

1897-008

Chancery Causes: M.
Isle of Wight County W.

Martin, +al
E. Bloxum

VS H.

R. Parker, Oyster Inspector v

Other surnames: Carter, Tennis,
Garner, Sadler, Wyatt, Islam, Yates
Marshall, Savage, Watkins, Powell,
Brown, Smith, Bloxum, Gilliam,
Deik, Willard, Spady

M. Martin & others

vs

H. R. Parker Inspecter

W. E. Blom

Bill

July 23^d 1894

Bill & Information order
filed. Bond executed, return
with restraining order issued.

First Aug rules 1894

Bill suspension order filed, return
with restraining order returned. de
mise as to all parties.

2^d Aug rules Bill taken for
confessed as to all debts. and
cause set for hearing

Vacation Aug 30th 1894

To return. fileds 18

Oct term 1894

Final

J. N. Martin bbs.
per.

This injunction shall be dissolved -
So the Clerk of the Circuit Court
of Lake of Michigan.

J. R. B. Wright Clerk of
the Circuit Court of Cook
Co. Ill. - Dated 19th 1894.

Virginia:

6.

Glenview Co. to wit

Personally appeared before me
A. T. Wiat, Clerk of Glenview County Court
J. S. Brown, and made oath, that the facts
contained in the foregoing bill are true
to the best of his knowledge and belief.
Given under my hand this ~~17~~¹⁸ day
of July 1897.

A. T. Wiat, Clerk

An injunction is awarded to enjoin and
restrain the defendants H. R. Parker and
W. E. Bloomer, their agents and attorneys
and all others, in the bill & proceedings
mentioned, - the deft H. R. Parker & his
impulse from removing or injuring the
natural oyster bed, rock & shoal, in the bill
mentioned, to W. E. Bloomer or any one and
the deft W. E. Bloomer from going on, using
or taking up said ~~oyster~~ natural oyster bed, rock
or shoals, for planting or propagating oysters
until the further order of the ^{circuit} Court of Isle of
Wight. But this order is not to take effect
until the plaintiffs or some one for them
shall give bond before the clerk of said court
with good security, in the penalty of two hundred
dollars, conditioned to pay all such costs as may
be awarded against the plaintiffs and all such
damages as may be incurred, in case.

5-

restrained from surveying or asfixing
the above described natural oyster bed, rock
a shoal, (located as above set forth, contain-
ing about one hundred acres and bounded
as shown in the foregoing) to W. E. Bloxum
or to any one and to injure & restrain
W. E. Bloxum, from going on, using
or taking up said, oyster natural bed, rock
a shoal, for planting or propagating
oysters; your orators further pray, that
your honor, will adjudge this natural
oyster bed, rock & shoal, to be a natural oyster
bed, rock & shoal, within the meaning of
the "Act" above cited; that, the mistake,
inadvertence or neglect made, be corrected
and this natural oyster rock & c, be deemed
a part of the Goddard Survey & to have
the same force and effect as the
Goddard Survey, now on file has; that
~~your orators~~ May have full and
final relief; that all necessary orders
and decrees may be entered; that the
Court's writ may issue Comdg & c and
in duty bound will ever pray & c.

J. M. Smith & Co
P. J. 11

4

for the purpose of propagating & planting oysters and the said Inspecter, has taken steps, to rent the same to the said W. E. Blossum Esq.

Your orators are further advised, that a Court of equity, will correct a mistake, inadvertence or neglect on the part of the officials, provided in above named 'Act'; as the main object, in appointing Commissioners, in part, has not been carried out ~~and~~ ^{but} the object, defeated, and not through any fault, or neglect, or mistake or inadvertence of your orators, who have the absolute right, to use & enjoy the natural oyster beds, racks & shoals of the Commonwealth.

In tender consideration whereof & in as much as your orators are without remedy, save in a court of equity, where matters of this sort are properly cognizable and relievable, your orators pray that H. R. Parker, oyster Inspecter of Isle of Wight County - distinct his claim - and W. E. Blossum be made parties defendants to this bill and they be required to answer; answers under oath not required but waived; your orators also pray, that H. R. Parker oyster Inspecter of Isle of Wight Co, be enjoined and

was to define by "lines" all natural oyster
 beds, rocks & shoals in the Commonwealth
 & to prevent the natural oyster rocks, to be
 used for planting purposes. The fixed policy
 of Virginia, has always been, to prevent &
 prohibit, natural rocks, beds & shoals, to be
 used for planting grounds. This oyster
 bed, rock & shoal, is ^{as good as any} ~~one of the best~~ ^{oyster} natural
 bed, rock & shoal, within the County of Isle
 of Wight; it is a very ^{fine} ~~superior~~ natural oyster
 bed, rock & shoal and your orators, along
 with all the people, are very desirous
 that, this natural rock, so long used
 by the people, should not be taken and
 given to any one for planting purposes.
 The people on Jones Creek & Pagan Creek
 are specially interested in having
 this natural rock, bed & shoal, preserved
 in fact, for the common use of the
 Tongues of the Commonwealth, under
 the restrictions provided by law. ++
 H. R. Parker, is the oyster Inspector
 for the County of Isle of Wight—
 distinct no claim. W. E. Bloxum Esq.
 Bathing Park Isle of Wight Co Va, your
 orators are informed & so charge, has applied
 to H. R. Parker, Inspector &c, to rent
 the above natural oyster, bed, rock & shoal

