

1896-009

Nansemond Co. (Suffolk)

Chancery Causes: Holland & Ballard vs Elisha L. Ballard

Mr. the Clerk of the Circuit
Court of Newbern Co.

M. H. Holland & Co.
A. W. Ballard late merchants
& partners trading as
Holland & Ballard Shiffs
vs
E. L. Ballard Shiff.

Dece summe to 2nd Sept
year 1885 - In plain tiff
against defendants to
return a Bill in
chancery.

Pay \$150

Rawls & Co. is h. s.

DS

Capt Elisha L. Ballard

Memorandum
Holland & Ballard
vs. Ingham
E L Ballard,

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *E L Ballard*

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 1895*, to answer

a Bill in Chancery, exhibited against *him*

in the said Court by *Mrs Holland Sr & A W Ballard*
late merchants & partners trading as
Holland & Ballard

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this *13th* day of *September*, 189*5*, in the 120th year of the Commonwealth.

A copy—Teste:

Teste:

, CLERK. }

A P Gomer, CLERK.

Executed This 14th day Sept 1895
by delivering a true copy of the
Within process to E. L. Ballard
in person
Asst. Baker
Sheriff

Reuben Briggs p. 9.

William H. Ballard

v. S.

In Chancery.

E. L. Ballard

1895

Defendant's Rules.

Murk Monday.

Nansemond Circuit Court.

Process Book No. 21

Page 123

Commissioner's Office,

Suffolk, Va November 1st 1895

To M. H. Holland Sr. and A. W. Ballard late
merchants and partners trading as
Holland & Ballard

Against
Elisha L. Ballard

You are hereby notified that I have fixed upon the 14 day of November 1895 next,

if fair, if not, on the next fair day thereafter (Sunday excepted), to take and ~~settle~~ ^{state in Suffolk} ^{following} at my office, the account

- 1st. An account of the real estate of which the said Elisha L. Ballard is possessed together with its annual and fee simple values.
- 2nd. The liens thereon if any together with amounts, dignities and priorities.
- 3rd. Whether the said land will rent for enough in five years to satisfy said liens.
- 4th. Any other matters deemed pertinent by said Commissioner or which may be required to be stated by any party in interest.

required to be taken by a decree of the Circuit Court of the County of Hanover

rendered on the 18 day of October 1895, in a suit in chancery depending in said

court, between M. H. Holland Sr. and A. W. Ballard late partners trading as Holland & Ballard as Complainants and Elisha L. Ballard as Defendant

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.

L. H. Gause Jr.
Comm. in Chancery

1895, Nov. 9.

Executed by serving a true copy of the within on
E. L. Ballant in person

A. E. Noyes, Deputy
For A. H. Baker, S. J.

Form No. 400.

Hollard + Ballant

COMMISSIONER'S NOTICE.

vs.

E. L. Ballant

M. H. Hollenut Sr. &
A. W. Ballard ~~late~~ mer-
chants and partners
trading as
Hollenut & Ballard

vs
Eliha L. Ballard

This cause came on this
day to be heard on the Bill
and exhibits filed and
was argued by Counsel;
and the defendant fail-
ing to plead answer or
demurr, the said Bill is
taken for confessed.
On consideration whereof the
Court doth order adjudge
and decree that one of
the Commissioners of this
Court shall proceed to take
and state the following
accounts:-

1st
On account of the real
estate of which the said
Eliha L. Ballard is pos-
sessed together with its
annual and fee simple
values.

2nd

the times, things if any
together with their amounts
dignities and positions.

3rd

Whether the said loyal
will sent for enough in
five years to satisfy said
things.

4th

any other matter deemed
pertinent by said Com-
missioner or which may be
required to be stated by
any party in interest.

and the said Commissioner
is directed to report on
his proceedings under this
decre to this court and
this case is continued.

Recd for Accts.

6ch 18, 1895-

Enter

Adm. J. J. J. J.

