1895-039 Chancery Causes' H. H. Fish vs Eliza D. Myers, Cornelius D. Myers & George Curtis
Dele of Wright-County

$5000.00
5097.50

Utica June 10th 1884

Four Months after date for value
received I promise to pay to the order of
George Curtis five thousand dollars at
the Oneida National Bank

H H Fish, May 13

3369

Geo Curtis

10260

$5000 50/100

Utica April 13th 1884

Four months after date for value received I promise to pay to the order of George Coutts Five thousand dollars at the Oneida National Bank

H H Fish

Aug 16

3863

Geo Curtis

All Available Text Successfully Captured

$5000

Utica August 16th 1884

Four months after date for value received
I promise to pay to the order of George Cuttys
five thousand dollars at the Oneida National
Bank

H H Fisk

Dec 19/84

H566

Geo Curtis

Know All Men by These Presents:

That we, Richard E. Boykin, principal and H. R. Parker surety

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Five Thousand —— 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. Sealed with our seals, and dated this 21st day of Dec., in the year one thousand eight hundred and eighty-seven and in the 112th year of the Commonwealth.

The Condition of the Above Obligation is Such, that if the above bound Richard E. Boykin, who, by decree of the Circuit Court of Isle of Wight County in the suit of D. H. Fish vs. Geo. Curtis, C. D. Myers & others was appointed Commissioner to sell the land in said suit and proceedings mentioned & conveyed by the Mortgage therein mentioned.

under this said decree or any future decree therein shall faithfully discharge the duties of said office or trust, then the above obligation to be void, or else to remain in full force and virtue. We hereby waive the Homestead Exemption as to this obligation, and we also waive any right, claim or privilege to discharge any liability arising under said bond, or by virtue of said office or trust, in any currency, funds, counter-claims, or offsets other than legal tender currency of the United States.

R. E. Boykin SEAL

H. R. Parker by SEAL

A. P. Young his attorney in fact SEAL

~~SEAL~~

SEAL

Virginia

In Isle of Wight County Court, Clerk's Office Dec 21st 1887:

This bond was executed and acknowledged ~~in open Court~~ by the obligors to the same, and ~~ordered~~ admitted to ~~be~~ record~~ed~~ the surety having qualified as to his sufficiency.

Teste. A. P. Young

Clerk.

Copy Teste [illegible] D.C.

Fish & H.

v. | Du Chey.
Comm. Bond
Indemnity
Act 9th June 1887

Myers.
Curtis Hales

A Copy.

State of New York,
ONEIDA COUNTY CLERK'S OFFICE. } ss:

I, M. Jesse Brayton, Clerk of said County, and of the Supreme and County Courts therein, the same being Courts of Records, DO HEREBY CERTIFY, That

William Wright

whose name is subscribed to the Certificate to the proof or acknowledgement of the annexed instrument, and thereon written, was, at the time of taking such proof or acknowledgment, a NOTARY PUBLIC, for said County, dwelling in said County, and sworn and duly authorized to take the same. And further, that I am well acquainted with his handwriting, and verily believe that the signature to the Certificate of said proof or acknowledgment is genuine. And further, that said instrument is executed and acknowleged according to the Laws of the State of New York.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County and Courts, at the City of Utica, this 14 day of Aug 1886

M. Jesse Brayton *Clerk.*

I. Robert S. Williams Cashier of the Oneida National Bank of the City of Utica in the State of New York Certify that the three notes for five thousand dollars each - one of which is dated January 1884. and the other April 13th 1884 and the other August 16th 1884 and all signed by H H Fish and endorsed by George Cantiff are renewals of the three original notes for five thousand ~~dollars~~ each signed by said H H Fish endorsed by George Cantiff and held by the Oneida National Bank on the 24th of May 1877 and I further Certify and declare that the said three ~~notes~~ notes of the 10th of January - the 13th of April and the 16th of August 1884 hereto annexed have all been fully paid & satisfied

Witness my hand and seal this 14th day of August 1886

R. S. Williams Cashier
Oneida National Bank

Subscribed and Sworn to before me a Notary Public for Oneida County in the State of New York this 14th day of August 1886

William Wright
Notary Public
Oneida Co NY

Whereas George Curtis has this day endorsed my three several notes of Five thousand Dollars each, and I desire to secure him from loss or damage, therefore in consideration of Five Dollars to me in hand paid I hereby sell assign and set over to said George Curtis the annexed mortgage, dated April 13th 1875, and signed by Eliza Myers and Cornelius D. Myers for Fifteen Thousand Dollars and interest, and which is recorded in the Clerk's Office of the County of Isle of Wight Va in Book no. 43, of Mortgages page 456, with all of my right, title and interest in and to the same together with the accompanying Bond, in trust for the payment of my three several notes as aforesaid or any renewal or extension of payments thereon, and upon the full payment of my three several notes of Five thousand Dollars each so as to relieve the said George Curtis from loss or liability on said notes or any renewals thereof, then this assignment and the deed

and of no effect, otherwise to
remain in full force and virtue
Witness my hand and seal this
24th day of May 1877
James Kirkin
Thos. N. Moorey.

W. H. Fish Esq

State of New York } SS
Oneida County }
On this 24th day of May 1877 before
me appeared W. H. Fish, to me person-
ally known to be the same person
described in and who executed
the foregoing instrument and
acknowledged that he executed
the same.

R. B. Miller Jr.
Commissioner of Deeds.

State of New York,
Oneida County Clerk's Office } SS.
I, Talleyrand Evans, Clerk of said
County, and of the Supreme and
County Courts therein the same being
courts of Record, do hereby Certify
that R. B. Miller Jr. Esq. whose name
is subscribed to the Certificate of
the proof or acknowledgment

of the annexed instrument and thereon written, was at the time of taking such proof or acknowledgment, a Commissioner of Deeds for the City of Utica, residing in said County, and duly and duly authorized to take the same. And further, that I am well acquainted with his handwriting and verily believe that the signature to the Certificate of said proof or acknowledgment is genuine. And further, that said instrument is executed and acknowledged according to the Laws of the State of New York.

In Testimony whereof, I have hereunto set my hand and affixed the Seal of said County and Courts, at the City of Utica, this 27th day of March 1879.

Talcott Evans, Clerk

In the Clerk's Office of Oneida County Court, the 1st day of May 1879, the foregoing assignment of mortgage from N. A. Fisk to Henry Eustis, was received duly certified and thereupon admitted to record. Teste N. A. Edwards Jr Clerk

Per N. P. Young Clk.

a copy:
Test: M. P. Gaines Clk
by [illegible] D.C.

Filed
Z. Co. of
Curtis Mortgage

Book 1. 23

Fish.

vs. In Chancery.

Myers.

On motion of the plaintiff it is ordered that this suit be removed from the docket.

Fish

Vs. In Chancery.

Myers.

Rough Decree.

April 22d 1895.

To be entered.

Robert D. Lewis

Entered #3

Fish
v } In the circuit court of Isle of Wight county.
Mycock als

This cause came on this day & was again heard upon the papers formerly read and was argued by counsel on consideration whereof the court doth adjudge order and decree that R E Boykin who has heretofore been appointed commissioner in this cause, heretofore decree herein of October 1887. and make report to court of his proceedings under this decree

Fish
&
Insects

Myriostoma

Rough Draft
April 23d 1859

To be entered
C Mohr

Entered # 22

Fish
&
Myers et als } Decree

This cause came on this day to be heard on the complainants bill with exhibits filed, taken as confessed as to the defendants Elija Myers, Cornelius D Myers and George Curtis, non residents of the state of Virginia, who have been duly proceeded against in the manner required by law against non residents, and was argued by counsel, on consideration whereof the court doth adjudge order and decree that unless the said Elija Myers, and Cornelius D Myers or some one for them shall pay to H H Fish within sixty days from the date of this decree the amount due under and by virtue of the mortgage from the said Elija Myers and Cornelius D Myers to H H Fish, dated April 13th 1875; as in the complainants bill alleged, R E Boykin who is hereby appointed a special commissioner for that purpose shall proceed to sell at public auction at the court House of Nicholas County House on some court day the tract of land in the bill and proceedings of this suit mentioned, conveyed by the said mortgage of Elija Myers and Cornelius D Myers to the said H H Fish, having first advertised the time, place and terms of sale by hand bills, posted at the front door of the court House of said county, on some court day, prior to the day of sale, at three or more public places in said County

and in the discretion of the said Court in some newspaper published in the City of the New York, upon the following terms, to wit For Cash as to so much of the grounds as may be necessary to defray the costs of suit and sale and the balance upon a credit of six months with interest from day of sale in equal payments. taking from the Purchaser bond with approved personal security for the deferred payments with waiver of the Homestead Exemption and retaining title until the further order of the Court herein, but the said Comr shall not proceed to execute this deed until he shall have entered into a bond with good personal security before the Clerk of this Court in the penalty of $1000.00, conditioned for the faithful performance of this or any future deed herein,

and the said Comr shall make report to Court of his proceedings under this decree.