Commissioner and the engineer failed to have all the lines defining natural oyster racks, beds and shoals, run, as the aforesaid Commissioners directed. Your orators charge the fact to be, that there is a natural oyster bed, rack or shoal, within the County of Isle of Wight, in James River on N. W. side of Pagans Creek, fronting Days Point, containing one hundred acres more or less, adjoining Aaron Shoal & Gap Shoal on South side, and the planting grounds of L. Powell & C. Smith on the West, which is not embraced in the survey and report, filed in the Clerk's office of Isle of Wight, as the above named "Act" requires to be done, although, this natural oyster bed rack & shoal, was a part & parcel of the natural oyster racks, beds & shoals, determined by the aforesaid Commissioners, that should be defined by lines, to be run, by shell fish Commissioner, and they, the Commissioners, directed said lines to be run &c, but through Mistake, inadvertance or neglect, the lines were not run & the above named oyster bed, rack & shoal, has been applied for, to be rented for planting ground. The main object of the "Act"

1
Hon Robert R. Prentiss Judge Circuit
Court of Isle of Wight -

Humbly complai-
ing show unto your honor, your ora-
tors, M. Martin, W. J. Carter, J. G. Dennis,
J. S. Dennis, Claude Dennis, John Garner,
Richard Sadler, Washington Wyatt, James
Wyatt, Fred Salom, Thos Marshall, Arthur
Sarage, P. H. Carter, Wm Watkins,
Smith Watkins, Wm ^{and J. L. Brown} ~~Russell~~ ^{and} citizens
of Virginia; That in pursuance of
An Act of the General Assembly of Virginia
entitled, "An Act to protect the oyster industry
of the Commonwealth" "Approved February
29th 1892" (vide Acts of Assembly 1891-92
Chapter 5-11 - p.p 816-17-18.) the County
Court of Isle of Wight appointed, Joseph Dennis,
W. J. Carter & L. W. Gilliam, Commis-
sioners, to "determine the question of what
bottoms are natural oyster beds, rocks or
shoals" within the County of Isle of Wight.
"and the lines defining these limits shall
be run by the shell fish Commissioner
and the engineer as they direct".
The provisions of the above cited "Act," were
carried out by the above named Com-
missioners, but through some mistake,
inadvertance or negligence, the Shell fish

TX.

Amendment to bill filed by M. Martin
W. D. Carter, J. B. Dennis, J. S. Dennis, Claude Dennis,
John Garner, Richard Sadler, Washington Wyzatt,
James Wyzatt, Fred Delane, Edw Marshall, Arthur
Sarage, P. H. Carter, Wm Watkins, Smith Watkins,
Wm Darnell & J S Brown vs. Parker & Blaxson -
in circuit court of Isle of Wight

~~your Complaints~~ to
further state that they are residents of Isle of
Wight County, living near to the oyster ground
in controversy and are longers, and work on
said ground, deriving very oyster money, as water
-val oyster rocks. Some of ~~these~~ Complainants
work on this ground and none other, as they can't
go to other natural rocks, being too far & the
crafts used are small; now if this ground is
taken away from your Complainants, they
will be materially injured, being deprived of
these natural rocks, where they can work, for the
support of selves & families.

M. Martin et als

Versus. In Chancery.

H. R. Parker Insp. and Bloxom.

Defendants Demurrer.

Filed

In the Circuit Court of the County of Isle of Wight.

The demurrer of H.R.Parker Inspector of Oysters of the County of Isle of Wight, and W.R.Bloxom to the bill of complaint of M.Martin et als

These defendants, by protestation, not confessing all or any of the matters and things in the said complainats bill contained to be true in such manner and form as the same are therein set forth and alleged, doth demur to the said bill, and for cause of demurrer sheweth that the said bill is not sufficient in law.

Wherefor and for divers other good causes of demurrer appearing in said bill, the said defendants doth demur thereto, and demands judgment of this court, whether they shall be compelled to make any other or further answer to the said bill; and prays to be hence dismissed, with their costs and charges in this behalf most wrongfully sustained.

Boydin & Lee, p.d.

M. Martin et al.

Vs. In Chancery

By E. Farrer, Inspector, and

E. V. Blount.

Defendants Answer.

LAW OFFICE OF
Boykin & Lett,
NEWPORT NEWS, VA.

conclusive that the said grounds are not natural Oyster rocks
beds or shoals.

These defendants are informed and so charge that the
said W. E. Bloxom, having in all respects and in every partic-
ular complied with the requirement of the law regulating the
assignment of Oyster planting grounds, and having paid to the
Inspector of Oysters of the County of Isle of Wight, one years
rent in advance, is entitled to hold the said grounds for the
term of twenty years, upon the terms and conditions, that he pay
annually, and in advance, on the first of October of each and
every year he occupies the same, the rent required by law.

These defendants pray the benefit of so much of this an-
swer as goes in bar as if the same had been specially pleaded.

And having answered they pray hence to be dismissed with
their costs in this behalf most unreasonably expended.

Boykin & Lee. p. q.

*A. R. Parker
Inspector of oysters for the
County of Isle of Wight.
W. E. Bloxom*

ISLE OF WIGHT COUNTY, to-wit:-

I, R. E. Boykin a Commissioner in Chancery for the
Circuit Court for the County of Isle of Wight, *in the State of Virginia,* do certify that
H. . Parker and W. E. Bloxom whose names are signed to the
foregoing answer personally appeared before me in my said
County and made oath that the statements contained in the said
answer are true.

Given under my hand this 21st day of August 1897.

R. E. Boykin
.....
Comm' in Chancery.

That the said application was made, and the said survey had, and the said grounds duly staked out and the rent for one year in advance paid to the Inspector prior to the awarding of the injunction in this cause, and the said plat was recorded prior to the filing of the said injunction in the Clerks office of the County Court of the County of Isle of Wight, or notice of the granting thereof to these defendants or either of the .

