1888-023
Nansemond County (Suffolk)

Chancery Causes: Merritt Briggs for &c
Robert & Elizabeth Fanny &c
Beamon

Merritt Briggs, who sues &c . . . . . Plaintiff

vs } Chancery Suit pending in Hanover and Circ: Ct: Feby: Rules, 1888

Robert Fanny . . . . . Defendant

Statement of Judgment & Costs

Judgment for $40:00

Int: for 29 March, 1884 to 8. Feby: 1888 (3. 11. 17) 7.26

Court's Costs 1.01

Costs in Chy Suit —

Clerk (Fund. P.B.'s) 3.24

Atto: Fees . . . 14.50

Shff: (Paid WHH.) 2.01

$72:01

1888. Feby: 8th: Recd of Peter B. Prentis, the sum of Seventy-two-(72) Dollars, as per foregoing Statement, less the Clk's ($3.24) and the Shff's fee. ($2.01) now in the hands of said Prentis.

Merritt Briggs.

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Robert Fanny, Elizabeth Fanny, wife of Robert Fanny; Richard H. Fanny; Gilbert Fanny. Beaman, Jr. Trustee; and Dr. Richard H. Beaman,

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 February *next, to answer a Bill in Chancery, exhibited against them in the said Court by* Merritt Briggs, who sues for himself and such other lien Creditors of Robert Fanny, as shall come in and contribute to the costs of this Suit;

and have then and there this summons.

Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this 26th *day of* January *1888, in the* 112 *th year of the Commonwealth.*

Teste:

Peter B. Prentis *Clerk.*

Copy for
Gilbert Stuart

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Robert Fenny and Elizabeth his wife; Gilbert Fenny, Richard H. Beaman (Senior) and Richard H. Beaman (Junior), Trustee,

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 February *next, to answer a Bill in Chancery, exhibited against them, in the said Court by* William H. Allen and H. Penrose Allen, merchants and partners, in trade, under the name and style of J. J. Allen's Sons.

and have then and there this summons.

Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this 30th *day of* January *1888, in the* 112th *year of the Commonwealth.*

Teste:

Peter B. Prentis *Clerk.*

Copy for
Gilbert Stuart

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Robert Fenny, Elizabeth Fenny, wife of Robert Fenny; Gelbert Fenny, Richard H. Beamer, Jr. Trustee, and Dr. Richard H. Beamer,

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 February *next, to answer a Bill in Chancery, exhibited against them in the said Court by* Merritt Briggs, who sues for himself and such other Lien Creditors of Robert Fenny, as shall come in, and contribute to the costs of this suit.

and have then and there this summons.

Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this 26th *day of* January *1888, in the* 112th *year of the Commonwealth.*

Teste:

Peter B. Prentis *Clerk.*

1888. February The 3rd. I have Executed this proces. by Serving a Copy in writing upon Robert Fannin, Elizabeth Fannin, Wife of Robert Fannin, Richard H Beamon Jr. Trustee, an Dr Richard H. Beamon. Each Gilbert Fannin is not a resident of the State of Tex

Wm H Howell

Shff

Briggs. b.f.

Merritt Briggs, rule
Costs &c

vs

Same vs Same

Robt. K. Henry & Als

To February Rules, 1888.

1888

Feb

No. 3. No. 1. Page
Civil Ci

Virginia — At Rules held in the Clerk's Office of the Circuit Court for Nansemond County, on Monday, the 6th day of February, A.D. 1888:

Merritt Briggs, who sues for himself and such other lien creditors of Robert Fanny, as shall come in and contribute to the Costs of this suit . . . . Complainant.

Against } In Chancery

Robert Fanny, Elizabeth Fanny, wife of Robert Fanny, Gilbert Fanny, Richard H. Benman, Jr. Trustee, and Dr. Richard H. Benman . . . . . Defendants

The Object of this Suit is to subject the Real Estate mentioned and described in the Deed of Trust from the said Robert Fanny and Elizabeth, his wife, to Richard H. Benman, Jr. Trustee for Richard H. Benman (which Deed is dated the 1st. day of January, 1887, and duly recorded in the Clerk's Office of Nansemond County Court, in Deed Book No. 17, page 534) to the satisfaction of the judgment in favor of the Complainant, Merritt Briggs, against the said defendant Robert Fanny, docketed in said Office on the 17th. day of March, 1886, for the sum of $40.00, with interest thereon from the 29th. day of March, 1884, till paid and $1.00 costs.