Fish
do } Duchay

Mystic State

Rough sketch
of Farm 1887
To be filed
C W Hill

Entered
No. 36

State of Virginia,

County of Isle of Wight. To wit:

In the Clerks' office of the Circuit Court of said County, in vacation, the 20th day of August, 1887.

H. H. Fish . . . . Plaintiff

vs. In Chancery.

George Curtis, Cornelius D. Myers and Eliza Myers his wife . . . Defendant.

The object of this suit is to subject the real estate named and described in the mortgage executed by the said Cornelius D. Myers and Eliza his wife to H. H. Fish dated on the 13th day of April 1885, and recorded in the Clerks' office of the County Court of the said County of Isle of Wight on the 23d day of April 1885, to the lien of the said Mortgage, and to foreclose the same. And affidavit having been made and filed, that the aforesaid defendants are all non residents of the state of Virginia, it is ordered that they do appear here within one month after due publication of this order, and do what may be necessary to protect their interests in this suit. And that a copy of this order be published once a week for four successive weeks, in the Norfolk Landmark, a news paper published in the City of Norfolk.

A Copy.

Teste, N. P. Young Clk.

Peck N.H.
vs. In Chy,
Myers Mortgage Sale

Order of Publication

STATE OF VIRGINIA—COUNTY OF Isle of Wight, To-wit:

In the Clerk's Office of the Circuit Court of said county, in vacation, the 20th day of August, 1887,

H. H. Fish.....Plaintiff.

Against

George Curtis, Cornelius D. Myers and Eliza Myers his wife.....Defendants.

IN CHANCERY

The object of this suit is to subject the real estate named and described in the mortgage executed by the said Cornelius D. Myers and Eliza, his wife, to H. H. Fish, dated on the 13th day of April, 1875, and recorded in the Clerk's Office of the said county of Isle of Wight, on the 23d day of April, 1875, to the lien of the said mortgage and to foreclose the same. An affidavit having been made and filed that the aforesaid defendants are all non-residents of the State of Virginia, it is ordered that they do appear here within one month after due publication of this order, and do what may be necessary to protect their interests in this suit, and that a copy of this order be published once a week for four successive weeks, in THE NORFOLK LANDMARK, a newspaper published in the city of Norfolk, Virginia.

A copy—teste:

N. P. YOUNG, Clerk.

R. E. BOYKIN, p. q.

au24 wedlaw4w

I, S. S. Nottingham Jr Asso. Editor of the NORFOLK LANDMARK, a newspaper published in the City of Norfolk, in the State of Virginia, do certify that the order of publication, a copy of which is hereto annexed, has been published once a week for four successive weeks, in said newspaper, commencing on the 24th day of August 188 7, and ending on the 14th day of Sept 188 7, Given under my hand this 14 day of Sept 188 7.

S. S. Nottingham Jr

Associate Editor

Fish

vs. Cert. of Publn. of order

Curtis et al.

Filed Sept. 15th 1887.

Fisk
v.
Curtis et als.

Bill of costs to
be incurred for ob

Atts. fees & taxs 10.00
Clk's fees 8.89
Publn. of order for sale 5.00

$ 30.39

Taxed.
J. P. Young Clk

Clks. fees subsequent to decree
for sale to Apl. 1/91 = 7.33
Rec'd 15 decrees .36
to 8. adl. Cert. 40
Filing Lis Pen. 20. 1.16
To decrees &c at Oct. 1/91 $ 3.44
Clks. fees above 8.89
Total Clks. fees $ 12.33

The Commonwealth of Virginia,

To the Sheriff of Isle of Wight County, Greeting:

WE COMMAND YOU TO SUMMON George Curtis, Cornelius D. Myers and Eliza Myers his wife

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 N. N. Fisk

~~of a plea of~~ ~~for~~ ~~Damages~~ And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court, at the Courthouse, the 20th day of August 1886, in the 111th year of the Commonwealth.

N. P. Young clk

Affidavit having been made in accordance with the provisions of the statute in such case, The sheriff is hereby ordered to attach the land in the County of Isle of Wight conveyed by the mortgage from Eliza Myers & Cornelius D. Myers her husband to H. H. Tisdale & Cornelius D. Myers her husband to H. H. Tisdale which is duly recorded in said county clerk's office, and which land adjoins the lands of G. T. Whitley, G. D. Hall, W. Ann, Stephenson & others.