These defendants do not admit but on the contrary deny that the said ground, so assigned to the said W. E. Bloxom for the purpose of planting and propagating Oysters as aforesaid, is either natural oyster rock, bed or shoal, but on the contrary these defendants aver that the said Oyster planting grounds not being embraced in the said goodetic survey and report, and no petition being filed in the Clerks office of the County of Isle of Wight, within four months from the filing of the said survey and report in the Clerks office of the said County, alleging that twenty five adjacent acres of natural Oyster rocks, beds or shoals in said County, had been omitted from said survey and report, ^{which these defendants over has not done,} the said ground thereby became and was in legal contemplation barren arear, and open to assignment and rental under the laws of Virginia, for the purpose of planting and propagating Oysters; and ^{these defendants in fact say that the said grounds are not natural oyster rocks, beds or shoals as in the complaint are alleged.} These defendants are informed, and so charge, that under the Statute of Virginia in such cases made and provided, the said survey and report when filed in the Clerks office as aforesaid shall be and construed to be, in all the Courts of this Commonwealth as conclusive evidence of the bounds and limits of all the natural rocks, beds and shoals lying within the waters of the County of Isle of Wight: and the said ground, so assigned to the said W. E. Bloxom as aforesaid, not being included therein, the complainants, and all persons whomsoever, are estopped to allege, or introduce evidence to prove, that the said grounds are natural Oyster rocks bed or shoals; the Statute in such cases made and provided operating as a plea, a bar and evidence

and Gap shoal on the South are not embraced in the geodetic survey and report filed in the Clerks office of Isle of Wight County.

And further answering these defendants say, that the said geodetic survey and report of the natural Oyster beds, rocks or shoals in the waters of the County of Isle of Wight, was filed in the Clerks office of the said County on the 23^d day of June 1894, and that the said ground in the said bill mentioned not *and no petition to include the same being filed in the time required by law* being included and embraced therein, the said ground was and is open to occupancy and rental, upon a compliance ^{with} of the Statutes of Virginia regulating the assignment and rental of Oyster planting grounds, in the rivers of the Commonwealth.

That on the 5th day of May 1897 your defendant W. E. Bloxom, in due form of law, made written application to the said H. R. Parker Inspector as aforesaid, to have assigned to him, for the purpose of planting and propagating Oysters, certain ground in James river near the mouth of Paga creek in said application specifically mentioned, and which your complainants believe are the grounds in said bill set-forth.

That the said H. R. Parker, Inspector as aforesaid, having first given the notice required by law of said application, by posting the same in the manner, and for the time required by the Statute in such cases made and provided, had the said ground surveyed by the County Surveyor of said County and the same designated and staked off with suitable and sufficient stakes.

That the said plat and survey of the said Oyster planting grounds, so applied for by the said W. E. Bloxom as aforesaid, was duly recorded in the Clerks office of the County Court of the County of Isle of Wight, on the 19th day of July 1897 and that the said W. E. Bloxom on the 16th day of July 1897 paid to the said Inspector one years rent in advance for the said Oyster planting grounds so applied for and assigned him as aforesaid, *and in all respects and every particular complied with the statutes of Virginia regulating the assignment of oyster planting ground, 2 prior to the granting of the injunction in this case*

M. Martin, W. T. Carter, J. C. Tennis, T. S. Tennis, Claude Tennis, John Garner, Richard Sadler, Washington Wyatt, James Wyatt, Fred Islam, Thomas Marshall, Arthur Savage, P. H. Carter, William Watkins, Smith Watkins, Wm. Powell and J. S. Brown.
Vs. In the Circuit Court of the County of Isle of Wight.
H. R. Parker Inspector and W. E. Bloxom

The joint and several answer of H. R. Parker, Inspector of Oysters for the County of Isle of Wight, and W. E. Bloxom, to the bill of complaint in said Court exhibited by M. Martin et als against them.

These defendants saving and reserving all rights of exception to the many errors and imperfection in the said bill contained for answer thereto or to so much thereof as they are advised it is material or necessary for them to answer, answering say :-

That they believe to be true, the allegation in said bill contained, that Jos. Tennis, W. T. Carter and J. W. Gilliam were appointed by the County Court of the County of Isle of Wight as commissioners, under the Act of the General Assembly approved February 29th 1892, to designate the Oyster rocks, beds and shoals in the County of Isle of Wight, in order that the lines defining the limits of said rocks, beds or shoals in said County, should be defined and surveyed as required by law.

These defendants have no knowledge or information as to the allegation in said bill contained, that through some mistake, inadvertance or negligence the shell fish commissioner and the Engineer, having the same in charge, failed to have all of the lines defined and run as the said commissioners directed, and hence cannot answer the same, *but calls for proof thereof.*

These defendants admit to be true that the grounds in the County of Isle of Wight in James river on the N. W. side of Pagan creek fronting Day's point and adjoining Aaron's shoal

This bond required by the order of the Judge of the Circuit Court of the county of Soli of Vt. having been executed by order of the said court the defendant N. R. Parker Inspector of oysters for the county of Soli of Vt. is enjoined and restrained from removing or assigning the natural oyster bed, rock or shoal in the bill mentioned to W. E. Blodorn or anyone and the defendant W. E. Blodorn from going on, using or taking up said natural oyster bed, rock or shoal for planting or propagating oysters, until the further order of the court

Teste J. J. Spring C. J.

