1805 - 045 Chancery Causes. Robert Tynes vs Charles Chapman

Isle of Wight County

To the worshipful justices of Isle of Wight County sitting in Chancery

Humbly complaining sheweth unto your worships your Orator Robert Tynes. That one Charles Chapman being indebted to your Orator the sum of two hundred pounds. with interest from the eighth day of May 1779 he paid & also the further sum of one pound eighteen shillings & interest and being willing to secure the same by his certain Indenture of Mortgage bearing date the eighth day of May 1784 did sell & convey unto your Orator in fee simple. One [illegible] tract or parcel of land & marsh in the parish of Newport in the County of Isle of Wight & in the neighbourhood of Lum Neck and Charles Chapman & thereon & thereon & thereon

absolute in your Orator his heirs & Assigns for ever Or that this Court will make such further or other Decree in the premises as may be agreeable to the rules of Equity May it please &c

Wells for Compt.

Bill
to
Chapman
Sheriff

(file it)

June 1795
Wm & contempt
May 1796 A. day
Ent'd

August 1796
Dismiss for Pltf's laminis

Dismissed Dism. Ent'd

To the Worshipful justices of Isle of wight County sitting in Chancery Humbly complaining shewith unto your worships your Orator Robert Fynes. That one Charles Chapman being indebted to your Orator the sum of two hundred pounds with interest from the eighth day of May 1779 till paid & also the further sum of one pound eighteen shillings & interest and being willing to secure the same by his certain Indenture of Mortgage bearing date the eighth day of May 1784 did Sell & Convey unto your orator in fee Simple One Certain tract or parcel of land situate in the parish of Newport in the County of Isle of wight then in the occupation of him the said Charles Chapman & whereon he then lived containing two hundred acres. bounded according to the known & antient lines with this provisio or condition in the said indenture mentioned, That if the said Charles Chapman his heirs executors or administrators should well & truly pay or cause to be paid unto your Orator his heirs or assigns the aforesaid Sums of two hundred pounds. & One pound eighteen shillings with lawful interest thereon arising, together with the costs of drawing & recording the said Indenture, at or upon the first day of October 1784, that then the aforesaid indenture & every thing therein contained should cease determine & be void which said indenture is duly proved & recorded & to which your Orator refers. Your orator further sheweth that altho the said day of payment is long since past. & the said Charles Chapman hath hitherto neglected to discharge the debts aforesaid to your Orator & by Virtue of a Covenant in the said Indenture. Still remains in possession of the premises & receives the issues & profits thereof

To the end therefore that the said Charles Chapman may upon his corporal oath full true & perfect Answer make to all & Singular the allegations of this bill as fully as if the same were again repeated & interrogated And that this Court will decree & order that unless the said Charles Chapman shall by some short day by this ~~Court~~ Court to be appointed pay & Satisfie unto your Orator the principal sums aforesaid with the interest thereon arising & the costs attending the drawing & recording of the said Indenture that he the said Charles Chapman his heirs & all claiming under him be barred & foreclosed from all Equity of Redemption in the lands & premises in the said Indenture mentioned & the estate therein become absolute in your Orator his heirs & assigns forever Or that this Court will make such further or other Decree in the premises as may be agreable to the rules of Equity May it please &c.

Kello for Compl.ts

Copy Pes. Nathaniel Young C. I. W. C.

Tynes

v

Chapman

Copy bill

Mar. 1803

bill filed

June 1803

bill taken as confd.

April 1805

Abates by Defts death

The commonwealth of Virginia to the Sheriff of Isle of Wight County Greeting you are hereby commanded to take Charles Chapman

if he be found within your bailiwick and him safely keep so that you have his body before our justices of our said county court at the Court house of the said County, on the first Thursday in May next to Answer Robert Tynes of a plea of debt for four hundred pounds specie Damages ten pounds

and have then there this Writ Witness Franc. Young Deputy Clerk of our said County court, at the Court house aforesaid the sixth day of April 1784 in the 8th year of the Commonwealth

Franc. Young D.C.