Teste, J. S. Young Clk.

Tisdale H. H. & al.

3 Sum. Iss.
3 Alf. with
attachmt.
vs.
Curtis Myers &
Wife
Garnishee

Sept. Rules 1886.
Boykin p.q.

By virtue of this writ and the order thereon I have attached the land in the County of Isle of Wight conveyed by the mortgage from Eliza Myers & C. D. Myers her husband ~~and in the~~ to H. H. Tisdale and in the ~~mortgage from~~ above order mentioned. And on the 29th. 1886, the Defendants Curtis & Myers & wife are not residents of my county and not found therein.

R. A. Edwards Sh'ff.

To The Hon C M Judge of the circuit court of law and chancery for the county of Isle of Wight in chancery sitting.

Humbly complaining sheweth to the court. Your complainant H H Fish. That by his deed bearing date April the 13th 1875 and duly recorded in the clerks office of the county court of the county aforesaid. Your complainant conveyed to Eliza Myers. That certain piece or parcel of land, situate lying and being in the county of Isle of Wight and State of Virginia. known as the "Cashie Tract" formerly known as the "Jordan Tract" "Parr Tract" "Parker tract" "Dixon Tract" "Saunders Tract" and "Babb Tract", containing 15'89 acres, be the same more or less,

That to secure the payment of the purchase price of said land to wit. the sum of $1460.00 and to secure the payment of the further sum of $1000.00,

Contemporaneously with the execution of the deed aforesaid, The said Eliza Myers and Cornelius D Myers. executed a deed of mortgage, conveying the said land to your complainant, as therein recites, a copy of said deed marked respectively A and B. are herewith filed, and prayed to be read as a part of this Bill

That the time limited and appointed for the payment of said several sums of money

with interest thereon to wit $1500 (
has long since past and expired. But the
said Eliza Myers and Cornelius D Myers.
have not nor hath either of them as yet
paid to your complainant or any person
whatsoever, the said several sums of
money or any part thereof. Nor do pay the
same, have and each of them hath hitherto
wholly failed and refused and still doth
fail and refuse.

That by his deed of mortgage, bearing date
May 24th 1877, your complainant convey-
ed to one George Curtis, the mortgage afore-
said from Myers wife to your said Complain-
ant, to secure the said George Curtis, as
endorser of the three several notes of your
said complainant for $500 each and
any renewals or extensions of the same,
a certified copy of said deed is herewith
filed marked C and prayed to be read as
a part of this Bill.

That the said notes and all renewals and
extensions of the same have been fully paid
and discharged, the said Geo Curtis releas-
ed from all liability thereon and according
to the terms of said deed it has become void
and of no effect. The said notes so en-
dorsed as aforesaid, being the last renewal
and extention of the notes in said deed
mentioned and paid as aforesaid are
herewith filed marked D. E. F. and

are prayed to be read as a part of this Bill.
Your Complainant is informed and so
charges, that he has a right to subject the
real estate conveyed by the mortgage
of Eliza Myers and Cornelius Myers, to
the payment of the debt thereby secured.
In tender consideration whereof and
forasmuch as your Complainant is with-
out remedy at law and can only be relieved
by the aid of this Honorable Court of Chancery
where matters of this kind are alone and
properly cognizable, to the end that justice
may be done in the premises, your com-
plainant prays that the said Eliza D
Myers and Cornelius D Myers and George
Curtis, be made parties defendant to this
bill and be required to answer the
same, That the said Eliza Myers and Cor-
nelius D Myers, be decreed to pay to your said
complainant, the said sum of money, by a
short day to be appointed by this Honorable
Court, and that in default of payment, the
said real estate conveyed by said and to
Eliza Myers and Cornelius D Myers, be
subjected to the payment of your complain-
ants debt aforesaid. That proper Process
may issue, and that such other further
and general relief may be granted in the
premises, as the nature of the case may
require or to equity shall seem meet, and your
complainant will ever pray &c

Boykin p.q.

Fish
v } In chy
Myers et als

Complainants Bill

Nov. Rls. 1886. Bill & exhibits filed. Sums. issd. & ret. Served?
" March. Rls. 1887, dfts. defaulted and fail'd to appear & plead sums. issd.
" May Rls. fails: return'd nihil
" Aug. 20th 1887. Dfts. defaulted in vacation.
" Oct. Rls. 1887. Bill taken for confd. & set for hearing on pltf. mot.
"
Oct. term 1887
Decree for pltf.
" April term 1895
Final

Boykin. P.Q.