Not preceding the within. Wm. C. E. Blodorn at his usual place of abode & delivered a copy of this Decree to Wm. C. E. Blodorn wife of the within & she received the papers of the same July 29th 1897.

Re. A. Edwards
Suff

Form No. 300.

M. Martin

SUBPOENA
IN
CHANCERY.

N. R. Parker Inspector
& W. E. Blodorn

J. M. Stobb

p. q.

To First August Rules

Circuit Court.

1897
Executed by delivery
to the within named
N. R. Parker a true
copy of the within
Decree, July 30th
1897. Re. A. Edwards
Suff

The Commonwealth of Virginia,

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

WE COMMAND YOU, That you summon *N. R. Parker Inspector of Agriculture*
for Isle of Wight County, Virginia and *W. C. Blossom*

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 *Tue* Monday in *August*, 189*7*,

to answer a bill in Chancery, exhibited against *them* in our said Court by *M. Martin*
H. J. Carter, J. G. Jennis, J. S. Jennis, Claude Jennis, John
Garnier, Richard Sadler, Washington Hyatt, James Hyatt,
Grace Island, Thos Marshall, Arthur Savage, P. W. Carter, Wm
Watkins, Smith Watkins, Wm Powell and J. S. Brown citizens
of Virginia

And have then there this writ. Witness, *A. J. Young* Clerk of our said
Court, at the court-house, the *23^d* day of *July*, 189*7*, and in the *122* year
of the Commonwealth.

A. J. Young c.c.

Martin

W

Parker

Affidavits of
W. J. Carter.

&

L. W. Gilman

Filed this date
August 28th 1897

oyster beds, rocks and shoals, and directed the
Fish Commissioner and Engineer
to embrace, this very ground, in the
Prodotic Survey, and if not in said
survey, the mistake, neglect or inadvertence
must have been made, by the Fish Com-
missioner & Engineer. This ground, in
dispute, has been used by the town
for many years past, as natural oyster
beds, rocks & shoals & as good as any natural
rocks in Isle of Wight Co.

Given under my hand this 28th day of
~~August~~ 1897.

L. W. Gilliam

Ja. Isle of Wight. to wit.

J. R. Latimer D.C. Personally appeared
before me, N. F. Young, Clerk of Isle of
Wight County Court, L. W. Gilliam and
made oath, that the facts as set forth in
the above Certificate are true.

Given under my hand this 28th day
of August 1897

J. R. Latimer D.C.
for N. F. Young clk

in Isle of Wight County.

Given under my hand this 28th
day of August 1897.

W. J. Carter

va

Isle of Wight Co. to wit:

I, R. Latimer Deputy Clerk ^{personally appeared before}
me, N. F. Young Clerk of County Court of
Isle of Wight; W. J. Carter, and made
oath, that the statements set forth in the
above Certificate, signed by W. J. Carter,
are true - Given under my hand
this 28th day of August 1897.

J. R. Latimer D. C.

for N. F. Young Clerk

Affidavit of ^{L. W.} ~~W. J.~~ Gilliam, to be read as
evidence, on Motion to dissolve the injunc-
tion in the Chy suit of M. Martin &
als vs H. R. Parker, Luskut & c, now pend-
ing in the Circuit Court of Isle of Wight.

I, ^{L. W.} ~~W. J.~~ Gilliam, a resident of Isle of
Wight Co, was appointed as one of the

^{appointed} Commissioners, under Act of Assembly
February 29th 1892, to lay off and designate all
the natural oyster beds, rocks and shoals
in Isle of Wight, and did proceed to
execute the law and this oyster ground
now in dispute, was laid off, designated,
and lines marked and were natural

Affidavit of W. T. Carter, to be read as evidence on, Motion to dissolve the injunction, in the Chancery suit of M. Martin et als vs H.R. Parker Impulse &c, now depending in the Circuit Court of Isle of Wight -

I. W. T. Carter, resident of Isle of Wight County, do hereby make oath, that he was appointed Commissioner, by the Judge of the County Court of Isle of Wight, under the Act of Assembly ^{approved} ~~at~~ 29 February 1892 and did, proceed to execute the duties, as provided by law, and when the Grodite Survey was made of the Natural oyster beds, rocks and shoal in County of Isle of Wight, the oyster ground, now in dispute, as set forth in the bill of the plaintiffs, was surveyed by the County Commissioners; the ground was, gone, all around by Commissioners and directed the Fish Commissioner & the engineer, to embrace that very ground, in the Grodite Survey.

The Commissioners, directed this ground to be embraced in the Survey & if it is not done, then it was a mistake, neglect or inadvertence, on the part of the Fish Commissioner & engineer - This parcel of ground in dispute, has been used by the Congress as natural oyster rocks for many years and as good natural oyster rocks as any

Martin
or
Parker

Alfidenit
of
R. M. Soder

Filed this date
August 28th 1899

Affidavit of Richard M. Sadler, to be read as evidence, on motion to dissolve the injunction in the chy suit of M Martin & als vs H.R. Parker & now depending in the Circuit Court of Isle of Wight.

I. Richard M. Sadler, a resident of County of Isle of Wight, do hereby make oath, that he has known, this oyster ground, now in dispute, to be natural oyster beds, rocks & shoals & has worked on these grounds many oyster seasons for some years; and was arrested for violating the Cull Law, last season, on the very ground, now in dispute.

Given under my hand this 28th Aug
1897- R M Sadler

V^a - Isle of Wight. Co to wit.

Personally appeared before me, J. R. Latimer Deputy Clerk for N. F. Young Clerk of County Court of Isle of Wight, and Richard M. Sadler and made oath, that the statements as set forth in the Certificate are true.

