

1898-06

Southampton County Chancery - Chapman, B. P.

vs Harvey } T. A. et al
(Harrell)

Sues to divide parcel of land
& use to settle debt.

Harvey, Mildred
also sometimes
called
(Harrell)

1870

1871

1872

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1895

In the Circuit Court of Southampton county, Virginia.

To the Hon. Robert R. Prentiss, Judge of the Circuit of the county of Southampton:-

Your orator, B.P. Chapman, humbly complaining, shows to the court;

That during the year 1890 he recovered a judgment against one T.A. Harvey sometimes called T.A. Harvell, as will appear more fully by an abstract from the records, marked "A" and filed herewith as an exhibit, and, prayed to be taken and read as a part of this bill of complaint, which said judgment has been duly docketed in the clerk's office of the County Court of the said county of Southampton, and is founded on a claim waving the Homestead Exemption. On this judgment there was a writ of fieri facias issued directed to a Constable of the said county, to wit; J.I. Joyner who returned the same to the clerk of the said County Court with a note stating no effects could be found to satisfy the said judgment.

Your orator says that the said T.A. Harvey sometimes called T.A. Harvell is the owner in fee of an undivided moiety in a certain tract of land containing 88 acres, more or less, situate in the said county and state about 24 miles from the Court House and adjoining the lands of Harvell and others. Your orator further says that one Mildred Harvey sometimes called Harvell owns the other moiety in the said tract of land.

That your orator is advised that he has, by virtue of the said judgment, a lien on the said land, and that he is entitled to have the said lien enforced in this court, and, he further says, that the said undivided moiety in the said land will not rent for enough in five years to pay off the said lien and the costs of this suit.

In tender consideration whereof, and for as much as your orator is remediless save in this court where matters of this sort are alone and properly cognizable, he prays that said T.A. Harvey sometimes called Harvell and Mildred Harvey sometimes called Harvell be made parties to this suit and required to answer this bill, but an answer on oath is hereby expressly waived as provided by the statute,

that partition of the said land may be made between the said joint owners as provided by the statute, Acts of Assembly 1897_8 page 488, that proper process may issue, that all proper orders and decrees may be made and enquiries directed, that if it shall appear that the said rents and profits of the said real estate will not in five years satisfy your orator,s judgment, that the said real estate be sold and the proceeds thereof be applied in satisfaction of your orator,s said judgment; that if such rents will so suffice the said land be rented out and the rents and profits be applied to the said judgment until the same is fully satisfied; and, that all such other, further and general relief may be given your orator as the nature of his case may require, or to equity and good conscience shall seem meet. And your orator will ever pray &c.

B.P. Chapman by

Wm S. Halland

his attorney.

1st of Night
In Southampton Justice Court,

Oct. 12 Term, 1890

B. A. Chapman,

Pliff.

Against

J. A. Harvey,

Deft.

In

Judgment for the Plaintiff against the Defendant for \$ 60 34 with
legal interest thereon from 31 day of Oct, 1888, till paid,
and costs, \$ 1 50

Extract.

Teste:

B. J. McLeod S.C.
J. A. Harvey S.C.

CLERK'S RECEIPT.

No. 38

SUITS.

Plaintiff B. A. Chapman

Defendant Harvey & Co.

Date August 26th 1898

Amount of tax, \$ 1.50

Common law

Chancery

Received (date) August 26th 1898

L. A. Gay Clerk.

GEN. W. B. SHANDS.

WILLIAM SHANDS,
Commissioner in Chancery.

W. B. Shands & Son,
Attorneys at Law.

COURTS:

Southampton, Nansemond, Isle of Wight,
Surry, Sussex, and Greensville coun-
ties; State and Federal Courts at
Norfolk and Portsmouth, Va.

COLLECTION OF CLAIMS A SPECIALTY.

In Re:

Courtland, Va., 189

To T. A. & Mildred Harvey sometimes called
T. A. & Mildred Horrell;

Take notice that
I shall on the 20th day of September 1898,
at his office in the town of Suffolk, Va.
appear to the Hon. Robert R. Peenick, Judge
of the Circuit Court of Southampton
County, in vacation, for and as
for enquiries and accounts in the suit
in which you are defendants and I am
the plaintiff pending in said circuit court.

B. P. Chapman
Wm. H. Halladay, Esq.

Chapman

vs. { Statement of a case
Harrell et als.

B. P. Chapman

75. } Statement of costs.

J. A. Harvill & als.

Sum. 25. 2 Copies 26. receipt 18. atty. 10. Docket 18 = .97

Rule 50. Entering return 35. filing bill 15 = 1.00

Law costs 40. filing away papers 25 = 65

Sept. 16th '98 Order to dismiss

Pd. L. A. Gay 6.40 $\overline{2.92}$

Pd. J. A. Williams 1.00

Law fee 6.50

$\overline{10.42}$

Teste: L. A. Gay l.b.

POSTAL CARD - ONE CENT.

United States of America

THIS SIDE IS FOR THE ADDRESS ONLY.

1895
VA.



Mr. L. A. Hay
Clerk Civ. Court

Courtland
Southampton Co
va

Windsor Sta. Va
Sept. 16 - 1898

Dear Sir:

Please make for
me by Monday a
statement of costs
in suit of B P.

Chapman vs. Herrell
et al. He wishes
to settle and have
further costs.

Yours very truly
Wm H. H. H.

D. A. Harvey or Harrell not being found
at his usual place of abode & delivering a
copy of this "curm", to Emily V. Harvey or Harrell
who is a member of the family over the age of
21, her name & explained its purport to her.
Medford Harvey or Harrell is dead.
Sept. 3^d 1898

Wm. McCreight
Clerk

Chapman

vs. same. In chy.

Harrell et al.

1898. 1st. Sept. Rules.

Leis. Ex.

Delivered to
To Emily V. Harvey

Harrell

Sept 3^d 1898

(1)

W. S. Holland p. 9.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

We command you to summon J. A. Harvey, sometimes called
J. A. Harwell and Mildred Harvey, sometimes Mildred Harwell,

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden
for the said Court on the 1st Monday in Sept. 1898 next, to answer a bill in Chancery
exhibited against them in our said Court by B. P. Chapman

And this they shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, L. A. GAY, Clerk of our said Court, at the Courthouse, this 27th day of
August, 1898, in the 12th year of the Commonwealth.

Teste:

L. A. Gay

C. C.