

1892-005

Nansemond Co. (Suffolk)

Chancery Causes: J.J. Allen's Sons] vs Robert Fanny et al

Beamon, Barham & Pollard]

J J Allens Sons  
vs? In Chancery  
Robert Danny Wolfe  
Costs

|                  |        |
|------------------|--------|
| W Bleausey Clerk | \$5.28 |
| A P Gomer "      | 4.74   |

\$10.02

Shuff

4.00

R R Prentis Amms in

Chancery Fees

15.00

J E Booker printing

13.00

Writ Tax

1.50

Attorney

15.00

\$58.52

~~Printing last time~~

J J Allen's Sons  
vs In Chancery

Robt Fanny Hoise

Costs

J. R. H. Beamon

Bond 1. Jan. 1887

\$1200. - 12 mos after date

Int paid to 1. Jan. 1888.

Secured by deed of trust.

In pursuance of the decree of the Circuit Court of Chautauque County pronounced on the 13th day of April 1892 in the Chancery Cause of J. J. Allen's Sons, Plaintiffs, against Robt. Fanny & al. <sup>defendants</sup> ~~pending~~ lately pending in said Court; The undersigned have, on this 27th day of June 1892, received of The Clerk of said Court, the note of said Robt. Fanny payable to them and ~~heretofore~~ filed with their petition in said Cause on the 24th day of May 1888, in evidence of their claim against said Robt. Fanny for the principal sum of \$618.<sup>60</sup>. This receipt is given to be filed with the papers in said Cause as required by said decree.

Barham & Pollard  
By Wilbur J. Kilby, their  
Atty.

J. J. Allen's Sons

vs. } In Chy

Robt. Fanny Hals

Receipt of Bar-  
ham & Pollard  
under decree  
of 13 April 1892

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

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

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 N. Allen and N.*  
*Pemrose 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 11<sup>2</sup>th year of the Commonwealth.

Teste:

*Peter B. Prentis* Clerk.

1888. February the 3<sup>rd</sup>. I have this day Executed this  
process by serving a Copy on writing upon the within  
named Robert Fanny, and Elizabeth his wife,  
Richard H. Beamon (Simon) and Richard H. Beamon  
(Junior) Insolver, Gilbert Fanny is not a resident  
of the State of Virginia  
Wm. Howell  
Shff-

Pro. B. No 1. page  
Cir: Co.  
\_\_\_\_\_

Killy. p. 7  
J. J. Allen's Sons  
vs { Sum. in Chy.

Robert Fanny and Elizabeth,  
his wife, Gilbert Fanny, Richard  
H. Beamon (Simon) and Richard  
H. Beamon (Junior). Insolvent.

To February Rules, 1888.

The Commonwealth of Virginia:  
To the Sheriff of Nansemond  
County Greeting:

We Command you that you summon  
Robert Fanny and Elizabeth Fanny to appear  
before the Judge of our Circuit Court of Nanse-  
mond County at the Court house of said County  
in the Town of Suffolk on Wednesday the  
11th day of February <sup>1891</sup> at 10 O'clock <sup>a.m.</sup> to show cause  
if any they can, why they should not be fined for  
a certain Contempt by them to us offered in failing  
and refusing to surrender and deliver to William  
R Barham the possession of the land which in  
pursuance of the decree entered in the 13th. day  
of April 1889 in the suit in Chancery pending  
in our said Circuit Court between J J Allen's Sons  
as Plaintiffs and said Robert Fanny Elizabeth  
Fanny and others, Defendants was sold in the  
8th day of December 1890 by Wilbur J Kilby  
Special Commissioner, and purchased by said  
William R Barham, and have then and there  
this writ.

Witness A Gomez Clerk of our said Court at his  
Office the 19th day of January 1891 and in the year  
of our foundation the 115th.

A. Gomez clerk.

1891 Jan. 21st. I have this day  
executed and served this process  
by delivering a copy thereof in  
writing to each of the within  
named Robert Fanny and  
Elizabeth Fanny in person  
Wm<sup>th</sup> Howell  
Shff.

J. J. Allen's Sons

vs. J. J. Chancery

Fanny & als

Summons to Answer  
for Contempt.

Know All Men by These Presents, That we, *Wilbur J Kilby*  
and *L Lelay Kilby*

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of *Four Thousand* 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.

And we waive the benefit of our exemption as to this obligation, and also waive any claim or right to discharge any liability to the said Commonwealth arising under this bond, or by virtue of the office, post or trust herein mentioned, with coupons detached from bonds of said Commonwealth.

Sealed with our seals, and dated this *20th* day of *September* in the year of our Lord one thousand eight hundred and *Ninety*, and in the *115th* year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas *by a decree of the Circuit Court of Nansemond County Virginia pronounced on the 13th day of April 1889 in the Chancery Cause pending in said Court between J. J. Allen's Sons Plaintiffs, and Robert Tammey and others defendants, it was decreed, that the land of said Robert Tammey etc be sold and the above bound Wilbur J. Kilby appointed Special Commissioner to sell the same as specified in said decree: Now therefore if the said Wilbur J. Kilby shall faithfully discharge his duties under said decree and all other decrees he may be required to execute in said Cause then the above obligation is to be void, otherwise it is to remain in full force and virtue.*

*Wilbur J Kilby*  
*L Lelay Kilby*



In the office of the Clerk of the *Circuit* Court of Nansemond County, on the *20th* day of *September* 189*0*

The above bond was executed and acknowledged by the obligors (the sureties justifying on oath as to *his* sufficiency) and recorded.

*A Copy.*

Teste:

*Teste:*

*C. D. P. Gomez*

*C. D. P. Gomez*

CLERK.

J. J. Allen's Sons  
vs. } In Chy.  
Robt. Fanny & al

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Copy of Bond  
of Wilbur J. Kilby  
Special Commr.  
filed 20 Sept. 1890

Wilbur J. Kilby  
To } Bond as  
Special Commr.

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The Commonwealth

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1890.  
Sept. 20<sup>th</sup>

Virginia:

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

William A. Allen and A. Penrose Allen, merchants and partners in trade under the name and style of J. J. Allen's Sons - - - - - Complainants

Against } In Chancery

Robert Fanny and Elizabeth his wife, Gilbert Fanny, Richard H. Beaumont (Senior) and Richard H. Beaumont (Junior) Trustee. - - - - - Defendants

The object of this suit is to cancel and annul a certain deed made by said Robert Fanny to said Gilbert Fanny and a certain deed made by said Gilbert Fanny to said Elizabeth Fanny both dated the 14th day of September 1887 and recorded the 19th day of September 1887 in the office of the clerk of Chaussemond County Court and to subject the

land mentioned and described in said deeds to the satisfaction of the judgment in favor of the Complainants against said Robert Fanny docketed in said office on the 26th day of November 1887 for the sum of \$423.78 with interest thereon from the 22nd day of July 1887 till paid and \$7.<sup>60</sup> costs.

And affidavit having been made that said defendant, Gilbert Fanny, is not a resident of this State, he the said Gilbert Fanny is required to appear within one month after due publication of this order in the Clerk's office of our said Circuit Court at rules to be holden therefor and do what is necessary to protect his interests. And it is ordered that a copy of this order be forthwith published once a week for four successive weeks in the "Suffolk Herald" a newspaper published in the Town of Suffolk in said County and be posted at the front door of the Courthouse of said County on the first day of the next County Court for the said County after the

date of this order,

Peter B. Pentis. Clerk

J. J. Allen's Sons

vs. } In Chy.

Fanny &als

Order of Pub-  
lication as to  
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:

William N. Allen and N. Penrose Allen, mer-  
chants and partners in trade under the name  
and style of J. Allen's Sons,

AGAINST

Complainants,

Robert Fanny and Elizabeth, his wife; Gil-  
bert Fanny, Richard H. Beamon, Sr., and  
Richard H. Beamon, Jr., Trustee,

Defendants.

IN CHANCERY.

The object of this suit is to cancel and  
annul a certain deed made by said Robert  
Fanny to said Gilbert Fanny, and a certain deed  
made by said Gilbert Fanny to said Elizabeth  
Fanny, both dated the 14th day of September,  
1887, and recorded the 19th day of September,  
1887, in the office of the Clerk of Nansemond  
County Court, and to subject the land men-  
tioned and described in said deeds to the sat-  
isfaction of the judgment in favor of the com-  
plainants against said Robert Fanny, docketed  
in said office on the 26th day of November,  
1887, for the sum of \$423.78, with interest  
thereon from the 22d day of July, 1887, till  
paid, and \$7.60 costs.

And affidavit having been made that said  
defendant Gilbert Fanny is not a resident of  
this State, he, the said Gilbert Fanny, is re-  
quired to appear within one month after due  
publication of this order, in the Clerk's office  
of our said Circuit Court, at rules to be holden  
therefor, and do what is necessary to protect  
his interests; and it is ordered, that a copy of  
this order be forthwith published once a week  
for four successive weeks in the SUFFOLK  
HERALD, a newspaper published in the town  
of Suffolk, in said county, and be posted at  
the front door of the Courthouse of said  
county on the first day of the next County  
Court for the said county after the date of  
this order.

A copy—Teste:

PETER B. PRENTIS, Clerk.

WILBUR J. KILBY, p. q.

fe10-4w

State of Virginia

Nansemond County

} to wit:

Peter B. Prentis, Clerk of the  
Circuit Court of Nansemond County  
this day appeared in person before  
me, a Notary Public in and for  
said County and State and made  
oath that on the first day of the  
County Court of said County at the  
February term thereof in the year  
1888, he posted a copy of the fore-  
going order of publication at the  
front door of the Courthouse of  
said County

Peter B. Prentis, Clerk

(over)

Subscribed and sworn to before  
me this 17<sup>th</sup> day of March A.D. 1888.  
Wilbur J. Kilby  
Notary Public

J. J. Allen's Sons

vs. } In Chy.

Robt. Fanny & als.

Affidavit of the  
Clerk of Court as  
to posting Order  
of Publication at  
Courthouse door.

**VIRGINIA—AT RULES HELD IN THE**  
Clerk's office of the Circuit Court for  
Nansemond county ou Monday, the 6th day  
of February, A. D. 1888:

William N. Allen and N. Penrose Allen, mer-  
chants and partners in trade under the name  
and style of J. J. Allen's Sons,

Complainants,

AGAINST

Robert Fanny and Elizabeth, his wife; Gil-  
bert Fanny, Richard H. Beamon, Sr., and  
Richard H. Beamon, Jr., Trustee,

Defendants.

IN CHANCERY.

