1894-021
Nansemond Co. (Suffolk) Chancery Causes: John R. Shields & Co. et al vs James T. Pruden et al

Womble, Shields Merting & Co I, Porter, Eley, Young, Kilby, Morris Bros I,
Roland Bros I

CHANCERY SUMMONS.

The Commonwealth of Virginia, Isle of Wight

TO THE SHERIFF OF ~~NANSEMOND~~ COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON James T. Pruden, James B. Porter, A. W. Eley, Nathaniel P. Young, Trustee, and Wilbur J. Kirby, Trustee.

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the First Monday in September, to answer _____ a Bill in Chancery, exhibited against _____ them in the said Court by John R. Shields late Merchant in trade under the name and Style of John R. Shields & Co. Suing for the benefit and at the Costs of J. G. Womble his trustee and Assignee

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 13th day of August 1892, in the 117th year of the Commonwealth.

Teste:

A. P. Gomer Clerk.

Sufficient and legal service of this process is hereby acknowledged and accepted by me this 16th day of August 1892.

A. O. Young, Trustee.

On the 19th day of August 1892. I Executed this summons on James B. Porter by delivering him a true copy thereof.

Ro. A. Edwards
Sheff.

U. S. Kirby Atty

John A. Shields Adm.
suing etc.
vs
Jas. Graham et al
James S. Braden
James B. Porter Witness.

1892
September Rules
First Monday.

Circuit Court No 2 Page 68
Drummond County

CHANCERY SUMMONS.

The Commonwealth of Virginia, Franklin

TO THE SHERIFF OF ~~NANSEMOND~~ COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON James T. Pruden, James B. Porter, A. W. Eley, Nathaniel P. Young Trustee, and Wilbur J. Kilby Trustee.

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the First Monday in September 1892, to answer a Bill in Chancery, exhibited against them in the said Court by John R. Shields late Merchant in trade under the name and Style of John R. Shields & Co. suing for the benefit and at the costs of J. G. Womble his trustee and assignee

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 13th day of August 1892, in the 117th year of the Commonwealth.

Teste:

A. P. Gomer Clerk.

W. I. Kilby p.q.

John R. Shields Heo.

vs.

Jr Chancery

James S. Pruden

James B Porter Sothers

1892

September Rules

First Monday

No inhabitant

O H Price

S. F. D

Process Book No 2, pg. 68

Nansemond County

Circuit Court

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON James S. Pruden, James B. Porter, A. W. Eley, Nathaniel P. Young, Trustee, and Wilbur J. Kelby Trustee.

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the First Monday in September 1892 to answer a Bill in Chancery, exhibited against them in the said Court by John R. Shields late Merchant in trade under the name and style of John R. Shields & Co. suing for the benefit and at the Costs of J. G. Womble his trustee and Assignee

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 13th day of August 1892, in the 117th year of the Commonwealth.

Teste:

A. P. Gomer Clerk.

Kilby f. q.

John R. Shields & Co.
suing etc.

vs. } In Chancery

James T. Pruden
James B. Porter
and others.

1892
September Rules.
First Monday.

Process Book No. 2 Page 68
Nansemond County
Circuit Court.

Sufficient and legal service of this process is hereby acknowledged and accepted by us Generally This 15th. day of August 1892

Milburn G. Kilby, Trustee
& Nr. Eley

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED ~~TO SUMMON~~ as oflen heretofore you have been commanded to Summon James T Pender

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 Third Monday in January 1893, to answer a Bill in Chancery, exhibited against him and others in the said Court by John R Shields late Merchant in Trade under the name and Style of John R Shields & Co Suing for the benefit and at the costs of J G Womble his Trustee and Assignee

and have then and there this summons.

WITNESS, A. P. GOMER, Clerk of our said Court, at his office, this 2nd day of January 1893, in the 117th year of the Commonwealth.

Teste:

A P Gomer Clerk.

Executed This 2d day of Jan. 1893
by Delivering J J Pruden a True Copy
of The Within process in person.

