1904-009 Chancery Causes: B. P. Chapman vs Mrs. Keturah Jones, Henry S. Jones et al

Isle of Wight County

other surnames: Wiley
Sheetz, Sheets

B. P. Chapman

vs } Bill of Complaint

Keturah Jones et als

Filed the 23d day of July 1902

2d July rules 1902. Bill and exhibits filed. Summons issued & dc. mise as to all adult defts

1st Aug rules 1902 Bill Taken for confessed and case set for hearing

April Term 1903. dc for accounts

October Term 1903. dc. confg. rept. & sale &c

June Term 1904 Final

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

To the Hom. Robert R. Prentis, Judge of the Circuit Court of Isle of Wight County:

Your complainant B. P. Chapman humbly complaining, respectfully represents that he recovered before a Justice of the Peace, a Judgment against one J. W. Wiley for $----- with interest thereon from the ----th day of the---- month 189 till paid, and $----- costs, and that an abstract of the said judgment was duly docketed in the clerk's office of the County Court of Isle of Wight County, all of which will more fully appear by reference to a certified extract of said judgment herewith filed as an extract marked "A" and is prayed to be taken and read as a part of this bill of complaint;

The said J. W. Wiley since the rendition and docketing of the said judgment as aforesaid, owned in fee simple a certain tract of land, situate in the county of Isle of Wight and described as follows; contains 15 acres, more or less, and is the same land conveyed by the said Wiley & wife to L. Sheetz by a deed recorded in the clerk's office of the County Court of Isle of Wight county in deed book No 52 p 125 reference to which is hereby made for better description.

which said tract of land owned in fee simple by the said J. W. Wiley, as aforesaid, was conveyed to L. Sheetz, and by him duly conveyed to Mr. or Mrs. H. L. Jones, of the County of Isle of Wight, who is now in possession of the saidtract of land.

Your complainant avers and charges that the rents and profits of this land will not in five years satisfy your complainant's judgment, and that he is entitled to the lien of the same enforced by a sale of the said real estate.

In tender consideration whereof your complainant prays that Mrs. Keturah Jones, wife of Henry L. Jones and Henry L Jones, her husband, and in his own right, J. W. Wiley and L. Sheetz be made parties defendants to this bill of complaint and be required t to answer the same, but an answer on oath is hereby expressly waived, that proper process issue, that all property orders and decrees may be made and entered, that if it shall appear that the said rents and profits of said real estate will not in five years satisfy your complainant's judgment, that the said real estate be sold and the proceeds of the said sale be applied in satisfaction of your complainant's said judgment; that if said land will so rent for enough in five years to pay off the said judgment that it be rented out and the rents and profits be applied to the said judgment until the same is fully satisfied; that all such other and further general relief may be given your complainant, as the nature of his case may require, or as to equity and good conscience may seem meet. And your complainant will ever pray, &c.

B. F. Lohman &
W. S. Holland
his attorneys

B. L. Chapman

vs. { SUBPOENA IN CHANCERY.

Keturah Jones et ale

Wm L. Holland p. q

To 2d July Rules,

Circuit Court.

B 3119

Executed on the within named Keturah Jones & H. L. Jones by delivering a Copy to each July. 12th 1902.

Ro. A Edwards

Sheff

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon Mrs. Hannah Jones wife of Henry L. Jones, and Henry L. Jones her husband and in his own right, D. Wiley and Leonard Shultz.

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 3d Monday in July 1902 to answer a bill in chancery, exhibited against them in our said court ~~for~~ by B. D. Chamberlayne

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at the court-house, the 9th day of July 1902, and in the 127 year of the Commonwealth.

N. F. Young c.c.

J. H. P.

B. P. Chapman

vs. { SUBPOENA IN CHANCERY.

Keturah Jones etals

Wm L. Holland p. q

To 2d July Rules,

Circuit Court.

B 3119

Executed this the 10th day of July 1902 by delivering a true copy of the within summons to J. H. Wiley in person

E. H. Hilstead Sergeant of City of Newport News Virginia. By C. C. Curtis Deputy Sgt.

The Commonwealth of Virginia,

Sergeant of the City of Newport News.

