

1896-007 Chancery Causes: I W. Duck vs George T.E. Cornille alias George T.E.

Jsh of Wright County

Cornil v Mary A. Cooper

other surnames: Countlee, Cobb

I. W. Duck.

vs.

George T. E. Counille alias

George T. E. Council + Mary H. Cooper.

Bill of Complaint

nd First July Reels 1895.
Bill ~~on~~ filed, served,
and on Council +
de. nisi n. lene.

June 20, 1895, ord. sub.
n. Cooper, in vacatia

Act. Acgt. Reels.
Set for hearing on
ord. sub. n. Cooper,
Bill taken for con-
fesset as to Council
+ set for hearing as to
lene.

October term 1895. De for act.

Have to file answer
April term 1896.

In the Circuit Court of the county of Isle of Wight:

To the Hon. R. R. Prentiss Judge of the Circuit court
of Isle of Wight county:

Your orator, I. W. Duck complaining shows to the court:

That on the first day of January 1883 at and in the
county of Isle of Wight in the state of Virginia George T. E.
Counille often times called George T. E. Council and Mary A.
Cooper signed sealed and delivered to your orator their certain
writing obligatory now to the court here shown whereby they prom-
ised and bound themselves to pay unto your orator on demand the
just and full sum of one hundred and fifty (150.) dollars for
value received, which said writing obligatoary contains a waiver
of homestead exemption, that the sum of nine dollars was paid to
your orator on said writing obligatory January 1st 1886, that no
other payment has been made; that the balance with interest as
aforesaid is wholly unpaid and is just^{ly} due and payable.

Your orator says that said George T. E. Counille ~~alias~~
George T. E. Council is a resident of this state and county but
is insolvent so that no recovery can be had of him even upon a
judgement, and that said Mary A. Cooper is a non resident of the
state of Virginia, and that she owns a certain tract of land lying
being and siau~~ate~~ in the county of Isle of Wight in the state of
Virginia containing thirty two and one half acreas adjoining the
lands of Friday Daughtrey and others and is bounded by the county
road leading from Smithfield to Franklin and lies about three
miles from Franklin which tract of land your orator believes to
be worth five or six hundred dollars and that so far as he is
informed or ~~has~~ been able to ascertain said Mary A. Cooper owns
no other property in this state, and that at the time of the

institution of this suit your orator has made an affidavit conforming as nearly as its nature will admit to the affidavit required by section 2959 code (1887) of Virginia as amended by Acts of Assembly 1891-92 page 520, which he files with this bill.

For as much as your orator is remediless save in this court of equity where such matters are alone, and properly, cognizable he prays that said George T. E. Conille alias George T. E. Council, and Mary A. Cooper be made parties defendants to this bill, and required to answer the same, and answer under oath is expressly waived, that an order of publication may be had against said Mary A. Cooper, that an attachment may be issued and served, that this court or the judge thereof in vacation, may interpose by injunction, or the appointment of a receiver or otherwise secure so much of said property as will probably be required to satisfy any future order or decree that may be made in this cause, that said property be rented out or sold, pay off and satisfy said obligation and any other liens thereon, that all such orders be made, enquired in directed, and decrees entered necessary to the collection of the debt aforesaid, that all such other, further and general relief may be afforded your complainant as to equity and good conscience shall seem meet or as the nature of his case may require. And your orator will ever pray.

W. S. Holland f. s.

Virginia:

I, W. E. Kitchen, a Notary Public in and for the county of Isle of Wight in the state of Virginia, do certify that W. S. Holland attorney for the plaintiff in the above written bill of complaint

appeared before me in my said county and made solemn affirmation in due form of law that the statements contained in the foregoing bill are true to the best of his knowledge, information and belief.

Given under my hand this 26th day of June 1895.