W S B Baker
Sheriff

Sheriffs Fee $1.

John R Shields Atty
for Plaintiff

James J Pruden
James B Pender Witness

1893
January Rules
Third Monday

Process Book No 2 Pg 68
Pasquotank County
Superior Court

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED ~~TO SUMMON~~ as at another time you have been commanded to Summon James T Pruden, James B Perley A W Eley Nathaniel P Young Trustee and Wilbur J Kelby Trustee

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the Third Monday in September 1892, to answer a Bill in Chancery, exhibited against them in the said Court by John R Shields late Merchant in trade under the name and Style of John R Shields Hee Suing for the benefit and at the Costs of J G Womble his Trustee and assignee

and have then and there this summons.

WITNESS, A. P. GOMER, Clerk of our said Court, at his office, this 7th day of September 1892, in the 117th year of the Commonwealth.

Teste:

A P Gomer Clerk.

102 Kelby pg

John R Shields Hco.
Ewing Hco.
vs } Jn Chancery
James T. Pruden
James B. Porter & others

1892

September Rules
Third Monday

Process Book No 2 Pg 68.
Nansemond County
Circuit Court

1892 September 19th The within named James T Pruden is not found in this County.
This 19th Sept 1892
W. W. Parker
Sheriff

Know All Men by These Presents, That we, Wilbur J Kilby and Maggie P Kilby

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of Fourteen hundred DOLLARS, to the payment whereof, well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our and eaeh of our heirs, exeeutors 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 elaim 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 eonpons detached from bonds of said Commonwealth.

Sealed with our seals, and dated this 20th day of October in the year of our Lord one thousand eight hundred and Ninety three, and in the 118th 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 in the 11th day of October 1893 in the Chancery Cause pending in said Court between John R Shields suing &c Plaintiff and James P Pruden and others Defendants, it was decreed that the real estate mentioned in said decree belonging to said James P Pruden be sold, and the said Wilbur J Kilby was appointed Special Commissioner to sell the same and was required before proceeding to sell the same, to execute a bond in the penalty of Fourteen hundred (1400) Dollars conditioned for the faithful dischaye of his duties under said decree and all other decrees he may be required to execute in said Cause; Now therefore if the said Wilbur J Kilby shall faithfully dischaye the duties as Special Commissioner aforesaid under said decrees, then the above obligation is to be void, otherwise it is to remain in full force and effect.

Wilbur J Kilby SEAL

Maggie P Kilby SEAL

SEAL

SEAL

SEAL

In the offiee of the Clerk of the Circuit Court of Nansemond County, on the 20th day of October 1893

The above bond was executed and aeknowledged by the obligors (the surety justifying on oath as to her sufficieney) and recorded.

Teste: A P Gomey CLERK.

A Copy Teste: A P Gomey clerk

Wilbur J Kilby
To} Spec Comms
Bnd
The Commonwealth

1893
October
20th

A Copy

Shields Vs Pendleton

Recorded in Official
Bond Book
No 1 Page 56
Circuit Court

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 11th. day of October 1893 in the chancery cause pending in said Court between John R. Shields, suing etc. complainant and James T. Pruden and others, defendants, has been executed with security deemed sufficient by me.

Given under my hand this 20th. day of October 1893.

A P Gomer clerk

2

$1,50 pd

John R. Shields, late merchant in trade under the name and style of John R. Shields Heo. suing for the benefit and at the costs of J. G. Womble his trustee and assignee.

against

James T. Pinder; James B. Porter, A. W. Exley, Nathaniel P. Young, Trustee, and Wilbur J. Kilby, Trustee

Summons in Chancery to Rules on the first Monday in September 1892.

Wilbur J. Kilby
p. q.

13 August 1892

Shelby Co
Ks
Pawnee Co

Shawnee

1894
Oct
Ind

COMMISSIONER'S OFFICE,
SUFFOLK, VA., July 7, 1893.