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

WE COMMAND YOU that you summon Mrs. Keturah Jones wife of Denny L. Jones and Denny L. Jones her husband and in his own right, J. W. Wiley and Leonard Sheets

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 2d Monday in July 1902, to answer a bill in chancery, exhibited against them in our said court ~~for~~ by D. P. Chapman

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at the court-house, the 9th day of July 1902, and in the 127 year of the Commonwealth.

N. F. Young cc.

July 11 th

B. P. Chapman

vs. { SUBPOENA IN CHANCERY.

Keturah Jones et als

Wm. L. Halland p. q

To 2d July Rules,

Circuit Court.

B3319

Executed the 11, July 1902
by delivering a true copy
of the within Summons to
Mr Leonard Shultz in
person
R. R. Curtis Sheriff
by R. L. Sinclair depty

The Commonwealth of Virginia,

To the Sheriff of the County of ~~Isle of Wight~~ Elizabeth City, Greeting:

WE COMMAND YOU that you summon Mr. Keturah Jones wife of Henry L. Jones, Henry L. Jones her husband and in his own right, J. W. Wiley and Leonard Sheitz

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 2d Monday in July 1902, to answer a bill in chancery, exhibited against them in our said court for by B. P. Chapman

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at the court-house, the 9th day of July 1902, and in the 127 year of the Commonwealth.

N. F. Young C.C.

Law Offices of
S. Gordon Cumming.
Hampton, Virginia.

April 15th., 1901.

Mr. H. L. Jones,

Isle of Wight County, Va.,

Dear Sir:-

In reply to your letter of April 11th., 1901, I beg to state I have already advised Mr. Sheetz to settle the judgement which constitutes a lien upon the land sold by him to you. I can do nothing further than this.

Yours very truly,

S. Gordon Cumming.

B. P. Chapman

vs. } Report of Comr. Hanna

Keturah Jones et al

Filed October 14th 1903

COMMISSIONER'S OFFICE,

Isle of Wight Va. Oct. 12th.1903

Pursuant to a decree of the Circuit Court of the County of Isle of Wight, rendered on the 27th. day of April, 1903, in a suit in chancery depending in said court between B. P. Chapman, Plaintiff, and Mrs. Kitturah Jones, wife of Henry L. Jones, and Henry L. Jones, her husband, and in his own right, J. W. Wiley and Leonard Sheetz, defendants; the undersigned, one of the Commissioners of the said Court, to whom was referred, by the said decree, to take, state and report to the court the following inquiries and accounts: 1st. Any land or interest in land owned by the defendant, Leonard Sheetz, since the judgment in the bill mentioned was docketed; the annual and fee simple value thereof. 2nd. Whether said land will rent for enough, in five years, to pay off the said judgment. 3rd. whether or not there are any liens for taxes or otherwise, on the said land. 4th. Any matter deemed pertinent by the said Commissioner or which may be required to be so taken, stated and reported by any party in interest.

Your Commissioner reports to the Court that on the 9th. day of September, 1903, he issued notices against the several parties aforesaid, requiring them to attend the taking and stating of the several accounts, before him, at his office, on the 22nd. day of September, 1903 which said notices were returned to your Commissioner properly served.

Your Commissioner reports to the Court that J. W. Wiley and M. A. Wiley, his wife, did, by their deed, bearing date on the 29th. day of September, 1894, duly recorded in the Clerk's Office of Isle of Wight County Court on the 8th. day of October, 1894, in Deed Book No. 59, at page 125, convey unto Leonard Sheetz, a tract of land containing fifteen acres, lying and being in the County of Isle of Wight, showing that the said deed was recorded about one year and eleven months after the judgment in the bill mentioned was docketed.

Your Commissioner is of opinion that $50.00 is a fair fee simple value for the land in the bill mentioned; and the said land could not be rented out, in five years, for enough to pay off said judgment.

Your Commissioner finds no liens on the land mentioned in the bill, either by taxes or otherwise.

Given under my hand as Commissioner of the said Court the day and year first aforesaid.

N. D. Young
Commissioner.

Comm'r fee $11.00
Sheff. Isle of W. " 1.00
" E. City " .50
" Newport News " .50

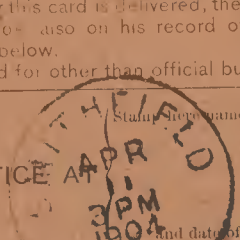
When the registered letter or parcel accompanying this card is delivered, the Postmaster will require signature to the receipt on the other side, also on his record of registered deliveries, and mail this card without cover to address below.

