

1909-40

Southampton County Chancery - Fiers, E.R. vs Glover, Elijah

Collect debt by having rents
on real estate diverted to plaintiff;
if not enough, sell and apply
to debt until satisfied.

Fine & R.

Bill & Co

Glass

1874. 2 Oct. Rules filed
J. M. H. H. H.

JAMES L. McLEMORE

Attorney at Law

COVINGTON, MISSISSIPPI

To The Hon. L. L. Hill Judge of the Circuit
Court for Southampton County.
In Chancery.

Your Complainant Elton R. Fiers of the
County of Southampton and State of Virginia com-
plaining sheweth unto your Honor that at the
May Term 1894 of the Circuit Court he obtained a
judgment against Elijah Glover of the aforesaid
County and State for the sum of \$200⁰⁰ with in-
terest on the same from 17th day of March 1884
and \$8⁸⁵, costs all of which will appear by
reference to a copy of the said judgment filed here-
with as exhibit "A" and made a part of this bill.

That said Elijah Glover is seized and pos-
sessed now, and was so seized and possessed, at the
time of the recovery of said judgment as aforesaid
of a valuable tract of real estate lying and situated
in said County of Southampton to wit: 202¹/₂ acres of
land bounded by the lands of C. C. Whitfield's Estate,
Dr. Wm. H. Daughtry & others and is the same tract of
land purchased by said Glover from your Complainant.

Your Complainant alleges and charges that
by virtue of his judgment as aforesaid he has a
lien on all of the real estate of the said Elijah
Glover, whether acquired before or since the judgment
aforesaid was obtained. Your Complainant is
also advised that there are several other liens
upon the said land by judgments and deeds of Trust
also, and that the rents and profits of the real
estate will not in five years pay the debts that
are liens against the same. and that therefore
your Complainant is entitled to have the said
real estate sold and the proceeds applied to the pay-

ment of the liens of record against the same.

In tender consideration whereof and forasmuch
as your orator is remediless in the premises save
in a court of Equity, ~~where~~ matters of this kind
are peculiarly cognizable to the end therefore that
justice may be done, he prays that Elijah Glover
may be made party defendant to this bill & required
to answer the same. that the liens of the said
judgment may be enforced, and the real estate in
the bill mentioned sold and the liens existing
against the same may be discharged according to
the rules of equity, provided the rents and profits
arising from the same will not in five years pay
the liens as aforesaid. that a reasonable fee may
be allowed complainant's Counsel conducting this cause.
that all such accounts may be taken, orders and
decrees entered. and all such further general and
special relief may be granted as the nature of the
case may require or to equity may seem meet.

And your complainants will ever pray &c.

J. L. McLenore. P. P.

Genl A. R.

(Pr) $\frac{3}{2}$ Stat. Rules

Glover Elijah.

2 ac Rules

E. C. Fiers Plff

Dr

In Chancery

Elijah Isleren Deft.

1894. Act 10. Processed to 2nd Act Rules

1894 2nd Act Rules Process notd executed
+ Bill + Ex filed decrees nisi.

1894. 1st Act Rules Bill taken for
confessed + caused set
for hearing.

Fiers.

W" } Sum
Glover.

1894. 2 Oct Rules
Loir. let.

Executed Octo. 12th 1894
by delivering a copy
of this acct. to
Elijah Glover

R. D. Williams dep
for J. D. Williams
R. D. Williams

McLennan p.g.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON.....

Elijah Glover

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 *3rd* Monday in *October 1894* ~~next~~, to answer a Bill in Chancery
exhibited against *him* in our said Court by *E. A. Fierst*

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

WITNESS, T. M. HOWARD, Clerk of our said Court, at the Courthouse, this *10th* day of
October, 189*4*, in the 11*9*th year of the Commonwealth.

TESTE:

T. M. Howard, C. C.

Frid -1909-

vs. Dienei

Glover.

1894 Nov. 14

To be entered.
—P.W.O.—

Ent 6971

Fiers E.R.

vs. Decree
Gloor Elijah.

This day this cause came on to be heard upon the bill & exhibits filed, the bill taken for confessed was argued by counsel. On consideration whereof and it appearing to the Court that this cause and the cause of Pretlow & Co vs. Gloor et al. now pending in the Circuit Court of this County are intimately connected, doth adjudge, order, and decree that hereafter they be heard together - and the Court doth further order that this cause be referred to one of the Commissioners of this Court who will make the following inquiries; 1st Whether or not any of the liens as reported in the cause of Pretlow & Co vs. the said Gloor by Commissioner McLane as of May 24. 1893 have been paid, if so state which of the liens & how much has been paid. also report any other liens that may have been obtained against the defendant since the said report 2nd any other matter deemed pertinent by himself or required to be stated by any party interested. all of which he will report to court in order for a future decree.