Given under my hand this 28th day of August 1897.

J. R. Latimer D.C.
for N. F. Young Clerk

M. Martin

by

Parham

Alfidavit of
JH Zohar

Filed as of this date
August 28th 1899

Affidavit of J. H. Yates, to be read as evidence
on motion to dissolve the injunction in
the Chy Suit of M. Martin & als vs H R Parker
Disputer, now depending the circuit Court of
Isle of Wight.

I. J. H. Yates a resident of
Isle of Wight Co, do hereby make oath, that
the oyster grounds now in dispute, as set
forth in the bill of the plaintiffs, are natural
oyster beds, rocks and shoals and have been
for more than fifteen years. The tongs
have used this ground as natural rocks for
many seasons for more than fifteen years.
~~XX~~ I. J. H. Yates, worked on this ground
the last oyster season and was arrested
and fined, ~~and~~ ~~the~~ for violating the
Cull law, in catching oysters from
this very oyster ground now in dispute.
Given under my hand this 28th day
of August 1897.

J H Yates

Va. Isle of Wight Co - to wit.

Personally appeared before me
J R Lattin Deputy clerk of N. F. Young Clerk
of Isle of Wight County Court, J. H. Yates
and made oath that the statements in the
above certificate are true. Given under
my hand this 28th Aug 1897. J R Lattin D. C.
for N. F. Young Clerk

Martin

v

Parker

Affidavit of
Jas E Delt

Filed this date
August 28th 1897

Affidavit of James E. Delk, to be read
as evidence, on motion to dissolve the injunction,
in the chg suit of M. Martin vs
H. R. Parker & c and depending in the
circuit Court of Isle of Wight.

I - James E. Delk a resident
of Isle of Wight Co, do hereby make
oath, that he has worked on those oyster
grounds, now in dispute, as mentioned
in bill of plaintiffs, for some years
past, as natural oyster beds, rocks and
shoals; he worked on these ground the
last oyster season. They are good oyster
rocks, as any in Isle of Wight Co.

Given under my hand this
28th day August 1897 - Jas E Delk

vs. Isle of Wight Co - to wit -

Personally appeared before me
J R Latimer deputy Clerk of N. F. Young
Clerk County Court of Isle of Wight,
James E. Delk and made oath, that
the statements contained in the above
Certificate are true. Given under my
hand this 28th August 1897 -

J R Latimer D. C.
For N F Young Clerk

M. Martin & al

v

Parker

=

Affidavit of

M. Martin

Filed as of this date
Aug 28th 1897

Affidavit of M. Martin, to be read as evidence, on Motion to dissolve the injunction in the Chancery suit of M. Martin & als vs. H. R. Parker & others, now depending in the Circuit Court of Isle of Wight.

I, M. Martin, resident of Isle of Wight County, do hereby make oath, that the oyster ground, now in dispute, as set forth in the bill of the plaintiffs, are a natural oyster bed, rocks and shoals and have been for more than fifteen years. Every oyster season, for the past fifteen years, the tongers have worked on this ground. It is a fine natural oyster rock, bed & shoal. Given under my hand this 28th day of Aug 1897.

M. Martin

V^a - Isle of Wight Co - V^arit.

Personally appeared before me, ^{J. R. Latham deputy for} N. F. Young Clerk of Isle of Wight County Court, M. Martin and made oath, that the facts as set forth in the above certificate are true. Given under my hand this 28th day of August 1897.

J. R. Latham D.D.C.
for N. F. Young Clerk

Martin

or

Parlan

Affidavit of
Washington Wyatt

Filed this date
August 28th 1899

Affidavit of Washington Wyatt, to be read
as evidence, on motion to dissolve the injunction
in the chcy suit of M. Martin vs
H R Parker Inspectr, now depending in
the Circuit Court of Del of Wight.

I - Washington Wyatt, a resident
of Del of Wight Co, do hereby make oath
that the oyster ground now in dispute,
as set forth in the bill of the plaintiff, are
natural oyster beds, rocks and shoals and
have been, to my knowledge, over twenty
years - The tongs have used these grounds
as natural rocks, for more than twenty
years - I - Washington Wyatt, worked on
these grounds, during the last oyster
season - Given under my hand
this 28th Aug 1897. Washington Wyatt

vs Del of Wight Co - to wit

Personally appeared before me
J. R. Latimer, Deputy clerk for N. F. Young
Clerk County Court of Del of Wight, Washington
Wyatt and made oath that the facts contained
in the foregoing certificate, are true.

Given under my hand this 28th
Aug 1897.

J. R. Latimer JRC
for N. F. Young CLK

Mr. Martin & Co.

20 1/2 In. by

Dr. R. Parker et al.

Enter August 30, 1897

Robert I. Smith.

Recd. Contn'd Aug 31st 1897

In Vacation - Circuit Court of Isle of Wight County
on the 30th day of August 1897.
M. Martin & als }

M. Martin & als

h

R. H. Parker & cc.

~~the~~ ~~the~~ a ~~the~~ ~~the~~

~~Worked on~~ This came came

On this day, on notice served on
 plaintiffs, to dissolve the injunction

19th July 1897 for Hon J. R. B. Wright

aided on the 12th July 1897, by Hon J. R. B. Wright
Judge 9th Circuit and ~~was~~ a ~~document~~ a document to
said bill was filed and argued and the Court
not now passing on the document takes time
to consider. There are motions of debts have
is given them to file their answer which is

^{and all others} accordingly done. On motion of defects, The
plaintiffs are rejoined and retained from

going on and taking or catching oysters from
the ground in the plaintiffs' bill mentioned,
until the further order of the ^{circuit} Court of Isle of

Wright on the Judge thereof in vacation, &

on Motion of Pliffs, leave is given them

to amend their bill, which is accordingly

done & the game is continued &.

injunctive or to be effectual, until the dep't or

+ But this ~~offer~~ ^{injunctive} is not to be effectual, until the defects of some one for them shall give a hand before the click of

some one for them shall give a bond before the clerk of
the circuit Court of Isle of Wight, with good security in
the sum of £500 to be paid to the said clerk as the

The penalty of two hundred dollars, conditioned as the law directs.

law directs
to the Clerk of the Circuit
Court of Isle of Wight County.

Robert R. Prentiss

Court of Isle of Wight County. —

+ But this ~~order~~ ^{injunction} is not to be effectual, until the deft or some one for them shall give a bond before the clerk of the circuit Court of Isle of Wight, with good security in the penalty of two hundred dollars, conditioned as the law directs.

law directs
to the Clerk of the Circuit
Court of Isle of Wight County.

Robert R. Prentiss

Court of Isle of Wight County. —

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

Robert R. Prentiss

W. Martin et als.
Vs. In Chancery.
R.R. Parker Ins and W.E. Floxom

Rough Decree, Oct 25th 1897.

To be entered.

M. Martin et als.

Vs. In the Circuit Court of the County of Isle of Wight.

H.R. Parker Inspector and W.E. Bloxom.

This cause in which the defendants, on the 30th day of August 1897, in pursuance of notice duly given the plaintiffs, moved the court to dissolve the injunction awarded the plaintiffs in this cause, and the said motion coming on to be heard on the plaintiffs bill, the defendants demurrer thereto, and the plaintiffs joinder in said demurrer, and was argued by counsel, on consideration whereof the court taking time to consider of its decision, on the motion of the defendants enjoined and restrained the plaintiffs and all persons whomsoever from going on the ground in the complainants bill mentioned, or using or occupying the same or taking or catching oysters therefrom, came on this day to be again heard, on the papers formerly read on consideration whereof the court doth sustain the said demurrer, and doth adjudge, order and decree that the injunction awarded the plaintiffs in this cause be dissolved, that the plaintiffs bill be dismissed, and that they pay to the defendants their costs by them about their defence in this behalf expended. And the court doth further adjudge, order and decree that the injunction awarded the defendants in this cause be made perpetual.

M. Martin et. als.

Vs. In Chancery.

H. B. Barker Jux. and W. E. Bloxon.

Final Decree, October 26th.

1897.

To be entered.

Robert C. Curtis,

Attorney

N. Martin et als.

Vs. In the Circuit Court of the County of Isle of Wight.

H. B. Parker Inspector and W. M. Bloxom.

This cause came on this day to be again heard on the complainant's bill, the demurrer of the defendants thereto, and the joinder of the plaintiffs in the said demurrer, and was argued by counsel, on consideration whereof the court doth ^{therefore} ~~adjudge~~, order and decree that the injunction awarded the plaintiffs in this cause be dissolved; said demurrer be sustained; ~~and that the defendants be allowed the costs by them~~ ~~incurred in this cause~~ ~~and that the plaintiffs pay to the defendants their costs by them~~

about their defence in this behalf expended. *This decree is suspended for sixty days from this date when the complainants or some one for them shall give bond before the Clerk of this Court, in the penalty of \$200. with a condition reciting this decree and their intention to present a petition for an appeal and supersedeas, and providing for the payment of all such damages as may accrue to any person by reason of such suspension, in case of supersedeas to this decree shall not be allowed, and be effective within such sixty days.*

X Being of the opinion that the survey and report, made by authority of section two of an act to protect the oyster industry of the Commonwealth, approved February 29, 1892, as amended by the act approved March 2, 1894, and filed in the Clerk's Office of Isle of Wight County Court, must, in accordance with the provisions of the said acts, be construed to mean that there are no natural oyster beds rocks and shoals in Isle of Wight County, except those embraced in the said survey ^{and report}, and that all area of James River and Pagan Creek in Isle of Wight County, which is not embraced in the said survey and report, must be construed to be barren area, and disposable by the commonwealth for the purpose of planting or propagating oysters thereon, and that therefore the bill of the complainants is not sufficient in law,

Commonwealth
vs

Clark James

Judgment

The defendant
James Clark is required
to pay a fine of five dollars
and costs which I ascertain
to be, two dollars and ninety
five cents.

At 3/98 Jas. S. Davis J.D.

VIRGINIA:

ISLE OF WIGHT COUNTY,

To wit:

TO A. R. WHITEHEAD, CONSTABLE OF SAID COUNTY:

WHEREAS,

John R. Todd
that *James Claitor* has this day made complaint, on oath, before me, that *James B. Davis* a Justice of the peace for said county
on the *24* day of *September* in the year *1898* in the said county, did unlawfully
of the goods and chattels of the said *John R. Todd* then and there
being upon the open ground of the said *John R. Todd* & *B. H. Bunting* doing business under the firm name of *Todd & Bunting*
in the County aforesaid by them then and there leased from
the State of Virginia of the value of *fifteen* cents,
then and there did steal take and carry away

of Virginia apprehend and
THESE ARE THEREFORE, IN THE NAME OF THE COMMONWEALTH, to command you forthwith to bring before me, or some other

Justice of said County, the body of the said

to answer the said complaint, and be further dealt with according to law.

Given under my hand this

26th day of *September*, 189*8*.....

