

1896-012

Nonsemond Co (Suffolk)

Chancery Causes: Berry Brown vs Bynum Crocker

The Depositions of
and others taken before me
a Notary
public for the County of Nansemond
in the State of Virginia pursuant to
notice hereto annexed at the of-
fice of Rawles & Briggs in Suffolk
Virginia on the 21st day of March
1896 between the hours of 6 a.m.
and 6 p.m. to be read as evi-
dence on behalf of Rebecca Vaughan
in a certain suit in equity de-
pending in the Circuit Court of
said County wherein Rebecca Vaughan
is plaintiff and Peter E. Vaughan
is defendant.

Present:

Rawles & Briggs Counsel for plaintiff.

being duly
sworn on the Holy Evangelist of Al-
mighty God deposes and says as
follows:-

1 Q.

What is your name age residence
occupation and do you know
the parties to this suit?

150
5.20

6.50 Fee
4.50 Com
5.20 Rent

16.50
4.50

21.00

Berry Brown vs Pynnumbucker
Costs

Clerk	7,43
Shff.	50
Commissioner	5,00
Tax pa	150
Printing	5,00
Atty	15.00,
	<u>\$ 34,43</u>

A. P. Gomer

\$ 11 $\frac{40}{100}$



July 3rd 1896
Received of R. H. Rawley Special Comis
Eleven & $\frac{40}{100}$ = Dollars
in full of clerk fees, sheriff's fee & mile tax
in Bang Brown vs Byrum Crocker

940 Clerk
150 M. Tax
50 Sheriff's

No. A 11.40

C. A. Gomez Clerk

\$ 7 ⁵⁰/₁₀₀



No. _____

July 3rd 1896
Received of R. H. Kewby Sp. J. Cairn
Seven & ⁵⁰/₁₀₀ Dollars
for in Barry Brown in Byrum Garden

John B. Cairn
Cairn in Chanary.

\$ $\frac{50}{100}$

May 11 1896



Received of R. H. Howles
Specie currency
fifty / one hundred ~~th~~ Dollars
for putting rails in the
cor of Berry Mountain
Berry Mountain
James Williams

No.

\$ 2 $\frac{50}{r}$



No. _____

Received of July 3rd 1896
W. H. Weaver Spice Commission
Two & $\frac{50}{100}$ = Dollars

for carrying out land of
Berry Brown or Bynum Creek

John J. S. Branch
Clerk

\$33 $\frac{23}{100}$



July 3rd 1896
Received of R. H. Rawley Special Commis
Thirty three & $\frac{23}{100}$ Dollars

in full of purchase of Byrum Casket
in suit of Benj Brown & Byrum Casket.

No. ^{with} J. H. Brown

Benj Brown

\$13 ⁶²/₁₀₀



July 6 1896
Received of R. H. Rauls & Co.
Seventeen ⁶²/₁₀₀ = Dollars

in part payment of purchase
in S. P. Vanderslice in Rynum Co. in
Rynum Co. in Rynum Co.
S. P. Vanderslice,

No.

Suffolk, Va., July 3, 1896.

Messrs. Rawles Briggs, Dr

TO SUFFOLK HERALD

Newspaper, Book AND Job Printing Establishment.

J. E. BOOKER, Proprietor.

TERMS CASH.

No. 9 WASHINGTON SQUARE.

1895

Feb. 8	To publishing leavemy notice, Brown vs. Crocker,	\$5.00
Oct. 23	" printing 50 notices of sale,	75-

1896

April 21	" printing 100 notices of sale,	1.00
----------	---------------------------------	------

\$6.75-

July 3 Received payment. J. E. Booker,
W. L. L. L.

TRANSIENT ADVERTISEMENTS AND SUB-
SCRIPTIONS PAYABLE IN Advance.
ANNUAL ADVERTISERS Required to Set-
tle Quarterly.
JOB WORK, Cash on Delivery.

Suffolk, Va., *Feb 25* 189*5*

THE SUFFOLK HERALD

BOOK AND JOB PRINTING ESTABLISHMENT

J. E. BOOKER, Proprietor

Printed for

R. H. Rawles & Briggs

189*5*

<i>Feb 8</i>	<i>Pub 9</i>	<i>Notice</i>	<i>Brown-W-Crocker</i>	<i>5.00</i>
		<i>3 in</i>	<i>4 w</i>	

VIRGINIA-NANSEMOND COUNTY,
TO WIT: In the Clerk's office of the
Circuit Court of said county this 3d day of
February, 1895—in vacation:
Berry Brown.....Plaintiff,
AGAINST
Bynum CrockerDefendant.

IN CHANCERY.