Fairs & Glen - Stat: Coll.

Leitch \$6.35

Shiff 1.50

Lewis 16.50

Cover B 7m 5.00

29.35

4/5/1900 Additional charges

incl. Sing 1 dease 10.

Bay 5, 21

\$34.56

any party interested, All of which
he will report to court in order for a
future decree.

A Copy

Teste: T. M. Howard l. & c.

Final
Decree
GIVEN
A. C. C. C.

Southampton Circuit Court Nov. Term 1894.
Term E. R.

Dr. } Deared.
Glover Elijah.

This day this cause came on to be heard upon the bill & exhibits filed the bill taken for confessed & was argued by Counsel. An consideration whereof and it appearing to the Court that this cause and the cause of Britton & Lea Dr. Glover et al., now pending in the Circuit Court of this County, are intimately connected, doth adjudge, order and decree that hereafter they be heard together - and the Court doth further order that this cause be referred to one of the Commissioners of this Court who will make the following enquiry:
1st Whether or not any of the liens as reported in the cause of Britton & Lea Dr. the said Glover by Comr. McLennan as of May 24, 1893 have been paid & if so state which of the liens & how much has been paid, also report any other liens that may have been obtained against the defendant since the said report.

2nd. Any other matter deemed pertinent by himself or required to be stated by

Fiers

r } Notice

Glover

1895. Feb 16. Mch 2.

Executed Feb 18th 1895
by delivering a copy of the
Spa to each of the
within named parties
Respectfully

R. J. Williams, Capt

For J. Williams
Capt.

Commissioner's Office,

Longland,
Jerusalem, Va.,

January 15th 1894
~~November 1894~~

To E. R. Fiers - ^{and} Elijah Glover

You are hereby notified that I have fixed upon the ~~7th~~ day of ~~February~~ ^{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. Whether or not any of the liens reported against Elijah Glover, in the Cause of Peckow & Co. v Glover. On May 24th 1893. have been paid - and if so, state which & how much have been paid. Also report any liens which have been obtained against said defendant, since May 24. 1893.
- 2^d. Any other matter specially stated, deemed pertinent &c.

required to be taken by a decree of Southampton Circuit Court, rendered at the ~~November~~ term, 1894, 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. McLennan

Commissioner.

To the Sheriff of Southampton County to execute.

An Account of the lien debts outstanding against
Elijah Glover. showing their priorities. Reported by B.F.
McLemore, Com'r in Chancery of the Circuit Court of South-
ampton County - pursuant to a decree of said Court rendered
at the November Term 1894, in the Cause of "Fiers vs
Glover". March 2^d 1895.

1 st Trust Deed in favor J.B. Pined		\$ 500.00
2 nd Judgment in favor of Etheredge & Brooks	120.68	
Int. from May 7/85 to May 7/95.	72.40	
Cost	8.61	201.69
3 rd Judgment in favor of Fretlow & Co.	150.50	
Int from Nov 1/82 to Dec 5/83	9.75	
	160.28	
By Cash	50.00	
	110.28	
Int from Dec 5/83 to May 5/95	75.54	
	185.82	
Cash	4.61	
	181.21	
Costs	7.65	788.86
4 th Judgment in favor E.R. Fiers	200.00	
Int. from Mich 17/84 to Mich 17/95	132.00	
Costs	8.85	340.85
- Homestead waived.		
Total. -		\$ 1231.30

Respectfully Submitted.

B.F. McLemore
Com'r in Chancery

Fiers
or } Report
Glover

1896. Mch 9th filed
J. M. H. b. b.

Commissioner's Office.
Courtland, Va.

March 2^d. 1895

To the Circuit Court of Southampton County.

Pursuant to a decree of the Circuit Court of Southampton County, entered at the November Term 1895. in the Cause of "Fiers & Glover", the undersigned, one of the Commissioners for the Circuit Court of the County aforesaid, reports to Court, that on the 15th day of January 1895, he issued Notice against the parties hereto, requiring them to appear before him, at his Office, in Courtland, on the 2nd day of March 1895. That said Notice was duly executed, and is herewith filed: Whereupon Your Commissioner proceeded to enquire into and report: "Whether or not any of the liens reported against Elijah Glover, in the Cause of Fetter & Co. & Glover. On May 24th 1893, have been paid, and if so, which and how much have been paid. Also report any liens which have been obtained against said defendant, since May 24th 1893."