TO JOHN R. SHIELDS, LATE MERchant in trade under the name and style of John R. Shields & Co., suing for the benefit and at the costs of J. G. Womble, his trustee and assignee..Complainant

AGAINST

James T. Pruden, James B. Porter, A. W. Eley, Nathaniel P. Young, trustee, and Wilbur J. Kilby, trustee....Defendants.

IN CHANCERY.

You are hereby notified that I have fixed upon the 24th day of August, 1893, to take and settle at my office the following accounts, to wit:

1. An account of the debts due by the defendant James T. Pruden, and secured by liens by judgments, deeds of trust or otherwise upon real estate belonging to him when said liens were obtained, or since acquired by him and subject to said liens, according to their priorities.
2. An account of the real estate of which the said James T. Pruden is now or was at any time seized and possessed, subject to said liens, showing its fee simple and annual values.
3. An account of any matters, specially stated, deemed pertinent by myself, or which any of the parties may require to be so stated.

Required to be taken by a decree of the Circuit Court of the county of Nansemond rendered on the 10th day of April, 1893, in a suit in chancery depending in said court between you, at which time and place you are required to attend.

Given under my hand, as Commissioner in Chancery of the said Court the day and year first aforesaid.

ROBERT R. PRENTIS,
Commissioner.

WILBUR J. KILBY, p. q. jy14-4t

Office of The Herald.

Suffolk, Va., Sept 1 1893

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.

Editor Herald.

Costs of Adv'g $7.00

Commissioner's Office,

Suffolk, Va., September 25th.1893.

John R. Shields, suing &c.

Against

James T. Pruden and others.

To the Circuit Court of Nansemond County.

The undersigned, one of the ommissioners of this Court, in pursuance of a decree pronounced in the above-entitled cause on the 10th. day of April 1893, having given due notice to the parties concerned, by publication in the Suffolk Herald as will appear by a copy of said notice hereto annexed, proceeded on the 24th. day of August 1893, to execute said decree. The proceedings were thenceforward regularly adjurned from ~~tim~~ time to time, until this day, when the same are completed. The results are herewith submitted.

I.

An Account of the debts due by the defendant which are liens, secured by Deeds of Trust, Judgments or otherwise, upon his real estate, the date of said liens, their nature and their priorities.

A. Deed Of Trust, A. W. Eley assignee of the Commercial Bank of Suffolk.

Dated January 27, 1880 and duly recorded in the Clerk's Office of Nansemond County Court, on the 30, day of January 1880, See Deed Book No. 8, Page 192.

Balance of Principal	$150.00	
1 Int. July 1 1890, to Oct. 15, 1893	29.60	$179.60

	Amount brought forward		$179.60
B.	Judgment, John R. Shields and A. A. Martin, merchants trading as Shields, Martin & Co.		
	Docketed April 8, 1882		
	Principal	$82.72	
	Int. Feb. 1, 1882 to Apr. 1, 1884	10.75	
		$93.47	
	1884 April 1, Cr. by Cash of John H. Wright	10.51	
		$82.96	
	Int on $82.72 from Apr. 1, 1884 to Oct. 15, 1893	47.36	
	Costs	2.75	133.07
C.	Judgment, Charles S. Morris, trading as Morris Brothers.		
	Docketed April 15, 1882		
	Principal	$205.00	
	Int Dec. 27, 1881 to Oct.15, 1893	145.10	
	Costs	8.10	358.20
D.	Judgment, Wm. Roland trading as Roland Bros.		
	Docketed October 22, 1882		
	Principal	178.91	
	Int. Feb. 11, 1882 to Oct. 15, 1893	125.35	
	Costs	8.10	312.36
	Total		$983.23

II.

An Account of the real estate of the said defendant, subject to the said liens, showing its fee-simple and annual values.

That certain tract or parcel of land situated in Chuckatuck Magisterial District, in Nansemond County, Virginia, containing 120 acres more or less, bounded on the North by lands of A. W. Oliver, on the East by Nansemond River, on the South by lands of John T. Harrell, and on the West by the land of Benjamin Turner.

