1909-070
Nansemond Co (Suffolk) Chancery Causes: J. W. Lawrence & Son] vs Neverson Howell et al

Pretlow & Co], Moore, Holland

J W Laurence & Son E E Holland Atty

1895

To A. P. GOMER, Clerk Circuit Court of Nansemond County, Dr.

Tax ~~and Clerk Fees~~ in suit Vs Norvell Prentiss &c $1,50

Nov 20th "

..... $

Dec 7th 1895 Paid ..... A P Gomer ....., Clerk.

To the Clerk of the Circuit Court of Nansemond County,Virginia:

J.W.Lawrence and T.J.Lawrence,merchants and partners trading as J.W.Lawrence & Son Complainants

vs

Neverson Howell,E.E.Holland,trustee,John Pretlow,jr,J.D.Pretlow,S.B.Pretlow,R.A.Pretlow and M.H.Moore,partners trading as Pretlow & Co,Defendants

Issue summons in chancery to 3rd Monday in March,1895

Say $1,50

E. E. Holland

P.Q.

File ads Judge in room House

Memorandum

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Neverson Howell E. E. Holland Cruslie John D Pretlow Jr J D Pretlow, S B Pretlow R A Pretlow and M A Moore partners trading as Pretlow & Co

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 March 1895, to answer a Bill in Chancery, exhibited against them in the said Court by J W Laurence and T J Laurence Merchants and partners trading as J W Laurence & Son

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 12th day of March 1895, in the 119th year of the Commonwealth.

Teste:

A P Gomer Clerk.

E. E. Holland Sr. g
J. W. Laurence & Son
W. J. In Chancery
Neverson Howell and
others

1895
March Rules
Third Monday

Nansemond
Circuit Court
Process Book
No 2 Page 112

The writs this day issued
by Chancery a Short
Process to E. E. Holland
and Newsom Howell
and others

Clerk

CHANCERY SUMMONS.

The Commonwealth of Virginia,

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

YOU ARE HEREBY COMMANDED TO SUMMON Neveson Howell E. E. Holland Leslie John Pretlow Jr. J. D. Pretlow, S B Pretlow, R. A. Pretlow and W. A. Moore, partners trading as Pretlow & Co

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 March 1895, to answer a Bill in Chancery, exhibited against them in the said Court by J W Laurence and P. J. Laurence Merchants and partners trading as J W Laurence & Son

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 12th day of March 1895, in the 119th year of the Commonwealth.

Teste:

A. P. Gomer Clerk.

E. E. Holland Jr g.
J. W Laurence & Son
W. J. Jr. Chauncey
Neverson Howell and
others

1895
March Rules
Third Monday

Executed March 16th
1895 - by delivering
a Copy of this Notice to
each of the within
named parties defend-
ant resident of the
County

J. M. Milligan
Sh'ff

Nansemond
Circuit Court
Process Book
No 2. Page

Know All Men by These Presents, That we Edward E Holland and William A Jones Jr

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of Four 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 exempton 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 January in the year of our Lord one thousand eight hundred and ninety-Six, 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 15th day of October 1895 in the Chancery Cause pending in said Court between J M Laurence & Sen Complainants and Neverson Howell &others defendants it was decreed that the land in the bill mentioned be rented out either at public auction or privately by the year until the rents are sufficient to satisfy the judgment and costs and the said E E Holland was appointed Special Commissioner therefor and was required before proceeding to execute a bond in the penalty of four hundred dollars with good security payable to the Commonwealth for the faithful discharge of his duties under this and all other decrees in this Cause, Now therefore if the said Edward E Holland shall faithfully discharge his duties as Special Commissioner aforesaid in and the said decree and all other decrees he may be required to execute in cause then the above obligation is to be void, or else it is to remain in full force and effect.

SEAL

E E Holland SEAL

Wm A Jones Jr SEAL

SEAL

SEAL

In the office of the Clerk of the Circuit Court of Nansemond County, on the 22nd day of January 1896

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

A Copy Teste: A A Gomey Clerk

Teste: A A Gomey CLERK.

Edward E Holland

To } Spec. Conn. Bond

The Commonwealth

1896

January 2nd

A Copy.

Recorded in Bond
Book No 1 Page 106.