W. E. Kitchen

N. P.

J. W. Duck
by W. S. Holland his
att'y

The Commonwealth of Virginia,

To the Sheriff of the county of Isle of Wight Greeting:

WE COMMAND YOU, That you summon George T. E. Councille alias

George T. E. Councille and Mary A. Cooper

to appear at the Clerk's Office of the Circuit Court of the county of Isle of Wight
at the rules to be held for the said Court on the first Monday in July, 1895,
to answer a bill in Chancery, exhibited against them in our said court by J. W.
Duck

And have then there this writ. Witness, A. O. Young Clerk of our said
Court, at the court-house, the 26th day of June, 1895, and in the 119th year
of the Commonwealth.

A. O. Young clk.

State of Virginia:

County of Isle of Wight to-wit:

Irvine W. Duck	)	
vs.	(	Warrant in Justice Court
Mary A. Cooper	(	

I, I. W. Duck, do solemnly swear that Mary A. Cooper defendant in the above named warrant in which I am plaintiff is a non resident of the state of Virginia but that the cause of action in the above named warrant arose in the magisterial district of Windsor in the county of Isle of Wight in the state of Virginia and that said Mary A. Cooper has property in said district county and state on which she the said plaintiff is entitled to a lien.



Subscribed and sworn to before me this 24th day of June 1895
in the county of Isle of Wight.



In the Clerk's Office of the Circuit Court of the County of
Isle of Wight on the 2nd day of June 1895.
In vacation.

J. W. Duck Plaintiff
against George T. E. Council alias George
T. E. Council and Mary A. Cooper
Defendant

In Chief
and on
Attachment

The object of this suit is to recover from the defendants by the
Plaintiff \$150.⁰⁰ with interest thereon from the 1st day of
January 1883, till paid, subject to a credit of \$9.⁰⁰ as of 1st day of January 1886.
And an affidavit having been made and filed that the defendant Mary A. Cooper is

not resident of the State of Virginia, it is ordered that she do appear here, within fifteen days
after due publication hereof, and do what may be necessary to protect her interest in this suit. And
it is further ordered that a copy hereof be published once a week for four weeks in the Weekly
Observer, and that a copy be posted at the front door of the court-house of this County
on the first day of the next term of the Circuit Court.

A copy—Teste:

W. S. Holland p. q.

M. A. Young Clerk.

Form No. 301.

J. W. Duck

vs.

}

ORDER OF
PUBLICATION.

Council Hooper

Entered, 26th
Jan 1895

Office of Weekly Observer,
Suffolk Va
Oct 22, 1895!

This certifies that the notice appended
hereto appeared in the Weekly Observer
from July 3, 1895, to Aug. 14, 1895.

A. J. Kenndle
Publisher

Notice —

Legal Notice.

In the Clerk's Office of the Circuit Court of the County of Isle of Wight on the 26th day of June, 1895, in vacation, I. W. Duck, Plaintiff, against George T. Countlee, alias George T. E. Council, and Mary A. Cooper, Defendants.

The object of this suit is to recover from the defendants by the plaintiff \$150.00 with interest thereon from the 1st day of January, 1883, till paid, subject to a credit of \$9.00 as of 1st January, 1886. And an affidavit having been made and filed that the defendant, Mary A. Cooper, is not a resident of the State of Virginia, it is ordered that she do appear here, within fifteen days after due publication hereof, and do what may be necessary to protect her interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the WEEKLY OBSERVER, and that a copy be posted at the front door of the court-house of this County on the first day of the next term of the County Court.

A copy—Teste:

N. P. YOUNG, Clerk.

W. S. HOLLAND, p. q.

Office of Weekly Observer
Suffolk Va
Oct. 22, 1895

This certifies that the notice ap-
pended hereto appeared in the
Weekly Observer published at
Suffolk, Va., from July 10, 1895,
to Aug. 14, 1895.

P. J. Kernodle,
Publisher

Notice —

NOTICE.

In a Justice Court of Isle of Wight Co., Va.,
I. W. Duck,
vs.

