

1879-010 Chanery Cause. E. L. Eley's adm vs Lewis M Spratley, estate of Louise Snowdrop

Dale of Wight County

Spratley → ad

Other surnames. Lake
Wilson, Hankins, Sutton,
Randolph, Graves, Wrenn,
Thomas

E. L. Enley's Adm'n

vs

L. M. Spratley & als

Complainants Bill.

Sept. Rules, 1879. Bill

and expts. filed - Sum^d

ex^d on adult debts and

dis: miss n. them -

(N. P. Young app^r gov. ad

letur to the infant debt -

and ad^d filed.

Octo: Rules, 1879.

Dismissed on the
motion of the pliff.

Read Expts. with
drawn by ref. also

to deliver the same to a Receiver to be appointed
in this Cause for that purpose & that the
said L. M. Spratley may be restrained and enjoined
from selling or disposing of any and all
personal property derived from said Coverture
now in his hands or under his control; that
the said Albert H. Spratley be restrained and
enjoined from taking possession of the said
personal property, pretendably conveyed to him by
said deed exhibits "D" & that he also be restrained
& enjoined from collecting or receiving any
money or property due the said L. S. Spratley
from the estate of said James Winston & that the
said personal property, rents & profits & the equity
of redemption in the real estate conveyed by
the deed of trust aforesaid (Exhibit E) may be
subjected to the payment of your Complainant's
demand aforesaid, ^{that the said L. M. Spratley may be made personally liable for your Complainant's demand} ~~that the said L. M. Spratley may be made personally liable for your Complainant's demand~~
that the said R. W. Sutton,
administrator of John Hawkins, & R. N. Randolph,
executor of J. A. Graves be restrained & enjoined
from paying to the said L. M. Spratley or his assigns
any amount that may be due the said L. S. Spratley
from the estate of the said John Hawkins or
J. A. Graves his surety as aforesaid; that
all necessary accounts may be taken, & that such
other & further relief may be granted in the
premises, as to the Court may seem meet
& may suit the equity of the case and your
Complainant will ever pray &c.

Hayden p q

* and that he, the said L M Spratley is not personally
liable therefor, notwithstanding his aforesaid promises of
payment in consideration of which he obtained forbearance of suit
thereon

1 them have hitherto constantly neglected and
2 refused and do still neglect and refuse;
3 The said L M Spratley falsely pretending
4 that the said property is not, since said
5 conveyance) liable for your Complainant's said
6 demand*. All which actings, doings, and
7 pretences of the said defendant are contrary to
8 equity and good conscience and tend to the
9 manifest wrong, injury, and oppression of
10 your Complainant in the premises. In Consideration
11 whereof, and forasmuch as your Complainant
12 is without remedy at law and can only be
13 relieved by the aid of this honorable Court
14 of Chancery when matters of this sort
15 are cognizable; To this end your Complainant
16 prays that the said L M Spratley in his
17 own right and as executor de son tort of the
18 said L B Spratley, Albert H Spratley, N. Wrenn,
19 by M. Guttop, administrator of Jno Hankins, R H Randolph, executor of J. H. Graves
20 R D Thomas, trustee as aforesaid, and Lucile,
21 or Mary Lucile Spratley, infant child of said
22 L M and L B Spratley, by some one appointed her
23 guardian ad litem to defend her interest in this
24 suit, may be made parties defendant to this
25 bill, and be required to answer the same;
26 that the said L M Spratley be required to render
27 on his Corporal oath a statement of all the
28 household and kitchen furniture and other personal
29 property and choses in action now in his hands
30 or that have come to his hands and of the rents
31 and profits of any and all personal & real property
that have come to his hands by virtue of said
coverture & that the said L M Spratley be required

* is still due the said L. L. Sprattley, deceased, from the estates of the

Said James Weston and C. M. Wilson, and all other property owned by and choses

in action due to the said deedbank are also so liable; & the said L^d M^r Spattley is also so liable for the amount of the personal property of the rents & profits of the same & profits of the estate which came to his hands by virtue of said conveyance.

to the said personal property is still in the
said A H Spratley, he not having reconveyed it
as he did the realty by the aforesaid deed "B";

That your Complainant alleges that this pretended voluntary conveyance of the title of the wife in said property to the husband through the third party without consideration, for the purpose of making the wife's property thus transferred to the husband, exempt from the wife's ante nuptial debts, was a fraud on your Complainant, and was equally a fraud, whether done with such intent (as your Complainant alleges was the case) or not done with such intent; That your Complainant is informed and so charges, that as to his claim aforesaid against the said L M Spratley, formerly Wilson, and all other ante nuptial debts against her, the said conveyance "D" is inoperative, illegal and void and that all the property conveyed thereby is still liable for your Complainant's said demand, except so much of the interest of the said V Wrenn in the realty conveyed by deed "E" aforesaid to R S Thomas in trust, he being an innocent purchaser, and that whatever* That your Complainant's said demand is still wholly due and unpaid, that although often requested, the said L M Wilson before her marriage nor the said L M Spratley and L S, his wife, after her marriage and in her life time, nor the said L M Spratley nor any other person since her death have paid the same on any part thereof; but so to do they have, and each a