The object of this suit is to cancel and  
annul a certain deed made by said Robert  
Fanny to said Gilbert Fanny, and a certain deed  
made by said Gilbert Fanny to said Elizabeth  
Fanny, both dated the 14th day of September,  
1887, and recorded the 19th day of September,  
1887, in the office of the Clerk of Nansemond  
County Court, and to subject the land men-  
tioned and described in said deeds to the sat-  
isfaction of the judgment in favor of the com-  
plainants against said Robert Fanny, docket-  
ed in said office on the 26th day of November,  
1887, for the sum of \$423.78, with interest  
thereon from the 22d day of July, 1887, till  
paid, and \$7.60 costs.

And affidavit having been made that said  
defendant Gilbert Fanny is not a resident of  
this State, he, the said Gilbert Fanny, is re-  
quired to appear within one month after due  
publication of this order, in the Clerk's office  
of our said Circuit Court, at rules to be holden  
therefor, and do what is necessary to protect  
his interests; and it is ordered that a copy of  
this order be forthwith published once a week  
for four successive weeks in the SUFFOLK  
HERALD, a newspaper published in the town  
of Suffolk, in said county, and be posted at  
the front door of the Courthouse of said  
county on the first day of the next County  
Court for the said county after the date of  
this order.

A copy—Teste:

PETER B. PRENTIS, Clerk.

WILBUR J. KILBY, p. q.

1010-4w

I, J. Ed. Brooker, the editor and  
proprietor of the "Suffolk Herald"  
a newspaper published in the  
Town of Suffolk in Nansemond  
County, do hereby certify that the  
above order of publication was  
duly published in said newspa-  
per once a week for four succes-  
sive weeks from and after the  
10th day of February A. D. 1888  
Given under my hand this  
12th day of March 1888.

J. E. Brooker  
Editor  
Suffolk Herald

J. J. Allen's Sons

vs. } In Chy

Robt. Fanny & al.

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Certificate as to  
publication of  
Order of Publica-  
tion once a week  
for four successive  
weeks in Suffolk  
Herald.

J. J. Allen's Sons Complainants  
Against } In Chancery  
Robert Fanny and others.

State of Virginia  
Chausemound County. } to wit:

This day Wm H. Howell ap-  
peared in person before me, Wil-  
bur J. Kilby, a Notary Public in  
and for said County in said  
State and made oath that Gilbert  
Fanny against whom and others  
William C. Allen and C. Penrose  
Allen merchants and partners  
in trade under the name and  
style of J. J. Allen's Sons have institut-  
ed a suit in Equity in the Circuit  
Court of said Chausemound County,  
is a non-resident of the Common-  
wealth of Virginia

William H. Howell

Subscribed and sworn to be-  
fore me this 31st day of January  
A. D. 1888.

Wilbur J. Kilby  
Notary Public

J. J. Allen's Sons

vs. } In Chy.

Fanny & als.

Affidavit as to  
non-residence of  
Gilbert Fanny.

Mr. Elizabeth Fanny Dr.

1890.

To H. E. SMITH, Treasurer of Nansemond County, Va.

| No. 91                        | State Tax,<br>30 cents on<br>the \$100. | State School<br>Tax, 10c. on<br>the \$100. | County Levy<br>25c. on<br>the \$100. | Parish Levy,<br>5c. on<br>the \$100. | Co. School<br>Tax, 5c. on<br>the \$100. | Dis. School<br>Tax, 5c. on<br>the \$100. | Co. Road<br>Tax, 10c. on<br>the \$100. | TOTAL<br>AMOUNT OF<br>TAXES. |
|-------------------------------|-----------------------------------------|--------------------------------------------|--------------------------------------|--------------------------------------|-----------------------------------------|------------------------------------------|----------------------------------------|------------------------------|
| No. of Acres. 13-8            |                                         |                                            |                                      |                                      |                                         |                                          |                                        |                              |
| Co Real Estate, value \$ 1431 | 4 25                                    | 1 43                                       | 3 58                                 |                                      | 2                                       | 71                                       | 1 43                                   | 12 16                        |
| Personal Prop'y, value \$     |                                         |                                            |                                      |                                      |                                         |                                          |                                        |                              |
| Income, &c., value \$         |                                         |                                            |                                      |                                      |                                         |                                          |                                        |                              |
| Poll Taxes.                   |                                         |                                            |                                      |                                      |                                         |                                          |                                        |                              |
| Total                         |                                         |                                            |                                      |                                      |                                         |                                          |                                        | 12 16                        |
| Five per cent. additional     |                                         |                                            |                                      |                                      |                                         |                                          |                                        | 61                           |
| Total                         |                                         |                                            |                                      |                                      |                                         |                                          |                                        | 12 77                        |

Received Payment,

of W. J. Kilby

H. E. Smith  
W. King Dr

Treasurer.

1891 Aug. 21. Received of Wilbur  
J. Kilby, Special Commr. four dollars  
in full of fees due me in the  
Chancery suit of J. J. Allen's Sons  
vs. Rob. Fanny Hals.

\$4<sup>00</sup>

Wm. Howard Latiff.

Received of Wilbur J. Kilby, Special  
Court, twenty dollars for services as  
crier at the sale of the land of Robt.  
Fanny on the 8th. day of December  
1890 at public auction before the Court-  
house door of Chautauque County

\$20.<sup>00</sup>

W J Parker Crier

15 March 1892

Suffolk, Va., July 6 1891

Messrs. J. J. Allen & Sons,

TO SUFFOLK HERALD, Dr.

J. E. BOOKER, Proprietor.

First-Class JOB PRINTING a Specialty.

1888.

|         |                                                                                                                          |         |         |
|---------|--------------------------------------------------------------------------------------------------------------------------|---------|---------|
| Feb. 10 | To publishing Order of Publication in<br>Chancery Suit vs. Ro. Fanny et als.<br>5 inches 4 weeks,                        | \$ 7 00 |         |
| May 25  | To publishing notice of Louis R. R. Prentiss<br>for telling accounts in suit vs. Ro. Fanny<br>et als., 4 inches 4 weeks, | 6 00    | \$13 00 |
| July 6  | Paid by Wilbur F. Hilby, Special Louis.<br>J. E. Booker,<br>M. S.                                                        |         |         |

Suffolk, Va., July 6, 1891.

Mrs. W. J. Kilby, Sp'l Comr.

TO SUFFOLK HERALD, Dr.

J. E. BOOKER, Proprietor.

First-Class JOB PRINTING a Specialty.

1890

|      |    |                                                                                  |        |        |  |
|------|----|----------------------------------------------------------------------------------|--------|--------|--|
| Nov. | 3  | To printing 100 notices of sale of Po. Faamy's Land,<br>adv. J. J. Allen's Sons, | \$1 50 |        |  |
|      | 22 | To publishing said notice in Suffolk<br>Herald, 6 inches 3 weeks,                | 7 00   | \$8 50 |  |

1891.

July 6 Paid by W. J. Kilby, Special Comr.

J. E. Booker,  
M.L.

\$1200<sup>00</sup>

Twelve (12) months after date, with interest from date, said interest to be paid semi-annually

I hereby promise to pay unto Mr. Richard H. Beaumont,

his Heirs, Executors, Administrators or Assigns,

the just and full sum of Twelve hundred (1200) Dollars

and ~~and~~ Cents, for value received; for the payment of which

I bind myself, my Heirs, Executors and Administrators firmly by these presents; and I hereby waive the benefit of my Homestead Exemption as to this debt and obligation.

As witness my hand and seal this 1st day of January, in the year of our Lord one thousand eight hundred and eighty-seven (1887)

Witnesses:  
Peter B. Prentiss

Robert H. Fanny  
mark

SEAL  
SEAL  
SEAL  
SEAL

Principal of this Bond ————— \$1200.00  
Interest from 1 July 1889 to 15 March  
1892 — 2y. 8 ms. 15 ds. —————

Total ————— 195.00  
\$1395.00  
1892 Mar 15<sup>th</sup>, Received of Wilbur J. Kilby  
Special Comr. Thirteen hundred and ninety-five  
dollars in full of this Bond as per above state-  
ment.

E. E. Beaman

Admin<sup>r</sup> R. H. Beaman, decd

Robert Fanny  
To Bond \$1200<sup>00</sup>

Dr Richard H. Beaman

\* Secured by Deed of Trust  
on Real Estate.

Interest paid ———  
up to date.  
July 1<sup>st</sup> - 1887

R. H. Beaman

Interest paid  
up to date  
January 1<sup>st</sup> 1888  
R. H. Beaman

Interest paid  
up to 1<sup>st</sup> July  
1888. R. H. Beaman

July 1<sup>st</sup> 1889  
Rec<sup>d</sup> The interest  
on the within up  
to date  
R. H. Beaman

Ints paid  
up to date  
July 1<sup>st</sup> - 1889  
R. H. Beaman

To the Circuit Court of Chausemond  
County, Va.

In pursuance of the decree of the  
Circuit Court of Chausemond County Va.  
pronounced on the 11th day of April 1891  
in the Chancery Cause pending in said  
Court between J. J. Allen's Sons, Plaintiffs  
and Robert Fanny, Elizabeth Fanny  
and others, Defendants, the under-  
signed, Wilbur J. Kilby, Special Com-  
missioner, respectfully reports <sup>to Court</sup> that as  
directed by said decree he has re-  
ceived of the Clerk of said Court and  
given said Clerk a receipt (which has  
been filed with the papers in said Cause),  
for the two bonds of William R. Barham  
mentioned in said decree, with B. G. Pol-  
lard his surety thereto, each for the sum  
of one thousand and twenty-five dollars  
dated the 8th day of December 1890 and  
payable one and two years respectively after  
date with interest from date and has re-  
ceived of said Wm R. Barham the money  
therefor together with the interest due thereon  
and has disbursed <sup>together with \$1500 already in his hands,</sup> the money in the  
manner specified in said decree, as  
the vouchers hereto attached and the  
following statement will fully show, to wit;

|                                                                                                                                                     |         |        |          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|---------|--------|----------|
| By Cash in the hands of the Court, as stated,                                                                                                       |         |        | \$150 00 |
| " Principal amount of said Bonds @ \$1025. =                                                                                                        |         |        | 2050 00  |
| " Interest on \$2050 from 8 Dec. 1890 to 15 March 1892. - 1 y. 3 m. 7 ds.                                                                           |         |        | 156 15   |
| To 5 per cent Cons. on \$300. =                                                                                                                     | \$15.00 |        |          |
| " 2 per cent Cons. on \$1900. =                                                                                                                     | 38.00 = | 53 00  |          |
| " paid Geo. T. Parker, Crier, for services at the sale of land sold per sect.                                                                       |         | 20 00  |          |
| " paid J. E. Booker for printing notices of said sale and publishing the notice in the "Suffolk Herald", per sect                                   |         | 8 50   |          |
| " " H. E. Smith, Treas. State and County taxes on said land for 1890. per sect.                                                                     |         | 12 77  |          |
| " " Wilbur J. Kilby, Atty. for Plaintiffs, State tax on said Cause and taxed fee, per sect.                                                         |         | 16 50  |          |
| " " W <sup>m</sup> B. Causey, late Clerk of said Court, his fees in said Cause, per sect.                                                           |         | 5 28   |          |
| " " A. P. Gomer, Clerk of Court, his fees "                                                                                                         |         | 4 74   |          |
| " " W <sup>m</sup> H. Howse, late Shff. his fees "                                                                                                  |         | 4 00   |          |
| " " Wilbur J. Kilby, Atty. fee allowed by said decree, per sect.                                                                                    |         | 50 00  |          |
| " " Rob. R. Prentiss, Court, his fee "                                                                                                              |         | 15 00  |          |
| " " J. E. Booker for publishing in the "Suffolk Herald" the Order of Publication and the notice of Court, Rob. R. Prentiss in said Cause, per sect. |         | 13 00  |          |
| " Cash retained to pay unpaid costs.                                                                                                                |         | 2 21   |          |
| Carried on                                                                                                                                          |         | 205 00 | 2356 15  |