A penalty of $300 is fixed by law for using this card for other than official business.

Post Office Department,

OFFICIAL BUSINESS.

POST OFFICE AT [illegible] Stamp here name of Post Office and date of delivery.



RETURN TO:

Name of Sender, Mr A. F. Yowell

Street and Number, or Post Office Box. Route of Wright No 1

Post Office at [illegible]

County of [illegible], State of [illegible]

Form 1548.

REGISTRY RETURN RECEIPT sent 4/2, 1904

Reg. No. 125 from Post Office at Salt Lake City Utah

*Reg. Letter / Reg. Parcel } Addressed to Henry L. Dawes
Washington D.C.

After obtaining receipt below, the Postmaster will mail this Card, without cover and without postage, to address on the other side.

RECEIVED THE ABOVE DESCRIBED REGISTERED { ***LETTER.** / **PARCEL.**

(Sender's name on other side.)

SIGN ON DOTTED LINES TO THE RIGHT.

When delivery is made to other than addressee, the name of both addressee and recipient must appear.

H L Dawes
A. R. Dawes

* Erase letter or parcel according to which is sent.

B. P. Le Chapin

" " " "

Mrs Ketcha Jones
et. al.

Entered Oct. 27, 1903
Robert C. Ellis

C.O.B. 6 p. 301.

B. P.Chapman,
vs)
Mrs Kitturah Jones, Henry L. Jones, J. W. Wiley and Leonard Sheets

This cause came on this day to be heard on the bill of complaint, taken for confessed, the defendants having been duly summoned to answer and still failing to appear, plead, answer or demur, and was argued by counsel:

On consideration whereof, the Court doth adjudge, order and decree, that one of the Commissioners, of this Court, take, state and report to Court, the following inquiries and accounts:

FIRST: Any land or interest in land owned by the defendant, Leonard Sheets since the judgment in the bill mentioned was docketed: The annual and fee simple value thereof?

SECOND: Whether said land will rent for enough in five years to pay off the said judgment?

THIRD: Whether or not there are any liens for taxes, or otherwise, on the said land?

FOURTH: Any matter deemed pertinent by the Commissioner, or which may be required to be so taken, stated and reported, by any party in interest.

9207

B. P. Chapman

Vs

Keturah Jones et als.

-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-

D E C R E E .

To be entered

October 26, 1903.

Robert R. Prentis

C.O.B. No. 6, page 309

B. P. Chapman

Vs

Keturah Jones et als.

This cause came on this day to be again heard on the papers formerly read, and on the report of Commissioner Young, filed herein on the 14th day of October, 1903, and was argued by counsel.

On consideration whereof, the Court doth adjudge, order and decree, that the said report of Commissioner Young, to which there is no exception, be, and the same is, hereby ratified, approved and confirmed; and that unless J. W. Wiley or some one for him shall within two months from the rising of this Court, pay to the said plaintiff or his attorney, the cost of this suit and the sum of $53.00 with interest thereon at the rate of six per centum per annum from the 3d day of August, 1888 till paid, it being the amount of the judgment in the bill and proceedings mentioned, and also pay the sum of $1.55 it being the cost of said judgment and the docketing of the same, then in that event Wm. S. Holland, who is hereby appointed a Special Commissioner for that purpose shall proceed to sell the land in the bill and proceedings mentioned, and especially referred to in the report of the said Commissioner Young, by public auction, to the highest bidder, for cash one-third, and the rest one year after date of sale, purchaser to give bond for the deferred payment, with interest from the date of said sale, and the said Special Commissioner shall advertise the time, terms, and place of sale for at least twenty days, by printed hand bills before the day of sale; but the said Special Commissioner shall not proceed to execute this decree by selling the said land until he shall have first entered into a bond before the Clerk of this Court in the penalty of $100.— for the faithful performance of his duty under this and all subsequent decrees herein and conditioned according to law. And the said Special Commissioner shall make report to Court.

The Court doth further adjudge, order and decree, that if the said Keturah Jones shall pay the said cost and the said judgement and the cost of the same as hereinbefore mentioned, she shall be substituted in the room and stead of B. P. Chapman and shall have the same lien and all the rights which B. P. Chapman now has against the said judgement debtor, J' W. Wiley; and her payment of the said money shall in no wise prejudice her rights as against Leonard Sheetz, the grantor in the deed for the said land to the said Keturah Jones.