Tynes
v. } Cap.
Chapman

Execut'd Barnes
Harvey & Thomas
B Can Bail

J. Threlgale

May 1784
Common Bail & ord up Deft
& he prays in Custody

July 1784
Dism'd at Defts Ct

The Commonwealth of Virginia To the Sheriff of Isle of Wight County
Greeting you are hereby commanded to Summon Charles Chapman —
——— to appear before our Justices of our Court of
our said County in Chancery at the Court house on the first Thursday in —
June next then and there to Answer a Bill in Chancery exhibited against
him by Robert Tynes ——— and this he shall in no wise
omit under the Penalty of one hundred pounds, and have then there this —
Writ, Witness Francis Young Deputy Clerk of our said Court at the Court
house aforesaid the Seventh —— Day of May — 1785 in the Ninth —
year of the Commonwealth ——

Franc: Young D.C.C.

Tynes
v.
Chapman

Spa. in Chanc.y

June 1785
Attas X contempt.

Edmund Randolph D.

Edmund Randolph

I do promiſe to pay to Robert Tynes of Jam. White Esqr
or to his Aſſigns, the Sum of Two Hundred pound Currant
mony of Virginia In Speie

on Demand

for Value received of him to which
Payment, well and truly to be made, I do bind myſelf

my Heirs, Executors, and
Adminiſtrators, in the penal Sum of four Hundred pound Currant
mony of Virginia In Speie

In Witneſs whereof I have
hereunto ſet my Hand and Seal, this Eight Day of
march Anno Dom. One Thouſand Seven Hundred and
Seventy Nine

Sealed and Delivered in the Preſence of } Charles Chapman

mary Tynes

Julain her Bart
mark

Charles Chapman

Tynes
v. } P. Bill
Chapman

£200-0-0

This indenture made this eighth day of May in the year of our
Lord Christ one thousand seven hundred & eighty four Between Robert Tynes
of the county of Isle of Wight Merchant of the one part and Charles Chapman
of the same county of the other part Whereas the said Charles Chapman stands
justly indebted to the said Robert Tynes in the sum of two hundred pounds
with interest from the eighth - day of March - 1779 & the further sum of
one pound eighteen shillings & is willing & desirous to secure the payment of the
same Now this indenture therefore witnesseth that as well for securing the
aforesaid sums of money & also for and in consideration of the sum of five
shillings to him the said Charles Chapman in hand paid by the said Robert
Tynes at or before the ensealing & delivery of these presents the receipt
whereof the said Charles Chapman doth hereby acknowledge Hath granted
bargained sold aliened released enfeoffed & confirmed and by these presents
Doth grant bargain sell alien release enfeoff & confirm unto the said
Robert Tynes his heirs and assigns by these presents, All that tract or parcel
of land situate lying & being in the parish of Newport in the county of Isle
of Wight now in the tenure & occupation of him the said Charles Chapman
& whereon he now resides containing ~~two hundred~~ by estimation two hundred
~ : ~ : - acres & bounded according to the known & disputed bounds
thereof & as the same did held & occupied by the said Charles Chapman
To have & to hold all & singular the said lands premises & appurtenances
thereto belonging unto the said Robert Tynes his heirs and assigns To the
only proper use & behoof of him the said Robert Tynes his heirs and assigns
for ever. and the reversion & reversions remainder & remainders rents
issues & profits thereof, and all the estate right title interest use trust
property claim & demand whatsoever of him the said Charles Chapman
his heirs or assigns of in or to the same or any part thereof. And the said
Charles Chapman for himself his heirs exors & admors doth hereby covenant
promise & grant to & with the said ~~Charles Chapman~~ Robert Tynes his heirs
and assigns by these presents to warrant & defend the title of the hereby
granted premises to the said Robert Tynes his heirs and assigns against
the title claim & demand of any person or persons whatsoever. ~~And~~
~~Charles~~. and further that he the said Charles Chapman ~~and~~ ~~Charles~~ his heirs
exors & admors shall & will well & truly pay or cause to be paid unto the
said Robert Tynes his heirs and assigns the aforesaid sums of money &
interest without fraud or delay. Provided always & these presents are upon
this condition nevertheless that if the said Charles Chapman his heirs exors
or admors shall well & truly pay or cause to be paid unto the said Robert
Tynes his heirs or assigns the aforesaid sums of money & interest arising thereon
together with the costs of drawing & recording this present indenture at or
upon the first day of October next ensuing the date hereof then this
indenture & every thing therein contained shall cease determine be
void And it is further agreed by & between the parties to these presents
that until default shall be made of the proviso or condition before
mentioned that it shall be lawful for the said Charles Chapman his
heirs or assigns to remain in possession of the hereby granted premises

& take & receive the sums & profits [illegible] In Witness whereof the parties to these presents have hereto interchangeably set their hands & seals the day & year first above written

Sealed & delivered [by Charles Chapman] in presence of.
R Kello

Charles Chapman (Seal)

Robt. Tynes (Seal)

William Whitfield

Jethro Gale.