|                                                                                                                                                                   |         |         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|---------|
| brought on                                                                                                                                                        | 205 00  | 2356 15 |
| To paid Wilbur J. Kilby for writing deed conveying to W <sup>m</sup> R. Barham, the land purchased by him in said Cause.                                          | 5 00    |         |
| " " E. E. Holland Administrator of Dr. Richard H. Beamon, the principal of the debt due the latter, as specified in said decree, and interest thereon as follows: |         |         |
| Principal of the debt. \$1200.00                                                                                                                                  |         |         |
| Interest <sup>on \$1200.</sup> from 1 July 1889 to 15 March 1892, all other interest having been paid thereon by Robert Fanny. to wit, \$195.00 =                 | 1395 00 |         |
| " " J. J. Allen's Sons \$465.91                                                                                                                                   |         |         |
| and interest on \$423.78 from 1 Dec. 1888 to 15 March 1892, = 84.09 =                                                                                             | 550 00  |         |
| " " Barham & Pollard in part of their claim for \$669. <sup>11</sup> per rect.                                                                                    | 201 15  |         |
|                                                                                                                                                                   | 2356 15 | 2356 15 |

A deed with special warranty in the usual form has been made by the undersigned to said William R. Barham conveying to him the real estate purchased by him under the proceedings in said Cause.

Respectfully submitted this 15th day of March 1892

Wilbur J. Kilby,  
Special Commissioner.

(over)

J. J. Allen's Sons

vs. } In Chy.

Rob. Fanny & al.

Report of collections  
and disbursements  
under decree of 11th.  
April 1891

Confirmed 13 April  
1892

1892. March 3. 1st Filed  
A. G. M. Clerk

1892 March 15th. Received of Wilbur J. Kilby, Special Comr. the respective sums of money charged the above Report as paid to us and set opposite of names as follows:

Wilbur J. Kilby, Atty. for J. J. Allen's Sons \$550.00

Wilbur J. Kilby, Atty. for Barkham & Pollard \$201. 15.

Wilbur J. Kilby atty. \$16.<sup>50</sup> and \$50.<sup>00</sup> + \$5.<sup>00</sup>

J. P. Somer, clerk, \$4.74

Robert R. Trentis, Commissioner \$15.—

Wm. B. Causey, late clerk \$5.28

To the Circuit Court of Chause-  
mond County, Va.

In pursuance of the decree of  
the Circuit Court of Chausemond County,  
Va. pronounced on the 13th. day of April  
1889 in the Chancery Cause depend-  
ing in said Court between J. J. Allen's  
Sons, Plaintiffs and Robert Fanny  
and others, Defendants, the under-  
signed, appointed Special Commis-  
sioner for the purposes specified in  
said decree, respectfully reports to  
Court as follows;

That after he had executed the  
Bond required of him, as specified in  
said decree, before the clerk of said  
Court and had obtained of said Clerk  
a certificate of the due execution there-  
of, to be appended to the advertisement  
of the sale herein reported, he proceeded  
to sell the real estate, which, by said de-  
cree, he had been directed to sell, and  
on County Court day of said County, Mon-  
day, the 8th. day of December 1890, did  
sell said real estate by public auc-  
tion to William R. Barkham, the highest  
bidder for the sum of twenty-two hun-  
dred (2200) dollars;

That the real estate so sold consists

of all that certain tract or parcel of land upon which said Robert Fanny resides in Sleepy Hole Magisterial District in said County, known as the "Capps" or "Lord Farm", containing by estimation 165 acres, more or less and bounded on the North by Cross Swamp on the east by the "Lee Farm" (recently owned by Charles F. Groome) and the lands of others, on the South by the County road leading to Sleepy Hole wharf and on the West by the lands of Thomas A. Wilby and Pebs Williamson, and being the same land which was conveyed to said Robert Fanny by D. H. Marsh and wife by deed dated July 17th, 1882 and recorded August 4th, 1882 in the Clerk's office of Chasemond County Court, together with all and singular the appurtenances belonging to the same:

That said land was sold on the terms and conditions specified in said decree and in compliance therewith, the said William R. Barkham has paid to Your Commissioner the sum of one hundred and fifty dollars, part of said sum

of \$2200, in cash to cover the costs of said Cause and the expenses of the sale aforesaid, and for the remainder of said sum of \$2200, has executed his two bonds each for the sum of \$1025, with B. G. Pollard his surety thereto, payable to the undersigned one and two years after the day of sale with interest from that day; - which bonds are herewith filed.

That said sum of \$150, is now in the hands of the undersigned subject to the order of Court.

That said sale together with the time, place and terms thereof, was advertised by printed notices posted at said Courthouse door <sup>and</sup> at various public places in said County and in the neighborhood of said land more than thirty days prior to the sale and by publication of the notice or advertisement of sale once a week for three successive weeks in the Suffolk Herald, a newspaper published in the Town of Suffolk in said County.

And that said Certificate of the due execution of said bond by the undersigned and a copy of said notice or advertisement of said

sale, are herewith returned as parts of this Report.

But the said Robert Fanny and Elizabeth his wife with their family who have been in possession of and living upon said land, have declined and refused, and still do decline and refuse to deliver the possession thereof to said Wm R. Barkham and have declared it to be their purpose and intention to remain upon and in possession thereof, notwithstanding the demand of said Wm R. Barkham in person for the possession and the urgent request and demand of the undersigned for the possession for said Barkham. The undersigned, being powerless in the premises and unable to put said Barkham in possession of said land, refers ~~the~~ the matter to the Court for such action as it may deem proper to take.

The undersigned also reports that the said Robert Fanny, or some member of his family with his full knowledge and consent,

has removed a large quantity of manure which was upon, and constituted a part of, said land on the day the latter was sold and <sup>to</sup> which the said Barham was and is entitled as part of said land: and further that said Fanny, or some member of his family, has partially destroyed at least one of the buildings on said land, and manifests a disposition to damage the place and buildings as much as possible before leaving the same, to the great annoyance and damage of said Wm. R. Barham.

Your Commissioner, therefore, believes that said Robert Fanny and wife are in contempt of Court and should be dealt with accordingly.

Respectfully submitted this  
12th day of January 1891.

Wilbur J. Kilby,  
Special Commissioner.

# LAND AT AUCTION!—

By authority of a decree of the Circuit Court of Nansmond county pronounced on the 13th day of April, 1889, in the chancery cause pending in said court between J. J. Allen's Sons, plaintiffs, and Robert Fanny and others, defendants, I shall offer for sale by public auction, before the Court house door of said county,

ON MONDAY, DECEMBER 8, 1890, (County Court day), all that certain tract or parcel of land upon which said Robert Fanny resides, in Sleepy Hole Magisterial district, in said county, known as the "CAPPS" or "LORD FARM," containing by estimation 165 acres, more or less, and bounded on the north by Cross Swamp, on the east by the "Lee Farm," (recently owned by Charles F. Groom), and the lands of others, on the south by the county road leading to Sleepy Hole wharf, and on the west by the lands of Thomas N. Wilroy and Rebs. Williamson, and being the same land which was conveyed to said Robert Fanny by D. H. Marsh and wife by deed dated July 17, 1882, and recorded August 4, 1882, in the Clerk's office of Nansmond County Court.

TERMS OF SALE.—Enough of the purchase-money will be required in cash to cover the costs of said cause and the expenses of the sale and the remainder in equal sums at the end of one and two years, respectively, with interest from the day of sale; the purchaser to execute bonds in evidence of the deferred payments, with good personal security, and the title to the land to be retained until the further order of Court.

WILBUR J. KILBY,  
Special Commissioner.  
GEORGE T. PARKER, Crier.

I, AZRA P. GOMER, Clerk of the Circuit Court of Nansmond county, Va., do certify that the bond required of Wilbur J. Kilby, as Special Commissioner under the decree of said Court on the 13th day of April, 1889, in the chancery cause pending in said court between J. J. Allen's Sons, plaintiffs, and Robert Fanny and others, defendants, has been executed with security deemed sufficient by me.

Given under my hand this 20th day of September, 1890.  
no14-3t  
AZRA P. GOMER, Clerk.

1891 Sept. 12th. Received of the Clerk of the Circuit Court of Nansmond County, the two Bonds of W<sup>m</sup> R. Barkham mentioned in this Report, with B. G. Pollard surety thereto, each for \$1025. bearing interest from 8 Dec. 1890, the same having been delivered to me by said Clerk for collection under decree of 11 April 1891 in the Chancery suit of J. J. Allen's Sons vs. Rob. Fanny & al., in Nansmond County Circuit Court.

Wilbur J. Kilby  
Special Comm.

I, Azra P. Gomer, Clerk of the Circuit Court of Chaussemond County, Va. do certify that the Bond required of Wilbur J. Kilby as Special Commissioner under the decree of said Court on the 13th day of April 1889 in the Chancery Cause pending in said Court between J. J. Allen's Sons, Plaintiffs and Robert Fanny and others, Defendants, has been ~~this day~~ executed ~~before me~~ with security deemed sufficient by me.

Given under my hand this 20th day of September 1890

A. P. Gomer Clerk

# LAND AT AUCTION!

By authority of a decree of the Circuit Court of Nansemond County pronounced on the 13th day of April, 1889, in the chancery cause pending in said court between J. J. Allen's Sons, plaintiffs, and Robert Fanny and others, defendants, I shall offer for sale by public auction, before the Courthouse door of said county,

## On Monday, December 8, 1890,

(County Court day), all that certain tract or parcel of land upon which said Robert Fanny resides, in Sleepy Hole Magisterial district, in said county, known as the "CAPPS" or "LORD FARM," containing by estimation 165 acres, more or less, and bounded on the north by Cross Swamp, on the east by the "Lee Farm" (recently owned by Charles F. Groome) and the lands of others, on the south by the county road leading to Sleepy Hole wharf and on the west by the lands of Thomas N. Wilroy and Reps. Williamson, and being the same land which was conveyed to said Robert Fanny by D. H. Marsh and wife by deed dated July 17, 1882, and recorded August 4, 1882, in the Clerk's office of Nansemond County Court.