The object of this suit is to subject the
real estate of which the said Bynum
Crocker is seized and possessed in the
county and State aforesaid to the satisfac-
tion of a judgment for \$35, with interest
thereon from the 1st day of October, 1894,
till paid, and \$1.25 costs, which said judg-
ment was rendered against the said Bynum
Crocker and in favor of the said Berry
Brown in the Mayor's Court of the Town
of Suffolk, Va., on the 6th day of October,
1894, and duly docketed in the Clerk's
office of said county. And affidavit having
been made and filed that the said Bynum
Crocker is not a resident of the State of
Virginia, it is ordered that he appear at
the said Clerk's office within fifteen days
after due publication hereof and do what
may be necessary to protect his interest in
this suit. A copy—Teste:

A. P. GOMER, Clerk.

RAWLES & BRIGGS, p. q. fe8-4t

*Hand Biller Notice of Sale of
Bynum Crocker's Land*

7.50
5.75

Brown —
vs
Crocker

VIRGINIA—NANSEMOND COUNTY,
TO WIT: In the Clerk's office of the
Circuit Court of said county this 3d day of
February, 1895—in vacation:

Berry Brown.....Plaintiff,
AGAINST
Bynum CrockerDefendant.

IN CHANCERY.

The object of this suit is to subject the
real estate of which the said Bynum
Crocker is seized and possessed in the
county and State aforesaid to the satisfac-
tion of a judgment for \$35, with interest
thereon from the 1st day of October, 1894,
till paid, and \$1.25 costs, which said judg-
ment was rendered against the said Bynum
Crocker and in favor of the said Berry
Brown in the Mayor's Court of the Town
of Suffolk, Va., on the 6th day of October,
1894, and duly docketed in the Clerk's
office of said county. And affidavit having
been made and filed that the said Bynum
Crocker is not a resident of the State of
Virginia, it is ordered that he appear at
the said Clerk's office within fifteen days
after due publication hereof and do what
may be necessary to protect his interest in
this suit. A copy—Teste:

A. P. GOMER, Clerk.

RAWLES & BRIGGS, p. q. feb-4t

CLOTHING

—WE WILL OFFER—

Office of The Herald.

Suffolk, Va. *Mar 25* 1895

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.

J. E. Brooks
Editor Herald.

Cost 500

COUNTY OFFICERS.

HON. WILBUR J. KILBY, County Court Judge.
R. R. SMITH, Clerk County Court.
A. P. GOMER, Clerk Circuit Court.
E. E. HOLLAND, Commonwealth's Attorney.
A. H. BAKER, Sheriff.
H. E. SMITH, County Treasurer.

Clerk's Office,

Nansemond County.

Suffolk, Va.,

189

VIRGINIA—NANSEMOND COUNTY,
TO WIT: In the Clerk's office of the
Circuit Court of said county this 3d day of
February, 1895—in vacation:

Berry Brown.....Plaintiff,
AGAINST
Bynum Crocker.....Defendant.

IN CHANCERY.

The object of this suit is to subject the
real estate of which the said Bynum
Crocker is seized and possessed in the
county and State aforesaid to the satisfac-
tion of a judgment for \$35, with interest
thereon from the 1st day of October, 1894,
till paid, and \$1.25 costs, which said judg-
ment was rendered against the said Bynum
Crocker and in favor of the said Berry
Brown in the Mayor's Court of the Town
of Suffolk, Va., on the 6th day of October,
1894, and duly docketed in the Clerk's
office of said county. And affidavit having
been made and filed that the said Bynum
Crocker is not a resident of the State of
Virginia, it is ordered that he appear at
the said Clerk's office within fifteen days
after due publication hereof and do what
may be necessary to protect his interest in
this suit. A copy—Teste:

A. P. GOMER, Clerk.
RAWLES & BRIGGS, p. q. fe8-4t

I A P Gomer Clerk Circuit Court of
Nansemond Co Va do certify that the above
order of publication was posted at the front
door of the
Circuit house of said Co on the 15th day
of the Feb'y Term to wit Monday
the 11th.

A P Gomer Clerk

Adm

Virginia, Nassau County, to wit:
In the clerk's office of the Circuit Court
of said County this 3rd day in Feb-
ruary, 1896 -

In Vacation:

Berry Brown - Plaintiff,
vs

Bynum Crocker - Defendant.

In Chancery.

The object of this suit is to subject the
real estate of which the said Bynum
Crocker is seized and possessed, in
the County and State aforesaid, to the
satisfaction of a judgment for \$35.00
with interest thereon from the 1st day of
October, 1894, till paid, and \$1.²⁵/₁₀₀ costs,
which said judgment was rendered against
the said Bynum Crocker and in favor of
the said Berry Brown in the Mayor's
Court of the Town of Suffolk, Va., on the
6th day of October, 1894, and duly docketed
in the clerk's office of said County;
And affidavit having been made and filed
that the said Bynum Crocker is not a
resident of the State of Virginia, it is
ordered that he appear at the said
clerk's office ~~on~~ within fifteen days
after due publication hereof and
do what may be necessary to protect

Once a week - four weeks

113

his interest in this seal.
A Copy - Teste;

James Clerk
Rawles & Briggs, N. Y.

For Pub.

