

1879-011
Nansemond Co. (Suffolk)

Chancery Causes: E. B. Britt vs Isaiah Faulk

Brewer

Costs:

Clerk. . .	\$10.00
Atto: May	14.50
Shiff: N. & Co.	50
	<u>\$27.00</u>

1878. August 28th. Received of C. H. Causey for and
on account of Isaiah Hanch One hundred and
twelve dollars and $\frac{93}{100}$ (\$112 $\frac{93}{100}$) in full of the
debt, interest and costs in the case of Britt vs
Hanch in Chancery.

Jno H. Wright Sps Com^r

\$75⁰⁰

Received of Spanish Jewel Seventy-five Dollars
in full of all demands to date, he to pay costs
of Chancery suit in the Circuit Court of Cause-
ment County of Britt vs Jewel.

Suffolk Va

E. B. Britt

Mar 15th 1899.

E. B. Brett

Plaintiff

vs { In Chy:

Isaiah Faulk

Defendant

The costs in the above Chy. cause, have been paid
to those, entitled thereto.

Peter B. Prentiss Clerk

Octo: 13/79

CHANCERY SUMMONS.

The Commonwealth of Virginia, *Norfolk*

To the SHERIFF OF ~~NANSEMOND~~ COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON *Isaiah Faulk*

to appear at the Clerk's Office of the *Circuit* Court of Nansemond County, at the Rules to be held for the said Court, on the first Monday in *September* next, to answer a *Bill in Chancery, exhibited against him* in the said Court by *E. B. Brett*

and have then and there this Summons. Witness, *Peter B. Prentiss*, Clerk of our said Court, at his office, this *22nd* day of *August* 1876, in the 101st year of the Commonwealth.

Teste:

Peter B. Prentiss Clerk of the Court.

E. B. Brett

rs { Summ. in Chy.

Isaac K. Faulk

In Sept: Rules, 1876

Hanseatic Fir Co.

1876
Sept 2nd Executed.
In Lene staff.

Pro B. No. 1. Page 90

Cur Co.

Know all Men by these Presents,

That we, John H. Wright and Robert S. Elam

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA, in the just and full sum of

Five Hundred — (500) —————

Dollars, to the payment

whereof, well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our, and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this 13th day of May in the year one thousand eight hundred and seventy-eight, and in the 102nd year of the Commonwealth.

And we hereby waive our Homestead exemption, as to this obligation.

The Condition of this Obligation is such, That if the above bound John H. Wright

was by a Decree of the Circuit Court of Nansemond County, pronounced on the 10th day of April, 1878, in the Chancery Cause of E. B. Brett, Plaintiff, against Isaac Faulk, Defendant, appointed as Commissioner to make sale of certain Real Estate, in said Cause described shall faithfully discharge his duties as such Commissioner, under said Decree

shall faithfully discharge the duties of his said trust, then the above obligation to be void, or else to remain in full force and virtue.

Executed in
presence of
the Court

Peter B. Brantley, Clerk

John H. Wright

R. S. Elam

Seal.

Seal.

Seal.

Seal.

Seal.

John H. Wright, Comr

To \$ Bond

Commonwealth.

May 13th: ¹⁸⁷⁸ Executed Filed

E. B. Rutt

75.

Isaiah Faneb

The undersigned, Special Commissioner appointed under a decree herein, reports that the lot of land in the Bill & proceedings mentioned ^{offered for sale} ~~was~~ at public auction & the only bid made was by the defendant, Isaiah Faneb, that before any sale could be effected to any other party the said Faneb paid the debt due to E. B. Rutt and all the costs of the suit, as evidenced by receipts herewith filed, and no further proceedings were taken herein, there being no other claims upon the said lot of land, Your Commissioner deems any further proceedings unnecessary.

Respectfully Submitted

Jos. N. Wright

Spec. Commissioner.

E B Ditt

To

Said French

To Hon Est Ward Judge &c

Yours

Commissioner appointed under a decree rendered at the October term 1876, a copy of which is herewith filed, begs leave to report that he has frequently offered for rent the property in the Phil & Pierce & Co's mentioned & has failed to secure a tenant who can pay the rent or secure it in any way. The property is unfavorably located for renting, and your Commissioner believes that it is impossible to rent it under existing circumstances for a sufficient term to pay the taxes, ordinary repairs, & the debt of E B Ditt, within five years, and would therefore recommend the sale of the said property.

Respectfully submitted.