* and that said L M Spratley by his said promises made himself personally liable for your Complainant's said demand.

to the same, as her sole and separate estate,
1 liable for her ante nuptial debts to the exclusive
2 of the property of her husband, under the act
3 of March 3rd, 1875, (pa 412, Acts 1874-75,) and
4 the Acts amendatory thereof, into the husband
5 whose property was not under said act liable
6 for the wife's ante nuptial debts; that said
7 L M Spratley and wife were both fully aware
8 of the existence of your Complainant's said demand
9 prior to the date of said pretended conveyance
10 to said A H Spratley, and were deluding your
11 Complainant into indulgence on said claim, and
12 obtaining ^{forbearance of} suit thereon by repeated promises of
13 payment, which promises were made and repeated
14 immediately prior to the deed last aforesaid
15 as well as during the time from the 17th day of April
16 1878, date of execution and the 2nd day of August,
17 1878, date of recordation, when it was fraudulently
18 concealed in the pocket of the said A H Spratley
19 and similar promises and pretences were made
20 between the said 20th day of August, 1878, the date
21 of the deed of said A H Spratley, reconveying
22 the realty to the said L M Spratley, and the 14th
23 day of January, 1879, when the latter deed was
24 and in consideration of said promises, forbearance of suit was given *
25 recorded; that there was never any change
26 of possession of the household and kitchen furniture
27 and other property following the pretended conveyance
28 of the same, by deed "B" to the said A H Spratley
29 and the same was never delivered to him; but
30 possession remained with, and continues to
31 remain with the said L M Spratley, although
according to the said pretended deed "B", the title

or Lucile, her surviving; that there has been
no administration on her personal estate, but
the said L M Spratley has ^{intermeddled with & taken} possession of the household
and kitchen furniture and other personal property
belonging to the estate of his said wife, on her
marriage aforesaid or since acquired, and
controls the same as if he were her lawful
administrator, and has thus rendered himself
liable therefor, as her executor de son tort;
that as such executor, he has not only taken
possession of said personal estate, but is
seeking to reduce into possession, if he has
not already reduced into possession the
choses in action of his said wife; that at
the time of the death of the said L D, there
was due her, and is still due her an unascertained
amount due her from John Hawkins, late
administrator of E M Wilson for which a suit
is still pending in the Circuit Court of Surry
County against B M Sutton, administrator of
the said John Hawkins, and R H Randolph,
executor of J A Graves, deceased, who was
security for the said John Hawkins, as administrator
aforesaid, the estate of the said John Hawkins
being totally insolvent; That the deed aforesaid
from the said L M Spratley and wife to A H Spratley
and the deed from the latter to the former
were purely voluntary without any consideration
and a mere fraudulent trick and device to
extinguish the title of the wife therein for the
purpose of evading the payment of her debts by
transmuting the title of the wife who was entitled,

Exhibit
"D"

Exhibit
"E"

the said Albert H. Spratley for the pretended
1 Consideration of \$5,000-, pretended to convey to the
2 said Lewis M. Spratley the lands pretendedly
3 conveyed to the said Albert H. by the aforesaid
4 pretended deed of L M & L S, his wife, (Exhibit
5 "C"); the deed last named of said Albert H.
6 does not purport to convey to the said Lewis M.
7 the personal property, and the interest in the
8 estate of James Winston mentioned in exhibit
9 "C"; that the said last named deed of Albert H.
10 was recorded on the 14th day of January, 1879,
11 in the Clerks Office of The County Court of
12 Isle of Wight County, as will appear from the
13 certified copy of said deed and of said
14 recordation, marked "D" is herewith filed
15 and prayed to be taken as a part of this bill.
16 That on the 2nd day of January, 1879, the said
17 Lewis M. Spratley and wife conveyed the lands
18 mentioned in the aforesaid deeds, exhibits "C" & "D",
19 to R S Thomas, in trust to secure to V. Wrenn
20 the payment of the bond of said Lewis M. Spratley
21 for \$700-, bearing date on the 5th day of December,
22 1878, payable on the 5th day of December, 1880,
23 with interest from date, a certified copy of
24 said deed and of its recordation in the Clerks
25 office aforesaid, on the 1st day of March, 1879,
26 marked "E", is herewith filed and prayed to
27 be taken as a part of this bill.
28 That on the 10th day of March, 1879, ^{the said} L S departed
29 this life intestate, the said L M & an infant
30 child of said L M and L S. a few days old,
31 not yet baptized and indifferently called Mary Lucile