Virginia: - Nausumund County, to wit: -
In the Clerk's office of the Circuit Court of
said County this 3rd day of February
1895. In Vacation: -

Berry Brown

Plaintiff

vs
In chancery.

Bynum Crocker

Defendant

The object of this suit is to subject the real
estate of which the said Bynum Crocker is
seized and possessed in the County and
State aforesaid to the satisfaction of a
judgment for \$35⁰⁰/₁₀₀ with interest thereon
from the 1st day of October 1894 till paid
and \$1²⁵/₁₀₀ costs, which said judgment was
rendered against the said Bynum Crocker
and in favor of the said Berry Brown in the
Mayor's Court of the Town of Suffolk Va. on the
6th day of October 1894 and duly docketed in
the Clerk's office of said County.

And affidavit having been made and filed
that the said Bynum Crocker is not a resident
of this State of Virginia it is ordered that he
appear at the said Clerk's office within fifteen
days after due publication hereof and
do what may be necessary to protect his
interest in this suit.

Teste

A. P. Gomer

Clerk.

Rawls & Briggs p. 9.

Order Pub.

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

Bynum Crocker

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 *February 1895*, to answer

Bill in Chancery, exhibited against

him

in the said Court by

Berry Brown

and have then and there this summons.

WITNESS, A. P. GOMER, Clerk of our said Court, at his office, this *4th* day of

February 1895, in the 117th year of the Commonwealth.

Teste:

A. P. Gomer

Clerk.

Not found in my
County Feb ¹⁴ 1875

A. S. Baker
Shriff

Stacy for
Sydney Crocker

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

Before R. L. Brewer Jr Mayor of Suffolk & Ex. of JP
~~In the Circuit Court of the County of Nansemond, at the~~ October 6th Term, 1894

Berry Brown

Plaintiff

Action of

AGAINST

Brynum Crocker

Defendant

Judgment in favor of the Plaintiff---against the Defendant---for the sum of

thirty five dollars

With interest at the rate of six per centum per annum from the 1st
day of October 1894

Charges of Protest, \$

until paid.

And the cost of suit, \$ 1.25

County
A FIERI FACIAS is issued from the Clerk's office of said ~~Circuit~~ Court on the 6th
day of October 1894, returnable to the 1st Monday in Nov 1894,
Sergeant of the Town of Suffolk
directed to the ~~Sheriff~~ of the County of Nansemond, who hath made return thereon in the words and

figures following, to wit: I have executed the within execution by levy
on one lot of chattel property of the said Brynum Crocker
which after due advertisement I have sold at public
auction for \$10.75 and of which gross amount I have paid \$5.31
Costs of judgment docketing levy and sale leaving a balance
to be credited on said judgment of \$5.44 which is my return Oct. 17. 1894
John W. Ames Jr. Sergt
CLERK.

This Judgment was duly docketed in the Clerk's office of the County Court of the County of
Nansemond on the 6th day of October 1894.

Judgment Docket No. 2 Page 69

R. R. Smith CLERK.
By A. P. Gomez, D. C.

Berry Brown

vs. { Abstract of Judgment.

Bynum Crocker

Nausemond ~~Circuit~~ Court.

Process Book No. ----- Page -----

Order Book No. ----- Page -----

----- Term, 189---

Execution Book No. ----- Page -----

Judgment Docket No. *2* Page *69*

County Court.

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

Bynum Crocker

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 *Tuesday* Monday in *December 1894*, to answer

a Bill in Chancery, exhibited against

him in the said Court by *Berry Brown*

and have then and there this summons.

WITNESS, A. P. GOMER, Clerk of our said Court, at his office, this *26th* day of *November* 189*4*, in the *117*th year of the Commonwealth.

Teste:

A. P. Gomer Clerk.

Executed this 2nd day of Nov-1894
by Tacking a true copy of this
process to the front door of the
dwelling house of Bynum
Crocker no one being found
that answer could be had

A. H. Tucker
Shirley

Records & Maps } 129

Deputy Sheriff

W. H. Lawrence

Bynum Crocker

1894

Deer Rules

1st Monday

Harmon and
Circuit Court
Process Book No 2. Page 109.

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

Bynum Crocker

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 *February 1895*, to answer

Bill in Chancery, exhibited against

him

in the said Court by

Berry Brown

and have then and there this summons.

WITNESS, A. P. GOMER, Clerk of our said Court, at his office, this *4th* day of

February 189*5*, in the 11*7*th year of the Commonwealth.

Teste:

A. P. Gomer

Clerk.

~~Excluded~~ Not found in
my County Feb 9th 1895

A. H. Baker
Thrapp

Travelers & Trappers

Henry Pearson

Wm. L. Hancery

Pyramus Crocker

1895

Henry Peales

Earl H. Hancery

Wm. Pearson

Wm. L. Hancery

Pyramus Crocker

Page 109.

To the Clerk of the Circuit Court
of Nassau County:-

Berry Brown } Plaintiff
vs }
Byrum Crocker } Defendant

Feb 10000 summons for plaintiff
against defendant to 2nd
~~December~~ order 1894 to an-
swer said plaintiff of a
Bill in Chancery

\$4,50

Rawlins Briggs Esq.

for
sheriff.