Jos H. Wright

Spe Commissioner,

EB Pratt
to
Isaiah Funch

Report of Spe Com^r
Geo H. Wright

At a Circuit Court held for Henrico and County the
10th day of October, 1876-

E. B. Britt

Plaintiff

Against J. M. Chancery
Isaiah Faulk

Defendant.

This cause came on this day to be heard by consent of parties, upon the bill and exhibits, the answer of the defendant Isaiah Faulk with general replication thereto and was argued by counsel: On consideration whereof the Court doth adjudge, order and decree that the real estate of the defendant in this bill mentioned is liable to the satisfaction of the plaintiffs judgment; and doth further adjudge, order and decree that John H. Wright who is appointed special commissioner for that purpose, do take possession of said real estate, and publicly or privately as he may deem best rent out the said property, and collect said rent and make report to ^{this} Court. But the said Commissioner will not proceed to act under this decree until he shall have executed before the clerk of this Court bond with good security - in the penalty of one hundred and fifty dollars payable to the Commonwealth of Virginia and conditioned for the faithful performance of his duties as special Commissioner under this or any other decree that may be entered in this cause.

A copy,

Teste:

Peter B. Prentiss, Clerk.

E. B. Brill

⁴⁴
US } Copy of Decree

Isaiah French

E. B. Pitt

20

Isaiah Faneck

This cause came on this day to be heard on the papers formerly read, the report of Geo. W. Wright, Special Commissioner, appointed under a decree herein rendered at the Oct term 1876 & was argued by Counsel.

On consideration whereof, the Court approving & confirming the said report doth adjudge order & decree, that Geo. W. Wright, who is hereby appointed a ^{special} Commissioner for that purpose, after advertising the time, place & terms of sale for four weeks in the "Christian Sun" a news paper published in Suffolk Va, do expose to sale at public auction to the highest bidder before the Court House door in Suffolk, on some Court-day, the lot of land in the Bill & proceedings recited, whereof Isaiah Faneck is seized, and upon the following terms, to wit: for cash sufficient to pay the debt of the Plaintiff E. B. Pitt, including the interest thereon, and the costs of this suit, and the residue on a credit of six and twelve months, payable in two equal instalments, with interest from the day of sale, the purchaser to give bonds for the deferred payments, with good personal security, and the title to be retained until the further order of Court.

E B 13121

70

Leath Faulk -

Decees

To be entered

Apr 1878

Dec 1878

He consent to within decree

Gordon Stewart
attys for 12 Sept.

Wright & Warden
attys for Dec.

copy

Enclosed O. B. No. 1 - p 378

And the said Commissioner shall file the bonds
for the deferred payments, with the papers in this
cause. But he shall not proceed to act
under this decree until he shall have entered
into a bond with sufficient security - before the
Clerk of this Court, in a penalty of Five hundred
Dollars, conditioned according to law for the
faithful discharge of his duties as such
Commissioner. And he shall report his pro-
ceedings under this order to the Court.

E. B. Brill

as }

Isaiah Faulk

This cause came on this day to be heard ^{by consent of parties} upon the bill and exhibits, the answer of the defendant Isaiah Faulk with general replication thereto as was argued by counsel. On consideration whereof the Court doth adjudge order and decree that the real estate of the defendant in this bill mentioned is liable to the satisfaction of the plaintiff's judgment, and doth further adjudge order and decree that John H. Weyler who is appointed special commissioner for that purpose, do take possession of said real estate, and ~~sell~~ publicly or privately as he may deem best rent out the said property and collect said rent and make report to the Court.

But the said Commissioner will not proceed to act under this decree until he shall have executed before the clerk of this Court bond with good security in the penalty of one hundred and fifty dollars payable to the Commonwealth of Virginia and conditioned for the faithful performance of his duties as special Commissioner under this or any other decree that may be entered in this cause.

E. B. Will

7 3

Grand Folio

Terence No 1

To be ruled

Oct 1874.

Geo. B. Will

By Court

of the

High Court of

England & Wales p. d.

Bail

11 3

Folk

This cause came on this day to be again heard upon the papers formerly read and the report of special Commissioner Jno. H. Wright shewing that the defendant has paid in full the plaintiff's demand and the costs of this suit, to which report there are no exceptions, and was argued by Counsel: On consideration whereof, the Court doth approve and confirm the said report; and it appearing that the claim of the plaintiff has been fully satisfied by payment made by the defendant, and that nothing further is required to be done in this cause, it is ordered that the same be removed from the docket.