And Affidavit having been made and filed, that the said defendant Gilbert Fanny is not a resident of the State of Virginia: it is ordered, that he appear here within one month after due publication of this order, and do what is necessary to protect his interest in this Suit.

Teste:

Peter B. Prentis. Clerk

Merritt Briggs vs. John Sweet &
wife & In Chy:
Robert Fanny & als:

Order of Publication as to
Gilbert Fanny

In the Clerk's Office of the Circuit Court of Nansemond County.

The 26th day of January, 1888

Merritt Briggs, who sues for himself and such other Liens Creditors of Robert Fanny, as shall come in and contribute to the Costs of this Suit . . Complainant

Against } In Chancery

Robert Fanny, Elizabeth Fanny, wife of Robert Fanny;

Gilbert Fanny, Richard H. Beaman Jr. Trustee, and

Dr. Richard H. Beaman . . . . . Defendants.

Merritt Briggs, Esq. this day personally appeared before me, and made oath, that Gilbert Fanny, one of the defendants in the above entitled Chancery Suit pending in said Court, is a non-resident of the State of Virginia.

Teste:

Peter B. Prentis, Clerk.

Merritt Briggs
vs
Ex. In Chy.
Robert Fanny & als

Affidavit as to Non-residence
of Gilbert Fanny

Virginia:

At Rules held in the Clerk's Office of the Circuit Court for Nansemond County, on Monday, the 6th: day of February, A.D. 1888:

Merritt Briggs, who sues for himself and such other lien Creditors of Robert Fanny, as shall come in and contribute to the Costs of this Suit . . . . Complainant

Against } In Chancery

Robert Fanny, Elizabeth Fanny, wife of Robert Fanny, Gilbert Fanny, Richard H. Beamon, Jr. Trustee, and Dr: Richard H. Beamon . . . . . Defendants.

The Object of this Suit, is to subject the Real Estate mentioned and described in the Deed of Trust from the said Robert Fanny and Elizabeth, his wife, to Richard H. Beamon, Jr. Trustee for Richard H. Beamon (which Deed is dated the 1st: day of January, 1887, and duly recorded in the Clerk's Office of Nansemond County Court, in Deed Book (No. 17, page 534) to the satisfaction of the judgment, in favor of the Complainant, Merritt Briggs against the said defendant, Robert Fanny, docketed in said Office, on the 17th: day of March, 1886, for the sum of $40:00 with interest thereon from the 29th: day of March, 1884, till paid, and $1.00 Costs.

And affidavit having been made and filed, that the said defendant, Gilbert Fanny, is not a resident of the State of Virginia: it is ordered, that he appear here within one month after due publication of this order, and do what is necessary to protect his interest in this Suit.

A Copy:

Teste:

Merritt Briggs. p.q.

Peter B. Prentis. Clerk

State of Virginia — Nansemond County to wit:

To Jno: J. Cox Constable of Nans: County.

Warrant

I hereby Command you to Summon Robert Fanny, if to be found in your District, to appear at my Office, in said Town, on the 2nd: day of January, 1885, before me, or such other Justice as may be then there to try this warrant, to answer the Complaint of Merritt Briggs, upon a Claim for money for the sum of Forty dollars, due by note. And then and there make return of this warrant.

Given under my hand, this 2nd: day of January, 1885.

Benja: Riddick J.P.

Constable's Return

" Executed. Jan: 2nd: 1885.

J. J. Cox. Constable."

§ In Debt. Suffolk, Va: January 2nd 1885 —

Judgment.

Judgment — That the Plaintiff recover of the defendant, Robert Fanny, Forty Dollars, with interest thereon from the 29th: day of March 1884, till paid, and One dollar, for his Cost.

Worked out March 15th: 1886.

Benja: Riddick, J.P.

The following is a Copy of the Note, upon which the foregoing judgment was founded. viz —

Suffolk, Va: Jan: 29th: 1884.