Byrum Crocker lives at present
place, on the Morgan & Wilson
lots about one mile from
Suffolk. He will not be found at
home as he is a fugitive from
justice so the notice can be
served by posting on the door.

Put in copy of judgment of Berry
Brown vs Byrum Crocker Docket No 2.
page 69
also the officers return under
fi fa.

Know All Men by These Presents, That we, Richard H
Rawles and Meritt Briggs.

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of Three 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 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 21st day of April 1896 in the year of our Lord one thousand eight hundred and ninety six, and in the 1204 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 15th day of April 1896 in the chancery cause
now pending in said court between Berry Brown Complain
ant and Bynum Coker defendant it was decreed that the real
estate mentioned in the bill be sold and that the said Richard
H Rawles was appointed Special Commissioner to sell the same and
was required before proceeding to sell to execute a bond in the
penalty of three hundred dollars conditioned for faithful
discharge of duty under said decree and all other
decree he may be required to execute in said cause
now if the said Richard H Rawles shall faithfully
discharge his duties as special Commissioner of said
then the above obligation is to be void otherwise it
is to remain in full force and effect

Richard H Rawles
Meritt Briggs



In the office of the Clerk of the Circuit Court of Nansemond County, on the
21st day of April 1896

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

Teste:

A Copy
Teste:

J. P. Gomer Clerk

J. P. Gomer

CLERK.

Richard H Rawles
To } Spec. Comr Penn
The Commonwealth.

1896
April 21st-

A Copy

Recorded in Official
Penn D Book No 1. Page 108

Know All Men by These Presents, That we, Richard H Rawles
and Merritt Briggs

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of One hundred and fifty 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 22nd day of October in the year of our Lord one thousand eight hundred and ninety five, and in the 120th 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 16th day of October 1895 in the Chancery
cause pending in said court between Berry Brown complainant
and Bynum Croker defendant it was decreed that the real
estate mentioned in said decree be sold unto the
said Richard H Rawles was appointed Special Com-
missioner to sell the same and was required before
proceeding to sell to execute a bond in the penalty
of one hundred and fifty dollars conditioned for
faithful discharge of duty under said decree and
all other decrees he may be required to execute in
said cause Now if the said Richard H Rawles shall faithfully
discharge his duties as Special Commissioner aforesaid then the
above obligation is to be void, otherwise it is to remain in full force
and effect

Richard H Rawles



Merritt Briggs



In the office of the Clerk of the Circuit Court of Nansemond County, on the

22nd day of October 1895

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

Teste:

A Copy Teste:

H. L. Gomer Clerk

H. L. Gomer

CLERK.

Richard A. Rawles

To Speer Court Bond
Brown vs Crocker
The Commonwealth.

1895
October 22nd

Recorded in Official
Bond Book Circuit Court -
No. 1 Page 101.

A Copy

Virginia:

Naucesmond County, to wit:-

Berry Brown

Plaintiff

vs
Bynum Crocker

Defendant

In Chancery.

This day personally appeared before me
in my office R. H. Rawles and who
being duly sworn made oath that
Bynum Crocker the defendant in the
above entitled cause is not a resident
of the State of Virginia. Given under
my hand 3rd day of February 1895.

S. P. Gomer Clerk

I swear that Bynum Crocker is not a
resident of the State of Virginia.
R. H. Rawles.

Affidavit of
non-residence.

Berry Brown

vs
Bynum Crocker.

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

The undersigned special Commissioner
in the above cause respectfully
reports that in accordance
with the instructions of the
last rendered decree in said
cause he has made to John S.
Maguire a deed for the real
estate named in the Bill,
with the usual covenants of
title.

Respectfully
A. H. Newby
Special Commissioner.

Report of
making level.

Filed Oct

1896

after this sale and upon the purchase John S. Magitt directed that the deed be made to Julia Coker - he having simply bought it in for her, she paid the purchase money and deed was made to her. R. R. Prentiss.

To the Hon. R. R. Prentiss
Judge of the Circuit Court of
Hauseman County:-

The undersigned Special Commissioner appointed at the April term of your Court in the cause of Berry Brown vs Bynum Crocker begs leave to respectfully submit the following report of his transaction:-

He has sold the real estate or directed by decree in said cause at the time aforesaid, at public auction on the 11 day of May 1886, before the Court House door of this County, having first complied with all the terms of said decree in all respects. It was sold to John S. Magitt for ~~***~~ \$90.00 and through sold on the time or stated in said decree the purchaser elected after the sale was over to pay cash which I have collected and disbursed as follows:-

Am't of proceeds of sale \$90.00
Paid out.