The fee-simple value of said land is about $700.-

The annual value is about $50.-

Given under my hand the day and year first above written.

Robert R. Prentis

Commissioner in Chancery.

Fee $15.

John R. Shields Vs.

N. Commissioner Prentis' Report.

James T. Prudew Vs.

Dated Sept. 25. 1893

Confirmed 11th.
October 1893

1893 September 30th
Filed A. D. Gomey clerk

John R. Shields etc.

vs.

James T. Pinder Jals.

This cause came on this day to be again heard on the papers formerly read and on the Report of Commissioner, Robert R. Prentis, filed on the 30th. day of September 1893 (the same being a Report of the real estate belonging to the defendant James T. Pinder, and of the liens thereon by pidgments and otherwise in pursuance of the decree entered herein on the 10th. day of April 1893) and was argued by Counsel.

On Consideration whereof the Court doth approve and confirm the said Report to which no exception has been taken and it appearing from said Report that the rents and profits of the said real estate will not satisfy the said liens and pidgments in five years, the Court, with a view to the application of the proceeds of the sale to the discharge of said liens and pidgments, doth adjudge, order and decree that the said real estate con-

sisting of the parcel of land mentioned and described in the bill herein and in said Report, be sold and that Wilbur J. Kilby, who is hereby appointed Special Commissioner for the purpose, proceed to sell the same ~~be~~ by public auction before the courthouse door of this county on some county-court day, on the terms of payment by the purchaser of enough of the purchase-money in cash to cover the costs of this cause and the expenses of the sale and the remainder in equal sums at the end of six and twelve months 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.

But before proceeding to sell said land, said special commissioner will advertise the time, place and terms of the sale by printed notices to be posted in the neighborhood of the said land ~~to be sold~~, at said courthouse door and at several public places in said County and by publication of the notice once a

week for two successive weeks in a newspaper published in the Town of Suffolk in said County and will execute before the clerk of this Court a bond in the penalty of ^ fourteen hundred (1400) —— 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 the said clerk a certificate of the due execution of said bond 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

Shields etc.

vs. } In Chy.

Pruden & als

In the Circuit Court of Jefferson County. October 11th 1893

Decree
To be entered
CMS

Entered in Chancery Order Book No. 2 - Page 511.

John R. Shields etc.

vs.

James T. Pinder Jals.

This cause, regularly matured and set for hearing at Rules, came on this day to be heard on the Complainants Bill taken for confessed as to all the defendants, namely, James T. Pinder, James B. Porter, A. W. Eley, Nathaniel P. Young, Trustee, and Wilbur J. Kilby, Trustee, upon whom process had been duly served they still failing to appear and plead, answer or demur to the 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 and report to Court the following accounts, to wit;

1. An account of the debts due by the defendant, James T. Pinder, and secured by liens by judgments, deeds of trust, or otherwise upon

real estate belonging to him when said liens were obtained or since acquired by him and subject to said liens according to their priorities.

2. An Account of the real estate of which the said James T. Pinder is now, or was at any time, seised and possessed subject to said liens, showing its fee simple and annual values.

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

And the Court doth direct that notice of the time and place of taking said accounts may 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 shall be equivalent to personal service of such notice on the parties or any of them.

Shields &c
vs. } In Chy.
Pruden &als.

In the Circuit Court of Nansemond County. Va. April 10 1893

Decree
To be entered
C.H.D.

Entered in Chancery Order Book No. 2. Page 486.

