin

Deft.

Judgment for the Plaintiff against the Defendant for \$100.⁰⁰ with
legal interest thereon from the 22nd day of February, 1893, till paid,
and costs, \$

Extract.

Teste:

B. M. Lounice C. C.

This Deed made this 23rd. day of March in the year 1896 between W. T. Griffin, and Nannie A. Griffin his wife of the County of Southampton State of Virginia party of the first part, and John R. Dales Chosen Trustee of the said County and State party of the second part,

Witnesseth: That the said parties of the first part, do grant unto the said party of the second part, the following property, to wit: All that certain tract of land in the County of Southampton in the State of Virginia containing 85 acres more or less and is bounded by the lands of Benjamin L. Barrett and others and known as a part of the 'William Griffin Tract' and is same tract of land on which said grantors now reside, In Trust to secure to James J. Beale the payment of the sum of \$450.⁰⁰ evidenced by a bond for Four hundred & fifty dollars made by W. T. Griffin and Nannie A. Griffin dated March 23rd. 1896 and payable on demand to said James J. Beale, and containing a waiver of Homestead Exemption. And it is covenanted that in case of default in the payment of the bond aforesaid, then sale shall be made at the request of the beneficiary, or his representative, and that said sale shall be made after advertising the time, terms, and place thereof for thirty days, for cash, and out of the proceeds of sale pay first the cost of sale, including a

Commission of five per cent of gross amount to the trustee and pay the fees for drawing and recording this deed, if then unpaid, and then pay off said bond with all accrued interest and legal charges, and pay the balance, if any, as the law directs.

It is also Covenanted that this deed of Trust shall secure any bond given in renewal, or extension, or curtail of the aforementioned bond. The said parties of the first part, Covenants to pay all taxes, assessments, dues and charges upon the said property hereby Conveyed so long as they or their heirs or assigns shall hold the same and further Covenant and agree to keep the buildings on the property hereby conveyed insured for the full amount of \$300.00 for the further protection of the said James S. Beale or assigns and in the event of their failure to do so, then the Trustee or the beneficiary under this deed, may effect or renew such insurance from time to time so long as the said debt or any part thereof remains unpaid; and the insurance premiums shall constitute a part of the lien created by this deed, to be paid out of the proceeds of the property if sold or to be recoverable by all the remedies in law or equity, by which the debt aforesaid may be recoverable.

If no default shall be made in the payment of the above mentioned bond or insurance

premiums, then upon the request of
the parties of the first part a good
and sufficient deed of release shall be
executed to them at their own proper
costs and charges.

Witness the following signatures and seals

W. T. Griffin (Seal)

Nannie A. Griffin (Seal)

State of Virginia }
County of Southampton } To wit:

I, Jas. L. McLemore a Commissioner in
Chancery of the Circuit Court for the County
aforesaid, in the State of Virginia, do certify
that W. T. Griffin and Nannie A. Griffin his
wife, whose names are signed to the foregoing
writing, bearing date on the 23rd day of
March 1896 have acknowledged the same
before me in my County aforesaid.

Given under my hand this 23rd day of March
1896.

Jas. L. McLemore
Commissioner in Chancery
Cir. Ct.

Virginia. }
County of Southampton } To wit:

In the office of the Clerk of the County
Court for the County of Southampton the
25th day of March 1896 this deed was

presented and with the certificate annexed,
admitted to record.

Test: B. F. McLenore

Seal:

Test: B. F. McLenore b. b.

Gammell's Adm.
} Copy of Deed of Trust
} from Griffin to Beale
Griffin chas.

Ext. "B"

J. D. B. 3 - page 615

W. J. Griffin

ad 2 } answers of W. J. Griffin

Councils adms

To The Hon R. R. Prentiss Judge of the Circuit
Court of Southampton Co, Va.

In answer to the bill of Complaint filed
at the 1st Sept Rules 1897 of the Circuit
Court of Southampton Co Va by J. R.
Counsell adms of Jos. L. Counsell
against Jos. respondent et als, or
as much thereof as your respondent
is advised it is material for him
to answer; answering says; The
allegations in said bill as to
getting said judgement, and the
deed of Trust on said respondents
lands are true. That your re-
spondent has been unable to pay
off said deed of Trust and
it is still due and unpaid.
That the bond on which the
said judgement was obtained
contained no waiver of the
homestead and that your
respondent being a married
man and head of a family
on August 2nd 1897 by deed duly
recorded in the County Clerk's
office of the County Court

of Southampton claimed a homestead
in such property as he had,
in all amounting to the sum
of \$965.⁰⁰/₁₀₀ to aid him in taking
care of his family; his wife
being sick and afflicted. That
there will be no surplus over
said homestead, all of which
will more fully appear from a
copy of said deed of homestead
herewith filed marked exhibit
No 1. and prayed to be read
as a part of this answer, and
having fully answered your
resurgent prayer that said
plaintiff's bill may be dismissed
and your respondent hence
dismissed with his costs &c
all of which is respectfully
prayed and submitted by your
respondent