A.O. Gomer Clerk	\$9.40
A.H. Baker Sheriff	.50
J.B. Pinver Comm'r	7.50
mil tax	1.50
J.E. Barker, Printing,	6.75
Atty tax fee	5.00
Bay for posting notices	.50
Alled for land	5.00
J.J.S. Branch, Crier,	2.50
Commissions	4.50

Paid
Berry Bruns judgment
in full. \$43.15-
33.23

Paid on S.P. Vanderhoef
judgment

13.62
\$90.00 \$90.00

For all of which I herewith
present proper vouchers.

Respectfully Submitted
R.H. Hawley
Special Comm'r.

Report of
Sale.

Filed July 3rd 1856

A. L. Gomenick

Commissioner's Office,
Suffolk Va.
February 8th, 1896.

To The Honorable Robert R. Prentiss,
Judge of the Circuit Court of
Nansemond County, Virginia.

The undersigned, one of the Commissioners of the Circuit Court of Nansemond County begs leave respectfully to report that at request of counsel he has made the further enquiries required by decree pronounced in the chancery cause of "Perry Brown v. Bynum Crocker" on the 23^d day of November 1895.

The said decree stating that as further order of publication being necessary, the defendant not having appeared within fifteen days after the order of publication heretofore had in this cause, and that the Commissioner might proceed within a reasonable time to take and state the accounts required by the said enquiries and a reasonable time having elapsed since the rendering of the said decree the Commissioner proceeded this day to make the said enquiries. For full answer thereto to all of the said enquiries the Commissioner re-

ports that all of the facts stated in his former report filed in this cause dated August 31st 1895 now obtain and in addition to the facts therein stated in answer to the enquiring "1. to-wit: - An Account of the Real Estate of which Pyrum Crocker is seized and possessed together with its annual and fee simple value" the Commissioner begs to report that upon examination he finds that the said Pyrum Crocker is also seized and possessor of a small vacant lot adjoining the said lot in said former report named which lot was conveyed unto him by said John Henry Wilson ^{and others} dated 12th day of April 1890 and recorded in Deed Book No. 23 at Page 540, that said lot is known as No. 12 in the plat of lots opened by Henry Wilson and shown by the drawing and survey recorded in Deed Book No. 24 at Page 25 in the Clerk's Office of Nassau County Court, that the fee simple value of said lot does not exceed Twenty Dollars and that its annual value does not amount to anything in the judgment of the Commissioner, that the possession of the said lot No. 12 does not in any way alter the conclusions of the

Commissioner as stated in his former report which conclusions are here re-iterated and reference is hereby made to said report, the enquiries required by the Decree of Nov. 23-1895 being the same as those required by the former Decree of 9th day of April 1895 in response to which the report of Aug 31-1895 was made.

Respectfully submitted

John B. Pinney

Commissioner in Charge

Fee \$2³⁰

Berry Appin }
Pyman Crocker } for
Chanany

Commissioner's Report
Dated February 8-1896.

Filed March 2 1896

A. Gomer Clerk

Commissioner's Office
Suffolk, Va. August, 31st 1895.

To The Honorable Robert P. Prentiss,
Judge of the Circuit Court of
Nansemond County, Virginia

The undersigned, one of the Commissioners
of the Circuit Court of Nansemond
County begs leave respectfully to report that
at the request of counsel, he has made
the enquiries required by decree pronounced
in the chancery cause of "Perry Brown v.
Bynum Crocker," on the 9th day of April
1895.

The said decree stating that no fur-
ther order of publication being necessary,
the defendant not having appeared within
fifteen days after the order of publication
heretofore had in this cause, and that the
Commissioner might proceed within a reason-
able time to take and state ^{accounts required by the} said enquiries
and a reasonable time having elapsed
since the rendering of the said decree,
the Commissioner accordingly on the 31st
day of August 1895 proceeded to make the said
enquiries. The information for reply to said
enquiries was procured by the Commissioner
by examination of the records of the Clerk

Office of the Hansemond County Court,
by a personal inspection of the real estate
named in these proceedings and by con-
versations had with reliable parties concern-
ing the said real estate. No Testimony ^{under oath} has
been produced or asked for by the parties to
the said cause.

- The Commissioner respectfully reports;
1. That the real estate of which the De-
fendant Pyramus Crocker is seized and
possessed consists of a certain lot, 40 feet
wide and 100 feet deep, situated in
that section near Suffolk Virginia
known as "Pleasant Hill" in that plat of
lots opened by Henry Wilson, said lot
being Lot No 11 in said plat and
said plat being same shown by a draw-
ing and survey recorded in Deed Book
No. 24 at Page 25 in the Clerk's Office
of Hansemond County Court. The im-
provements on said lot consist of a
small dilapidated two story dwelling house
badly constructed originally, and needing
repair. The Commissioner reports his
estimate of the fee simple value of the
real estate to be Sixty Dollars and
its annual value to be Ten Dollars.
 2. That ^{the} liens on the said real estate consist

of four judgments docketed in the Clerk's Office of the Nassau County Court in Judgment Docket No. 2 at Page 69, the same judgments being for the amounts hereinafter named and the priorities being in the order named

First, a judgment in favor of Perry Brown for \$35 with interest from Oct. 1-1894 till paid and \$1.25 costs subject to a credit of \$5⁴⁴ on the principal of said debt and the costs paid.