The Commissioner has prepared a list of liens against the said Elijah Glover, including such as have been obtained since May 24th 1893. and finds that said liens aggregate the sum of \$1231.³⁰ inclusive of interest.

The aforesaid account of debts, together with the Notice of the time and place of taking the same, are herewith filed. to which the attention of the

Cont is directed.

Respectfully Submitted.

D. F. McLeone,

Comr in Charge

Com's fee for 00
ch paff.

In Southampton Circuit Court;

May Term, 1894

E. R. Fiers

Pltff.

Against

In

Elijah Glover

Deft.

Comstead waived

Judgment for the Plaintiff against the Defendant for \$ 200.⁰⁰ with
legal interest thereon from 17th day of March, 1884, till paid,
and costs, \$ 8.⁵⁰

Extract.

Teste:

B. F. M. Lemons C. C.

Pittow & Co *Fires* Plaintiff...
 AGAINST *Glover et al* *and* *Glover et al* Defendant...
 IN CHANCERY.

I, T. M. HOWARD, Clerk of the Circuit Court of Southampton County, Virginia, do certify that
 bond as required under a decree of sale in the above style cause, entered on the *28th* day of
March 189*5*, has been executed with security deemed sufficient by me.

Given under my hand this *5* day of *April* 189*5*
T. M. Howard C. C.

Pittow & Co *Fires* Plaintiff...
 AGAINST *Glover et al* *and* *Glover et al* Defendant...
 IN CHANCERY.

I, T. M. HOWARD, Clerk of the Circuit Court of Southampton County, Virginia, do certify that
 bond as required under a decree of sale in the above style cause, entered on the *28th* day of
March 189*5*, has been executed with security deemed sufficient by me.

Given under my hand this *5* day of *April* 189*5*
T. M. Howard C. C.

Butlow & Co Plaintiff...

AGAINST

Glover & Co Defendant...

IN CHANCERY.

I, T. M. HOWARD, Clerk of the Circuit Court of Southampton County, Virginia, do certify that bond as required under a decree of sale in the above style cause, entered on the 28th day of March 1895, has been executed with security deemed sufficient by me.

Given under my hand this 5 day of April 1895.

T. M. Howard C. C.

<i>Brittows & Lea</i>	<i>Fires</i>	Plaintiff...	} IN CHANCERY.
AGAINST <i>Glover et als</i>	<i>Ans^d Glover et als</i>	Defendant...	

I, T. M. HOWARD, Clerk of the Circuit Court of Southampton County, Virginia, do certify that bond as required under a decree of sale in the above style cause, entered on the.....*28th* day of *March*.....189*5*, has been executed with security deemed sufficient by me.

Given under my hand this.....*5*.....day of.....*April*.....189*5*.....

.....*T. M. Howard*.....C. C.


Fretlaw & Co
vs.
Glover & others
and
Tiers E.R.

vs. 3 Decree
Glover et al

This day these causes came on again to be heard ^{together} upon the papers formerly read, and upon the report of Commissioner B.F. McLeure filed March 9th 1893, to which report there are no exceptions & was argued by counsel. On consideration whereof, the Court doth ~~adjudge~~ ~~and decree that~~ and it appearing to the Court that the rent & profits arising from the real estate will not in five years pay the lien debts reported against the same, doth ~~adjudge~~ ~~order and decree that~~ J.L. McLeure who is hereby appointed special Commissioner for the purpose, do proceed to expose to sale the tract of land of the defendant Elijah Glover, at Joynersville Va. after due advertisement of the same, for cash as to so much as is necessary to pay the costs of this suit & expenses of sale and also the debts reported against the same and still unpaid, and the remainder of the purchase money, if any, upon such terms as the said defendant may direct.

But before the said Commissioner

7.
Furs
v. Deane
Howe &c.
1895. March 28
To be returned.
Robert D. Hunt.

1895. March 28

To be returned

Robert P. French.

Commissioner's Sale of Real Estate.!

By virtue of a decree of the Circuit Court of Southampton County entered at the March Term 1895, in the Chancery cause of *Portlow & Co. vs. Glover et al.* and *E.R. Fiers vs. Glover et al.* I shall offer for sale at public auction, at Newsoms Va. on Saturday April 27th. 1895. 2 o'clock P.M. the tract of land upon which Elijah Glover now resides, containing 202⁺ acres more or less and bounded by the lands of C.C. Whitfield's Estate, Dr. Wm. H. Daughtry & others