Entered in Chancery

Order Book no 3

Page 3

Mills H. Holland Sr + A.W. Ballard late
merchants + partners Trading
as

Holland + Ballard

vs

E. L. Ballard

In Chancery.

This cause came on this day to
be again heard and it appearing
to the satisfaction of the Court
that the judgment mentioned in
the Bill has been paid together
with all costs, ~~and the cost of~~
~~this suit~~, on motion of the
plaintiffs this cause is ordered
to be removed from the docket.

Final Deed

Enter:

April 15, 1896.

Robert S. Harris

Entered in

Chancery

Op 3 Page 23

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY, Greeting:

WE COMMAND YOU, that of the goods and chattels of Elisha L Ballard

in your bailiwick, you cause to be made the sum of eighty one
at Dollars and twenty one Cents,

with interest thereon ~~after~~ ^{at} the rate of six per centum per annum from the 1st day of
January, 1883, till paid, which ~~and~~ ~~seven dollars~~
~~and~~ ~~sixty cents~~ Mr N Holland Sr and A W Ballard
late partners as Holland and Ballard

lately in our Circuit Court of Nansemond county recovered against ~~him~~ Elisha L Ballard ~~the said~~

Also, Seven (7) Dollars and Sixty Cents, which to the said
~~Holland & Ballard~~ Mr N Holland Sr and A W Ballard
late partners as Holland and Ballard
in the same Court were adjudged for their costs, by them about their suit
in that behalf expended; whereof of the said Elisha L Ballard is

convict, as appears to us of record, and that you have the same at the Clerk's office of our Circuit
Court, at Rules directed by the law to be held in and for Nansemond county, on the First
Monday in May next to render unto the said Mr N Holland
Sr and A W Ballard late partners as
Holland and Ballard

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

Wm B Leausey
WITNESS, A. P. GOMER, Clerk of our said Court, at his office, this 10th day of

May, in the year of our Lord 1883, and in the 113th year of our independence.

COSTS:
Clerk... 3.60
Attorney... 2.50
Sheriff... 50
Witness...
W. T. ... 1.00

Teste:

Wm B Leausey CLERK.

A Copy Teste: A. P. Gomer Clerk

I can find no property to satisfy this Execution
or any part thereof

Wm H Horwell Shff.

p. q.

Holland v Ballard

vs. } Fri. Fa.

Elisha L Ballard

~~1889~~ 20 August - Rules, 1889

1 St. Monday.

This execution

Came to hand at 10 o'clock A. M.

May 28th 1889

Wm H Horwell, Sheriff.

Massachusetts Circuit Court.

Process Book No. 2. Page 12.

Order Book No. Page

Term, 18.

Execution Book No. Page 116

Cir. Co.

A Copy of Teste: A. P. Gormey clerk

Virginia---Clerk's Office of the Circuit Court of Nansemond County.

In the Circuit Court of the County of Nansemond, ^{on} ~~at~~ the 18th day of April ~~1889~~, 1889

M N Holland Sr and A W Ballard
late partners as Holland & Ballard

Plaintiff $\S$

Action of

AGAINST

Elisha L Ballard

Defendant

Judgment in favor of the Plaintiff $\S$ against the Defendant for the sum of

eighty one dollar and twenty one cents

\$

thereon
With interest at the rate of six per centum per annum from the 1st
day of January 1883 till paid and

Charges of Protest, \$

And the cost of suit, \$ 7.60

until paid.

A FIERI FACIAS is issued from the Clerk's office of said Circuit Court on the
day of 189, returnable to the
directed to the Sheriff of the County of Nansemond, who hath made return thereon in the words and
figures following, to wit:

A copy

Teste:

p. q.

Teste:

A. P. Gomer

CLERK.

This Judgment was duly docketed in the Clerk's office of the County Court of the County of
Nansemond on the 18th day of April 1889

Judgment Docket No. 1 Page 191

R. R. Smith

CLERK.

