

1904-24

Southampton County Chancery- Wynne, T. P. vs Williams, W. W. et al

Sell real estate to
Settle all debts -

Worrell, B. E.

McLemore, J. L. (Trustee)

Williams, Mary J.

T. W. Myer

of Bill. & L. Phelps

W. W. Williams & Co.
1800, 2nd St. New York

W. SHANDS & CO. P. 2
ATTORNEYS-AT-LAW.

NEW YORK, N. Y.
Printed by the Author and Published by the

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

In Chancery:

Humbly complaining your orator, P.
P. Hyman, sheweth unto the Court, That
at the October Term 1902 of the circuit
court of aforesaid County, he obtained
a judgement against W. W. Williams
for \$113⁹³ with interest thereon from Decr 1st
1897 + \$76⁵ cts; all of which will
more fully appear from an abstract
of said judgement herewith filed, marked
Ex 1, and prayed to be read as a
part of this bill. That an execution
has been duly issued on said
judgement and proved of no avail.
That said W. W. Williams is seized
and possessed of a tract of land
situated in Druryville District in
aforesaid County, adjoining the lands
of Jos. Joyner, Arthur Parker, the Druryville
Swamp, F. Dunn et als, containing
285 acres more or less. That on July
18th 1901 he executed a deed of trust
on the same to one J. L. McLenahan as
Trustee, to secure the payment of
certain bond of even date and
payable on demand from him
to B. B. Hoxwell and for the sum
of \$70.00. That no time is reserved
in said deed and same can
be closed up at any time,

all of which will more fully
appear from a copy of said deed
herewith filed marked exhibit
no 2, and prayed to be read
with this bill. Your orator states
that the real estate will sell for
more than enough to pay off the deed
of trust on it. That the wife of W.
H. Williams is named Mary J. Williams
That your orator knows of no other
way to get his money than to have
the aforesaid real estate ~~rented~~
~~and~~ sold for said purpose, and
so wishes same done.

In tender consideration whereof,
and in-as-much as your orator
is without relief save in a
court of equity where such
matters are alone cognizable, he
prays that W. H. Williams, Mary
J. Williams; B & Howell, & J. H. McHenry
trustee may be made parties
defendant to this bill, and
compelled to answer all the
allegations herein contained
as fully as if they were themselves
more fully and especially inter-
rogated; but all answers under
oath or waived. That the
Court would order that the
said real estate be sold, out
of the proceeds be first paid

costs of the sale of this suit, then the
debt secured in aforesaid deed of
Trust, and then your orator's debt,
and balance, if any, paid out
to the party or parties entitled
to the same. That all necessary
orders & decrees may be entered &
accounts ordered, and that all
such other, further, general and
special relief may be granted
as the nature of the case may
be demand, or to equity seem
meet. and your orator hereby
gives notice to all interested
parties that he will ask the
court to allow his attorney
in this cause - Wm Shands - a
reasonable attorney's fee for
his services in this cause
out of the funds under the
control of the court. as in duty
bound your orator will ever
pray & joy it so please the
court

G. P. Wyman
By Wm. Shands his atty

THE COMMONWEALTH OF VIRGINIA

OFFICE OF E. FRANK STORY,

TO THE SHERIFF OF SOUTHAMPTON COUNTY, VIRGINIA, GREETING:

Commissioner in Chancery for the Circuit Court of Southampt-
ton County, Virginia.

COURTLAND, VIRGINIA. Sept. 23rd. 1903.

To - W. W. Williams, B. H. Werrell, Mary J. Williams and J. L. McLe-
more, Trustees.....DEFENDANTS:

and

T. P. Wynn.....PLAINTIFF:

You are hereby notified that I have fixed upon Saturday
the 26th. day of September, next, to take and settle, at my office
the following accounts, to-wit:

FIRST: The actual and annual value value of the real
estate owned by W. W. Williams:

SECOND: The liens binding the same, stating their dignity
and priority:

THIRD: The delinquent taxes, if any, due on said real
estate, together with any other matter deemed pertinent by me or
required to be stated by any party interested:

Which said inquiries are required to be taken by a decree
of the Circuit Court of Southampton County, Virginia, rendered at
the April term 1903 e, 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 above written:

COMMISSIONER.