PRETLOW & CO.,

DEALERS IN

FERTILIZERS, PEANUTS, FLOUR, MEATS, LIME,

PLASTER, HAY, GRAIN, FEED, BAGS, COAL, &C.

Franklin, Va., Sept 6" 1894

Judge A. J. Tilley

Dear Sir. Replying to
yours &c of 5th inst would say that
the note due us by Freeman
Brown is $500.00 & was due June 11th
1894. Am demand Am yrs after
date. with interest from date.
no payments

Truly Yours

Pretlow & Co

1896, Feb. 10th-Received of E.E.Holland, Attorney the sum of One hundred and fifteen dollars and six cents in payment in full of judgments in our favor vs Neverson Howell and for the enforcement of the payment of whcih the suit of Lawrence & Son vs Howell and others now pending in the Circuit court of Nansemond County was brought.

J.T. Lawrence & Son

Smith Quay Va
Sept 8 - 1890

Judge W. J. Kelby
Suffolk Va

Dr Sir -

Yours of 17th inst to hand. We considered Mr Reuben Harrell's land, worth $900.00 to $1000.00 and think it owned rent at $100.00 per year

Yours truly
J. T. Lawrence & Son

To J. W. Lawrence and T. J. Lawrence merchants and partners trading as J. W. Lawrence & Son. Complainants

and Severson Howell, E. E. Holland, Trustee, John Pretlow Jr. J. D. Pretlow, S. B. Pretlow, R. C. Pretlow and M. H. Moore partners trading as Pretlow Bro. Defendants.

You are hereby notified that on the 16th. day of September 1895 at my office, in Suffolk, Va., (at which time and place you are required to attend), I shall take, state and settle the following accounts which are to be taken, stated and settled and reported to Court in pursuance of the decree of the Circuit Court of Nansemond County, Va., rendered the 9th. day of April 1895 in the suit in chancery pending in said Court to which you are parties plaintiffs and defendants, to wit:

1. An account of the real estate in said County owned and possessed by Severson Howell, one of said defendants with its fee-simple and annual rental value.
2. An account of the liens upon said real estate together with their several dignities and priorities and especially an account of the lien of said complainants.
3. Whether or not the real estate in the bill and proceedings mentioned will in five years satisfy the judgment of the complainants together with the other liens and charges thereon.
4. An account of any matter specially stated deemed pertinent by myself or required by any party to be so stated.

Given under my hand, as Commissioner in Chancery of said Court, this 26th. day of August 1895

WILBUR J. KILBY,
Commissioner in Chancery.

Sufficient and legal service of this notice is hereby acknowledged and accepted by us this 4th. day of September 1895.

J. W. Lawrence
by J. Lawrence
John Pretlow Jr.
K. V. Pretlow
S. B. Pretlow
R. A. Pretlow

W. H. Moore

E. E. Haseman, Trustee

I have this day served this notice on the within-named Jefferson Howell by delivering a copy thereof in writing to him in person this 12th. day of November 1895

A. V. Zuber
Sheriff of Nansemond County, Va.

12th

To the Circuit Court of the County of Nansemond, Virginia;

In pursuance of a decree of the Circuit Court of the County of Nansemond, Virginia, pronounced on the 9th. day of April 1895 in the cause in Chancery in said Court depending between J. W. Lawrence and Son, Complainants, and Severson Howell & E. E. Holland, Trustee, and others, defendants, the undersigned, Wilbur J. Kilby, one of the Commissioners in Chancery of said Court, respectfully reports to Court as follows:

That on the 26th. day of August 1895, after the papers in said cause had been referred to him Your Commissioner gave notice to the parties that on the 16th. day of September 1895, he would proceed at his office in Suffolk, Va. to take, state and settle the several accounts required by said decree to be taken, stated, and reported to Court:

That sufficient and legal service of said notice was

accepted on the 4th day of September 1895 by all of said parties, except Iverson Howell upon whom the notice was served by the Sheriff of said County, as will appear by the endorsations on the notice herewith returned:

That in pursuance of said notice, Your Commissioner has executed the said decree and now submits the results as follows:

Account No. 1

An Account of the real estate in said County owned and possessed by Iverson Howell, one of the defendants, with its fee-simple and annual rental value;

Under this head Your Commissioner reports that said Iverson Howell is seised and possessed of a tract or parcel of land situated in Holy Creek Magisterial District in said County containing ninety-eight (98) acres, more or less and bounded by

the lands of Peter Dillard, Thomas Beale, Mrs. J. P. Gay, and the county road and being the same land which by deed dated the 11th. day of June 1894 and recorded the 21st. day of July 1894 on page 357 in deed-book No. 34 in the clerk's office of Chesterfield county court was conveyed to said Stevenson Howell by Mills E. Howell and others.