**TERMS OF SALE.**—Enough of the purchase-money will be required in cash to cover the costs of said cause and the expenses of the sale and the remainder in equal sums at the end of one and two years, respectively, with interest from the day of sale; the purchaser to execute bonds in evidence of the deferred payments, with good personal security, and the title to the land to be retained until the further order of Court.

**WILBUR J. KILBY, Special Commissioner.**

GEORGE T. PARKER, CRIER.

November 3, 1890.

I, AZRA P. GOMER, Clerk of the Circuit Court of Nansemond County, Va., do certify that the bond required of Wilbur J. Kilby, as Special Commissioner under the decree of said Court on the 13th day of April, 1889, in the chancery cause pending in said court between J. J. Allen's Sons, plaintiffs, and Robert Fanny and others, defendants, has been executed with security deemed sufficient by me.  
Given under my hand this 20th day of September, 1890. AZRA P. GOMER, CLERK.

*Sold to W. R. B. H. H. 790 27  
W. R. B. H. H.*

J. J. Allen's Sons

vs. } In Chy.

Fanny & als.

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Report of Sale  
of land on 8th.  
Dec. 1890 under  
decree of 13. April  
1889.

Approved and  
confirmed 11 April  
1891

Filed Jan'y 12<sup>th</sup>, 1891  
C. B. Thomas Clerk

COMMISSIONER'S OFFICE,  
SUFFOLK, NANSEMOND COUNTY, VA., }  
May 21, 1888. }

## COMMISSIONER'S NOTICE!—

To William N. Allen and N. Penrose Allen,  
merchants and partners in trade, under the  
name and style of J. J. Allen's Sons,

Plaintiffs,

AND

Robert Fanny and Elizabeth, his wife; Gilbert  
Fanny, Richard H. Beamon, Senior; and  
Richard H. Beamon, Junior, Trustee,

Defendants.

You are hereby notified that I have fixed  
upon the 29th day of June (1888) next, to take  
and settle, at my office, in Suffolk, Va., the  
following accounts, to wit:

1. An account of all claims against, or debts  
due by, Robert Fanny, secured by liens upon  
his real estate by deeds of trust, judgments  
or otherwise, including the judgment in favor  
of the complainants;

2. An account of the real estate of said  
Robert Fanny, subject to said liens, including  
its fee simple and annual values;

3. An account of any matters specially  
stated deemed pertinent by myself, or required  
by any of the parties to be so stated;

Required to be taken by the decree of Nan-  
semond Circuit Court, rendered on the tenth  
day of April, 1888, in a suit in chancery de-  
pending in said court, in which you are par-  
ties, 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.

ROB. R. PRENTIS,  
Commissioner.

WILBUR J. KILBY, p. q.

my25-4t

Office of The Herald.

Suffolk, Va., *May 20* 1888

I hereby certify that the order of which the annexed is a copy has been published in THE SUFFOLK HERALD in the manner prescribed by law==once a week for four successive weeks.

*[Signature]*  
Editor Herald.

*Feb 10*"88 Chgs \$17.00 adtg  
*May 25*" " do " 6.00  
\$13.00

# I

An Account of all claims against or debts due  
by Robert Farney.

## First Lien

A deed of Trust in favor of Richard H. Beaumont

Richard H. Beaumont is the Trustee the deed is dated the 1st day of January 1887 and was duly recorded in the Clerk's Office of Newsumond County, Cal. on the 6th day of January 1887.

The debt is evidenced by the bond of the said Farney dated 1. January 1887, payable twelve months after its date with interest from its date. - The interest has been paid to the 1st. day of January 1888. -

Principal

\$1200

Interest from 1. Jan'y 1888 to 1. December 1888

66

Principal and interest due 1. December 1888

\$1266

## Claims

Kelly

A judgment in favor of the Complainants  
J. J. Allen's Sons.

Rendered by the Circuit Court of Newsumond County on the 18th. day of October 1887. - The notes which are evidence of the indebtedness were the subject of the nonrestraint exemption.

Principal

\$423 78

Interest from 22 July 1887 to 1. December 1888

34 53

Costs of judgment

7 60

Principal, interest and costs due 1. December 1888

465 91

The judgment was docketed 26. November 1887 and if the conveyances to Gilbert Farney and Elizabeth Farney are fraudulent, constitutes the second lien on Ro Farney's land.

Amount carried forward

\$1731 91

Riley.

Amount brought forward  
A debt due to Barham Polard

1731 91

Evidenced by the negotiable note of  
Robert Fanny, dated the 18th day of January  
1887, payable six months after its date  
to The Norfolk National Bank and con-  
taining a waiver of the homestead exemption  
Principal

\$618 60  
50 51

Interest from 21 July 1887 to 1 December 1888

Principal and interest due 1 December 1888

Petition filed 24 May 1888. -

669 11

Grand Total of Liens and Debts

\$2401 02

## II.

An Account of the real estate of Robert Fanny owned by  
him at the time the said debts were contracted, with  
its fee simple and annual value. -

All that certain tract or parcel of land  
situate in Sleepy Hole Magisterial District,  
Haukemond County, Virginia, known as the  
"Capps" or "Lord" farm containing by  
estimation 165 acres, more or less, bounded  
on the North by Cross Swamp, on the  
East by the "Lee Farm" and the lands of others,  
on the South by the County road leading to  
Sleepy Hole Wharf, and on the West by the  
lands of J. N. Wilroy and Rebs Williamson.  
Being the same land which was conveyed to  
Robert Fanny by D. H. Marsh wife by deed  
dated 17 July 1882 and duly recorded  
in the Clerk's Office of Haukemond County  
Court the 4 August 1882. -

Its fee simple value is believed to  
be

and its annual value

\$2000  
180

Commissioner's Office  
Suffolk, Va. 25 September 1888

J. J. Allen's Sons

Robert Fanny and others

To the Circuit Court of Nansemond County.

Your Commissioner begs leave to report -  
that on the 21st. day of May 1888, he issued  
notice that he had fixed upon the 29th. day of  
June 1888 as the time and his office in Suffolk, Va.  
as the place for proceeding to execute the decree pro-  
nounced in the above entitled cause on the 10th.  
day of April 1888. - The said notice was published  
once a week for four successive weeks in "The Suffolk  
Herald" in obedience to the direction contained in the  
said decree, and the certificate of the Editor and Publisher  
of the said newspaper (with a copy of the said  
notice) is herewith returned. -

On the day named none of the parties appeared and  
the cause has been continued from day to day until  
this date when this report is completed. -

Account I shows that the total amount of liens and  
debts provid. with interest calculated to 1. December  
1888 is \$2401.02. -

Account II shows the annual and fee simple value of  
the real estate of which Robert Fanny was seised and  
possessed at the time when the said debts were  
contracted.

Respectfully submitted,

Robt. D. Prentiss,  
Commissioner in Chancery

Fee \$15.-

J. J. Allen's Sons

N. M. Commissioners  
Report

Dated 20 Sept 1888

Robert Fenny Sothers.

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Approved and con-  
firmed 13 April 1889

1888. Sept. 25. Filed  
clk

# LAND AT AUCTION!

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By authority of a decree of the Circuit Court of Nansemond County pronounced on the 13th day of April, 1889, in the chancery cause pending in said court between J. J. Allen's Sons, plaintiffs, and Robert Fanny and others, defendants, I shall offer for sale by public auction, before the Courthouse door of said county,

## On Monday, December 8, 1890,

(County Court day), all that certain tract or parcel of land upon which said Robert Fanny resides, in Sleepy Hole Magisterial district, in said county, known as the "CAPPS" or "LORD FARM," containing by estimation 165 acres, more or less, and bounded on the north by Cross Swamp, on the east by the "Lee Farm" (recently owned by Charles F. Groome) and the lands of others, on the south by the county road leading to Sleepy Hole wharf and on the west by the lands of Thomas N. Wilroy and Reps. Williamson, and being the same land which was conveyed to said Robert Fanny by D. H. Marsh and wife by deed dated July 17, 1882, and recorded August 4, 1882, in the Clerk's office of Nansemond County Court.

**TERMS OF SALE.**—Enough of the purchase-money will be required in cash to cover the costs of said cause and the expenses of the sale and the remainder in equal sums at the end of one and two years, respectively, with interest from the day of sale; the purchaser to execute bonds in evidence of the deferred payments, with good personal security, and the title to the land to be retained until the further order of Court.

**WILBUR J. KILBY, Special Commissioner.**

GEORGE T. PARKER, CRIER.

November 3, 1890.

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I, AZRA P. GOMER, Clerk of the Circuit Court of Nansemond County, Va., do certify that the bond required of Wilbur J. Kilby, as Special Commissioner under the decree of said Court on the 13th day of April, 1889, in the chancery cause pending in said court between J. J. Allen's Sons, plaintiffs, and Robert Fanny and others, defendants, has been executed with security deemed sufficient by me.

Given under my hand this 20th day of September, 1890.

AZRA P. GOMER, CLERK.

J. J. Allen's Sons

vs.

Robt. Fanny Tals

This Cause came on this day to be again heard on the papers formerly read and on the Report of Special Commissioner, Wilbur J. Kilby filed on the 12th. day of January A. D. 1891 (being a Report of the sale of the real estate of Robert Fanny in pursuance of the decree entered herein on the 13th. day of April A. D. 1889) and was argued by Counsel.

On consideration whereof the Court doth approve and confirm said sale and Report to which no exception has been taken and doth adjudge, order and decree that said Special Commissioner receive of the Clerk of this Court and leave with him a receipt to be filed with the papers in this Cause for the two bonds of William R. Barkham filed with said Report with B. G. Pollard his surety thereto, each for the sum of One thousand and twenty-five dollars, dated the

8th. day of December A. D. 1890 and payable one and two years respectively after date with interest from date, and proceed to collect the money therefor at their maturity or receive the money if the obligors should desire to pay the same before their maturity together with the interest thereon, and out of the money thus collected or received together with the sum of one hundred and fifty dollars already in his hands, as appears by said Report, pay first in full all the costs of this cause and the expenses of said sale and also a fee of fifty dollars to the Counsel of the Plaintiffs and then, out of the remainder, pay to Dr. Richard H. Beaman the sum of twelve hundred ~~dollars~~ and sixty-six dollars and interest on twelve hundred dollars, part thereof, from the first day of December A. D. 1888, or from the day when interest was last paid on said sum of twelve hundred dollars, until paid, and then out of the remain-

der, pay to J. J. Allen's Sons, or their Counsel, the sum of four hundred and sixty-five and  $\frac{9}{100}$  dollars and interest on four hundred and twenty-three and  $\frac{78}{100}$  dollars part thereof, from the first day of December 1888 until paid, and then pay the remainder, if any, to Barkham & Pollard, or their Counsel, on account of their claim against said Robert Fahey for six hundred and sixty-nine and  $\frac{11}{100}$  dollars and interest on six hundred and eighteen and  $\frac{60}{100}$  dollars, part thereof, from the first day of December 1888, till paid, - the said Richard H. Beaman having the first lien, said J. J. Allen's Sons the second lien and said Barkham & Pollard the third lien upon said real estate and ~~the~~ the proceeds thereof for the respective sums of money herein directed to be paid to them.