To the Sheriff of Southampton County
to execute.

James

vs 1/2 Sp. Thomas

Williams et al.

Original.

Exd certified September
25-1903 by delivering
a copy of the within
motion to F.P. Buzzard
R.W. Evert not found
at home. Executed
by delivering a copy
to his wife Kate -
Evert over age of
10 years

W.J. Richter

By for F.P. Bulley *ff*

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON

B. E. Smith and J. P. Ginzard

me, at my office in Northland, Virginia,
to appear before the ~~County Court of Southampton~~ *County Court of Southampton*, at the Court house,
on the *16th* day of *October* *1903*, to testify and the truth to speak ~~on behalf~~

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

J. D. Williams, B. E. Smith, Harry Williams and J. P. Ginzard, plaintiff, and
J. D. Williams, B. E. Smith, Harry Williams and J. P. Ginzard, defendant.

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

Witness, *E. Gray, Jr., Commissioner in Charge for the Circuit Court of Southampton Co., Va.*
~~W. F. McLEMORE, Clerk of our said Court, at the Court house,~~ this *16th*
day of *October* *1903*, in the 12th year of the Commonwealth.

TESTE:

E. Gray, Jr., Commissioner.

J. P. Wynne

vs. } copy 1st Decree

W. W. Williams et al.

Entered

Page 2

Virginia, In the Circuit Court of Southampton
County, April Term 1903.

T. P. Wynne

Plaintiff

vs.

M. W. Williams, B. E. Morrell, Mary J. Williams
and J. W. McLeamon Trustees Defendants

This day this cause came on to be heard
on the bill and exhibits, the defendants on whom
process has been duly served, still failing
to appear and plead, answer, same was taken
for confessed as to them, and was argued by
Counsel, On consideration whereof the Court
doth adjudge order and decree that one of
the Commissioners in chancery of this Court
proceed to take, state and report the following
account to this Court, namely;

- 1st The actual and annual value of the real estate
owned by M. W. Williams
- 2nd The liens binding the same; stating their
dignity and priority
- 3rd The delinquent Taxes-if any, due on said
real estate.

Said Comr will also report any other matter
deemed pertinent by himself, or which he may
be required to state by any interested.

A copy Teste: L. A. Gay 4/4

The depositions of W. W. Williams and C. L. Grizzard, taken before me, ~~John~~ E. Frank Story, a commissioner in chancery for the Circuit Court of Southampton County, Virginia, this 26th day of September 1903, pursuant to notice hereto annexed, at my office in Courtland Southampton County, Virginia, to be used by me to aid in the framing of a report as commissioner, in a certain suit, styled, -Wynn^e vs. Williams et als., pending in the Circuit Court of Southampton County, Virginia, required to be taken by a decree entered at the April 1903 term thereof: Witness, W. W. Williams, being duly sworn deposes as follows:-

Q: Please state your name, age, residence and occupation?

A: W. W. Williams, forty-two, live in Southampton County, Va.

Q: Mr. Williams this suit of Wynn^e v. yourself and others is for the purpose of subjecting your land to the lien of a judgment which T. P. Wynn^e holds against you, such being the circumstances please state if you have any objection to giving in your testimony as to the value of your farm against which this judgment stands as a lien?

A: No I have no objection whatever.

Q: What do you think a fair cash value for your farm?

A: I think it would sell for a thousand dollars.

Q: How many acres does it contain?

A: 267-1/2, more or less.

Q: do you own any other land?

A: No sir.

Q: What do you think it would rent for?

A: I think it would rent for \$100.

Q: Have you recently sold the timber off of it?

A: Yes sir.

And further this deponent saith not.

W. W. Williams

Witness C. L. Grizzard being duly sworn deposes as follows:

Q: What is your name, age, residence and occupation?

A: C. L. Grizzard, thirty-seven, Horse dealer, and live in Southampton County, Virginia.

Q: Do you know the farm on which Mr. W. W. Williams resides?

A: Yes.

Q: From your knowledge of it what do you think is it's fee-simple value?