Mary A. Cooper.

The object of this warrant is to recover of
said Mary A. Cooper the sum of \$75 with in-
terest thereon from the 29th day of January,
1894, till paid, subject to a credit as of No-
vember 27, 1891, of \$25 due by a writing
under seal, and it is ordered that the said
Mary A. Cooper do appear at Windsor in said
county in the State of Virginia, before me or
such other justice of the said county as may
be there to try this warrant within fifteen
days from the due publication of this order
and do what is necessary to protect her in-
terest.

J. E. NELMS, J. P.

W. S. HOLLAND, p. q.

July 10 - 1895

this acct. paid by
checks dated July 18th 1896
W. S. H.

Black Hk.

m. 3 Bill City in City sent
Council & Cooper

Atto. fee & tax	10.50
Clerks fee, incurred,	3.99
Do. estimated for further proceeding to ful, deared	2.50
Court, for notes	1.50
Shiff, fee	.50

\$24.99

This will be about
the costs if nothing
further is done by
court, for

J. O. Young &

All my fee bills m. Ma,
Daughter in law City,
sent m. Daughter to d.
have been placed in

the hands of Messrs. Branch
& Roberts for collection.
and he turned in the
suit of Hollard vs,
Jones & Co. In the
latter case the costs
were taxed on deers
(Copy) & the deers for
sale &c. Please send
Mr. Branch & Mr. Roberts
for above bills.

Very truly

A. G. Young

Mr. C. S. Hollard
Atto. at Law,
Jan. 3/96,

A. W. Duke

Ms

Mary A. Cooper et al.

This cause came on to be heard
on the bill taken for confessed as to Res. 7. E.
Council alias Res. 7. E. ~~Council~~ on whom process
and as to the absent defendant Mary A. Cooper
has been duly served, ~~order of publication being~~
as to whom the complaint appears to have proceeded
~~duly executed as to said Mary A. Cooper and~~
in the mode prescribed by law, and she still failing to
~~the Attachment duly executed attaching~~
appear and plead answer or demurr, on the Attachment
against the property of said Mary A. Cooper, and
was argued by Council for complainant
and for Mary A. Cooper; on consideration
whereof the Court doth advise
under and decree that one of this
Court take, state and report an account of
the liens on the property attached, also enquire
~~the whether the~~ whether the land will rent
per acre in five years to pay off the
debts against the said Mary A. Cooper,
also enquire and report any matter demand
pertinent by said Commissioner or any
party in interest ~~thereof~~.

On Motion of Mary A.
Cooper by Counsel leave is given
her to file an answer within
sixty days. ^{and giving notice of this leave that he will execute} Notice ~~being~~ be served on
R. E. Watkins atty for defendant.

Jw. Dusk

W

Henry A. Cooper et al.

~~Geo.~~

Oct 28th 1875

De cur

To be entered

~~Robert A. Hunt.~~

6
Entered #15

Duck

vs

Council et,al,

This cause came on this day to be again heard on the papers formerly read, and it appearing to the court by representation of plaintiffs couns^l that the debt claimed has been paid, and on motion of the plaintiff it is ordered that this suit be dismissed.

Duck

vs

Council et, als

DECREE

april 27th 1896

to be entered

Robert K. Stewart

Entered #3

Very truly,
Yours truly,

Enclosed please find bill affidavit of Mr. Dock and a check to
assist in obtaining the property in the bill mentioned.

Enclosed under section 8304 Code (1883) of Virginia and one
of the Virginia Property Weekly Observer, Norfolk, Va. and please return
these with process and send order replication to F.I. 20

P. J.

Summons in compliance to the first July return 1883

George T. E. Connelley alias George T. E. Connelley and Harry A. Cook-
re.

L. W. Dock

To the Clerk of the Circuit Court of Isle of Wight County

June 28th 1883.

COURTS:

Isle of Wight, Nansemond
and Southampton.