E. B. Bliss
7 }
Mail Fork

Decem
26 sent
out 1879

Geo. Bliss
—

Entered O.B. No 1—
p. 458

E. B. Britt

vs

Isaiah Fulk

} In Chancery.

The answer of Isaiah Fulk, the defendant to the bill of Complaint-exhibited against him in the Circuit Court of Harsewood County by E. B. Britt, the Complainant.

This defendant, now & at all times hereafter, saving and reserving to himself, all benefit and advantage of exception, which Can or may be had to the errors & imperfections in the said Complainant's bill contained, for answer thereto, or to so much thereof as he is advised is material or necessary for him to make answer to, this defendant, answering Saith, he admits that he is indebted to the said E. B. Britt, the Complainant, and that a bond was executed by and between this defendant and the said E. B. Britt, Complainant, but for his greater certainty as to the said bond, its date, force & effect, this defendant craves leave to refer them to where produced. This defendant denies, that any such paper as that referred to in the Complainant's bill of Complaint - as "the writing obligatory of the said Isaiah Fulk, bearing date on the 9th of January 1892, in which the said Fulk waived the benefit of his homestead exemption as to the said debt & obligation, as will appear by certified copy of said obligation and marked "C", has been filed, in the papers in this cause,

and the defendant claims that the said Esttmt^{ts},
Complainant, may be required to produce the
said bond.

And this defendant further sheweth that he is seized
of a certain lot of land in the Town of Suffolk as
set forth in the said bill, and that the annual
rental of the said lot is Forty Eight Dollars, that
his total indebtedness to the said complainant,
will not exceed the sum of Seventy Dollars, and that
the rents & profits of the said lot will more than
discharge the said debt in five years, which this
defendant is ready to verify, and this defendant
alleges that there is no other charge affecting the
said premises, and this defendant sheweth that
Honorable Court will not decree a sale of the said
lot to pay the said judgment but will allow him
a reasonable time for the payment of said
judgment from the rents and profits of the said lot.
And now having fully answered the Complainant's
bill, this respondent prays hence to be dismissed
with his reasonable costs, in this behalf expended,
and he will ever pray &c.

Wm^t H. Haines, J. d.

Estlin

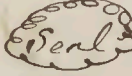
vs

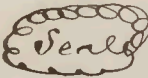
Isiah Felt.

Answer of Defendant
Isiah Felt.

This Deed, made the 16th: day of November, in the Year
One thousand eight hundred and sixty-six, between Richard
L. Brewer and Judith Ann, his wife, of the County of Prince
George (formerly of Nansemond County, Virginia) of the one
part and Isaiah Faulk, a free negro, of the other part,
Witnesseth, that the said Richard L. Brewer and Judith
Ann, his wife, in consideration of the sum of One Hundred
and seventy-five dollars, do grant with general warranty
unto the said Isaiah Faulk and to his heirs and assigns
forever, a certain parcel or lot of land and house thereon,
in Suffolk Nansemond County, bounded South, by the Cross
Street running East from the Court House, West, by Mrs.
Esther Mitchell's Lot, North, by Wm. B. Whitehead's share
properly, and East, by the Lot of Wm. B. Whitehead, and
which the said Richard L. Brewer purchased of Nathaniel
Reddick. And the said Richard L. Brewer covenants
that the parties of the first part have the right to sell &
convey the said Real Estate, that they have done no act to
encumber the same, that the grantee shall have quiet posses-
sion of said premises, and that all further assurances thereof
necessary and proper shall be executed.

Witness The following signatures and seals

Richard L. Brewer. 

Judith A. Brewer. 

State of Virginia }
Prince George County, } to wit:

I, Robert Gilliam, Clerk of the County Court of said County
and State of Virginia, do certify, that Richard L. Brewer, a

party to the foregoing Deed, dated the 16th day of November,
1876, personally came before me, in my Office, in said County,
& acknowledged the same to be his act and deed: And I
further certify that Mrs. Judith Ann Brewer, the wife of
said Richard L. Brewer, also a party to the said Deed
personally came before me, in my Office, in my said County,
and being examined by me, privily and apart from her said
husband & knowing the Deed aforesaid fully & explained to her,
she the said Mrs. Judith Ann Brewer acknowledged the
same to be her act and deed and declared that she had
willingly executed the same, and that she does not wish to
retract it. Given under my hand this 16th day of November,
1876.

Ro: Sullivan
Clerk of Geo. County Court

In the Clerk's Office of Nansemond County Court, the
18th day of May, 1867.