The said land is assessed for purposes of taxation at $490. while the complainants in said cause who live near it and are competent to speak as to its value, say it is worth in fee-simple from $900. to $1000. and that its annual value is $100.

Your Commissioner is of the opinion that the land is worth in fee-simple from $700. to $900 and that its annual value is from $75. to $100.

The statement in writing of said complainants as to the value of said land is here-

with returned.

Account No. 2

An Account of the liens upon said real estate together with their several dignities and priorities and especially of the lien of said Complainants:

The following are the only liens on said land of which Your Commissioner has any knowledge:

First Lien:

A debt due by said Severson Howell to John Prettow Jr. J. Lewson Prettow Saml. B. Prettow, R. A. Prettow and M. H. Moore, partners trading as Prettow & Co. evidenced by a bond and secured by a deed of trust made by said Severson Howell alone to E. E. Holland, Trustee on the 11th. day of June 1894 and recorded the 21 day of July 1894 on page 446 in deed-book No. 33 in the office of the clerk of the County Court of said County.

The principal of said debt is the sum of $500.00
and the interest from 11 June 1894 to 11 Nov. 1895. 42.50
$542.50

Second Lien:
A judgment against said Jefferson Howell and Mills & Howell in favor of the Complainants, J. W. Lawrence and T. J. Lawrence partners trading as J. W. Lawrence and Son, rendered by W. H. Jones, a justice of the Peace, on the 21 day of December 1894 and docketed in the Clerk's office of said County for $53.26
and interest from 1 Nov. 1894 to 11 Nov. 1895. 3.28
Costs of Suit 1.25= 57.79

carried on $600.29

brought on		$600.29

Third Lien:

A judgment against said Stevenson Howell and Mills G. Howell in favor of said J. W. Lawrence and Son, rendered by W. H. Jones, justice of the peace, on the 18th. day of January 1895 and docketed in said clerks office for the sum of $53.27 and interest from 1 Jan. 1895 to 11 Nov. 1895 2.75

costs of suit	1.25 =	57.27
Total liens =		$657.56

Both of the above judgments were docketed in the clerk's office of Crawsemond County court on the 21st. day of February 1895. and waive the benefit of the exemptions of the judgment-debtors.

Account No. 3

An Account showing whether or not the rents and profits of said real estate will in five years satisfy the said judgments and other liens on said real estate:

From what has been stated above, it is apparent that the rents and profits of said real estate would be more than sufficient to satisfy said judgments in five years, but not sufficient to satisfy the first lien above-mentioned and said judgments also in that time.

Account No. 4

An Account of any matter specially stated deemed pertinent by the Commissioner or required by any party to be so stated:

Your Commissioner has nothing to report under this head.

Respectfully submitted this 16th. day of September 1895.

Wilbur J. Kilby.
Comr. in Chancery.

Fee of Comr. $15.00
" of Shff. .50c

Lawrence & Son

vs. } In Chy.

Howell & als.

Report of Liens etc. under decree of 9 Apl. 1895

1895 Sept 27th Filed
A B Gomery Clerk

In the Circuit Court of Nansemond County:

Lawrence & Son vs Howell and others.