James B. Davis

J. P.

Common with
v.s. } Lacey
Bailey Henry

1898 10 + 10.15

Executed, the within
warrant by arresting
Henry Bailey & bring-
ing him before
Jas S Davis J. P.
A. R. Whitman
Special

within can collect and
at the request of counsel
for Defendant it is
continued to the 20th day
of October 1898

Jas S Davis J. P.

at request of Plaintiff
can continue to Nov,
3rd 1898

Jas S Davis J. P.

Judgment!
The Defendant
named within is required
to pay a fine of five dollars
and costs which I ascertain
to be two dollars and seventy
cents
to 3/98 Jas. S. Davis J. P.

VIRGINIA:

ISLE OF WIGHT COUNTY,

To wit:

TO A. R. WHITEHEAD, ^{Special} CONSTABLE OF SAID COUNTY:

WHEREAS,

E. C. Foster

has this day made complaint, on oath, before me, that

James B. Harris a Justice of the peace for said county

on the

24th

day of

September

in the year 189*8*

in the said county, ~~did~~ ^{six bushels of} unlawfully

steal Henry Bailey
oysters and oyster shells of the goods and chattels of J. B. Armstrong and W. E. Bloxon, trading under the firm name of Armstrong & Bloxon, then & then being upon the barge playing grounds of the said Armstrong & Bloxon in the County aforesaid by them then and there leased from the State of Virginia, of the value of one dollar and twenty cents, then and there feloniously, did steal, take and carry away

THESE ARE THEREFORE, IN THE NAME OF THE COMMONWEALTH, to command you forthwith to bring before me, or some other

Justice of said County, the body of the said

Henry Bailey

to answer the said complaint, and be further dealt with according to law.

Given under my hand this

26th

day of

September

189*8*

James B. Harris

J. P.

Commonwealth
vs } Loring
Willie Brown

Judgment

The defendant
named within is required
to pay a fine of five dollars
and costs which I ascertain
to be two dollars and twenty
five cents

To 3/98 James S. Harris

VIRGINIA:

ISLE OF WIGHT COUNTY,

To wit:

TO A. R. WHITEHEAD, ^{Special} CONSTABLE OF SAID COUNTY:

WHEREAS,

John R. Todd

has this day made complaint, on oath, before me, ~~that~~

for J. B. Davis a Justice of the Peace for said County, that Willie Brown

on the *24* day of *September* in the year 189*8*, in the said county, did unlawfully

one half bushel of opium of the goods and chattels of J. R. Todd and G. T. Bunting trading under the firm name of Todd and Bunting then and there being, upon the opium plantation ground of the said Todd and Bunting in the County aforesaid, & then there and there leased from the state of Virginia, of the value of fifteen cents then and there did steal take and carry away of Virginia apprehend and

THESE ARE THEREFORE, IN THE NAME OF THE COMMONWEALTH, to command you forthwith to bring before me, or some other

Justice of said County, the body of the said

Willie Brown

to answer the said complaint, and be further dealt with according to law.

Given under my hand this

26th

day of

September

, 189*8*.

James B. Davis

J. P.

J. S. Brown

to {

INJUNCTION BOND.

Commonwealth

A. Copy

Know all Men by these Presents, That we J. S. Brown and M. B. Huston

are held and firmly bound unto the Commonwealth of Virginia, in the sum of Two
Hundred dollars, to the payment whereof, well and truly to be made to
the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors
and administrators, jointly and severally, firmly by these presents. And we hereby waive the benefit of our
exemptions as to this obligation, and also of any claim, or right to discharge any liability to the Common-
wealth arising under this bond, or by virtue of said office, post or trust, with coupons detached from bonds
of this State. Sealed with our seals, and dated this 28th day of July,
one thousand eight hundred and Ninety Seven.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas the above bound J. S. Brown
for the plaintiff in the cause of Martin & Asher vs
Parker Inspector & W. E. Blyson
on this bill in chancery against H. R. Parker Oyster Inspector of
Isle of Wight Co Va and W. E. Blyson

addressed to the Judge of the Circuit Court of the County of Isle of Wight
has obtained from the said Judge an injunction to injoin and restrain The defendant H. R.
Parker Oyster Inspector of Isle of Wight from surveying or marking
the natural oyster rock & shoal in the bill mentioned to W. E. Blyson
or any one & the deft W. E. Blyson from using or taking up said
natural oyster bed rock or shoal for planting or propagating oysters
on said bed rock or shoal
until the future order of the said court; and whereas it is provided, by the order of the said Judge awarding
the said injunction, that the plaintiff shall not have the benefit thereof until the plaintiff,
or some one for them, shall enter into a bond, with good security, in the clerk's office of the said
court, payable to the Commonwealth of Virginia, in the penalty of Two Hundred
dollars, and conditioned to pay all such costs as may be awarded against the
said plaintiff, and all such damages as shall be incurred in case the said injunction be dissolved. Now,
therefore, if the said J. S. Brown shall pay all such costs as
may be awarded against him, and all such damages as shall be incurred in case the said injunc-
tion be dissolved, then this obligation to be void, otherwise to remain in full force and virtue.

Executed in the presence of

J. S. Brown
M. B. Huston



In the Clerk's Office of the Circuit Court of the County of Isle of Wight
This day personally appeared before me N. F. Young, Clerk
of the Circuit Court of the County of Isle of Wight
M. B. Huston, and made oath
that his estate, after the payment of all his just debts, and those for which he is bound as
security for others and expect to have to pay, is worth the sum of Two
Hundred dollars, over and above all exemptions allowed by law.