This Deed was received and with the Certificate written
thereon, admitted to record (the requisite stamp of 50¢ having
been affixed and cancelled).

Teste
Peter B. Prentiss, Clerk.

Copy:
Teste
Peter B. Prentiss, Clerk.

xnd

Richard L. Brewer

Leaf:

To Copy Need

Isaac Faulk

Bent

Faulk

Exhibit "B"

Judgment obtained at Rules in the Clerks
Office of the Circuit Court of Norfolk County
and Confirmed at September Term 1875
of said Court.

✕	✕	✕	✕
E. B. Britt		plff.	
vs			Debt
Isaiah Folk		Def.	

The Judgment obtained at rules
not being set aside and the plaintiff being
now entitled to a final Judgment, it is
therefore considered that the plaintiff recover
against the defendant Sixty eight Dollars &
sixty four cents the debt in the declaration
mentioned with interest thereon to be computed
after the rate of six per cent per annum from
the 9th day of January 1872 till paid: Also
his costs by him about his suit in this
behalf expended and the said defendant
in mercy &c.

But this Judgment is to be credited with
\$5. paid on the 17th June 1872: with \$14⁸¹
paid 10th August 1872: with \$9.⁰⁶ 1st Jan'y
1873: and with \$3.¹⁵ 1st January 1873. -
as per endorsements on note

A Copy. teste:

Leroy B. Edwards
Clerk

Costs
\$17.⁹⁰

Brit
n 3
Zanele

Ex hupit Aⁿ

To Hon Geo. Blow Judge of the Circuit
Court of Hanseman County.

Humbly Complaining sheweth
into your honor your complainant

E. B. Britt that at the September
term 1875 of the Circuit Court of
Hanseman County he obtained a judgment
against Isaac Faulk for Sixty Eight
dollars and six four cents (\$68.64)
with interest thereon from the 9th day
of January 1872 and \$7⁹⁰ cents of
said debt. The said judgment is to be
credited with \$5. paid on 17 June 1872
\$14.81 paid 10 August 1872, \$9.06
1st January 1873 and with \$3^{15.19}
January 1873 - as will appear
by a certified copy of said judgment
herewith filed marked A. as a part of
this bill. The said judgment is
unpaid -

That the said Isaac Faulk is
single and possessor of the following
real estate to wit: that certain house
and lot situated in the town of Suffolk in
Hanseman County, bounded south by the
Cross Street running East from the Court
House, West by Mrs Esthers Mitchell's lot,
North by W. B. Whitehead's Wharf property

and out of the lot of W B. White her-
the being the same this was conveyed to
the said Isaac Foulk by the deed
of Richard L. Brewer at wife date
16 Nov. 1866, as will appear by
the said ^{certified copy} ~~original~~ deed herewith filed
as part of this bill marked 'B'.

The said judgment was docketed
in the clerk's office of Hancock County
Court on day of 1 1875.

The said judgment is a lien on
said land - and the said land is li-
able to the satisfaction of said judgment.

The rents and profits of said property
will not in four years satisfy the
said judgment -

The said Isaac Foulk has no
personal estate out of which the
said debt can be made

The said judgment was obtained
on the writing obligation of the said
Isaac Foulk bearing date on the 9
January 1872 in which the said Foulk
waived the benefit of his homestead
exemption - as the said debt and
obligation - ^{as will appear by certified copy of said} - but, Mark "C" as part of bill
of our master desires to subject the

said rule with to the payment of said judgment.

In consideration whereof you
complainant prays that the said Bail
Folk be made a party dependent
to this bill and be required to answer
the same - that the said property be
sold, and the proceeds of sale be
applied to the payment of said debt.
and that all other & further relief
be granted your complainant, that the
justice of his case may require or
the Equity shall seem meet to grant &c

God win & prosper

per,

E n Bull
n } Bull d

Good Faults

3rd
by

E. B. Brett

th of Chy. Notes

Isaiah Hank

1876. Aug: 22nd: Sum: in Chy: joined retble. to Sept: Rules, 1876.

" Sept: 4th: Bill & expts: filed & Decree nisi vth deft:

" Octo: 2nd: Decree nisi confirmed & cause set for hearing. on
mo: of pliffs counsel

" " 10th: Decree to rent out land.

1877. April 14th: Continued.

" Octo: 15th: Continued

1878. Apr: 15th: Report filed & Decree for sale

" May 13th: Comm: Bond executed filed

" Oct: 15th: Cmts

1879. Apr: 12th: Cmts

Obry: Notes