This cause came on this day to be again heard upon the papers formerly read,and upon the report of WIlbur J.Kilby,Commissioner in Chancery, filed on the 27th day of September,I895,to which there are no exceptions and was argued by Counsel:On consideration whereof the Court doth approve and confirm said report.And it appearing to the Court from said report that the rents and profits of the real estate in these proceedings mentioned of Neverson Howell will be more than sufficient to satisfy said plaintiffs' judgments within five years,the Court doth order,adjudge and decree that E.E.Holland,who is hereby appointed a Special Commissioner for that purpose,be authorized and empowered to enter upon and take possession of said real estate and that the said Neverson Howell be required to surrender the same to said Special Commissioner,and that he proceed to rent out said land either at public auction, or privately, if said Commissioner can rent said land for as much as $75.00 per year,taking from the party renting same bond with good personal security for the amount of the rent.And said Special Commissioner is authorized to rent same by the year until the amount collected by him on account of the rents shall be sufficient to pay the costs of renting same,the costs of this suit,and the judgments of said plaintiffs.And it is further ordered that upon the collection of said rents or any part thereof the said Commissioner shall apply the same first to the expenses of renting same and the costs of this suit and then to the payment of said judgments.But before said Special Commissioner shall proceed to rent said land,or receive any money under this decree he shall enter into bond,with sufficient security,in the Clerks Office of this Court,payable to the Commonwealth of Virginia,in the penalty of $400.00 and conditioned for the faithful discharge of his duties under this decree or any other decree entered in this cause.And this cause is continued.

Lawrence & Son

vs

Howell et als.

Oct 15, 1895

To be ente ed.

R. W. Stark C. Ellis.

Entered in Chancery
Order Book No. 2
Page 662.

In the Circuit Court of Nansemond County:

Lawrence & Son vs Howell and others.

This cause came on this day to be heard upon the bill taken for confessed as to the defendants, the exhibits filed, 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 enquire i nto and report to court:-

Ist. An account of the real estate in this County owned and possessed by Neverson Howell, one of the defendants in this cause, with its fee simple and annual rental value,

2nd. An ac count of the liens upon said real estate together with their several dignities and priorities, and especially an account of the lien of the complainant in this cause.

3rd. Whether or not the real estate in the bill and proceedings mentioned will in five years satisfy your complainants judgment together with the other liens and charges thereon.

Which said accounts the said Commissioner shall make and report to the Court together with any matter specially stated deemed pertinent by himself or required by any party to be so stated.

Laurence Jon
vs} Decree
Howell et al

April 9, 1895
To be Entered
Robert R. Dennis.

Entered in Chancery
Order Book No. 2.
Page 617.

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

In the ~~Circuit~~ Court of the County of Nansemond, ~~at the~~ On Dec 21st ~~Term~~, 189~~4~~

W. H. Jones a Justice of the Peace for

J. W. Lawrence & Son

Plaintiff ~~s~~

AGAINST

Action of Debt

Neverson Nowell and
Mills E. Nowell

Defendant ~~s~~

Judgment in favor of the Plaintiff ~~s~~ against the Defendant ~~s~~ for the sum of Fifty-three 26/100 dollars $ 53.26

With interest at the rate of six per centum per annum from the 1st day of November 1894, till paid,

~~until paid~~.

~~Charges of Protest, $~~

And the cost of suit, $ 1.25

~~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:~~

~~Teste~~:

~~P. Q.~~ ~~Clerk~~.

This Judgment was duly docketed in the Clerk's office of the County Court of the County of Nansemond on the 21st day of February 1895

Judgment Docket No. 2 Page 79

R. R. Smith Clerk.

By A. L. Gomey D. C

J. W. Lawrence & Son

vs. { Abstract of Judgment.

Newson Howell
& Miles E. Howell

~~*Nansemond Circuit Court.*~~

~~*Process Book No ____ Page ____*~~

~~*Order Book No ____ Page ____*~~

~~*_____ Term, 189_*~~

~~*Execution Book No ____ Page ____*~~

Judgment Docket No 2 *Page* 79

County Court.

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

In the ~~Circuit~~ Court ~~of~~ of W H Jones a Justice of the Peace for the County of Nansemond, ~~at the~~ Jany. 18th ~~Term~~, 1895

J W. Lawrence & Son

Plaintiff's

AGAINST

Action of Debt

Neverson Nowell and Miles E Nowell

Defendant's

Judgment in favor of the Plaintiff's against the Defendant's for the sum of Fifty-three 27/100 dollars $ 53.27

With interest at the rate of six per centum per annum from the 1st day of January 1895 till paid

~~Charges of Protest~~, $

And the cost of suit, $ 1.25

~~until paid~~.