Copy Note

Sixty Days after date, I promise to pay unto Merritt Briggs or order, negotiable and payable, at the Office of Discount and Deposit of The Farmers Bank of Nansemond, in Suffolk, without Offset Forty ~~ten~~ Dollars, for value received; and it is agreed upon by the parties that the interest on this note shall be payable in advance; and we, principal and endorsers, hereby waive the benefit of our Homestead Exemption, as to this debt

Witness
John J. Humphlett

his
Robert X Fanny "
mark

I, Peter B. Prentis, Clerk of the County Court of Nansemond County, in the State of Virginia, do hereby Certify, that the foregoing writings, are true Copies from

the original, now on file, in the Office of said Court.

Given under my hand & the 28th day of January, 1888

Peter B. Scates, Clerk

Exhibit "A"

Merritt Bros
vs
Judgment
Robt Finney

To the Hon. C. W. Hill Judge of the Circuit
Court of Nansemond County -
Merritt Briggs who sues for himself and
such other Lien Creditors of Robert Fanny
as shall come in, take part in and
share the costs of this suit. Complaining,
Sheweth unto the Court, That on the 2d
day of January in the year 1885 he
recovered a Judgment against Robert
Fanny for $40 00 with interest from
the 29th day of March 1884, before
Benjamin Riddick a Justice of the Peace or
Magistrate for the County of Nansemond. The
costs in said Magistrate's court was $1 —
A copy of said Judgment is herewith filed
marked Exhibit "A" and prayed to be read as
a part of this bill - That no part of said
Judgment hath ever been paid. That said
Judgment was duly docketed on the 17th Day
of March 1886 in the Clerks office of the
County Court of Nansemond County - The
said Robert Fanny executed and there is
now recorded in the Clerks office of the
County Court of Nansemond County, a
deed of trust to Richard H. Beamon Jr.
Trustee, to secure a debt for $1200 00 with
interest from the 1st day of January 1887

to M Richard H. Beamon. The said Robert Fanny was seized and possessed in his own right of the following described tracts of land at the time the said Judgment was docketed. A tract or parcel of land situated in Sleepy Hole Magisterial District in Nansemond County Virginia known as the Capps or Lord Farm containing One Hundred and Sixty Five (165) acres more or less by estimation and bounded on the North by the Cross Swamp land; on the East by the land of Charles F. Groome, known as the Lee Farm and the lands of others; on the South by the County Road leading to Sleepy Hole Farm; and on the West by the lands of T. G. Wilson and Reps Williamson, but he conveyed the same to Gilbert Fanny by deed bearing date the 14th day of September 1887. Said deed being duly recorded in the Clerks office of the County Court of Nansemond County and the said Gilbert Fanny on the same day to wit The 14th day of September 1887 then conveyed said land to Elizabeth Fanny wife of the said Robert Fanny. This deed is also duly recorded in the Clerks office of the County Court of Nansemond County.

In consideration whereof he prays that the said Robert Fanny, Elizabeth Fanny wife of said Robert Fanny, Gilbert Fanny Richard H. Beamon Sr. Trustee and Dr. Richard H. Beamon be made defendants to this bill, and required to answer the same on oath; that proper process issue; that all proper orders and accounts be directed and taken; that the lien creditors of the said Robert Fanny be convened before a Master Commissioner in chancery of this court; that the lien debts of the said Robert Fanny be ascertained, and the amounts thereof, and their order of priority of lien be established; that if it appears that the rents and profits of the said land will not in five years pay the judgments, which are liens upon upon the same, that so much thereof as will suffice to satisfy the liens thereon, and the costs of suit and sale, be sold, and the proceeds thereof be applied to the payment of the said costs and liens; that if such rents will so suffice, the said land be rented out, and the rents and profits thereof be applied to the said liens until they are fully satisfied; and that as such other, further and general

relief may be given as in the premises is just and right - And your Orator will ever pray &c -

Merritt Briggs

P.2.

Briggs vs
Merritt Briggs, exr. &c. Sam'l L.
Mitchill & Wife et al
Robert Fanning et als

Manuscript Cert: Co: