

1875-021 Chancery Cause: George W. Wiley's admr vs Isaac B. Jones

Isle of Wight County

other surnames: Eley,
White

Geo. W. Willip's bill

11th Bill

Usine to J. J. J. J.

1868.

Jan. 1868 - Bill to file
and to be read by J. J. J. J.
p. 11.

Feb. 1868 - Bill to be
confused to be for J. J. J. J.

March term 1868
Deer for sale.

Feb. term 1875 - Remove from
the book.

Chief. And that such other sound
judicial ruling may be granted as to the
Court may deem most sound may
consist with the equity of the case.
And your excellencies will
ever pray &c.

John W. Wiley
Ezra H. Ell
Per E. C. Roberts

Thos Allen

proposed as aforesaid consists of a certain
(with the buildings &c. thereon)
lot of one acre, more or less, lying in said
County of Ire of Wight, lot or more Doctors
Ferry and is bounded by the lands of
Josiah Bell and others, Your com-
plainants charge that the rents and
profits thereof would not pay out the
said sum of \$158.51 ^(the balance due on said debt) with interest there-
on and costs, in five years; that the
said judgment (which was docketed in
the County Court of said County as soon
as obtained) created a lien on said
real estate; and they are without remedy
at law since can only be relieved by this
Worshipful Court of Chancery where matters
of this sort are cognizable. To this and
therefore your complainants pray that
the said Deane B. Jones may be made a
party defendant to this bill and be required
to answer the same as fully and par-
ticularly as if each one of the charges herein
were separately and distinctly set forth and
be interrogated thereto. And that by a decree
of this Court a commissioner may be
appointed to make an absolute sale of the
said real estate and apply the net pro-
ceeds to the credit of the said execution
as far as the same will go, or if sufficient
to the extinguishment, or entire satisfaction

to the debt on which the said judgment
was rendered and the said J. W. White
and Robert A. Jones were only sureties,
therein. That when your complain-
ants were about to have the said exe-
cutions levied on the goods and chattels
of the said sureties for the further satis-
faction of said debt, they, the said sureties
suggested that the said Deane & Jones one
of the said principals was seized and possessed
of certain real estate in the County of Du
of right and that if your complainants
attempted to seize their property, before sub-
jecting the said real estate of the said Deane &
Jones to the payment of the said debt, that
they, the said sureties would sue out a writ
of injunction to restrain your said com-
plainants from so seizing their property, until
all the property of the said principals had
been exhausted. And although said writ
of injunction has not ^(yet) been and out; yet your
complainants, being assured that the same
would be done, and believing that the said
sureties would have a right so to do, and
wishing to avoid ^(all) unnecessary expense, pray
that the said land may be subjected to the
payment of the said debt. Your complain-
ants aver that the said land of which
the said Deane & Jones is so seized and

for the said debt on whose proof had
not been served in time for judgment to be
rendered against them at the October term
1866 of the said Circuit Court. That after
said judgment was rendered by the said
Court against the said Isaac B. Jones
and Lemuel W. White, a writ of fieri facias
issued thereon which was levied on ^(all) the
personal property and money of the
said Isaac B. Jones and that \$183.98⁷
only, was realized from the same, \$81.98⁷
of which was credited to the said execution
on the 15th December 1866 and \$102.00⁷
on the 7th January 1867. That on the 26th
March 1867 the said Benjamin W. Jones
voluntarily paid the sum of \$58.25⁷ thereon
which was credited on that day leaving
a balance due on said execution of
\$158.51 with interest from the said 26th
day of March 1867 and \$13.02⁷ costs.
That another writ of fieri facias was
afterwards issued out and sent to the
County of Levy to be levied on the
goods and chattels of the said Benj.
W. Jones but was returned "no effects".
That the said Isaac B. Jones and
Benjamin W. Jones were both principals

To the Worshipful County Court of the
County of Wright: In Chambers sitting:

Respectfully representing that
all to the Court your compliments
John W. Wiley, late administrator of the
estate of George W. Wiley dec'd as will appear
by an order of the County Court of said
County granting said administration
made at the term 1868 a copy of
which is herewith filed marked "A"; And
Cyrus S. Ely, Sheriff of said County and
as such, Administrator de bonis non
of the estate of the said George W. Wiley,
deceased as will appear by another order
of said Court made at the
term 1867, a copy of which is herewith
filed marked "B", That at the October
term 1866 of the Circuit Court of said
County, the said John W. Wiley who was
then acting as Administrator of the said
Geo. W. Wiley as aforesaid, obtained a judg-
ment against Deane G. Jones and Lewis
W. White for the sum of \$385.00^x with legal
interest thereon from the 9th day of June 1866
all paid and \$13.24^x costs; and at the May
term 1867 of the said Circuit Court judgment
(for the said debt & costs)
was also rendered against Benjamin W.
Jones and Robert H. Jones, Co-obligors with
the said Deane G. Jones and Lewis W. White

Enclosed by returning a true copy
of the letter to Isaac G. Jones. and
the 23rd Decr 1868

E. Wiley

Geo. W. Wiley's
admir.

3 Sum. to
v. Jan? Bill in
Chy.

Isaac G. Jones

To Jan. 1868
Clarke pgs.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Isle of Wight County---Greeting:

WE COMMAND YOU TO SUMMON *Isaac G Jones*

to appear at the Clerk's Office of our *County* Court of Isle of Wight County, at rules to be holden for the said Court, on the first Monday in *January* next, to answer *The Bill in chancery of John W. Wiley former admor. of George W. Wiley decd. and Saml L. Ely Sheriff of a plea of Isle of Wight County & admor. of George W. Wiley decd. damages*

and have then and there this writ. WITNESS, NATH'L P. YOUNG, Clerk of our said Court, at the Court House, this *2^d* day of *December* in the year 186*7*, in the *92^d* year of the Commonwealth.

N. P. Young

Wiley Wilson

17 } Comy report
} June 18
June 20,

By purchase price of land	\$120.00
To paid for, per	\$6.00
" Shingles "	1.00
" Fuel oil "	3.00
" Corners "	18.00
" Lumber "	.50
" Combs, 10 each @ \$2.00	6.00
" Various other materials	\$8.00
	<u>\$120.00</u> <u>\$126.00</u>

All amounts in this receipt are submitted
 Geo. T. Lamm, Secy

your Comr, had executed his own bond in
this case in the least. If your Comr
about with sufficient security to cover all
risk, and knowing that he could pay
the money out to the proper party as soon
as he received it, he allowed said Bell to
pay it off and take in his said note and
your Comr, paid the same over to E. C.
Coley, Sheriff & Adminr, &c. of Geo. W. Wiley, dec'd
and the plaintiff in this case, he being
admitted as such to receive the same & we
conveyed same land to said Bell by deed with special warranty.
Your Comr, files herewith a certified copy of
said Coley's endorsement on the execution
for said debt which is held as Sheriff, as
evidence of his payment to him of said
amount of \$100.00. The receipt having been
produced in the Court then that was closed
since its payment made the settling of
this report. Your Comr, also reports that
Robert W. Jones & C. W. White, the securities
on the said debt, paid the balance due on
the same to said Coley through your said
Comr, & said Coley's receipt is herewith filed
for the same, and also a copy of said Coley's
first endorsement on said execution in
his hands as before said.

Your Comr, embodies the following
statement of the costs of said suit & sale:

To the Circuit Court of Dec of Wight County.

Pursuant to a decree of the County Court of said County rendered at the March term 1868 in the suit of Wiley Adams vs. Jones &c, which was then pending in said County Court, the undersigned, Special Commissioner in said case named, having in all things complied with the requirements thereof as to advertising &c, proceeded to sell at public auction at Dec of Wight Court House on 5th day of April 1868, (that being court day) on the terms prescribed in said decree, the lot or parcel of land therein mentioned, of which Jones &c. Jones was seized in said County, when Benjamin D. Bell, being the highest bidder, became the purchaser at the sum of One hundred and twenty dollars. The costs of suit and sale amounted to thirty two dollars as per statement at the foot of this report leaving a net balance of eighty eight dollars for which said Benj. D. Bell executed his note with sufficient security payable at six months as required by said decree. Sent before the expiration of said six months and before your Commission had returned said note to Court, said Bell applied to him to pay the same, and as

Sept 6th 1869 Recd of Geo. T. Leonard
one hundred & thirty seven dollars &
fifty one Cents in full of money
collected & rec^d. by him in purs-
of Wiley's Account v. Jones & others

Ed Ely adm of G. Wiley

with good and sufficient security and re-
taining the title to the same until the purchase
money is paid. Said bond to be returned by
the said Geo. T. Clarke and filed with the
papers in this case.