B. P. Chapman.
vs.
Keturah Jones.

Decree

To be entered
June 7th 1884.
Robert R. Ellis

Entered in D. & C. B. # 6
page 353.

B. P. CHAPMAN. *
*
vs. *
*
KETURAH JONES. *

This cause came on this day to be again heard on the papers formerly read, and was argued by Counsel.

On consideration whereof, it appearing to the Court by a statement of the plaintiff that the principal and interest of the debt in the bill and proceedings mentioned has been fully paid together with all cost of the judgment in the bill and proceedings mentioned and of this suit, on motion of the plaintiff it is ordered that this suit be removed from the docket.

FORM No. 400.

B. P. Chapman

vs. } COMMISSIONER'S NOTICE.

Keturah Jones Hale

Sept 22/03

Executed on B.P. Chapman H L Jones and Keturah Jones each a copy of this Notice Sept. 17th 1903.

R. A. Edwards
Sheff.

.5 Copies

Everett Waddey Co.,
Stationers and Printers,
Richmond, Va.
Form No. 400.

Commissioner's Office,

September 9th 1893

To B. P. Chapman defendant: and Keturah Jones, wife of Henry L. Jones and Henry L. Jones her husband, and in his own right, J. W. Wiley and Leonard Sheltz

You are hereby notified that I have fixed upon the 22 day of September 1903 ~~next~~, if fair; if not, on the next fair day thereafter (Sunday excepted), to take and settle, at my office, the account of 1st. Any land or interest in land owned by the defendant Leonard Sheltz since the judgment in the bill mentioned was docketed. The annual and fair simple value thereof. 2d Whether said land will rent for enough in five years to pay off the said judgment. 3d Whether or not there are any liens for taxes or otherwise on the said land. 4th Any matter deemed pertinent by the said Commissioner, or which may be required to be so taken, stated and reported by any party in interest.

required to be taken by a decree of the Circuit Court of the County of Isle of Wight rendered on the 29th day of April 1903 ~~189~~, in a suit in chancery depending in said Court between B. P. Chapman vs Keturah Jones et als

at which time and place you are required to attend.

Given under my hand, as Commissioner in chancery of the said court, the day and year first aforesaid.

N. F. Gunn C.C.

B. O. Chapman

vs. } Com. Notice

Keturah Jones et als

Executed this 18th day
of September 1903.
by serving a true
Copy of the within
Notice on Leonard
Sheets in person.

John B. Clay
Town Sergeant

COMMISSIONER'S OFFICE,

Isle of Wight, Va., Sept. 9th.1903.

To B. P. Chapman, Plaintiff; and Kitturah Jones, wife of Henry L. Jones, and Henry L. Jones, her husband; and in his own right; J. W. Wiley and Leonard Sheetz; defendants.

You are hereby notified that I have fixed upon the 22nd. day of September, 1903, if fair; if not, the next fair day thereafter (Sunday excepted) to take and settle, at my office, the accouht:

1st. Any land or interest in land owned by the defendant, Leonard Sheetz, since the judgment in the bill mentioned was docketed.

2nd. Whether said land will rent for enough in five years, to pay off said judgment.

3rd. Whether or not there are any liens for taxes, or otherwise, on the said land.

4th. Any matter deemed pertinent by the said Commissioner, or which may be required to be so taken, stated and reported by any party in interest:

Required to be taken by a decree of the Circuit Court of the County of Isle of Wight, rendered on the 27th. day of April, 1903, in a suit in Chancery depending in said Court between B. P. Chapman, Vs. Kitturah Jones, et als., at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the day and year first aforesaid.

N. F. Young.
Commissioner.

B. P. Chapman

vs. } Com. Notice

Keturah Jones et als

Executed this the
2nd day of
September 1903
by serving a true
Copy of the within
Notice on J. W.
Wiley in person

E. W. Mibstead
Sergt Newport News

Fee paid
by N.T. Young

COMMISSIONER'S OFFICE,

Isle of Wight, Va., Sept. 9th.1903.