Second, a judgment in favor of S. P. Vandervlice for \$20 with interest from Oct 2-1894 till paid and \$1.25 costs.

Third, a judgment in favor of John S. Magell for \$2⁵⁰ with interest from Oct 3-1894 till paid and \$1.25 costs.

Fourth, a judgment in favor of F. D. Joyner for \$11⁶⁶ with interest from Oct 4-1894 till paid and \$1.25 costs.

3. That the real estate will not rent for enough net in five years to satisfy said liens.

4. That no other matter is deemed pertinent to be stated by the Commissioner and nothing has been required by any party to be stated.

Respectfully Submitted,

John D. Pinnet,

Commissioner in Chancery

Fee \$5⁰⁰

Berry Brown } In
s. } Chanary.
Bynum Crocker }

Commissioner's Report.
Dated August 31-1895.

Filed Sept 2nd
1895.
A. B. C. Clark

Berry Brown
is
Byrum broker

This cause came on this day to
be again heard on the papers
formerly read as well as on
the report of R. H. Nowler special
Commissioner filed July 3rd
1886 showing sale of land,
collection of purchase money
and proper distribution of
same. to which said report
no exception has been filed, and
was argued by Counsel;
on consideration whereof the
Court doth confirm the
said report, ^{and sale} and doth or-
der adjudge and decree
that the said special
Commissioner make to the
purchaser of the real estate
named in the said Bill a
deed for said real estate
with the usual covenants of
title, said purchaser being John
S. Maguire and this cause is
continued.

License

Confirming Sale,

Enter Oct. 13th.
1886.

Robert R. Huntis.

Entered in
Chancery.

OV 3 No 3 Page 43

Berry Brown

Bynum Crocker.

This cause come on this day to be again heard on the papers formally read as well as on the second report of Mr. B. Pinner one of the Commissioners of this Court to whom it was referred which said report was filed ten days before this term of Court and to which report no exception has been filed; and was argued by counsel:—on Consideration whereof the Court doth confirm the said report and doth order adjudge and decree that R. H. Hawley who is hereby appointed a special Commissioner for that purpose shall proceed to see the two lots mentioned in the Bill and belonging to the said Bynum Crocker, said sale to be by public auction before the Court house door of this County on some Court day and after at least twenty days notice by hand bills

publicly posted, said sale to be to the
highest bidder on the following
terms to wit: - one half cash
and balance on a credit of
six months with the option to
the purchaser after sale to pay
the whole of the purchase money
in cash should he so desire,
and the title to be retained until
the further order of Court; and
out of the proceeds of said sale
the said Commissioner shall first
pay the expenses of this suit and
sale and out of the balance he
shall proceed to pay off the
debts of the said Bynum Crocker
according to their respective
priorities named in the report
of the said J.B. Quinn Commis-
sioner and after paying all
such debts should there still
be a surplus on hand he shall
pay the same over to the said
Bynum Crocker; but the said
Commissioner shall not act
under this decree until it be
shown him first entered into
a bond & in the penalty of

In the first for discharge of
his duties.

\$300 with security deemed suffi-
cient by the Clerk of this Court
and he shall report on
his proceedings under this
dean to this Court and
this case is continued.

2nd
Deer for
Sale
April 1~~st~~, 1896

Enter

Robert C. Hunt

J. W. Green
\$90

Entered in
Chamney
OB 3 Page 23

In Vacation:
Circuit Court of ~~Southampton~~ ^{Andover} County on the 23rd day of November 1895.

Berry Brown
vs

Bynum Crocker

This cause came on this day to be heard in vacation on the petition of the plaintiff for a re-hearing on well as on the papers formerly read and was argued by counsel, and it appearing to the Court for good reasons shown that it is a proper case for rehearing, on consideration ~~of~~ ^{the} ~~the~~ Court doth order adjudge and decree that the said cause be re-heard and that one of the Commissioners of this Court shall proceed to take and state the following accounts to wit:-

1st An account of the real estate of which Bynum Crocker is seized and possessed together with its annual or fee simple value.

2nd The liens thereon, if any together with their amounts, dignities and priorities.

3rd Whether the said real estate
will rent for enough nett in
five years to satisfy said
claim.

4th Any other matter deemed
pertinent by said Commissioner
or which any party in interest
may require to be stated.

And it appearing to the Court that
one order of publication has
already been entered & had in
this cause and that the defend-
ant Byrum broker failed
to appear within fifteen days
after the completion of the
execution thereof, It is ordered
that the said Commissioner
may proceed to take said
accounts in a reasonable
time without any further order
of publication or further notice
to defendant, and he is
required to report all his
~~act~~ actions under this decree
to this Court & this cause is
continued.

Robert T. Rents.

Drawn for
Second Account

Enter,
Nov. 23, 1895
Robert C. Davis.