And the Court doth further adjudge, order and decree that said Wilbur J. Kilby, as Special Commissioner aforesaid, make to said William R. Barkham a deed with

J. J. Allen's bond

W. } In Chy.

Fanny & als

In the Circuit  
Court of Chancery  
in and for  
April 11th, 1891

Decees

To be entered

C772

Entered See Chancery  
order Book No. 2 Page 375

special warranty in the usual  
form conveying to him the real  
estate purchased by him under  
the proceedings herein and men-  
tioned in said Report, and  
make report to Court of his pro-  
ceedings under this decree.

Barham & Pollard  
vs.  
Fanny Sals.

For reasons appearing to the Court it is ordered that the Rule be discharged, which was ~~entered~~ made herein against Robert Fanny and Elizabeth his wife on the 17th. day of January last requiring them to appear here this day and show cause if any they could why they should not be fined for contempt in refusing to surrender and deliver to William R. Barham, ~~the purchaser~~, the possession of the land of said Robert Fanny and wife sold to <sup>him</sup> under the decree entered herein on the 13th. day of April A.D. 1889, as appears by the Report of the sale of said land filed herein on the 12th. day of January last.

And therefore this cause came on this day to be again heard on the papers formerly read and on the Report of Wilbur J. Kilby, Special Commis-

sioner, filed on the 12th day of January A.D. 1891 (being the Report of the sale of said land in pursuance of said decree entered herein on the 13th day of April A.D. 1889), and was argued by Counsel.

On consideration whereof the Court doth approve and confirm said sale and Report to which no exception has been taken, and it appearing to the Court that the defendants, Robert Fanny and Elizabeth his wife are in possession of said land and that they refuse and decline to give the possession thereof to William R. Barham, the purchaser thereof, it is ordered that said Robert Fanny and Elizabeth his wife on being served with a copy of this ~~order~~ decree, do forthwith surrender and deliver the possession of said land to said William R. Barham. And it is further ordered that unless said Robert Fanny and wife do surrender and deliver the possession of said land to said William R. Barham, the Sheriff of this County is directed to remove them from said land and put said William R. Barham

in possession thereof

Basham & Pollard

vs. } In Chy

Fanny Swife tal.

In the Circuit  
Court of Chausse-  
mon County  
Special Term

11th. Feby. 1891

Decree

To be entered

C W Hed

Entered in Chancery  
Order Book No 2  
Page 363.

Allen's Sons

vs.

Fanny & als.

It appearing that in this cause in pursuance of the decree entered herein on the 13<sup>th</sup> day of April 1889, the land of the defendants, Robert Fanny and Elizabeth his wife, mentioned and described in the proceedings, was sold on the 8<sup>th</sup> day of December 1890 by Wilbur J. Kilby, appointed Special Commissioner for the purpose; that William R. Barkham became the purchaser of said land and has complied with the terms of the sale, and is, therefore, entitled to the possession of said land; and it further appearing that said Robert Fanny and Elizabeth his wife, were in possession of said land on the day of the sale thereof, have remained in possession thereof since that day, are now in possession thereof, and have declined and refused and still do decline and refuse to give, or surrender, the possession thereof, to said William R. Barkham; On the motion of

the Plaintiffs by counsel, it is ordered that said Robert Fanny and Elizabeth his wife, be summoned to appear before the Judge of the Circuit Court of <sup>County</sup> ~~Chaussemond~~ at the Courthouse of said County <sup>in the Town of Buffalo</sup> on the ~~17th~~ <sup>17th</sup> day of ~~January~~ <sup>February</sup> 1891, to shew cause, if any they can, why they should not be fined for their said contempt.

~~To the Clerk of the  
Circuit Court of  
Chaussemond County  
to be entered.~~

Allen's And

W. J. } In Chy

Fanny & als.

In the Circuit  
Court of Chausse-  
mond County  
~~The Plaintiff~~

Order  
To be entered  
Jan. 17~~th~~ 1891

crs

Entered in Chancery  
Order Book  
No 2. Page 362.

J. J. Allen's Sons

vs.

Robert Farney & al.

This cause came on this day to be again heard on the papers formerly read and on the Petition of William R. Barkham and B. G. Pollard merchants and partners in trade under the name and style of Barkham and Pollard, filed on the 24<sup>th</sup> day of May A. D. 1888, and on the Report of Commissioner Robert R. Prentiss filed on the 25<sup>th</sup> day of September A. D. 1888, (the same being a Report of claims against, or debts due by the defendant, Robert Farney, and of the Real estate owned by him at the time said debts were contracted, made in pursuance of the decree entered herein on the 10<sup>th</sup> day of April A. D. 1888), and was argued by counsel.

On consideration whereof the Court doth approve and confirm said Report to which no exception has been taken: and it appearing from <sup>the Record in this cause</sup> ~~said~~ Report that the indebtedness of the defendant

Robert Fanny, to the Complainants  
J. J. Allen's Sons and <sup>to</sup> the said Pe-  
titioners, Barkham and Pollard  
specified in said Report, had  
been contracted, before the deed  
from said Robert Fanny to the  
defendant, Gilbert Fanny, and  
the deed from said Gilbert Fanny  
to the defendant, Elizabeth Fanny  
mentioned in the Bill in this

cause, were made, ~~were not and~~  
~~that and it also appearing from the~~  
~~were made with intent to delay, hinder, and defraud the said com-~~  
~~plainants and petitioners of and from what they are lawfully entitled to~~  
and ~~deeds~~ were not upon consideration  
deemed valuable in law and  
are, therefore, <sup>fraudulent,</sup> voluntary and void  
as to said Complainants and  
Petitioners, the Court doth adjudge  
order and decree that said deeds  
be cancelled, annulled and  
set aside, as to said Complain-  
ants and Petitioners as to whom  
they are <sup>fraudulent</sup> voluntary and void, ~~the~~  
~~said deeds~~ And the Court doth  
~~further adjudge, order and decree~~  
and that, ~~unless~~ the real estate men-  
tioned and described in said deeds  
be sold, unless the defendant, Ro-

best Fanny, or some one for him share  
within <sup>sixty</sup> ~~thirty~~ days from the date  
of this decree pay and satisfy  
the said indebtedness to said  
Complainants and Petitioners,  
and that Wilbur J. Kilby, who is  
hereby appointed Special Commis-  
sioner for the purpose, do proceed  
<sup>after the expiration of said ~~thirty~~ <sup>sixty</sup> days</sup>  
to sell said real estate by public  
auction before the Court house door  
of this County on some County Court  
day on the terms of payment ~~of~~ by  
the purchaser of enough of the pur-  
chase money in cash to cover the  
costs of this suit and the expenses  
of the sale ~~including a fee of~~  
~~dollars for the Counsel~~  
~~of the Complainants for his services~~  
~~herein~~, and the remainder in equal  
sums at the end of one and two  
years respectively with interest from  
the day of sale, - the purchaser to exe-  
cute bonds in evidence of the defer-  
red payments with good personal  
security and the title to said real  
estate to be retained until the fur-  
ther order of Court.

But before proceeding to <sup>execute</sup> ~~proceeding~~ <sup>advertising</sup> ~~to~~ <sup>for sale</sup>  
~~said sale of said real estate~~, said

Special Commissioner will advertise the time, place and terms thereof by printed notices for twenty days, or more prior to the day of sale and by publication of the notice once a week for three successive weeks in a newspaper published in the Town of Suffolk in this County and will execute before the Clerk of this Court a Bond in the penalty of 4000—

— dollars with good personal security, payable to the Commonwealth of Virginia and conditioned for the faithful discharge of his duties under this decree and all other decrees he may be required to execute in this cause, and will obtain of said Clerk a certificate that said Bond has been executed and append the same, or a copy thereof to the advertisement of the sale and make report to Court of his transactions under this decree,

Allen's Sons

vs. } In Chy.

Fanny & al.

---

In the Circuit Court  
of Hausmann County  
April 13<sup>th</sup> 1889

Decree

To be entered

C. M. H. H.

Enter Chancery  
Order Book No. 25 137

Allen's Sons

vs.

Fanny

This Cause in which the Complainants had proceeded against the defendant, Gilbert Fanny, who is not a resident of this Commonwealth, in the mode prescribed by law against absent defendants, he still failing to appear and plead answer or demur, came on this day to be heard on the Order of Publication as to said absent defendant, which had been duly published and posted as required by law and on the Bill taken for confessed as to said Gilbert Fanny and also as to all the other defendants on whom process had been duly served, they still failing to appear and plead answer and demur to said Bill and on the Exhibits filed with said Bill, and was argued by counsel.

On consideration whereof the Court doth adjudge, order and decree that the papers in this Cause be referred to one of the Commissioners of this Court

who is directed to take, state, settle and report to Court the following accounts, to wit;

1. An Account of all claims against, or debts due by, Robert Fanny, secured by liens upon his real estate by virtue of deeds of trust, judgments or otherwise, including the judgment in favor of the Complainants.

2. An Account of the real estate of said Robert Fanny, subject to said liens including its fee-simple and annual values.

3. An account of any matters specially stated deemed pertinent by himself, or which may be required by any of the parties to be so stated.

And it is ordered that notice of the time and place of taking said accounts be published once a week for four successive weeks in the "Suffolk Herald", a convenient newspaper published in the Town of Suffolk in this County and that such publication be equivalent to personal service of such notice on

the parties, or any of them,

Allen's Sons

vs. } In Chy.

Fanny Sal.

In the Circuit  
Court of Chaussemond  
County

April 10th 1888

Decree

To be entered  
C. W. White

March 29, 1888

W. R. P. 1888

Entered Chy. Order Book  
No. 2. P 190

J. J. Allen's Sons

vs.

Rob. Fanny Sals.

This Cause came on this day to be again heard on the papers formerly read and on the Report of Special Commissioner Wilbur J. Kilby filed on the 31st. day of March 1892. (the same being a Report of collections and disbursements in pursuance of the decree entered herein on the 11th. day of April 1891), and was argued by Counsel.