and C L Eley's Administrator versus Lake & wife,
and an undivided moiety of the said L & in
a tract of land in the County of Derry,
Containing by estimation, as then supposed
acres, since ascertained by survey to
contain 155 acres; being the same tract
of land decreed to be sold by the decree
aforesaid in the suits aforesaid; that the
said L & on the dates aforesaid, the said L &
owned a quantity of household and kitchen
furniture and a valuable interest under
the will of James Winston, the grandfather
of the said L &. That on the marriage of
the said L &, with the said Lewis M Spratley
the said household and kitchen furniture went
into his possession. That after said marriage
to wit; on the 17th day of April, 1878, the said
Lewis M Spratley and L &, his wife, by
a pretended deed of that date, and for
the pretended consideration of \$5,000-, pretended
to convey to one Albert H Spratley, the brother
of the said Lewis M, the real and personal
property aforesaid, owned by the said L &, inclusive
of her interest in the estate of said James Winston
the said deed was not recorded until the
2nd day of August, 1878, when the same was
recorded in the Clerk's office of the County Court
of the County of Delaware, as will appear
from a certified copy of said deed, and of
its recordation as aforesaid, marked "E" hereunto
filed and prayed to be taken as a part of this
bill. That on the 20th day of August, 1878,

To the Honorable George Blaw, Judge of the
Circuit Court of Law and Chancery for the
County of Isle of Wight

Humbly Complainant sheweth to the
Court, your Complainant, A. M. Eley, Administrator
of E. L. Eley, deceased, that on the 15th day of
June, 1877, one L. S. Wilson by her certain writing
obligatory, sealed with her seal and to the
Court now here shown, the date whereof
is the day and year last aforesaid, promised
to pay, on demand unto your said Complainant
as administrator aforesaid, the sum of \$308.60,
(three hundred and eight dollars and sixty cents)
with interest thereon, from the 6th day of
September, 1873; which said writing obligatory
marked "A" is herewith filed and prayed to be taken
as a part of this bill.

Exhibit

"A"

That after the execution and delivery of the
said writing obligatory to your Complainant, to
wit: on the day of , 187 , the said

L. S. Wilson intermarried with one Lewis M.

Exhibit

"B"

Sprattley. That on the date of the execution
of said marriage, marked "B" herewith filed and prayed to be
of said writing obligatory and on the date of
taken as a part of this bill said marriage, the said L. S. (or Louisa S.)

was seized and possessed in her own right in
fee simple of two tracts of land; one containing
by estimation 250 acres, more or less, lying
in the County of Isle of Wight, being the
homestead portion of "Emmus Dale" tract, allotted
to the said L. S. by a decree of the Circuit
Court of Isle of Wight County of October term
1877, in the suits of Lake & wife versus Wilson

E. L. Eley's Answer
vs

L. M. Spratley & als

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Infants Answer

To the Honorable George Blow Judge of
the Circuit Court of Law & Chancery for the
County of Isle of Wight;

The Answer of
Lucile, or Mary Lucile Spratley, infant
child of L. M. & L. S. Spratley by N. C. Young
her Guardian ad litem to the Bill of
Complaint in said Courts exhibited by
A. M. Eley Administrator of E. L. Eley against
her and others.

This Defendant answering
says that she is an infant under Twen-
ty One years of age, and submits her
interests in the premises to the pro-
tection of this Honorable Court.

And having answered prays hence
to be dismissed, with her costs most
unreasonably expended, & she will
ever pray &c.

(Signed) N. C. Young law.
ad litem

Copy to the Hon.

Secy of the Navy
w. 3 in ship.

Frederick M.
Chase.

To Capt. Charles S. G.
Hayden

✓
Enclosed by delivering
to the within named
M. Sprally A. H. Sprally
R. S. Thomas & Virgins
We need each a true
copy of the within
Licenses Oct 7th 1879

R. A. Edward D. S.

The Commonwealth of Virginia,

TO THE SHERIFF OF ISLE OF WIGHT COUNTY, GREETING:

WE COMMAND YOU TO SUMMON

*Swiss M. Spratley in his own right
and as executor de son test. of his late wife L. S. Spratley formerly Wilson
Albert H. Spratley, R. S. Thomas Foster and Virginia Wrenn & M.
Annie Spratley infant of Swiss M. and L. S. Spratley*
to appear at the Clerk's Office of the Circuit Court of Isle of Wight County, at Rules to be holden for the

said Court, on the first Monday in *September* next to answer *the Bill in*

Chancery of C. & M. Eley Administrator of Estate

L. Eley

of a plea of _____ for \$ _____ Damages \$ _____ And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court, at the Court House, the *13th*

day of *August* 187*7*, in the *18th* year of the Commonwealth.

N. P. Young

COURTS:

Isle of Wight, Nansemond, Surry
and Southampton Counties;
United States Circuit and
District Courts for the
District of Va.