Entered in Chancery
Order Book No. 3
Page 13.

Berry Brown

vs

Bynum Crocker

This cause came on this day to be again heard on the papers forming read as well as upon the report of John B. Pin-
ner Commissioner which said report was filed ten days before this term of court and to which no exception has been filed, and was argued by Counsel:-

On Consideration whereof the Court doth confirm the said report and doth order adjudge and decree that R.H. Rawles who is hereby appointed special Commissioner for that purpose, after having first advertised the same for twenty days by posters, shall proceed to sell the land of Bynum Crocker mentioned in the Bill and proceedings by public auction to the highest bidder before the Courtroom door of this County on some court day.

the terms of the sale to be one
half cash & one the balance in
two equal installments of
six and twelve months each
and the title to be retained
until the further order of
the court; but the purchaser
after the sale is over shall
have the option of paying
the entire purchase money
in cash if he so desires;
and out of the proceeds of the
said sale, the said com-
missioner shall first pay the
expenses of this suit and also
the taxes if any are due on
the land and then pay off the
judgment of Berry Brown
and then pay the other liens
reported according to their priority
and should there be still a
balance left in his hands after
paying all the said liens, he
shall pay the same to Bynum
Crocker or his representative.
But the said R. H. Rawls shall
not act under this decree until
he shall have first executed
a bond approved by the clerk

of this Court with security
deemed sufficient in the
penalty of \$150.- for this
faithful performance of his
duties as special Commissioner
under this and all other orders
which may be rendered in this
cause, and he shall make
report to this Court of all his
transactions and this cause is
continued.

Decree for
Sale

Enter.

Oct. 16, 1895.

Robert H. H. H.

Entered in Lohaneery
Order Book No. 2.
Page 665.

Berry Brown
vs

Plaintiff

Bynum Crocker

Defendant

In chancery.

in which the complainant appears to have proceeded
in the mode prescribed by law against absent defendants
and the defendant still fails to appear and plead a plea or demurr,
this cause came on this day to be

heard on the ~~order of publication and~~
the Bill and exhibits filed and
not argued by counsel; ~~and the~~
~~defendant failing to plead, answer~~
~~or demur 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

An account of the real estate of
which the defendant Bynum Crocker
is seized and possessed, together with
its annual & fee simple values

2nd

The liens thereon together with their
amounts and priorities.

3rd

Whether the said real estate will
rent for enough, nett, in five
years to satisfy said liens.

4th

Any other matter deemed pertinent by
said Commissioner or which may
be required to be stated by any
party in interest.

And the said Defendant not having appeared
~~before~~ within fifteen days after the order
of publication heretofore had in this
Cause, the Court doth decree that
no further order of publication is
necessary and that the said Com-
missioner may proceed within a
reasonable time to take and state
said accounts.

And the said Commissioner shall report
all his proceedings under this decree to
this Court, and this Cause is continued.

Decree for Accounts,

Brown vs Brooker

Given Sept. 9, 1895-

Robert D. Hendrix.

Entered in Chancery
Order Book No. 2.
Page 620.

Berry Brown

Byrum Crocker.

This cause came on this day
to be again heard on the papers
formerly read or called on on
the report of R. H. Mawdsley, special
Commissioner showing that he
had made to the purchaser
John S. Magill, a deed with
the usual covenants of title. In
the deed estate named in the
Bill and proceedings, to which
report no exception has been filed
and was argued by Counsel;
on consideration whereof the
Court doth confirm the said
report and nothing further
remaining to be done in this
cause it is ordered that the
same be stricken from the
docket.

Final Decree.

Oct. 16, 1896,

Enter.

Robert A. Mantis

Emmanuel

Chamney.

DB No 3 Page 50

To the Hon. R. R. Prentiss, Judge
of the Circuit Court of Nau-
semond County:-

Berry Brown, the plaintiff in
the Chancery cause of Berry
Brown vs Bynum Crocker now
pending in the said Court
and in which no final
decree has yet been entered
respectfully petitions your Honor
for a rehearing in said
cause and assigns therefor
the following reasons:-
Your petitioner says that in his
Bill in said cause he, through
a mistake, alleged that the
defendant Bynum Crocker was
seized and possessed of one
lot of land, known as Lot No.
11 on a plat of the property of
Henry Wilson, located near
Suffolk in what is known as
Pleasant Hill, when in fact
in addition to the said lot,
the said Bynum Crocker is
seized and possessed in fee
simple of another lot adjoin-
ing Lot No 11, and designated

as Lot No 12 in said plat of
 building lots on Pleasant Hill
 near Suffolk, said Lot No 12
 being bounded on the North by
 West street; on the South by the
 land of the East Suffolk Land
 Co, on the East by Lot No. 13
 and West by said Lot No 11;
 both of the said lots Nos. 11 &
 12 being in one enclosure
 and having on them the build-
 ings described in the Bill
 and the report of Commissioner
 J. B. Pinner; and your
 petitioner says his judgment
 mentioned in the Bill is
 a lien on both of said lots
 and that the said real estate
 consisting of both of said
 lots will not rent for enough
 in five years to satisfy said
 judgment; he therefore prays
 that said cause may be
 re-heard and that one of
 the Commissioners of this
 Court may be directed to
 take further accounts in regard
 to said real estate belonging

to said Byrum broker and
that all of the said real
estate may be sold to
satisfy your creditor's judgment
and for general relief or
may seem proper in this
cause and he will ever
pray &c.