This Deed, made the 27th day of January one thousand eight hundred and eighty, between Jas. D. Pruden of the County of Nansemond and State of Virginia of the one part, and Wilbur J. Kilby chosen as trustee for the purposes herein named of the other part, Witnesseth: That the said Jas. D. Pruden does grant with general Warranty unto the said Wilbur J. Kilby trustee as aforesaid, the following property, to wit: All that certain tract or parcel of land situated in Chuckatuck Magisterial District in Nansemond County Virginia, and Containing one hundred and twenty (120) acres more or less and bounded on the North by the land of John R. Cornell, on the East by Nansemond River, on the South by the land of Geo. Hettenbaugh (formerly E. F. White's) and on the West, by the land of Benjamin Turner (formerly that of Alfred Adkins) and being the same land which said Jas. D. Pruden obtained in fee simple by devise under the will of his grand mother Mary Pruden.

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

In Trust to secure to the Commercial Bank of Suffolk Virginia, the payment of the sum of four hundred (400) dollars due and payable to said Bank by said Jas. D. Pruden as evidenced by a negotiable note for said sum of four hundred dollars executed by said Jas. D. Pruden on the 27th day of January 1880 payable sixty days after date to his own order and by him endorsed to and made payable to and at said Bank and discounted by said Bank ~~for~~ the accomodation of said Pruden, subject to curtail and renewal according to the usages and requirements of said Bank.

And further to secure to said Bank the payment of any note which may hereafter be given in renewal of said note for four hundred dollars in whole or in part according to the usages or requirements of said Bank. And said Trustee is empow-

ered to sell said parcel of land hereby conveyed, for cash at public auction after due advertisement of the time, place and terms of sale according to law should said Jas T. Pruden fail to pay said note for $400 or any note which may hereafter be given in renewal thereof as above set forth at its maturity, and with the proceeds of the sale to pay first all costs and expenses of the sale including a commission of five per cent on said proceeds to himself said Trustee, and then pay said note for $400 or any note which may be given in renewal thereof as aforesaid, due at the time of said sale and all interest due thereon and the residue if any to pay as the law directs.

Witness the following signature and seal.

J. T. Pruden (Seal)

Virginia

County of Nansemond, to wit:

I, Millard T. Pinner a Notary Public in and for the said County in the State of Virginia, do certify that Jas. T. Pruden whose name

is signed to the writing above, bearing date the 27th day of January 1880 has acknowledged the same before me in the County aforesaid Given under my hand this 27th day of January 1880.

Millard D. Pinner N.P.

In the Clerk's Office of Nansemond County Court the 30th day of January 1880.

This Deed of Trust was received, duly certified, and thereupon admitted to record.

Teste:

Peter B. Prentis Clerk.

A Copy

Teste: P. B. Smith clerk

John R. Shields &c
vs. In Chy.
Jas. T. Braden &al.

Exhibit D.
filed with the
Bill

75

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 213.

VIRGINIA:—Clerk's Office of the County Court of the County of Nansemond Sct.

Before Joshua Simons a Justice of the Peace
~~In the~~ ~~Court of the~~ of Nansemond County. April 8th ~~Term~~ 1882

I. R. Shields and A. A. Martin Merchants and partners in trade doing business under the firm name ~~Plaintiff~~ and style of Shields, Martin, & Co. Plaintiffs

Versus. James T. Pruden Defendant

Action of assumpsit

Judgment in favor of the Plaintiffs against the Defendant for the sum of Eighty two dollars and Seventy-two cents $ 82.72

With interest at the rate of ~~six per centum per annum, from~~ Six per cent-um per annum from 1st day of February 1882 till paid $

~~Subject to credit viz:~~ ~~Charges of Protest~~, $

And the Cost of suit, $ 2.75

A FIERI FACIAS issued by said Justice of the Peace ~~from the Clerk's office of said Court~~ on the 8th day of April 1882, ~~returnable to the~~ ~~thereafter~~, directed to ~~the~~ F. L. Butler constable of the County of said County who ~~hath~~ made return thereon in the words and figures following, to-wit: "I can find no property to satisfy the within execution or any part thereof."

This Judgment was duly docketed in the Clerk's office of the County Court of the County of Nansemond on the 8th day of April 1882

Judgment Docket No. 1 Page 121.

A. P. Gomez D Clerk.

Teste: A. P. Gomez D Clerk.