But the operation of this decree is suspended
until the said commissioner shall have
given bond in this Court- or before the Clerk
thereof in his office, with good and sufficient
security, payable to the Commonwealth of
Virginia, in the penal sum of \$400. condi-
tioned for the faithful performance of this or any
future decrees herein.

Wiley's Amdts. 11 p. 11

No. 3 Decree

J. B. Jones

To be entered

Sp. H. Carey

John W. Wiley, late adm^r of Geo. W. Wiley,
deceased & Esq^r S. Eley, Sheriff of Co^y of Wright
County and as such, adm^r de bonis non of
the estate of the said Geo. W. Wiley deceased

Plaintiffs }
Against } In & between
Isaac B. Jones Defendants }

This cause came on this day to
be heard upon the plaintiffs' bill taken for
congeal as to the defendant, and on other
exhibits filed and was argued by counsel.

On consideration whereof the Court doth
adjudge order and decree that Geo^y B. Jones

who is hereby ap-
pointed a special commissioner for the
purpose, after having given at least twenty
days public notice of the time and place
of sale at then or more public places in
said County of Co^y of Wright, do proceed to sell
at public auction the lot or tract of land with
the buildings and improvements thereon
in the plaintiffs bill mentioned lying at
or near Proctor's Ferry in said County, bounded
by the lands of Josiah Bell and others and
containing one acre more or less, it being the
land whereof Isaac B. Jones is seized in fee
simple, by the consent of the ^(plaintiffs) parties hereto given,
on the following terms to wit, on a credit of
six months dating from the purchase bond

Wells, N. H.

N. H. Wells

Yours ar.

Feby. 11th 1875

To be entered

Geo. Wells

Entered (13)

Wiley Allen

17

June 20

This cause which has been removed
to this Court from the County Court
by operation of law since the last term
herein, came on this day to be again
heard on the papers formerly filed and
on the report of ~~case~~ of Geo. T. Cunniff
Special Commissioner, made a former term
herein, and was argued by counsel. On
consideration of the report and
congruous and report to which an ex-
ception was filed, and nothing
further appearing necessary to be
done in this cause it is ordered
that all the proceedings herein be held
as final and binding upon the par-
ties and that this cause be removed
from the docket.

Vir. Col. p. 159
Wiley's minor.

3
} Elegit

James Tal.

To Decr. 1867.
Clarke p. 9.

not Executed by
order of Off. Attor

Ed. Ely M. P.

(Munro) This check is subject to the following credits, leaving \$81.98
as of the 15th Dec. 1866. \$100.00 as of the 7th of January 1867 and
\$58.25 as of the 26th March 1867, as per order issued on
former Education.

check,
A. D. Young, Att.

The Commonwealth of Virginia, to the Sheriff of Isle of Wight County,
Greeting: Whereas, John W. Wiley administrator of George W. Wiley, decd.
before the Circuit Court of Isle of Wight County, on the 22nd day
of October 1866, recovered against Isaac G. Jones and Lewis W. White
^{and on the 30th Nov 1867, second time against B. W. Jones & Co. St. Jones}
the sum of three hundred and eighty five dollars, with legal
interest thereon from the 9th day of June 1866 till paid and \$15.04
~~Legal~~ Costs. Now we Command you to Cause all the real estate
of or to which the said Isaac G. Jones and Lewis W. White, ^{Def^s B. W. Jones & Co. St. Jones} were possessed
or entitled, on or after the day aforesaid on which said judgment
was rendered, to be delivered by reasonable extent, to the said John
W. Wiley Administrator of George W. Wiley decd. for him and his
Assigns to hold the same until the amount of the said judgment
be paid thereof: And make returns thereof at the Clerk's Office
of the said Circuit Court, on the first Monday in December
next; And have them there then & so forth. Witness A. P.
Young Clerk of our said Court, at the Court house the 27th
day of October 1867, in the 92nd Year of the Commonwealth,
A. P. Young Clerk.

