

1884-011
Nansemond Co. (Suffolk)

Chancery Causes: James H. Crittenden vs William M. Austin

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY GREETING:
YOU ARE HEREBY COMMANDED TO SUMMON *William M. Austin,*

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 *herio* ~~~~~  
~~~~~ in the said Court by *James H. Crittenden,* ~~~~~

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this *16th* day of *August* 188*3*, in the *108th* year of the Commonwealth.

Teste :

Peter B. Prentis Clerk.

Excerpt & copy of the within delivered to William
M Austin
J L Fugham M

Rules & Canseq. p. 9
James H. Outtenden
2^d { Sum: in Chy.
William M. Austin
To Sept: Rules, 1883.

Pro: B. No: 1. Page
Ex: Co:

The Commonwealth of Virginia,

To the SHERIFF OF NANSEMOND COUNTY, Greeting :

WE COMMAND YOU, that of the Goods and Chattels of *Wm: M. Austin*,

in your bailiwick, you cause to be made the sum of *One hundred* Dollars
and *eleven* Cents, with interest thereon at the rate of *Six* per
centum per annum, from the *10th* day of *February*, 1872, till paid, which

J. H. Cullender

lately in our *Circuit* Court of Nansemond County, recovered against *him* for debt

Also, *Eight* Dollars and *eighteen* Cents, which to the
said *J. H. Cullender*,

in the same Court were adjudged for *his* costs, by *him* about *his* suit
in that behalf expended; whereof of the said *Wm: M. Austin*

convict, as appears to us of record, and that you have the same at the Clerk's office of our *said Circuit*
Court, at Rules directed by the law to be held in and for Nansemond County, on the first Monday in
October next, to render unto the said *J. H. Cullender*,

of the *debt* and costs aforesaid. And then and there have this writ.

Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this *15th* day
of *August*, in the year of our Lord 1873, and in the *108th* year of our Independence.

COSTS :

Clerk..... *4.18*
Attorney..... *2.50*
Sheriff..... *50*
Witness.....
W. T..... *1.00*

8.18

TESTE :

Peter B. Prentis C. C.

Pauls & Consey. N. 9

J. H. Crutcher

2nd 2nd H. Fa

Wm. M. Hackett Austin

To Octo: Rule 1, 1983

1877
apt. term
off. put.

No. 13. No. 1. Page 73
E4. 15
Cin. Con

The Commonwealth of Virginia,

To the SHERIFF OF NANSEMOND COUNTY, Greeting:

WE COMMAND YOU, that of the Goods and Chattels of *William Martin Austin,*

in your bailiwick, you cause to be made the sum of *One hundred* Dollars
and *50* Cents, with interest thereon at the rate of *5* per
centum per annum, from the *16th* day of *October*, 18*67*, till paid, which
Thomas Bolton (who sues for the benefit and at the Costs
of J. H. Cullender)

lately in our *Circuit* Court of Nansemond County, recovered against *him, for cloth*

Also, *Eight* Dollars and *eighteen* Cents, which to the
said *Thomas Bolton (who sues for the benefit and at the Costs*
of J. H. Cullender)

in the same Court were adjudged for *his* costs, by *him* about *his* suit
in that behalf expended; whereof of the said *William Martin Austin,*

convict, as appears to us of record, and that you have the same at the Clerk's office of our *said Circuit*
Court, at Rules directed by the law to be held in and for Nansemond County, on the first Monday in
October next, to render unto the said *Thomas Bolton (who sues for*
the benefit and at the Costs of J. H. Cullender)

of the *Debt* and costs aforesaid. And then and there have this writ.

Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this *15th* day
of *August*, in the year of our Lord 18*73*, and in the *108th* year of our Independence.

COSTS:

| | |
|---------------|-------------|
| Clerk..... | <i>4.18</i> |
| Attorney..... | <i>2.50</i> |
| Sheriff..... | <i>50</i> |
| Witness..... | |
| W. T..... | <i>1.00</i> |
| | <i>8.18</i> |

TESTE:

Peter B. Prentis C. C.