To B. P. Chapman, Plaintiff; and Kitturah Jones, wife of Henry L. Jones, and Henry L. Jones, her husband; and in his own right; J. W. Wiley and Leonard Sheetz; defendants.

You are hereby notified that I have fixed upon the 22nd. day of September, 1903, if fair; if not, the next fair day thereafter (Sunday excepted) to take and settle, at my office, the accouht:

1st. Any land or interest in land owned by the defendant, Leonard Sheetz, since the judgment in the bill mentioned was docketed.

2nd. Whether said land will rent for enough in five years, to pay off said judgment.

3rd. Whether or not there are any liens for taxes, or otherwise, on the said land.

4th. Any matter deemed pertinent by the said Commissioner, or which may be required to be so taken, stated and reported by any party in interest:

Required to be taken by a decree of the Circuit Court of the County of Isle of Wight, rendered on the 27th. day of April, 1903, in a suit in Chancery depending in said Court between B. P. Chapman, Vs. Kitturah Jones, et als., at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the day and year first aforesaid.

N. F. Gaines

Commissioner.

Law Offices of
S. Gordon Cumming
Hampton, Virginia

September 19th 1903.

Mr. N. F. Young,

Commissioner in Chancery,

Isle of Wight, Virginia.

Dear Sir:-

I have been handed a notice signed by you as Commissioner that you have set the 22nd day of September, 1903, conditionally, for taking an account in a suit, the title to which you do not give.

You will find the return on this notice purporting to have been executed by the Sergeant of the Town of Hampton on Leonard Sheetz. The Sergeant did deliver this paper to Mr. Sheetz, but it was without his bailiwick, in the County of Holy City This letter, if it be construed as any appearance on the part of Mr. Sheetz, whose Counsel I am, is to be taken as a special apperance only, as I do not desire to waive any right to object, if I desire to make it, for a lack of proper service of this notice.

I am not cognizant of the exact status of this suit, but believe it is to enforce a judgment obtained by B. P. Chapman against J. W. Wiley. My impression is that the bill seeks to sell 15 acres of land which were bought by Sheetz after the judgment was docketed against Wiley, and subsequently sold by Sheetz, with an adjoining tract of 45 acres, (the Spaulding tract), to the defendant Henry Jones.

Please advise me as to whether the bill seeks to subject Sheetz in any way directly, other than as to these 15 acres.

Yours very truly,

C. S. Gordon Cumming

COMMISSIONER'S OFFICE,

Isle of Wight Va. Sept. 28hh.1903.

To B. P. Chapman, Plaintiff; and Kitturah Jones, wife of Henry L. Jones, and Henry L. Jones, her husband; and in his own right; J. W. Wiley and Leonard Sheetz; defendants.

You are hereby notified that I have fixed upon the 7th. day of October, 1903, if fair; if not, the next fair day thereafter, (Sunday excepted) to take and settle, at my office , the account:

1st. Any land or interest in land owned by the defendant, Leonard Sheetz, since the judgment in the bill mentioned was docketed.

2nd. Whether said land will rent for enough in five years to pay off said judgment.

3rd. Whether or not there are any liens for taxes, or otherwise, on the said land.

4th. Any matter deemed pertinent by the said Commissioner, or which may be required to be so taken, stated and reported by any party in interest:

Required to be taken by a decree of the Circuit Court of the County of Isle of Wight, rendered on the 27th. day of April, 1903, in a suit in Chancery depending in said Court between B. P. Chapman, vs. Kitturah Jones, et als. at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery on the said Court, the day and year first aforesaid.

A. D. Young Comm'r

A Copy, Teste A. D. Young Comm'r.

Office of .....

R. K. CURTIS,

Sheriff of Elizabeth City County.

Hampton, Va., Oct 13th 1903

Mr. Young

Dear Sir

Your letter of Oct 8th received and am sorry that the papers were not served had misplaced them in cleaning out my pockets and have about two hours finding them, Answer them and they shall be served.

Yours Truly

R. K. Curtis

Oct. 8th. 1903.

The Sheriff of Elizabeth City County,
Hampton, Va.

Dear Sir:

About the first of the month I sent you a Commissioners Notice to be served on Leonard Sheetz. So far I have not heard a word from you. I also enclose the money to pay for the service. Will you kindly advise if you have ever received same and if it has been properly served.

Awaiting your reply, I am,

Yours very truly,

_____