Holland & Ballou

vs. { Abstract of Judgment.

Elisha L. Ballou

Nansemond Circuit Court.

Process Book No Page

Order Book No Page

..... Term, 189---

Execution Book No Page

Judgment Docket No Page

County Court.

To the Honorable R.R. Prentiss
Judge of the Circuit Court of
Nauvoo County:-

Humbly Complaining Sheweth
unto your Honor your orators
M.H. Holland Sr and A.W. Ballard
late merchants and partners
trading as Holland & Ballard
that on the 18th day of April
1889 they obtained in the
Circuit Court of Nauvoo County
a judgment against
Elihu L. Ballard for \$81 ²¹/₁₀₀
with legal interest from the
10th of January 1883 the said
and \$7 ⁶⁰/₁₀₀ costs on which
said judgment a writ of
fieri facias was duly issued
from the clerk's office of the
said court directed to the
Sheriff of the said County
which was placed in the
hands of the said Sheriff to
be executed and was on
the return day thereof return-
ed by the said Sheriff with
the following return en-
dorsed thereon to wit:-

Ex. Book
p. 116

Judgment
Docket No. 1
page 191

"I can find no property
to satisfy this execution on
any part thereof. W.H. Turner
shff. "
all of which more fully appears
by a copy of the said judge-
ment, execution and return
herewith filed marked Ex.
A. and proposed to be taken
as a part of this bill.
Now your orators further
state that the said Elisha
L. Ballard is seized and
possessed in fee simple
of a certain tract of land
situated in Holy Neck Dis-
trict in Staunton County
Virginia, which he has owned
and on which he has resi-
ded for upwards of 25 years,
said tract of land contain-
ing 200 acres more or less
and bounded by the lands of
D. J. Hill, W. L. Win, the
late John R. Copeland, Junior,
Frank, Elisha Winborne and
others, and that they are ad-
vised that their judgment no

part of which has been paid
is a lien on the said land
and that after the payment
of prior liens, the said land
will not rent for enough
in five years to satisfy the
said judgment.

In tender consideration
whereof and forasmuch as
your orator is nevertheless
in the premises sorely
the aid of a Court of
equity where matters of this
kind are alone and prop-
erly cognizable, your orator
prays that the said Elisha
L. Bassard may be made
a party defendant to this
bill and required to an-
swer the same this or
answer under oath is
hereby waived; that proper
process may issue; that
all proper accounts may
be taken and that the
said land may be sold
to satisfy your orator's judg-
ment and for all such
other further and general

chief or to equity may seem
meet or which this Com
may require and your
orders will ever pay &c

M. H. Holland

A. W. Ballard

By Counsel,

Virginia: -

Wasson County to wit: -

I R. H. Naylor a Notary
Public for the County of Wa-
son in the State of Virginia
do certify that A. W. Ballard
one of the defendants in
the above case has this day
made oath before me as
my said County Clerk
the facts stated in the
above case are true.

Given under my hand this
14th day of September 1895.

R. H. Naylor
N. O.

R. B. N. G.

Bill.

Holland (Ballard)

vs

E. L. Ballard

M A Holland & Brothers
against } In Chancery
E L ~~Everett~~ Ballaw.
Chancery Notes

1895. Sept-13. Process issued returnable to
Sept Rules third Monday.

" " 16. Process returned executed on
defendant.

Bill filed and decree Nise
Confirmed against defendant

" Oct 7. Decree Nise Confirmed and
Cause set for hearing.

Chauncy
Notes,

Nolland vs Ballard

Rawles & Briggs for
Nolland vs Ballard
vs In Chancery
E L Ballard

1896
April 15th
Final Decree

Costs

Clerk - 4.49 pd

Shff 1.00 pa

Jay 1.50 pa

Atty 15.00 pa

\$21.99

sheriff fee
\$1.00 paid.

A H Baker

Per Ballard