W. J. Kilby p. q.

John R. Shields etc.

vs. } In Chy.

Jas. T. Pinden & als.

Exhibit C. filed with the Bill

Form No. 213.

ABSTRACT OF JUDGMENT.

vs.

Clerk's office, Isle of Wight Co.
Apl. 3rd 1891.

Dr Judge.

I have been trying ever since the receipt of yours of the 23 ult to see Mr. Foster as to the debt of Jas. T. Pruden secured by deed to me as trustee of the 7th July, 1887. To day I have seen him & he says the debt has been settled & he will relase the deed the first time he goes to Suffolk

Very truly, S. P. Young

Exhibit B.

UNITED STATES

POSTAL CARD.

ONE CENT

NOTHING BUT THE ADDRESS TO BE ON THIS SIDE.

Judge W. J. Kilby
Suffolk
Va

James T. Pruden

To Shields, Martin Leo. Dr.

1882					
Apl.	8	To Amount of Judgment		82	72
		" Interest from 1 Feb. 1882 to 1 Apl. 1884	$ 11 11		
1884 Apl.	1	By Cash paid by John H. Wright.	10 51		60
				83	32
		To Costs		2	75
		Amount due		86	07
		" Int. on $82.72 from 1 Apl. 1884 till paid.			

John R. Shields &c.

vs. } In Chy.

Jas. T. Pruden & als.

Exhibit A.
filed with
the Bill

John R. Shields etc.
vs.
Pruden & als.

On the motion of the complainant by his attorney it is ordered that this cause be dismissed

Shields etc.

vs. } In Chy.

Prudential.

In the Circuit Court of Hausemond County. April 10. 1894

Order

To be entered

Entered in Chancery Order Book No. 2. Page 540.—

In the Circuit Court of Nansemond County, Va.

John R. Shields, surviving etc. Complainant

Against } In Chancery.

James T. Pinden and others.

To the Honorable Chandler W. Hill Circuit Court Judge for the County of Nansemond, State of Virginia;

Humbly Complaining respectfully represents and shows unto Your Honor, Your Complainant, John R. Shields, late merchant in trade under the name and style of John R. Shields Sec. suing for the benefit and at the costs of J. G. Womble his trustee and assignee, that he and A. A. Martin, late merchants and partners in trade under the name and style of Shields, Martin Sec. obtained a judgment on the 8th. day of April A. D. 1882 before Joshua Simons, then a Justice of the Peace for the County of Nansemond, Va. against James

T. Pruden, a citizen of said County, for the sum of Eighty-two and 72/100 dollars with interest thereon from the first day of February A.D. 1882 till paid and two and 75/100 dollars for costs;

That said judgment was docketed in the Clerk's office of the County Court of said County on the day it was rendered, namely, on the 8th. day of April 1882;

That on the first day of April 1884 the sum of Ten and 5/100 dollars was paid to Your Complainant by John H. Wright on account of said judgment, leaving then due and unpaid a balance of $83.32 including both principal and interest with interest on the principal sum of $82.72 from that time, and in addition thereto the costs aforesaid amounting to $7.75 as will appear by a statement of said judgment herewith filed and marked Exhibit A.

That said judgment remains unsatisfied, no part thereof having been paid save and

except the sum of $10.51 paid as aforesaid on account thereof.

That after said judgment had been obtained, Your Complainant; said John R. Shields, purchased of his partner, the said A.A. Martin, all the interest of the latter in the business and assets of the said firm of Shields, Martin & Co. including all the said A.A. Martin's interest in said judgment and continued the business alone under the name and style of John R. Shields & Co. until his subsequent assignment of all his assets, including the said judgment to J. G. Wombee, Trustee, for the benefit of his creditors;

That at the time said judgment was rendered and docketed the said James T. Pinder was seized and possessed, and he is yet seised and possessed of all that certain tract or parcel of land situated in Chuckatuck Magisterial District in said County containing One hundred and twenty (120) acres, more or less and bounded on the North by the land of Alex. W.