Sealed & delivered [by Robt. Tynes] in presence
R Kello
Francis Young
Chas. Tuleyham

At a Court held for Isle of Wight County the 3d day of June 1784

This Indenture of Mortgage was proved by the Oaths of Richard Kello Wm. Whitfield and Jethro Gale three of the Witnesses thereto as to Charles Chapman one of the parties thereto and was also proved by the Oaths of Richard Kello, Francis Young & Charles Tuleyham the other Witnesses thereto as to Robert Tynes the other party thereto and ordered to be Recorded

Test Francis Young D.C.

Chapman to Tynes } Mortgage

20/. paid for Drawing this to R Kello

June Court 3d 1784 proved by the Wit. & Recorded & Exam.d

95 15
15 30
71. 45
181
45
226

The Commonwealth of Virginia To the Sheriff of Isle of Wight County
Greeting you are hereby commanded to Attach Charles Chapman so that
you have his Body before our Justices of our Court of our said County in Chancery
Court house on the first Thursday in July next to Answer us as well
of a certain contempt by him to us offered as it is said as upon those things
which to him then & there shall be objected, and further to do and receive
what our said Court shall in this part consider, and this you shall in
no wise omit, and have then there this Writ Witness Francis Young Deputy
Clerk of our said Court at the Court house aforesaid the second day of July
1785. in the 9th year of the Commonwealth of Virginia

Francis Young D. Clerk.

For not appearing to answer the Bill of complaint exhibited against him by Robert Tyrer — By Order of Court

Francis Young

Tyrer ---- v. Chapman } Order to answer.

(574)

Filed by Edm. Joshua Ellis

Isle of Wight County to wit, August Court 1786

Robert Tynes . . . . . Plt

against } for Contempt.

Charles Chapman . . . Deft

The Defendant having stood out all kind of contempt and the Bill taken for confessed, It is decreed and ordered that the equity of redemption be foreclosed and the Estate of the plaintiff become absolute therein, and that unless the said Defendant shall in two Months from this day pay and satisfy the sums of two hundred pounds with Interest from the 8th day of March 1779 till paid, and the sum of one pound eighteen shillings with Interest thereon from the seventh day of May 1785 till paid, and that the Plaintiff make Sale of the Mortgaged premises at public auction, and apply the money arising therefrom towards the satisfying the aforesaid sums of money, and pay the Overplus to the Defendant if any

Copy Teste Nath: Young CI.

Typus
Mr. Thos. Jefferson
Chapman
for
R. W. Boyd

The Commonwealth of Virginia to the Sheriff of Isle of Wight County greeting: Whereas Robert Tynes has obtained his decree against Charles Chapman whereby It was Decreed that unless the said Charles Chapman should satisfy & pay the said Robert Tynes the sum of two hundred pounds with Interest for the same from the 8th. day of March 1779 till paid & the sum of one pound eighteen shillings with Interest thereon from the 7th. day of May 1785 till paid that the Equity of Redemption of the said Charles Chapman his heirs or assigns should be foreclosed and the Estate of the said Robert Tynes therein become Absolute and that the said Robert Tynes should make sale of the said premises at publick Auction and apply the money Arising therefrom towards Satisfaction of the Sums & Interest aforesaid & the Costs & pay the Overplus if any to the Defendant, and whereas the said Robert Tynes did on the 20th. day of December 1787 sell at public Auction the land & premises in the bill mentioned for the sum of one hundred pounds a sum not sufficient to discharge the money Interest & Costs to the plaintiff and that no possession has as yet been delivered to the said Plaintiff who was the purchaser of the said land & premises agreable to the aforesaid Decree, — Therefore you are hereby commanded that you cause the said — Robert Tynes to have his possession of and in the aforesaid two hundred Acres of land & premises with the Appurtinances and how you shall execute this our Writ, make known to our Justices of our Court of our said County on the first Thursday in May next and have then there this Writ, Witness Francis Young clerk of our said Court at the Court house the 12th. day of March 1789 in the 13th. year of the Commonwealth. —

Franc: Young CI:

Executed in pursuance of Samuel Webb Scott
Holloway & William Holloway

J. Andrews & S.

Thomas Hanna

Sym
vs.
Chapman

March 12 1789