On consideration whereof the Court doth approve and confirm said Report to which no exception has been taken, and doth adjudge, order and decree that the proceedings had in this Cause be final and binding between the parties, ~~and nothing more remaining to be done therein doth order that said the Cause be removed from the docket.~~

And on the motion of Barham & Polard, by their counsel, leave is given them to withdraw from the papers herein, the note of Robert Fanny payable to them and filed with their petition herein on the 24th. day of May 1888 in evidence of their claim against said Robert Fanny for the principal sum of \$618.<sup>60</sup> provided their

J. J. Allen's Sons

vs. } In Chy.

Robt. Fanny & als

In the Circuit Court  
of Chancery County,  
April 13 1892

Final Decree  
To be entered  
per

Final Decree

Entered in Chy. O. Book  
No. 2 Page 436

Receipt for said note shall be filed  
with said papers.

And nothing more remaining to be  
done in this cause, the Court doth order  
that it be removed from the docket.

To the Honorable C. W. Hill  
Circuit Court Judge in and  
for Chausemond County in the  
State of Virginia;

Humbly complaining respect-  
fully represents and shows unto  
Your Honor, Your Petitioners, Wil-  
liam R. Barkham and B. G. Pol-  
lard, merchants and partners  
in trade under the name and  
style of Barkham and Pollard

That Robert Fanny of Chause-  
mond County in the State of Vir-  
ginia is indebted to them in  
the sum of six hundred and  
eighteen and  $\frac{6}{100}$  dollars bear-  
ing interest from the 18th. day  
of July 1887, as evidenced by his  
negotiable note for said sum  
of money dated the 18th. day of  
January 1887 and payable to Your  
Petitioners six months after date,

That said note waives the  
benefit of the homestead exemp-  
tion and is herewith filed as  
part of this Petition;

That on the 30th. day of Janu-  
ary 1888, a suit in Chancery was

instituted in the Circuit Court  
of said County <sup>by</sup> William C. Allen  
and C. Penrose Allen merchants  
and partners in trade under the  
name and style of J. J. Allen's Sons  
against said Robert Fanny and  
Elizabeth his wife, Gilbert Fanny  
Richard H. Beaumont (Senior) and  
Richard H. Beaumont (Junior) Trustee  
and that the Bill filed therein,  
among other things, prays that  
a certain deed, mentioned in  
said Bill from said Robert  
Fanny to said Gilbert Fanny  
and a certain other deed from  
said Gilbert Fanny to said Eliz-  
abeth Fanny also mentioned in  
said Bill, may be declared to  
be ~~void~~ <sup>conveyances</sup> voluntary and fraudu-  
lent, for reasons stated in said  
Bill and void and that they  
may be cancelled and an-  
nulled and the land in them  
mentioned and described sold  
and the proceeds of the sale  
applied to the satisfaction and  
payment of the claims of said  
J. J. Allen's Sons against said

Robert Fanny;

Your Petitioners charge for reasons and facts stated in said Bill that said deeds were made at the same moment of time and were admitted to record at one and the same time on the 14th day of September 1887 in the Clerk's office of Chaussemond County Court; that they constitute parts and parcels of one and the same transaction; that they were made to effect a post-nuptial settlement of the property mentioned in them upon the wife of said Robert Fanny without valuable consideration; that they were purely voluntary conveyances without consideration deemed valuable in law; that they were made with intent to delay, hinder and defraud the creditors of said Robert Fanny and especially Your Petitioners, who were his creditors at the time they were made, of and from what they are lawfully entitled to; that they are, therefore, void as to said creditors and especially Your Petitioners

and should be cancelled and annulled;

Your Petitioners say with the Complainants in said Bill that the facts stated and charges made in said Bill are all true.

In consideration whereof Your Petitioners pray that they may be made parties plaintiff in said suit along with said J. J. Allen's sons, as they are without remedy save in a Court of Equity; that the defendants in said Bill may also be made defendants to this Petition; that this Petition may be filed in said suit; that an account of all claims against, or debts due by, said Robert Fanny, secured by, or constituting liens upon the property mentioned in said deeds, including said claim of Your Petitioners, may be taken and reported to Court; that <sup>an</sup> account of said property and any other property subject to said liens, including the fee simple and annual value of the real

estate, if any, may also be taken  
and reported to Court; that said  
deeds may be declared to be volun-  
tary and fraudulent conveyances,  
void as to Your Petitioners and  
their said claim; that said  
deeds may be cancelled and an-  
nulled and the property in them  
mentioned and described sold and  
the proceeds of the sale applied to  
the satisfaction and payment  
of said claims; and that all  
other further and general ~~relief~~  
relief, which to Equity may seem  
proper and the nature of their case  
may require, may be granted Your  
Petitioners, and, as in duty bound,  
they will ever pray etc.

Barham and Pollard  
By Wilbur J. Kilby.  
their Counsel.

24th. May 1888

J. J. Allen's Sons

vs. } In Chy.

Robt. Fanny & al.

---

Petition of Bar-  
ham & Pollard

1888. May 24<sup>th</sup> Filed.  
CEK

**This Deed**

MADE ~~in~~ the 14<sup>th</sup> day of <sup>of Our Lord, one Thousand</sup> Sept in the year eight~~een~~ hundred  
and eighty-seven between Gilbert Fanny, of the State of North Carolina,  
of the one part, and Elizabeth Fanny, the wife of Robt.  
Fanny, of the County of Newsum, Virginia, of the other  
part

~~of the~~ ~~of~~ ~~in the State of~~ ~~part~~ ~~of the first part, and~~  
~~part~~ ~~of the second part~~

**Witnesseth,** THAT IN CONSIDERATION OF THE SUM OF Eighteen hundred  
dollars, the said

~~part~~ ~~of the first part~~ do <sup>Gilbert Fanny</sup> ~~th~~ grant, with general warranty, unto the said <sup>Elizabeth Fanny</sup> ~~part~~ ~~of the second part~~  
and to her heirs and assigns, forever the following ~~property, to wit:~~ real estate, to wit: a

Certain Tract of land in Newsum County, Virginia, containing  
One hundred fifty acres, more or less, adjoining the lands of Robt  
Williamson, The Crofs-Swamp, and others, and now Subject to  
a Deed of Trust thereon, in favor of Dr. R. H. Beaman, together  
with Certain household and Kitchen furniture, farming  
implements, and stock This day sold and conveyed to  
me by Robt. Fanny.

*[Faint, mostly illegible handwritten text, possibly a deed or contract, with a large diagonal line drawn across it.]*

Together with all and singular the appurtenances belonging to the same The Said grantor  
covenant<sup>s</sup> that he has the right to convey the said land to the grantee; that the  
~~that he has done no act to encumber the said land, except as aforesaid~~  
Said grantee shall have quiet possession of the said land, ~~free from all incumbrances~~ <sup>and</sup> that he ~~the said part~~ of  
~~the first part~~ will execute such further assurances of the said land as may be requisite, and that he ~~has done~~  
~~no act to incumber the said land.~~

WITNESS the following signatures and seals

Witness  
E. E. Holland

*Gilbert X Fanny*  
mark

[SEAL.]

[SEAL.]

[SEAL.]

[SEAL.]

STATE OF VIRGINIA,

COUNTY OF NANSEMOND, To-WIT:

I, *E. E. Holland*, <sup>in and</sup> a Notary Public for the County ~~aforesaid~~

*County* in the State of Virginia, do certify that *Gilbert Fanny*,

whose name *is* signed to the writing above, bearing date on the *14* day of *Sept* in the year ~~eighteen hundred and eighty-~~ *1887*, has acknowledged the same before me, in <sup>the</sup> ~~my~~ County aforesaid.

Given under my hand, this *14* day of *Sept* in the year *1887*.

*E. E. Holland*, N.P.  
~~Notary Public~~

STATE OF VIRGINIA.

COUNTY OF NANSEMOND, To-wit:

I, \_\_\_\_\_ a Notary Public for the County of

Nansemond County, in the State of Virginia, do certify that

the wife of \_\_\_\_\_ whose names are signed to the writing above  
bearing date on the \_\_\_\_\_ day of \_\_\_\_\_, in the year eighteen hundred and eighty-\_\_\_\_\_, personally  
appeared before me, in the County aforesaid, and being examined by me privily and apart from her hus-  
band and having the writing aforesaid 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 my hand, this \_\_\_\_\_ day of \_\_\_\_\_ in the year 188 .

~~Notary Public.~~

*In the Clerk's Office of Nansemond County Court, the 19<sup>th</sup> day of September, 1887.  
This Deed was presented with the certificate annexed, and admitted to  
record.*

*Teste:*

*Peter B. Prentiss, Clerk*

*A Copy:*

*Teste:*

*Peter B. Prentiss, Clerk*

Xmd

Copy

Deed of Bargain & Sale.

FROM

Albert Fanny

TO

Elizabeth Fanny wife of Robert Fanny.

ADMITTED TO RECORD

This day of 188

Recorded in Deed Book No.

page, and Ex-

amined and Verified.

TESTE.

Clerk.

Tax \$

Fee

Total \$

Exhibit C

Robert Fanny & Co

At. } In Chy.

J. J. Allen's & Sons

This Deed MADE ~~us~~, the 14 day of <sup>of our Lord, one thousand</sup> Sept in the year eight hundred and eighty-seven between Robt. Finny, \_\_\_\_\_

of the County of Nansomand, in the State of Virginia, \_\_\_\_\_ of the <sup>one</sup> ~~first~~ part, and  
Gilbert Finny, of the County of Gates, State of North-Carolina, \_\_\_\_\_ of the <sup>other</sup> ~~second~~ part.

Witnesseth, THAT IN CONSIDERATION OF THE SUM OF Two thousand

dollars, the said

~~Robt. Finny~~ <sup>Gilbert Finny</sup> \_\_\_\_\_ of the ~~first~~ part doth grant, with general warranty, unto the said \_\_\_\_\_ of the ~~second~~ part

and to his heirs and assigns, forever the following <sup>real estate</sup> ~~property~~, to-wit: a certain tract of land, in  
Nansomand County, Virginia, containing One hundred & fifty acres, more  
or less, and adjoining the lands of Rebs Williamson, the Crofs-Swamp  
and others, subject to a Deed of Trust, now thereon, in favor of R. H.  
Beaman, Together with all house hold & Kitchen furniture, farming  
implements and all stock now on hand. \_\_\_\_\_

Together with all and singular the appurtenances belonging to the same The Said grantor  
covenants that he has the right to convey the said land to the grantee; that the  
grantee shall have quiet possession of the said land, <sup>said</sup> ~~that he has done no act to encumber the said land, and~~ ~~free from all incumbrances~~; that he ~~the said part~~ of  
~~the first part~~, will execute such further assurances of the said land as may be requisite; and that ~~he~~ ~~has~~ ~~done~~  
~~no act to incumber the said land.~~

WITNESS the following signatures and seals

Witness  
E.E. Holland

Robt X. Fanny  
mark

[SEAL.]