Given under my hand this 28th day of July, 1897.

A Copy Test N. F. Young

N. F. Young Clerk.

M. Martin et als.

Vs.

H.R. Parker, Inspector and W.W.
Bloxom.

Notice of motion to dissolve
Injunction.

August ^{21st} 1897, Executed by de-
livering a true copy of the writ-
-hinnotice to the within named
M. Martin, W.I. Carter, J.G. Tennis,
I.S. Tennis, Claude Tennis, John
Garner, Richard Sadler, Washington
-n Wyatt, James Wyatt, Fred Isler,
Thos Marshall, Arthur Savage, P.M.
Carter, William Watkins, Smith
Watkins, Wm Powell and J.S.
Brown ~~over~~

Aug 21 1897
Per A. Edwards

Shk of Isle Wight Co

To M. Martin, W. T. Carter, J. G. Tennis, T. S. Tennis, Claude Tennis, John Garner, Richard Sadler, Washington Wyatt, James Wyatt, Fred Islam, Thos Marshall, Arthur Savage, P. H. Carter, William Watkins, Smith Watkins, Wm Powell and J. S. Brown.

Take notice, that on the *30th* day of August 1897, we shall move the Hon Robert R. Prentiss, Judge of the Circuit Court of the County of Isle of Wight, at his office in the town of Suffolk, at Eleven O'Clock A.M. of that day, to dissolve the injunction, heretofore granted by the Hon T. R. B. Wright, Judge of the Circuit Court of the County of Essex, on your application, enjoining and restraining H. R. Parker, Inspector of Oysters of the County of Isle of Wight, District No eleven from surveying or assigning to W. E. Bloxom or any one, the grounds in your bill of complaint mentioned, and therein alleged to be natural oyster bed, rock or shoal, and enjoining and restraining the said W. E. Bloxom from going on, using or taking up said grounds, in your said bill alleged to be natural oyster bed, rock or shoals, for planting or propagating oysters, until the further order of the Circuit Court of Isle of Wight.

W. E. Bloxom
H. R. Parker Inspector of
Oysters for the County of
Isle of Wight.
Boydell & Lee their attys.

M. Martin et al.

to } *Suspending*
COMMISSIONER'S
BOND.

Commonwealth.

November 29th 1897
Signed and acknowledged in
the Clerk's office of the Circuit
Court of Suffolk County, Mass.
and admitted to record.

Test. N. B. Young, C. C.

Recorded,
pg-73-

Know all men by these Presents, That we, *M. Martin, J. G. Ferris, J. Brown, W. Hyatt, Claude Ferris, W. H. Watkins, James T. Hyatt, Thomas Marshall, Joseph E. Willard, R. M. Soder, J. S. Ferris, J. E. Dalk, William M. Powell, Lorenzo Powell, James N. Spady and A. L. Savage*

are held and firmly bound unto the Commonwealth of Virginia, in the sum of

Two Hundred

Dollars,

to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligation, and any claim or right to discharge any liability to the Commonwealth arising under this bond, or by virtue of said office, post or trust, with coupons detached from bonds of this State. Sealed with our seals, and dated this *27th* day of *October* one thousand eight hundred and ninety *seven*.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound *whereas*

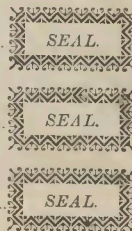
shall faithfully perform the duties of _____ office or trust, as

under a decree of the *Circuit* Court of the *County* of *Shelby* pronounced on the *25th* day of *October*, 1897, in the suit therein

depending under the name and style of *M. Martin et al vs. R. Parker Inspector et al*, it was decreed among other things, that said decree shall be suspended for sixty days when the complainants or some one for them shall give bond before the clerk of this court in the penalty of \$200.00 with a condition reciting the decree, and their intention to present a petition for an appeal & independent providing for the payment of all such damages as may accrue to any person by reason of such suspension in case such appeal to this court shall be allowed & be effectual within such sixty days. Now if the above bound *M. Martin* shall pay all such damages as may accrue by reason of such suspension should such suspension be allowed then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the presence of

M. Martin
J. G. Ferris
J. Brown

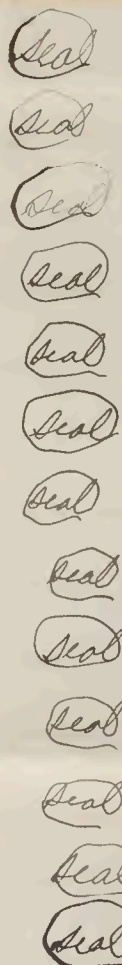


William F. Young

William F. Young

William F. Young

W. C. Hyatt
Claude Ferris
W. H. Watkins
James T. Hyatt
Thomas Marshall
Joseph E. Willard
R. M. Soder
J. S. Ferris
J. E. Dalk
William M. Powell
Lorenzo Powell
James N. Spady
A. L. Savage



In the Clerk's Office of the Circuit Court of the County of *Shelby*.
This day *J. G. Ferris, J. S. Brown, W. Hyatt, Claude Ferris, W. H. Watkins, James T. Hyatt, Thomas Marshall, Joseph E. Willard, R. M. Soder, J. S. Ferris, J. E. Dalk, William M. Powell, Lorenzo Powell, James N. Spady & A. L. Savage* accented the above bond made oath before me *W. F. Young* clerk of the *Circuit* Court of the County aforesaid that their estates after the payment of all their just debts and those for which they are bound as security for others and expect to have to pay, as worth the sum of \$200.00. Given and sworn, on this *29th* day of *Nov.* 1897.

W. F. Young cc.