W. J. Griffin

Virginia

Southampton County to wit:
I Wm. Skands a Commissioner in chancery

for the circuit court for aforesaid
County hereby certify that H. F.
Griffin whose name is signed
to the above answer appeared
before me in my County
aforesaid and acknowledged
his signature thereto and made
oath that the statements therein
contained as far as made of his
own knowledge to be true and as
far as made from information
derived from others; he believes
to be true given under my
hand this 25th day of Sept 1887

Wm. H. Anderson

Clerk in Chancery

Exhibited by delivering to the within
 named James A. Peale a true
 copy of the within summons
 Sept 1st 1847. Ro. A. Edwards
 my Secy & of rd
 J. P.

Councils of State

St. J. Sum. 1847

Griffin St. also.

1847. 1st. 24th. R. R. R.

James A. Peale

Council's Adm.

vs. } Comm. In Chy.

Griffith & als.

1897 1st. Sept. Rules.

to in. let.

Executed Sept. 2 1897

by delivering a copy of
this 'Comm.' to H. J. Griffith

and a copy to
Jno. R. Dole Justice

L. I. Halford Secy

for J. W. Williams
Chy.

(2)

Printed & M.L. p.g.

Served Sept 2nd

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

We command you to summon W. J. Griffin, James S. Dean,
and Jno. R. Dole Trustees

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 J. R. Camille Administrator
of Jos. L. Camille decd.

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 28th day of
August, 1897, in the 12th year of the Commonwealth.

Teste: L. A. Gay C. C.

A Copy—Teste: _____ C. C.

Councils Admin
vs. } statement of costs
Griffin et al

Business Adm.

vs } Statement of costs

1897

Griffin W. J.

Aug. 28 Sum. 25 3 copies 39, another sum 25, 1 copy 13 = 1.02

Receipt for both 36, atty. 10, Docket 18 = 64

Rec'd 1.00, entering return 35 = 1.35

Delin. bill 15.50 Ex. 15. copy Ex. 1.50 = 1.80

Del. Griffin answer 15.00 = 1.50

Aug. 16th/99 } Continuance 75. Tax cost re. 40 = 1.15

Del. away papers

7 Com. 25. Future costs 36 =

11/20/99 P.D. Admt. L. A. Gay, Ad. Miller, Ex. 1.00

Shff. of Delin. 50

Pair 6.50 in fee 2.35 Law re. 16.50

24.07

Nov. 4th, 1899

Text: L. A. Gay A.C.

Council's Admr.

v.

DECREE.

W. T. Giffin et als.

Apr. 3, 1900.

Enter this

[Handwritten signature]

Entered 299

On motion of the plaintiff this decree is ordered to dis-

(6)

THOMAS BOND

THOMAS BOND

Council's Admr.,

DECREE.

W.T.Griffin et als.

On motion of the plaintiff this cause is ordered to dismissed and removed from the docket.

FINEN BOND

INXINGHIA

Warrants set my hand and seal this 2nd day
of August 1897

W. J. Griffin *Seal*

Witness

Virginia:

In the Clerk's Office of Southampton
County, dated August 16th 1897. The foregoing
Deed was this day presented and acknowledged
in this Office by the said W. J. Griffin, to be
his act and deed and admitted to record.

Teste: B. F. McLenore C. C.

A copy.

Teste: B. F. McLenore C. C.

Griffin et als.
{ Copy of Griffin's
Adm. of Warranted Deed.
Cannell's Adm.

1897. 25th Sept. Filed.

L. A. Gay C. C.

Exhibited

Thomas by the laws of Virginia every householder of Virginia and residing therein may by a writing signed by him and duly admitted to record as deeds are recorded may set aside property either real or personal not exceeding in value two thousand dollars now therefore I William J Griffin a householder do set aside the following property to wit a tract of land lying in Southampton County containing by estimate eighty five acres and valued at six hundred and seventy five dollars all my household and kitchen furniture of the value of seventy five dollars, two carts and wheels value fifteen dollars one horse of the value of forty dollars one buggy and harness of the value of twenty dollars, sixteen bags consisting of four and four of the value of sixteen dollars two guns of the value of five dollars, one clock value of one dollar one watch value of one dollar farming implements of the value of five dollars and all my growing crops of Corn, Cotton, peanuts, and field peas of the value of one hundred and two dollars. Total value of the property real and personal nine hundred and sixty five dollars to be held by me as a homestead in witness whereof I have