LAW OFFICE OF

W. S. HOLLAND.

Windsor Station, Va., June 26th 1895.

To the Clerk of the Circuit Court of Isle of Wight County

I. W. Duck

vs.

George T. E. Counille alias George T. E. Council and Mary A. Cooper.
Summond in chancery to the first July Rules 1895

W. S. Holland p. q.

Please issue this proccess and send order publication to P.J.

Kernodle proprietor Weekly Observer Suffolk, Va. and please issue attachment under section 2964 Code (1887) of Virginia and ask sheriff to attache the property in the bill mentioned.

Enclosed please find bill affidavit of Maj. Duck and a check to pay writ tax.

Yours Truly.

W. S. Holland

*Received 26 June 1895
W. S. Holland*

*Order of publication
if of court*

State of Virginia in the Circuit

In the Circuit Court of the county of Isle of Wight, to-wit:

I. W. Duck

vs.

George T. E. Counille alias Council. *and Mary A. Cooper*

I, I. W. Duck, do solmly swear that the plaintiffs claim in the above named action is for one hundred and fifty (150.) dollars with interest thereon from the first day of January 1883 till paid subject to a credit of nine dollars as of ~~the~~ January 1st 1886, that this claim is just, due and payable, and that the said defendant Mary A. Cooper is not a resident of this state, and that she is being sued with said George T. E. Counille alias George T. E. Council who is a resident of the county of Isle of Wight and of the state of Virginia but who is insolvent and that said Mary A. Cooper is the fee simple owner of a certain tract of land containing thirty two and one half acreas lying being and situate in the county of Isle of Wight in the state of Virginia adjoining the lands of Friday Daughtrey and others and that this affiant who is the plaintiff in said action is advised and believes that he is entitled to ^{an attachment and} a ~~lien~~ on the said tract of land for the payment of said claim, that said claim is evidenced by a bond which waives the homestead exemption.

I. W. Duck

Subscribed and sworn too before me this 26th day of June 1895
in the said county of Isle of Wight

W. E. Kitchen, N. P.

Deck 111.

W. H. M. M. M.
Councils and Court
and Cooper

Affidavit
Filed 26. June
1895.

Memorandum:

J. W. Duck

vs.

Res. J. E. Counille alias Res J. E. Council & Mary A. Cooper

Be it remembered that the above styled cause is a suit in equity pending in the Circuit Court of the County of Isle of Wight, the object of which suit is to collect the sum of \$150.00 dollars with interest thereon from the ~~1st~~ 1st day of January 1888 Till paid subject to a credit of \$9.00 as of the 1st day of January 1888 and it being alleged and believed to be true that said defendant Counille alias Council is insolvent and that said Cooper is a non resident of Virginia the property or estate to be affected is that of Mary A. Cooper and consists of a certain tract of land lying, being and situate in Isle of Wight County in the State of Virginia containing 32 1/2 acres adjoining the lands of Friday Daughtry and others.

J. W. Duck
W. S. Hall and his atts.

J. W. Duck
n. 3rd His Friends
Councils alias
Council + M. W. Cooper

Admitted to
Record July 2,
1895, in the
clerk's office of
Isle of Wight County
Court,
Teste, A. P. Younger

Rec'd. in Dec. Book
57 page 57

Isle of Wight County, to-wit:

To J. A. Johnson constable of said county:

I hereby command you to summon Mary A. Cooper, if do be found in your district, to appear at Windsor, in the said county, on the 2 nd day of July 1895 before me or such other justice of the said county as may then be t here to try this warrant, to answer the complaint of I. W. Duck upon a claim for money, for the sum of \$75. with interest thereon from the 29th day of January 1884 till paid subject to a credit of \$25. as of November the 27th 1891 due by bond and then and there make return of this warrant.

Given under my hand this 26th day of June 1895.