[SEAL.]

[SEAL.]

[SEAL.]

STATE OF VIRGINIA,

COUNTY OF NANSEMOND, To-WIT:

I, *E. E. Holland,*

*in me*  
a Notary Public for the County aforesaid

*County* in the State of Virginia, do certify that *Robt. Fanny,*

whose name *is* signed to the writing above, bearing date on the *14* day of *Sept* in the year  
~~eighteen hundred and eighty~~ *1887*, has acknowledged the same before me, in ~~the~~ *the* County aforesaid.

Given under my hand, this *14* day of *Sept* in the year 1887.

*E. E. Holland, N.P.*

*Notary Public.*

STATE OF VIRGINIA.

COUNTY OF NANSEMOND, To-wit:

I, *E. E. Holland,*

a Notary Public for the County of

Nansemond County, in the State of Virginia, do certify that

the wife of

whose names are signed to the writing above

bearing date on the      day of      , in the year eighteen hundred and eighty-      , personally  
appeared before me, in the County aforesaid, and being examined by me privily and apart from her hus-  
band and having the writing aforesaid 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 my hand, this      day of      in the year 188      .

*Notary Public.*

*In the Clerk's Office of Nansemond County Court, the 19th day of September,*  
*1887.*

*This deed was presented with the certificate annexed, and admitted to record.*

*Jesse.*

*Peter B. Prentiss, Clerk*

*A Copy: Jesse:*

*Peter B. Prentiss, Clerk.*

and

<sup>copy</sup>  
Deed of Bargain & Sale.

FROM  
Robert Fanny  
TO  
Gilbert Fanny

ADMITTED TO RECORD

This day of 188

Recorded in Deed Book No.

page, and Examined and Verified.  
TESTE.

Clerk.

Tax \$

Fce

Total \$

J. J. Allen's Son  
vs. } In Chy.  
Robt. Fanny & al.  
Exhibit D.

**This Deed,** made the 1st: \_\_\_\_\_ day  
 of January, \_\_\_\_\_ one thousand eight hundred and eighty-seven  
 between Robert Fanny \_\_\_\_\_ and  
 Betty, \_\_\_\_\_ his wife, of the county of Nausem and  
 and State of Virginia, of the one part, and Richard H. Beaman, Jr.

chosen as trustee for the purposes herein named, of the other part, **Witnesseth:**

That the said Robert Fanny \_\_\_\_\_ and  
 Betty, \_\_\_\_\_ his wife, do grant, with general warranty,  
 unto the said Richard H. Beaman, Jr. \_\_\_\_\_  
 trustee as aforesaid, the following property, to wit: all that certain tract  
 or parcel of land, situated in Sleepy Hole Magisterial District, in  
 Nausem and County, aforesaid, and 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 Capps-Swank  
 Land: on the East, by the land of Charles F. Groome known  
 as the Lee Farm, and the land of others: on the South, by the  
 County road, leading to Sleepy Hole Farm, and on the West, by  
 the lands of J. H. Wilcox and Rebs Williamson; and  
 being part of the land which was formerly owned by Henry C.  
 Capps, and is the same land, which by deed, dated the  
 17th day of July, A.D. 1882, and recorded the 4th day of  
 August, 1882, in the Clerk's Office to Nausem and  
 County Court, in Deed Book, No. 10 page 566 was  
 sold and conveyed, by D. H. Marsh & wife, unto the  
 said Robert Fanny,

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

In trust to secure to Mr. Richard H. Beaman, of Nausumund County, Virginia, the payment of the sum of Twelve hundred (1200) dollars, evidenced by a bond, bearing even date with this deed, executed by the said Robert Fanny to the said Richard H. Beaman, and payable twelve (12) months after date, with interest from date, said interest to be paid semi-annually, and said bond, containing a waiver of the Homestead Exemption.

In the event of default in the payment of the said bond, principal or interest, at maturity, it shall be the duty of the said Richard H. Beaman, Jr. Trustee whenever he shall be requested so to do, by the said Richard H. Beaman, or his assign, to sell the real estate herein conveyed, by public auction, for cash, after having first advertised the time, place and terms of sale, for at least three (3) weeks, in such manner as to the Trustee, shall seem best for the interest of all parties, and out of the proceeds of such sale, after paying the expense of executing this Trust, including a Commission of five (5) per cent on the gross proceeds of sale to the Trustee, the said Trustee shall pay off and discharge the said bond, principal and interest and the residue, if any, he shall pay to the said Robert Fanny or his assigns.

In the event of default in the payment of the said bond, or before deed of Release, at the expense of the said Robert Fanny is to be executed.

Witness the following signatures and seals:

Robert Fanny [SEAL.]  
Betty Fanny [SEAL.]

State of Virginia,

County of Nausumund } To wit:  
I, Peter B. Prentiss, a Commissioner in Chancery of the Circuit Court, in and for the county aforesaid, in the State of Virginia, do certify that Betty Fanny, the wife of Robert Fanny, whose names are signed to the writing above, bearing date the 1st day of January 1887, personally appeared before me in the county aforesaid, and being duly examined by me privily and apart from her husband, and having the writing aforesaid fully explained to her, she the said Betty Fanny, 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 my hand this 4th day of January eighteen hundred and eighty-seven (1887)

Peter B. Prentiss  
Comm<sup>r</sup> in Chy.

Virginia,

County of Nausumund

} To wit:

I, Peter B. Prentiss, a Commissioner in Chancery of the Circuit Court in and for the said county, in the State of Virginia, do certify that Robert Fanny, whose name is signed to the writing above, bearing date the 1st day of January 1887 has acknowledged the same before me in the county aforesaid.

Given under my hand this 4th day of January 1887

Peter B. Prentiss  
Comm<sup>r</sup> in Chy.

In the Clerk's Office of Nausumund County Court, the 6th day of January 1887  
This deed of Trust was presented with the Certificate annexed, and admitted to record.

Teste: Peter B. Prentiss, Clerk

A Copy: Teste: Peter B. Prentiss, Clerk

Kind

Copy

DEED of TRUST.

---

Robert Fanny Lwif

To

Richard H. Beaman, Jr.  
Trustee for

Mr. Richard H. Beaman

---

J. J. Allen's Sons

vs. } In Chy.

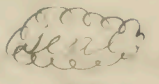
Robt. Fanny & al.

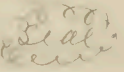
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Exhibit C.

This Deed, made this 17th. day of July 1852, between D.H. Marsh and William M. Marsh his wife, of the State of New York, parties of the first part, and Robert Janny of the County of Nansemond & State of Virginia, party of the second part, Witness: that for and in consideration of the sum of Fifteen Hundred dollars, to them in hand paid or secured to be paid, at or before the sealing and delivery of these presents the said parties of the first part do grant, with general warranty, on account of any act or acts of their own, unto the said party of the second part, the following Real Estate, to wit: All that tract of land lying in "Sleepy Hole" District of Nansemond Co. Va. known as the "Capps" or "Lord" farm, estimated to contain one hundred and sixty five (165) acres, though the same is sold in gross, and not by the acre, and bounded North by the "Croft Swamp" East by the Lee farm and others: South by the County Road from Brinkley to "Sleepy Hole" and West by the lands of J. N. Wilroy & Rees Williamson, it being a part of the same land formerly owned by Henry Capps and by him conveyed to E. H. Lord, who conveyed to same to Peter B. Prunty's Trustee, to secure a certain debt due to the "Auburn Cigar Co" which was sold by said Peter B. Prunty's Trustee, under the said deed of Trust, to Theodore A. Carlen, and by him conveyed to the said D.H. Marsh, except that Two and a half ~~acres~~ ~~acres~~ acres of the said land has been previously conveyed by the said D.H. Marsh to Mrs Lou A. Harrell, the said parties of the first part hereby conveying all their remaining interest of every description in the said land unto the said party of the second part.

Witness the following signatures and seals.

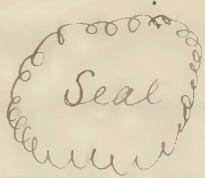
R.H. Marsh 

William M. Marsh 

New York State }  
Schenck County } ss.

I, Herman S. Hopkins a Notary Public for the County of Schenck in the State of New York, do certify that Mrs William M. Marsh the wife of R.H. Marsh whose names are signed to the writing annexed, dated the 17th day of July 1882, personally appeared before me in my said County and being examined by <sup>me</sup> privately and apart from her said husband, and having said writing fully explained to her, acknowledged it to be her act and declared that she had willingly executed the same and does not wish to retract it.

Given under my hand & official seal this 22nd day of July 1882

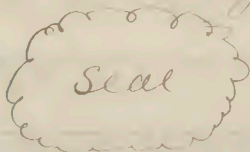


Herman S. Hopkins  
Notary Public.

State of New York }  
County of Schenck } ss.

On this 22nd day of July in the year one thousand eight hundred and eighty two, before, me, the subscriber, personally appeared R.H. Marsh, to me known to be the same person described in, and the within instrument and he acknowledged that he had executed who executed, the same.

Given under my hand and official seal this 22nd day of July 1882.



Herman S. Hopkins  
Notary Public.

State of New York.  
Tompkins County Clerk's Office T. P.

I, Squire B. Rolfe, clerk of said County, and of the Courts of Record thereof, do hereby certify that Herman S. Hopkins Esqr was at the date of the certificate of proof, an acknowledgment of the annexed instrument, a Notary Public, in and for said County, duly authorized and qualified to take the same; that I am well acquainted with his handwriting, and verily believe that said signature is genuine, and that said instrument is executed and acknowledged according to the laws of this state, to entitle it to be recorded therein.

In testimony whereof I have herunto set my hand and affixed the seal of said County, and Courts, at Ithaca, this 22<sup>nd</sup> day of July 1882.

E. A. Marsh Deput. Clerk.



In the Clerk's Office of Nausem and County Court,  
the 4th. day of August 1882.

This Deed was received, and with the certificates annexed admitted to record.

Teste

Peter B. Prentiss Clerk.

A Copy

Teste:

Peter B. Prentiss Clerk.

D. H. Marsh & wife <sup>Xm'd</sup>

To } Copy Deed  
Robert Fanny

J. J. Allen's Sons

vs. } In Chy.

Robt. Fanny & al.

---

Exhibit B.

A Judgment obtained in the Clerk's Office  
of the Circuit Court of Nassau County,  
and confirmed at a Court held and  
Closed for the said County, on Tuesday, the  
18th day of October, 1887.

Costs:

Clerk \$3.60  
Att. Gen. 3.50  
Shff. 50  
\$7.60

William N. Allen and N. Pounce Allen,

Merchants and Partners in trade under

the name and style of J. J. Allen's sons. Plaintiffs.

Against { In Debt on two Negotiable Notes

Robert Fanny. Defendant.