C. B. HAYDEN,

ATTORNEY-AT-LAW,

Smithfield, Isle of Wight County, Va.,

Oct 7th 1879

I requested you verbally yesterday
to dismiss Acc't of A M Ely & Son of E L
Ely & Son the matter of Plff's cat. But as
you was not in the excitement of the day
could stand it. I now make the same request
in writing. Shall I pay your cat-
to you into Plff's

Respectfully

C B Hayden



WRITE THE ADDRESS ON THIS SIDE—THE MESSAGE ON THE OTHER

N. P. Young Esq
Isle of Wight C.H.
Va

In my County Court Records Office September 1st 1879
I hereby certify that the within is a true copy
of the certificate of marriage had and solemnized
between Lewis Bevell Spradley and Lavinia
Susanah Wilson, as the same appears of record
in my office.

Given under my hand this day and year
aforesaid

Teste

A. J. Edwards Clk.

Spradley, L.S.

with Copy certified
to each of mar-
riage

Wilson, L.S.

"

B

MARRIAGE LICENSE



Virginia, Surry County to wit:

To any Person Licensed to Celebrate Marriages:

You are hereby authorized to join together in the Holy State of Matrimony, according to the rites and ceremonies of your Church, or religious denomination, and the laws of the Commonwealth of Virginia, Lewis Seibel Shaiter and Louisa Edward Wilson

GIVEN under my hand, as Clerk of the Surry Court of Surry this 21st day of June 1877
A. J. Edwards Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE.

To be Annexed to the License, required by Acts passed 15th March, 1861, and February 27th, 1866.

Time of Marriage, <u>Surry County</u>	Condition of Wife, (widowed or single) <u>Single</u>
Place of Marriage, <u>Surry County</u>	Place of Husband's Birth, <u>Cal. of Wright Co.</u>
Full Names of Parties Married, <u>Lewis Seibel Shaiter & Louisa Edward Wilson</u>	Place of Wife's Birth, <u>" " " "</u>
Color, <u>White</u>	Place of Husband's Residence, <u>" " " "</u>
Age of Husband, <u>25 years</u>	Place of Wife's Residence, <u>Surry Co.</u>
Age of Wife, <u>21</u>	Names of Husband's Parents, <u>A. & L. A. Shaiter</u>
Condition of Husband, (widowed or single) <u>Single</u>	Names of Wife's Parents, <u>R. R. & Wilson</u>
Given under my hand this <u>21st</u> day of <u>June</u> 18 <u>77</u> .	Occupation of Husband, <u>Farmer</u>
	<u>A. J. Edwards</u> Clerk.

MINISTER'S RETURN OF MARRIAGE.

I Certify, That on the 21st day of June 1877
at Mrs. Peices Surry Co. Va. I united in Marriage the above-named and described parties, under authority of the annexed License.

Edw. W. Smith

The Minister celebrating a marriage, is required, within TEN days thereafter, to return the license to the Office of the Clerk who issued the same, with an endorsement thereon of the FACT of such marriage, and of the TIME and PLACE of celebrating the same.

lands, and whether any party will accept them
& pay therefor to the other party, such sum
of money as their interest may entitle
them to, and if no party is willing to
take the whole subject, whether the in-
terests of those who are entitled to the
subject or its proceeds of sale, will be
promoted by a sale of the entire
subject, or allotment of part, and sale
of the residue.

Attest, Teste,
C. St. Hart, D. C.

E. M. Sharpe wife

Copy of decree
Nov. 21, 1872,

E. Snowdon Wilson

In Isle of Wight County Court, Nov^r 11th 1842.

E. M. Lake & Mary L. his wife, late Wilson, Pet^{rs},
vs. In Chancery

N. P. Young Guardian ad litem of
L. Snowdrop Wilson. Deft.

This Cause Came on this day to be heard by consent upon the bill of the plaintiffs, and the answer of the infant defendant L. Snowdrop Wilson by N. P. Young her Guardian ad litem, And was argued by Counsel: On consideration whereof the Court doth adjudge, order & decree that W. S. Doyle, Rich^d. N. Randolph, John W. Gray, Charles Wherrin and John Hallerman (any three of whom may act) be and they are hereby appointed Commissioners whose duty it shall be (if they deem it necessary) with the aid of some competent Surveyor, proceed to divide the lands mentioned in the bill of the Complainants, and described as the lands formerly belonging to Dr. R. R. Wilson dec^d, of which he died seized and possessed, in the Counties of Isle of Wight and Surry composed of two tracts in the County of Isle of Wight, the first called Emeraldale containing 800 acres, the second 500 acres, respectively, and 200 acres in the County of Surry, according to the prayer of the Complainant's bill, and in the event partition cannot be conveniently made then their reasons therefor, and they will report the fee simple value of said