Notes 1887

Thomas Bolton (for JH
Cullenden

2nd Faint

William Martin Martin

To Octo. Notes, 1883

1877
apl. sum }
off. pub. }

Pro B. No 1. page 74
24. B
C. Co.

The Commonwealth of Virginia,

To the SHERIFF OF NANSEMOND COUNTY, Greeting :

WE COMMAND YOU, that of the Goods and Chattels of *Wm: M. Austin*,

in your bailiwick, you cause to be made the sum of *Seventy-Two (72)* Dollars
and *forty-three (43)* Cents, with interest thereon at the rate of *Six* per
centum per annum, from the *2nd* day of *June*, 1871, till paid, which

J. H. Cullender,

lately in our *Circuit* Court of Nansemond County, recovered against *him*, for debt

Also, *Eight* Dollars and *sixteen* Cents, which to the
said *J. H. Cullender*

in the same Court were adjudged for *his* costs, by *him*, about *his* suit
in that behalf expended; whereof ~~&~~ the said *Wm: M. Austin* is

convict, as appears to us of record, and that you have the same at the Clerk's office of our *said Circuit*
Court, at Rules directed by the law to be held in and for Nansemond County, on the first Monday in
October next, to render unto the said *J. H. Cullender*

of the *debt* and costs aforesaid. And then and there have this writ.

Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this *15th* day
of *August*, in the year of our Lord 1873, and in the *108th* year of our Independence.

COSTS :

| | |
|---------------|---------------|
| Clerk..... | <i>\$4.18</i> |
| Attorney..... | <i>2.50</i> |
| Sheriff | <i>50</i> |
| Witness | |
| W. T..... | <i>1.00</i> |
| | <i>\$8.18</i> |

TESTE :

Peter B. Prentis C. C.

Rules & Cause. p. 9

J. H. Crillenden

$\frac{u}{25} \left\{ 2^{nd} \text{ Fi: Fa} \right\}$

Wm. M. Austin

To Octo: Rules, 1883.

1877
apl: term
W: yard.

Pro: B. No 1. page 24
E. B. " "
C: Co

Concluded

Is

Austin

This cause came on this day to be heard on the bill of the complainant (later for confessed as the defendant, an adult, on whom process had been duly served, and he still failing to appear and plead, answer and submit thereto, and on the exhibits filed and was argued by Counsel.

On consideration whereof the Court doth adjudge, order and decree that a Master Commissioner of this Court shall take, state and report to Court, the following accounts —
1st An Account of the debts due by the said defendant, their dignity and priority.

2nd That the fee simple and annual value of said defendant's real estate in Newseman County be ascertained by the Court and that said Court report any other matter specially stated, deemed pertinent by himself or which may be required to be so stated by writ of said parties.

And the cause is continued

Grittleton
+
Quarter

1883
April ten (10th)

Rough deer

To be entered

Geo. B. W. 10

Copied

Entered 873 No 1 page 228

Crittenden
vs In Chancery
Austin

This cause came on the day to be again heard on the papers formerly read therein and it appearing to the Court that the matter in controversy between the parties has been settled it is ordered that the same be removed from the docket.

Guillemard
is J In chry
Austin

1884

Octo Term -

Final decr -

To be entered

Geo. Blow

Entered 6/13/82 p 8

This Deed,

Made the 11th day
of November in the year of our Lord one thousand eight hundred
and Seventy-five between Nicholas B. Corson and Rosa A

and

his wife, of the County of Hanseman

and State of Virginia, of the one part, and Annie V. Austin

of the same place

of the other part, Witnesseth: That in

consideration of the sum of Fifty dollars

the said Nicholas B. Corson

and Rosa A.

his wife, do grant with general warranty, unto the said Annie V. Austin

and to ~~his~~ heirs and assigns, forever, the

following real estate, to wit: All that tract, piece or parcel of land, situate, lying and
being in the County of Hanseman, in Beneth creek in the State of

Virginia, and bounded and described as follows: containing Seventy five

(75) feet front, on and along James J. Lewis road
running down the line of John F. Higgins to a
Locust stub, and from thence down Hampshire
line and road sixty (60) feet to a Locust stub,
corner line between said Annie V. Austin and
Virginia B. Gilliam and up said dividing line
of Gilliam and Austin to a Locust stub in said
Lewis road and along said road to a Locust stub
the place of commencement, and containing one
half ($\frac{1}{2}$) an acre, more or less, being a portion
of the same land conveyed to said Rosa A.
Corson by Lorrise Galloway, by deed dated the
1st day of January 1874 —

together with all and singular the appurtenances belonging to the same.

And the said Nicholas B. Corman and Rosa A. his wife covenants that he has the right to convey the said land to the said grantee; that the said grantee shall have quiet possession of the said land; that he has done no act to encumber the said land; and that he will execute such further assurances of the said land as may be requisite.