~~A FIERY 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:

~~Teste~~:

~~P. C.~~ ~~CLERK~~.

This Judgment was duly docketed in the Clerk's office of the County Court of the County of Nansemond on the 21st day of February 1895

Judgment Docket No. 2 Page 79.

R R Smith CLERK.

By A L Lowery D.C

J. W. Lawrence & Son

vs. { Abstract of Judgment.

Neverson Howell
& Miles E. Howell

~~*Nansemond Circuit Court.*~~

~~*Process Book No ____ Page ____*~~

~~*Order Book No ____ Page ____*~~

~~*____ Term, 189__*~~

~~*Execution Book No ____ Page ____*~~

Judgment Docket No 2 *Page* 79

County Court.

To the Hon.Robt.R.Prentis,Judge of the Circuit Court for the County of Nansemond,Virginia.

Your complainants, J.W.Lawrence and T.J.Lawrence,merchants and partners trading as J.W.Lawrence & Son,humbly complaining,show the following case:that on the 2Ist day of December,in the yea r I894 your complainants recovered before W.H.Jones,a Justice of the Peace for said Nansemond Coun ty,a judgment against Neverson Howell and Mills E.Howell,of the said Coun ty,for $53.26,with interest thereon from Nov.Ist,I894,till paid,and $I.20 costs;and on the I8th day of January,I895 before the same said Justice,he recovered a judgment against the same parties for $53.27 ,with interest thereon from the Ist day of January,I895 till paid and $I.25 costs;that on said judgments writs of fieri facias were duly issued,and have been returned by the officer to whom same were directed,with the following endorsements thereon:"I can find no property out of which I can Make the within executions or any part thereof";and that said judgments have since been duly docketed in the Clerks Office of Nansemond County Court,abstracts of which,marked Exhibit I are herewith filed and prayed to be read as a part of this bill.

That Neverson Howell,one of the said defendants,is seized and possessed in fee simple of a tract of land in said Nansemond County,Virginia,containing ninety eight acres,more or less,bounded by the lands of Peter Dillard,Thomas Beale and others,on which there is a deed of trust in favor of Pretlow & CO, apartnership doing business in Franklin,Virginia,com posed of John Pretlow,jr,J.D.Pretlow,S.B.Pretlow,R.A.Pretlow and M.H. Moore,executed by said Neverson Howell to E.E.Holland,trustee to secure said firm the sum of $500.

That your said complainants are advised that their judgments,no part of either of which has been paid,are a lien,under the statute law of Virginia on the said real estate.That the rents and profits of the said real estate will not,unless said real estate is rented out for a good money rent, more than pay the costs of this suit and satisfy said judgments in five years .

In tender consideration whereof,foras much as your complainants are reme-

diless,save by the aid of a court of equity,where matters of this kind are alone and properly cognizzble,your orators pray that Neverson Howell, E.E.Holland,trustee,John Pretlow,jr,J.D.Pretlow,S.B.Pretlow,R.A.Pretlow and M.H.Moore,partners trading as Pretlow & Co ,may be made parties defendant to this bill,and required to answer the same(but answers under oath are waived);that the said real estate,or so much thereof as may be necessary be sold or rented out to satisfy your ~~honors~~ complainants' judgment,and that your honor will grant unto your complainants such other,further and general relief as may be consistent with equity and the case requires.And your complainants will ever pray,&c.

J. W. Lawrence & Son,
by E. E. Holland P. Q.

Lawrence & Son

vs. { Sh Chancery

Howell Oaks

E. E. HOLLAND,
ATTORNEY AT LAW,
SUFFOLK, VA.

Everett Waddey Co., Stationers and Printers, Richmond, Va.

J W Laurence & Son
against } In Chancery
Neverson Howell & others

1895. March 12th Process issued returnable to March Rules third Monday

" " 18th Process returned executed on each of the defendants. Bill filed and decree nisi against said defendants.

" April 1. Decree nisi confirmed and cause set for hearing.

Chancery Notes.

E E Holland pqj

J W Laurence & Son

Vs In Chancery

Neveson Howell & others

1909

July 16th

Final Decree

J W Laurence Vs N Howell & others

clerk
Cost $5.59