Oliver (formerly John R. Cowell), on the east by Nansemond River, on the South by the land of John T. Harrell (formerly George Hetten-baugh) and on the west by the land of Benj. Turner (formerly Alfred Adkins), and being the same land which was devised to said James T. Pruden by his grand-mother, Mary Pruden, deceased;

That by a deed of trust dated the 27th. day of January 1880 and recorded on the 30th. day of January 1880 on page 192 of deed-book No. 8 in said office, the said James T. Pruden conveyed said land to Wilbur J. Kilby, Trustee, to secure to the The Commercial Bank of Suffolk, Virginia, the payment of four hundred dollars due and payable to said Bank by said James T. Pruden;

That after said debt of $400 had been reduced to $375 by the payment to said Bank of $25 in part thereof, it was assigned and transferred by said Bank for value received to Dr. A. W. Exley;

That since the assignment of said debt to said Dr. A. W. Eley the sum of $225 has been paid to him on account thereof, leaving a balance of $150. now due and payable to him with interest thereon from the first day of July 1890 till paid.

That by a deed of trust dated the 21st. day of February 1882 and recorded the next day on page 238 of deed-book No. 10 in said office, the said James P. Pinden conveyed said land subject to the first above-mentioned deed of trust, to Nathl. P. Young, Trustee to secure to James B. Porter the payment of the sum of $500, but this sum has been paid, as will appear by a communication from said Nathl. P. Young, Trustee, dated the 3d. day of April 1891, addressed to said Wilbur J. Kilby, herewith filed and marked Exhibit B.

An abstract of said judgment is herewith filed and marked Exhibit C. and a copy of said deed of trust, which secures the

payment of said debt due to said A. W. Eley, is herewith filed and marked Exhibit D;

Your Complainant charges that said last-mentioned deed of trust constitutes the first lien and the said judgment the second lien on said land and that said land should be sold and the proceeds of the sale applied in discharge of said liens;

In consideration whereof Your Complainant being without remedy save in a Court of Equity, prays that the said James P. Pinder, James B. Porter, A. W. Eley, Nathaniel P. Young, Trustee, and Wilbur J. Kilby, Trustee, may be made parties defendant to this Bill and be required to answer the same, but answers under oath are hereby waived; that an account of the real estate of which the said James P. Pinder is seised and possessed, showing its fee-simple and annual values, may be taken and reported to Court; that

~~that~~ an account of the liens by judgments, deeds of trust or otherwise, on said real estate showing the amounts thereof and the names of the holders thereof including the lien aforesaid in favor of Your Complainant, may be taken and reported to Court according to their priorities; that said real estate may be sold and the proceeds of the sale applied in discharge of Your Complainant's lien aforesaid as well as all other liens on said real estate; that all other necessary accounts may be taken, all proper orders and decrees made, and proper inquiries directed; and that all such other, further and general relief may be given Your Complainant as the nature of his case may require and to Equity shall seem meet. And Your Complainant will ever pray etc.

John R. Shields etc.
By Wilbur J. Kilby
His Counsel.

13 August 1892.

John R. Shields &c.

vs. } In Chy.

Jas. T. Pruden &al.

Bill

Shields & others
In Chancery vs } Chancery Notes.
James T Pruden

1892
August 13th. Process issued returnable to September Rules First Monday.

Sept 5th. Process returned executed on James B Porter. Service accepted by N.P. Young. Trustee, W J Kelly Trustee and A W Eley. Bill filed with exhibits and decree nisi vs said defendants.

Sept 7th. Alias Summons vs James T. Pruden returnable third Monday September

" 19th. Process returned unexecuted.

1893
January 2nd Pluries Summons vs James T. Pruden issued returnable third Monday January 1893.

January 16th Process returned executed vs. defendant James T Pruden and decree nisi vs him.

February 6th Decree nisi against all of the defendants confirmed and Cause set for hearing.

John R Shields Voltus
Vs Chancery Notes
James P Pruden