Docketed

Nov. 26<sup>th</sup> 1887

The Judgment obtained at the Rules, not having been  
set aside, and the Plaintiffs being now entitled to a final  
judgment: it is therefore considered, that the plaintiffs recover  
against the defendant, Four hundred and twenty-three dollars  
and seventy-eight cents, parcel of the debt in the declaration  
mentioned, with interest thereon, at the rate of six per centum  
per annum from the 22nd day of July, 1887, till paid, and their  
costs by them, about their suit, in this behalf expended.

And the said Defendant, in mercy &c

A Copy:

Teste:

Peter B. Prentiss, Clerk

Memo: The Notes upon which the foregoing Judgment  
was founded, were the Homestead Exemption

Teste:

Peter B. Prentiss, Clerk

J. J. Allen's Sons  
 vs { Copy Judgment  
 Robert Fauny. & als.

Exhibit A

OFFICE OF

PETER B. PRENTIS,  
CLERK OF THE

CIRCUIT AND COUNTY COURTS OF NANSEMOND COUNTY.

*Suffolk, Va.,*

1888

J. J. Allen's Sons  
vs { Filed (5) Exhibits filed  
with the Bill

Robert Fanny Lals

15  
75

To the Honorable C. W. Hill  
Circuit Court Judge in and  
for Chausemond County in the  
State of Virginia:

Humbly complaining respect-  
fully represent and show unto  
Your Honor, Your Complainants  
William A. Allen and C. Pen-  
rose Allen, merchants and  
partners in trade under the  
name and style of J. J. Allen's  
sons.

That on the 22 day of July  
A. D. 1887, Robert Fanny of Chause-  
mond County, in the State of Vir-  
ginia was indebted to them in  
the sum of four hundred and  
twenty-three and ~~seventy-eight~~  
<sup>78/100</sup> — dollars, as evidenced  
by two negotiable notes in which  
the benefit of his homestead was  
waived by said Robert Fanny.

That on the 26th day of Au-  
gust after repeated attempts  
to induce said Robt. Fanny to  
pay the same, but without suc-  
cess, Your Complainants instituted  
a suit at law in the Circuit

Court of said County to recover said sum of money and on the 18th day of October A.D. 1887 obtained a judgment therefor in said Court and for interest thereon from the 22 day of July 1887 till paid and for seven and  $\frac{60}{100}$  dollars costs in that behalf expended by Your Complainants.

That said Robert Fanny made no attempt whatever to defend said suit:

That said judgment was docketed in the office of the Clerk of the County Court of said County on the 26th day of November 1887:

That a copy of said judgment, duly authenticated, is herewith filed as part of this Bill and marked Exhibit A:

That at the time said suit was instituted the said Robert Fanny was seised and possessed of all that certain tract or parcel of land situated in Sleepy Hole Magisterial District in said County

known as the "Capps" or "Lord" farm containing by estimation one hundred and sixty-five acres, more or less and bounded on the North by Cross Swamp, on the east by the land of Chas. F. Groome known as the "Lee Farm" and the lands of others, on the South by the County road leading to Sleepy Hole wharf and on the West by the lands of T. N. Wilroy and Reps Williamson and being the same land which by deed dated the 17th. day of July A. D. 1882 and recorded the 4th. day of August A. D. 1882 on page 566 of deed book No. 10 in the office of the Clerk of the County Court of said County, was sold and conveyed by D. H. Marsh and wife to said Robert Fanny, as appears by a copy of said deed from said D. H. Marsh and wife to said Robert Fanny filed herewith as part of this Bill and marked Exhibit B:

That by a deed of trust dated the first day of January A. D. 1887 and recorded in said office on the 6th. day of January A. D. 1887, the

Elizabeth or  
~~the~~ said Robert Fanny and Betty  
his wife conveyed said land to  
Richard H. Beamon Jr. Trustee in  
trust to ~~the~~ secure to Richard  
H. Beamon Sr. the payment of  
the sum of twelve hundred (1200)  
dollars, the same being the amount  
of said Robert Fanny's indebtedness  
at that time to said Richard  
H. Beamon Sr., as will appear  
by a copy of said deed of trust  
filed herewith as part of this Bill  
and marked Exhibit C.

That on the 14th day of September A. D. 1887, just eighteen days  
after said suit at law had  
been instituted, the said Robert  
Fanny and his brother, Gilbert  
Fanny, who resides in Gates  
County in the State of North  
Carolina, met in the Town of  
Suffolk and the said Robert  
Fanny for the alleged consideration  
of two thousand dollars by a deed  
in the execution of which his wife  
did not unite, conveyed said  
land subject to said deed of  
trust and all his household and

Kitchen furniture farming implements and stock unto said Gilbert Fanny, and at the same time the said Gilbert Fanny by a deed in the execution of which his wife did not unite and for the alleged consideration of eighteen hundred dollars, conveyed said land subject to said deed of trust, and all said household and kitchen furniture, farming implements and stock unto Elizabeth (Betty) the wife of said Robert Fanny, as will appear by a copy of the deed from said Robt. Fanny to said Gilbert Fanny herewith filed as part of this Bill and marked Exhibit D. and a copy of the deed from said Gilbert Fanny to said Elizabeth Fanny herewith filed as part of this Bill and marked Exhibit E:

Your Complainants charge that the said deed from said Robert Fanny to said Gilbert Fanny and the said deed from said Gilbert Fanny to said Elizabeth Fanny were made at the

same moment of time and were admitted to record in said office at one and the same time on the 14th. day of September 1887 just eighteen days after said suit at law had been instituted by Your Complainants against said Robert Fanny; that they constitute parts and parcels <sup>and the same</sup> of one transaction; that they were made to effect a post-nuptial settlement of the property mentioned in them upon the wife of said Robert Fanny; that they were purely voluntary conveyances without consideration deemed valuable in law; that they were made with intent to delay, hinder, and defraud the creditors of said Robert Fanny, and especially Your Complainants of and from what they are lawfully entitled to; and that they are therefore, void as to said creditors and Your Complainants especially and should be cancelled and annulled;

Your Complainants <sup>further</sup> charge

that said Gilbert Fanny did not pay said Robert Fanny the sum of two thousand dollars nor indeed any other sum of money or other thing for said property subject to said deed of trust, for said Gilbert Fanny is and has been a long time a poor man with a large family and but little means and was not able to pay two thousand dollars for said property already encumbered with a lien to secure twelve hundred dollars thus making ~~the price of the property~~ cost him three thousand and two hundred dollars while in fact it is not worth over the sum of \$1500. or \$2000:

That said Elizabeth Fanny did not pay said Gilbert Fanny the sum of eighteen hundred dollars nor indeed any other sum of money or other thing for said property subject to said deed of trust:

That said deed from said Robt. Fanny ~~and~~ to said Gilbert Fanny and said deed from said

Gilbert Fanny to said Eliza-  
bette Fanny were made to  
prevent your Complainants from  
securing a lien on said land  
by virtue of the judgment which  
said Robt. Fanny knew, after  
the institution of said suit at  
law, your Complainants would  
obtained against him:

That said Robt. Fanny and  
wife have never surrendered the  
possession of said land to said  
Gilbert Fanny, nor has said  
Gilbert Fanny exercised any  
acts of ownership over it. That  
said Gilbert Fanny has never  
left his farm upon which he  
has long resided in said Gates  
County;

Your Complainants <sup>further</sup> charge  
that their said judgment is a  
lien upon said land, that the  
rents and profits of said land  
will not satisfy said judgment  
in five years, and that they  
have the right in Equity to  
enforce said lien against said  
land and to subject the land

to the satisfaction of said judgment.

And Your Complainants hereby give notice that the Court will be asked to allow a fee to their counsel for services herein to be paid out of such moneys as may come under the control of the Court in this Cause.

In consideration whereof Your Complainants being without remedy save in a Court of Equity, pray that said Robert Fanny and Elizabeth his wife, Gilbert Fanny, Richard H. Beamon (Senior) and Richard H. Beamon (Junior) Trustee, may be made parties defendant to this Bill and be required to answer the same, but answers under oath are waived by Your Complainants; that an account of all claims against, or debts due by, said Robert Fanny, secured by liens upon his real estate by virtue of deeds of trust, judgments or otherwise, including said judgment in favor of Your Complainants, may be taken and reported

to Court; that an account of the real estate of said Robert Fanny subject to said liens, including its fee-simple and annual values, may also be taken and reported to Court; that said deed from said Robert Fanny to said Gilbert Fanny and said deed from said Gilbert Fanny to said Elizabeth Fanny may be declared to be voluntary and fraudulent conveyances, void as to Your Complainants and their said judgment; that said last mentioned deeds may be cancelled and annulled and the land in them mentioned and described sold and the proceeds of the sale applied to the satisfaction and payment of said judgment; and that all other further and general relief, which to Equity may seem proper and the nature of their case may require, may be granted to Your Complainants, and as in duty

bound they will ever pray etc.  
William C. Allen  
C. Penrose Allen  
By Wilbur J. Kilby  
their counsel.

30 Jan. 1888

J. J. Allen's Sons

vs. } In Chy.

Robt. Fanny & als

Bill

John J. Allen's Sons  
vs  
Chy: Notes  
Robert Fanny & als.

1888. Jan'y: 30th. Sum: in Chy: issued to February Rules, 1888.

" " 31st: Affidavit as to the non-residence of the defendant,  
Gilbert Fanny, made & filed.

" Feb'y: 17th: Bill & 5 Exhibits filed - and Decree nisi vs  
all the defendants, except Gilbert Fanny.

" " " Or: Sub: awarded vs the non-resident defendant  
Gilbert Fanny.

" March 5th: Decree nisi confirmed

" " 17th: Affidavit of Clerk of the Court, as to posting  
order of Publication, at Court House Door

" " " Certificate of publication filed

" April 2nd: Or: Sub: having been published & posted  
according to law, and no appear: Cause set  
for hearing on mo: of Attys' Counsel

" " 10th: Decree for Decree:

" May 24th: Petition of Barkham Holland filed

" Sept. 25th: Report under decree of 10th April  
1888. filed by RR Prentiss Comr.

1889 April 13th: Decree Confirming above report,  
cancelling deeds, directing sale  
of land, &c.

1890 Sept. 20th: Bond of W. Kelly, Special Comr.  
under Decree of 13th April 1889,  
executed, and Copy filed with the  
papers. and Certificate thereof  
given him.

1891 Jan'y 12th: Report of Sale under Decree of  
April 13th 1889 Filed.

" " 17th: Summons vs. Robert & Elizabeth  
Fanny to answer for Contempt.  
ordered to be issued.

1891 Jan 20th, Summons for Contempt issued  
" Feb. 11th, Decree confirming sale of land  
and ordering possession to be de-  
livered to purchaser.

Chy: Notes