A: From \$800. to \$1,000:

Q: What do you think it would rent for?

A: About \$50.00.

And further this deponent saith not.

C. L. Grizzard.

TO THE CIRCUIT COURT OF THE COUNTY OF SOUTHAMPTON,
STATE OF VIRGINIA:

Pursuant to a decree of the Circuit Court of South-
ampton County, Virginia, entered at the April 1903 term, in the
Chancery cause of *Wynn & Williams et al.* vs. *Darden et al.*, the
undersigned, your commissioner, to whom was referred for set-
tlement the inquiries directed by the said decree, begs leave
to report to the Court that on the 23 rd. day of September
1903, he issued notices against the several parties hereto, re-
quiring them to attend the settlement of said inquiries
at his office in Courtland, Virginia, on the 26th. day of Sep-
tember 1903, which notices were duly returned acknowledged or
properly served: that pursuant to said notice he proceed to
take make the following inquiries, to-wit:-

FIRST: The fee-simple value of the land without the
timber is \$1.000. With the timber \$1.800. The annual value
\$75.00. (See matter hereinafter specially stated in regard to
timber).

SECOND: - - - LIENS - - - :

1st,- A deed of trust to B. E. Worrell, as set forth
in the bill of complainant:

2nd,- A judgment in favor of Vann & Winberne for
Ten (\$10.) Dollars, with interest thereon from the 22nd. day
of August 1898 and costs \$1.00:

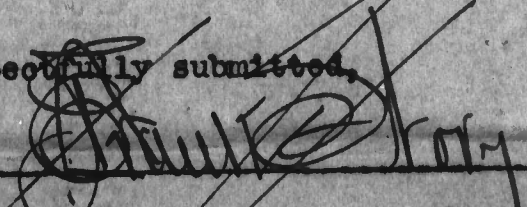
3rd,- Judgment of the complainant, T. P. Wynn, for
\$113.93, with interest from the 1st. day of December 1892 and
\$7.65 costs:

THIRD: No delinquent taxes.

Your commissioner would report specially that he is
informed that the defendant, W. W. Williams, together with his
wife, has executed to Truitt & Vincent a deed for the timber
on the land in question and out of the proceeds of said sale

the deed of trust to B. E. Worrell has been paid, however, your commissioner is unable to find from the records that such transaction has been consummated.

Respectfully submitted,


_____:

Commissioner in Chancery for the Circuit Court of
Southampton County, Virginia.

Commissioner's fee -

\$5.00:

Wynne T. P.

vs. } Stat: of Rates

Williams et al.

T. P. Wynne Plaintiff

vs.

In Chancery

W. M. Williams, B. E. Worrell,

J. L. McLenore, Trustees.

Mary J. Williams Defendants

1903. 3rd. January, Process issued to 2nd Jan'y. Rules

1903. 2nd. January Rules.

Process returned executed

Bill and exhibits filed

Decease nisi

1903. 1st. Feby, Rules, Bill taken for

confessed and cause

set for hearing

My dear
Petition of
Mr 3rd Arlington Green
William et al

William will not pay.
Wm. Adams Jr

Wynne

21 } Petition of Arrington & Green
Williams et al

Your petitioners W.P. Arrington & S.M. Green
Partners Trading & doing business under
the name of Arrington & Green shew unto
the Court that at this term of the
Court they have obtained a judgement
against the defendant W.W. Williams for
the sum of \$130.⁰⁰ with interest thereon
Decr 31st 1901 till paid, & \$7.90⁰⁰ costs, as will
appear by reference to the papers in
the case of Arrington & Green vs Williams
W.W. filed in the Circuit Court Clerk's
office of this County
That your petitioners wish to be allowed
to come in as party plaintiffs in the
suit of Wynne vs Williams et al and
join in all the petitions & prayers of
the said bill and ask that the
real estate of the defendant W.W. Williams
may be rented or sold and out of
proceeds thereof the said judgement
costs may be paid. That all necessary
decrees orders may be entered, & all
necessary inquires and accounts be
taken, and that all such other,
further and special relief may be
granted your petitioners as the
nature of their case may request
or to equity seem meet. as your

filices will be very.
the stands p. 7

Wipac
Pellin &
23 Crimper Green
William & L

J P Hyman

23 1st Decree

W. W. Williams et al

To be entered
April (7th) Term 1903

Robert R. Huntis

Entered

Page, No. 2.

100

T. P. Hyman

Plaintiff

vs

W. W. Williams, B. S. Marshall, Mary J. Williams, and J. L. McLenroe Trustee } Defendants

This day this cause came on to be heard on the bill and exhibits, the defendants on whom process has been duly served, still failing to appear and plead, answer, demur. Same was taken for confessed as to them, and was argued by counsel. On consideration whereof the court with adjudge order and decree that one of the Commissioners in chancery of this Court ~~proceed~~ proceed to take state and report the following accounts to this Court. Namely;

- 1st The actual ^{and} annual value of the real estate owned by W. W. Williams
- 2nd The liens binding the same, stating their dignity and priority
- 3rd The delinquent taxes - if any - due on said real estate.

Said Court will also report any other matters deemed pertinent by himself, or which he may be required to state by any party interested

Myrne
vs 3 2nd Deere
Williams et al

This day this cause
come on to be heard on the papers
formerly read ^{and} upon the report of
Commissioner ^{filed Sept. 26, 1903} ~~C. F. Long~~ to which report
no exceptions have been filed, ^{on the}
petition of Arrington & Green ^{filed this day} and
was argued by counsel. On
consideration whereof, the court doth
adjudge, order and decree that the
said report be confirmed, and that
Arrington & Green be made additional
parties plaintiffs to this cause,
and the court doth further adjudge
order and decree that Wm Shanks,
who is hereby appointed a special
Commissioner for the purpose, ^{shall} after
having given ~~notice~~ ^{notice} twenty
days notice of place, time and
terms of sale by advertisement
duly posted at five public
places in the county and also
on the premises, proceed to
sell the real estate in the
bill and proceeding men-
tioned, (with the right to sell
the timber and land separate

if he sees fit, ²⁰⁰⁰and to give six
years in which to cut and remove
the timber, and upon the following
terms: one half of purchased money
cash. balance upon a credit of
twelve months. ~~the~~ ^{to be} title retained
till all the purchased money is
paid. with option to the purchaser
or purchasers, to pay all the purchased
money cash upon confirmation of
sale by court, and take deed
with special warranty for the
same.

But the said Commissioner shall
not proceed to act under this
decree until he shall have first executed
before the clerk of this court a bond with
approved security in penalty of \$2000.00 con-
ditioned for a faithful discharge of his
duties as such under this or any
future decree in this cause

1001-1003

Wm

u 32nd Decree

Williams et al

Entered on page 36

Sole entered

Oct 5th 1903

Robert C. Smith

Send me 2 elements of owls
arriving by river and general in
W. or. Gallons I think at 12
no 1188

Wm T. D

THE COMMONWEALTH OF VIRGINIA

vs. } Exa: In Chancery

Williams et al.

1903. 2nd Jan. R. 10

by. 10.

Specimen by delivering
a copy of this notice to
each of the within
named parties dep.

W. J. Nicholson dep.

for J. Williams

J. Williams
1903 Jan 10

Wm Shands dep.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

We command you to summon W. W. Williams, D. Z. Worrell, J. D. -
M. L. Smith, Foster, Mary J. Williams,

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 2nd Monday in Jan'y, 1903 next, to answer a bill in Chancery
exhibited against them in our said Court by T. P. Wyman

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
Jan'y, 1903, +8, in the 12th year of the Commonwealth.

Teste: L. A. Gay C. C.

Wynne

1904

no 3rd & Final June

Millions it is

Entered
L.O.B. p. 100.

To be entered
in
July (19) June 1904

Robert R. Hunt

Wynne

vs 33rd & 3rd Dene

Williams et al

This day this
cause came on to be heard
upon the papers formerly read
and it being represented to the
court by the plaintiffs attorney,
that the matters in controversy
between have been settled & it
was argued by counsel on
consideration thereof the
court doth adjudge order and
decree that the same be removed
from the docket at the costs
of the defendant vs Williams