Witness the following signatures and seals:

Nicholas B. Corman (SEAL.)

Witnesses:

P. B. Prentiss

Rosa A. Corman (SEAL.)
muh

State of Virginia,

To wit:

County of

in the State of Virginia, do certify that

the wife of

the writing above, bearing date the

18 , personally appeared before

examined by privily and apart from her husband, and having the writing afore-

said fully explained to her, she the said

acknowledged the said writing to be her act, and

declared that she had willingly executed the same, and does not wish to retract it.

Given under hand this

day of

eighteen hundred and seventy

In the Clerk's Office of Hanseman County Court, the
11th day of November 1875;

This Deed was presented and acknowledged by Nicholas
B. Corman and Rosa A. Corman his wife to be their act and
deed. And the said Rosa A. Corman being examined by
me privily and apart from her husband, and having said
Deed fully explained to her, acknowledged that she had
willingly executed the same and wished not to retract it.

Whereupon said Deed is admitted to record

A copy - Teste

Teste Peter B. Prentiss Clerk

VIRGINIA:

To wit:

County of

I,

the said county, in the State of Virginia, do certify that

in and for

whose name is signed to the

writing above, bearing date the

day of

18 , ha acknowledged the same before me in the county aforesaid.

Given under my hand this

day of

18

(Copy)

Deed of Bargain and Sale.

Nicholas B. Carson & wife

To

Armi V. Austin

Virginia

Nansemond County to wit

In the Circuit Court for the said County
James H. Brittenden

Plff

vs
Wm M. Austin

Deft.

To the Hon^{ble} George Blaw, Judge of the
aforesaid Court.

Humbly Complaining
sheweth unto your Honor, your petitioner
James H. Brittenden that on the 10th
day of April, 1877, he obtained in the
said Circuit Court for the said County
against William M. Austin
by three several judgments, one for
\$100.⁰⁰, another for \$72.43, and a third
for \$100.⁰⁰, aggregating \$272.43, and
a total of cash amounting to \$24.54,
with interest thereon, at six per centum
per annum ~~from~~ till paid, on the
first from February, 10th, 1872. till paid,
on the second from June, 2nd, 1871. till paid &
on the third from October, 16th, 1867. till paid.
on which said judgments writs of
fieri facias were duly issued from
the Clerk's Office of the said Court,
directed to the Sheriff of the said
County, returnable to July when

XIX. The fee simple title to said tract of land was in Marion B. Austin & wife of said William M. Austin - but as she has departed this life after having given birth to living issue - the said title is now the tenant for life by courtesy - and hence the said estate is to that extent subject to the payment of his judgment - due to J. H. Cullen

1877, which was placed in the hands of the said sheriff to be executed, and was on the return day thereof returned by the said sheriff, with the following return endorsed thereon, to wit: "I can find no property to satisfy the within execution, nor any part thereof." Now your orator states that the said William M. Austin is seized and possessed of a life estate in a tract of parcel of land in the aforesaid County containing one-half an acre more or less and bounded by the land of Higgins and the county road, and is assessed at \$220⁷⁵ and that he is advised that his judgments above mentioned, no part of which has been paid, is a lien, under the statute law of Virginia, on the said real estate and that the rents and profits of the said real estate will not satisfy the said judgment in five years. In tender consideration whereof, forasmuch as your orator is remediless in the premises, save by the aid of a Court of equity, where matters of this kind are alone and properly cognizable, your orator prays that the said Wm. M. Austin be made party

defendant to this bill, and he sworn on his corporal oath to answer the same, according to the best of his knowledge, information and belief, as fully and particularly as if the statements of this bill were here again repeated, and the said defendant thereto specially interrogated; that the said real estate, or so much thereof as may be necessary, be sold to satisfy your orator's judgments, and that your honor will grant unto your orator such further and general relief as may be consistent with equity and the case may require.

And your orator will ever pray &c
Raulu & Henry pr.

Navies & Consequ.

Cullen
to John

Amtr

Pice

James H. Cullen

vs J. In Chy.

William M. Austin

1883. Aug: 16th: Sum: in Chy: issued to Sept: Rules, 1883.

" Sept: 3rd: Bill de, g: l: & Decree nisi in degt

, Octo: 1st: Decree nisi confirmed & cause set for hearing.

in mo: of Pitts' Counsel

Chy: Notes