Berry Brown
By Counsel.

Virginia:-

Frederick County Court:-

J. R. W. Rawls a Notary
Public for the County aforesaid
in the State of Virginia certify
that Berry Brown the petitioner
in the above matter has this
day appeared before me in said
County and made oath that the
facts stated in said petition
are true, Given under my
hand this 20th day of November
1895.

R. W. Rawls N. P.

Petition
For Re-Hearing!

To the Hon. C. W. Hill Judge of
the Circuit Court of Nause-
mund County:-

Humbly Complaining Herewith
unto the Court your petitioner
Berry Brown the following
case:-

That on the 6th day of October
1894 your petitioner obtained against
Byrum Crocker, sometimes called
Bisum Crocker, of Nausemund
County Virginia, before the Hon. R.
L. Brewer Jr. Mayor of Suffolk Va,
a judgment for \$35 with in-
terest from the 6th 1st day of October
1894 and \$1.25 costs, which said
judgment was docketed on the
said 6th day of October 1894 in
the clerk's office of Nausemund
County Court in Judgment Docket
Book No 2. on page 69, on which
said judgment a writ of fieri facias
was duly issued directed to Geo. W.
Arner Jr. Sheriff of the Town of
Suffolk Va, which was placed in
his hands for execution, and on
the said writ he made the
following return on the 17th day

of October 1894 "I have executed the
within execution by levy on one lot
of chattel property of the said Byrum Crocker
which after due ~~advertisment~~ advertisement I
have sold at public auction for \$10⁷⁵/₁₀₀
and out of which gross amount I have
paid \$5³¹/₁₀₀ costs of judgment, docketing
and sale, leaving a balance to be credited
on said Judgment of \$5⁴⁴/₁₀₀, which
is my return "J. W. Ames Jr. Clerk."

all of which appear by a copy of the
said judgment and return
herewith filed marked Exhibit A
and pray to be taken as a part
of this bill.

And your orator says that this
is all that has ever been paid
on said judgment.

And your orator says also that he is
informed and believes that there
are other decreed judgments
against the said Byrum Crocker
amounting to some \$30 or \$40
more, which have not been paid.

Now your orator further states that
the said Byrum Crocker is single
and possessed in fee simple of
a certain lot or parcel of land
lying in Cypress Street in

Staunton County Virginia about
one mile from Suffolk, known
and designated as lot No. 11
on the plat of the property of
Henry Wilson in deed Book No
24 on page 25-, which said lot
is bounded as follows:- Fronting
40 feet more or less on the South side
of Webb street, thence running South
100 feet along lot No. 10 to the
land of the East Suffolk Land
Company; thence East 40 feet
to lot No. 12; thence along
said lot 100 feet north to Webb
street - thence 40 feet to the
beginning, it being the same lot
conveyed to the said Byrum broker
by deed dated the 27th day of July
1892, made by Sarah E. Wilson, W. J.
Wilson & Mary V. Wilson and recorded
in deed book No. 25- on page 641 in
said clerk's office, all of which will
appear by reference to said Book in
said office.

Your orator is advised that his
judgment is a lien on said
land; and that the rents and
profits of the said land will
not satisfy the said judgment

Virginia:-
Harrison County bond:-
O. R. H. Hawk attorney
public for the County of Harrison
in the State of Virginia do hereby
certify that Berry Brown
the complainant in the
above case has this day made
out before me that the
statements contained in
the indictment are all
true. Witness my
hand this ^{31st} 26th day of
January ~~1894~~ 1895
O. R. H. Hawk N.O.

Brown is broken

Bill.

Derry Brown
Against } In Chancery
Dynamum Crocker

1895 Feby 4th. Process issued returnable
to Feby Rules third Monday

" " 18. Process returned unexecuted.

" " 3rd Order of Publication

Bill filed and decree nisi
against him.

" March. 4th. Decree nisi confirmed and
cause set for hearing on
Order of Publication

Henry Davenport
Wm. D. Davenport
Wm. D. Davenport

Cash	
Clerk	7.43
Shpf.	50
Comm.	5.00
Fare	1.50
Printing	5.00
Atty	15.00
	<u>34.43</u>

Brown vs Crocker

Rawles & Briggs kg

Berry Brown
vs In Chancery
Byrum Crocker

1896
October 16th
Final Decree

Costs
Clerk 9.40
Shff 50
Commr 7.50
Tax 1.50
Printing 5.00
Atty 15.00

\$ 38.90