J. E. Nelson J. P.

July 3, 1895
On application of plaintiff and for good cause shown an order of
publication is hereby ordered in this cause and the same
is returned to Aug. 15th 1895 at Wm. D. C. Va

J. C. Nelson J.P.

I. W. Duck

vs.

Mary A. Cooper,

Warrant pending in a justice
court

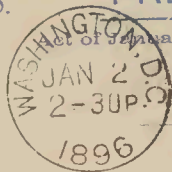
not found). The
defendant Mary
A. Cooper is not
a resident of my
district, my county
nor is she a resident
of the State of Va
this the 26th day of
June 1895,

J. A. Johnson
Const.

House of Representatives U. S.

OFFICIAL BUSINESS.

FREE.



2, 1893



2.



Mr M. S. Halland
Nudson Station
Va

104.00 Print & int
6.20 costs

258.00 Print & int
30.99 costs

\$ 399.19
18 55

if paid before July
15th 1896.

\$ 380.64

House of Representatives U. S.,

Washington, D. C., Jan 21, 1896

W. J. Holland Esq
Hudson Va

My dear Sir:

I am informed by my sister Mrs Mary A Cooper that she is being seized as security on a note of G. D. E. Cannon in favor of Mr J. M. Decker. I would thank you to let me know at your earliest convenience the status of the case. i. e. amount and date of notes, the interest they bear, and the aggregate amount - how the case stands in Court &c.

Has all efforts to collect from the principal been exhausted?

I would appreciate an early reply -

Very truly yours
S. W. Cobb

Jan 14 1895

Mr. W. F. Cobb,
Washington D.C.
Dear Sir,

In reply to yours of the 4th inst. I have to say there are two bonds. One for \$70 dated January 1st 1894 and payable on date subject to a credit of \$20.00 of which \$10.00 I have executed by Mary A. Cooper and James W. Gray. This amounts now according to my calculation to \$104.00 as of January 1st 1895. On this bond there is a judgment obtained in a justice court against Mrs Cooper. Costs on this is \$5.20 making principal, interest and costs \$110.20

The other bond is for \$150 executed by Mary A. Cooper and George T. K. Council, dated January 1st 1893 and payable on demand to T. J. Buck and is subject to a credit of \$5.00 which credit is not stated except it says "Interest paid up to January 1st 1894" The interest on this bond is now \$117.00 making \$267.00, deducting \$5 leaves a balance of \$262.00 January 1st 1895. A summary will suit has been brought to enforce these claims against the property of Mrs Mary A. Cooper in this county and state, and a decree was entered therein at the October term of our Circuit Court (1895), and the costs of that suit to date is \$30.30 making principal, interest and costs \$292.30 which added to \$110.20 makes \$402.50. This decree directed a Master Commissioner of the court to inquire and report the amount of the debts with accrued interest and to ascertain whether or not the lands of Mary A. Cooper in this county would rent for enough in five years to pay the debts and the costs of suit and sale. The commissioner has already started to execute this decree, but at my request he has suspended for a few days till I might hear from you or Mrs Cooper.

Some time ago Mrs Cooper wrote me to ascertain the cash amount Mr Buck would accept in full of these debts. I saw him and he is not disposed to make any deduction at all. If the money is paid now inside of ten days it will shorten my labor some and cause me to get a cash fee from Mr Buck and I have decided to offer to pay one half the costs to date, that is to say one half on \$37.11 and deduct the same from my fee which Mr Buck will owe me. If the money is not paid in ten days I would not agree to this proposition. If the case is finished and a sale or renting I order the additional costs of suit and sale will be about \$25.00 which can be saved. In reply to enquiry as to whether all means has been exhausted against the principals I would say yes, except that Mrs Cooper seems to be principal in one case. Mrs Cooper can learn by inquiry that the other parties are insolvent. Mr Buck charges only 5% per annum interest. *Please let Mrs Co. see this & save her from any more to her & send debt. But in her answer say she is all over as to what she will do.*