March 1st 1869, Received of L. H. Wiley
\$58.05 in part of the within execution
as per receipt given, C. L. Eley Shff.

March 1st 1869, Received of Robert H.
Jones \$58.05 in full of the within
execution, C. L. Eley Shff.

all tax & stamp 3.50
collis. fees 7.54
Suff. of Lofw. 1.00
Do, " surry 1.00
\$13.04

Car. let. / 2. 167
Wiley's admr.

vs. { F. fa.

Jones & als.
To March 1869
blackleg

Satisfied
C. L. Eley Shff.

I certify that the above
is a true copy of exe-
cution and Sheriff's
return thereon.

Teste
C. H. Hart, J. C. for
N. P. Young, clk.

memorandum (this execution is subject to the following
needs. For int. \$81.98, paid on 1st Decr 1866, \$102.00 on the
7th Jan'y, 1867, per orderments on former Executions also
\$58.25 on the 26th March 1867, paid to Plaintiff's attorney
and also a further credit off \$88.50 arising from the sale
of land under a decree of the County Court on 1st
Novr 1868,
Total
W. H. Young, clk.

The Commonwealth of Virginia, *Swry*

TO THE SHERIFF OF THE COUNTY OF ~~ISLE OF WIGHT~~ GREETING:

We command you that of the goods and chattels of *Benjamin W. Jones, Robert H. Jones, Isaac G. Jones and Lenius W. White*

late in your bailiwick, you cause to be made the sum of *Three hundred and eighty five Dollars with interest thereon from the 9th day of June 1866 till paid, which John W. Wiley administrator of George Wiley deceased*

lately in our *Circuit* Court of the County of Isle of Wight, recovered against *them* for debt, also the sum of *Thirteen* Dollars and *14* — Cents, which to the said *Wiley's admr* in the same Court were adjudged for *his* damages, as well by reason of detaining the said debt, as for *his* cost in that suit expended, whereof *they are* convicted as appears to us of record; and that you have the said debt and damages before the Judge of our *Circuit* Court, at the Courthouse, on the first Monday in *March* — next, to render unto the said *Wiley's admr* of the debt and damages aforesaid. And have then and there this writ.

Witness NATHANIEL P. YOUNG, Clerk of our said Court, this *5th* day of

January A. D. 18*67*, and in the *9th* year of the Commonwealth.
N. P. Young Clk.

Wiley, adms. v.

v. 3 Cont. Bond.

D. E. Jones

Know all Men by these Presents, That we George T. Clarke

are held and firmly bound unto the Commonwealth of Virginia in the sum of Four
Hundred Dollars to the payment whereof, well and truly
to be made, we bind ourselves, our Heirs, Executors and Administrators, jointly and severally, firmly
by these presents. As witness our Hands and Seals, this _____ day of _____
in the year of our Lord, one thousand eight hundred and sixty eight

The Condition of the above Obligation is such, That whereas, by a Decree of
the County Court of Isle of Wight County, pronounced on the second day of March 1868
in a cause depending in the said Court, in which Mrs. W. Wiley late adm. of Geo.
W. Wiley decd. & Geo. S. Eley sff. adm. de bon. non
of Geo. W. Wiley decd. are Plaintiff and
Isaac H. Jones

Defendant, the
above bound George T. Clarke was appointed a special
Commissioner to sell the lot or tract of land with the
buildings thereon in the filth. Bill mentioned,
being the land whereof Isaac H. Jones is
seized in fee simple, on a credit of
six months, taking bond with security sufficient
from the purchaser & return said bond with
his report to the court.

Now, if the above bound George T. Clarke shall faithfully discharge
his duties as Commissioner under the said Decree, then the above Obligation to be void, otherwise
to remain in full force and virtue.

Signed, Sealed and Delivered }
in the presence of }

George T. Clarke 

Robert Binford 

