

1908-033 Chancery Causes A. H. Baker, assignee of W. H. Campbell, trustee vs S. M. Holland

Isle of Wight County

→ Joel P. Holland

Other Surnames [Britt & Company]
Gardner, Lawrence, Britt
Mahoney, [J. & E. Mahoney]

Baker assignee

vs. { Complanon Bill

Hollons S. M. et al;

1st September rules 1898

Bill exhibits files, sum expts
De. nisi

2 September rules 1898

Bill taken for confessor and
con let for hearing.

Oct. 24/98

De. for acts

Oct 23/99 de overruling part
of report 28.

Dismissed June 1, 1908

that proper process issue, that all proper orders and decrees may be made and enquiries directed, that if it shall appear that the said land will rent for enough in five years to pay off all liens including your orator's debt then that the same may be rented out, and the rents and profits arising therefrom paid to your orator on his debt and the costs of his suit, and if the land will not rent for enough in five years to pay all the liens thereon on he prays that that the same may be sold and the proceeds of sale applied and a reasonable fee be allowed counsel for plaintiff in this suit, to the payment of all liens on the same including that of your orator, and that all such other and further general relief may be given your orator as the nature of his case may require or to equity and good conscience may seem meet. And your orator will ever pray.

Wm S. Hall and p.q.

A. H. Baker
Assignee of W.H. Campbell trustee
for Barton & Co.

In the Circuit Court of Isle of Wight county, Virginia.

To the Honorable, Robert R. Prentiss, Judge of the Circuit Court of
Isle of Wight county, Virginia:

Your orator, A.H. Baker assignee of W.H. Campbell trustee for Britt & Co, humbly complaining, shows to the court the following cases:-

That on the th day of 189 the said W.H. Campbell recovered before a Justice of the Peace in and for the county of Isle of Wight a judgment for thirty seven (37) dollars and ^{and 76 cents} ~~seventy six (76)~~ cents on a bond containing a waiver of the Homestead Exemption against S.M. Holland and Joel P. Holland, and that the same was duly docketed in the clerk's office of the County Court of Isle of Wight county on the th day of 1898, all which will more fully appear by reference to an abstract from the records filed herewith as an exhibit, and, marked "A" and prayed to be taken and read as a part of this bill of complaint.

Your orator says that for a valuable consideration the said trustee in the discharge of his duties as trustee sold and assigned to your orator, the said A.H. Baker, the said judgment, and, that by reason of the said sale and assignment it is now his own property.

Your orator says that the said S.M. Holland ^{in fee} owns a large farm supposed to contain about 350 acres, about fifteen miles from the Court House in the county of Isle of Wight in the state of Virginia, which adjoins the lands of the estate of the late Lullow Lawrence and others, on which your orator is informed there are other liens but not enough to take the whole of the value of the lands. Your orator says that he thinks the said lands will rent for enough in five years to pay his debt and all costs incurred in this suit and in the recovery of the said judgment.

In tender consideration whereof and for as much as your orator is remediless save in this court where such matters are alone and properly cognizable, he prays that the said S. M. Holland and Joel P. Holland may be made parties to this suit and required to answer this bill, but an answer on oath is hereby expressly waived as proved by the statute,

Baker v. Holland

SUBPOENA

IN CHANCERY.

vs.

Holland et al.

Wm. S. Holland p. q.

To *First September* Rules.

Court.

Quarant

Examinated by depositions to the whole
 named, Joel P. Holland, & Sallie Lee,
 Holland, with a true copy of
 the evidence & depositions, *etc.*
 Sept 1st / 1898

Ro. A. Edwards

Sho

The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight - Greeting;

WE COMMAND YOU, That you summon

Joel P. Holland and
S. M. Holland

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 September

1898, to answer a bill in chancery exhibited against them in our said court by
A. N. Baker assignee of H. N. Campbell trustee for
Britt & Co.

And have then there this writ. Witness, W. J. Young, Clerk of our said Court,
at the court-house, the 20th day of August 1898, and in the 123 year of the
Commonwealth.

W. J. Young

Baker Assignee

vs. { Comr report

Holland S.M. et al

Filed October 13th 1899

Teste N. J. Young & Co.

against the said Sallie M. and Joel P. Holland, including the judgment in favor of the complainant which are liens upon their real estate, and also account marked B of the real estate which are subject to the said deeds of trust and judgments.

Your commissioner reports that the amount of the said liens by deeds of trust and judgments as shown by account A is \$ 6599.31 and that the fee-simple value of the said land as shown by account "B" is \$ 4000.00 and its annual value is \$ 250.00

Your commissioner reports that there are no liens for delinquent taxes upon the said lands.

Your commissioner further reports, under the head of any matter deemed pertinent or required to be so stated, that Sallie M. Holland owns in her own right 674 acres of land on Black water river, bounded as follows: on the north by the lands of Solomon Carr, East by the lands of Randall Vaughan, South by the lands Edwin Bradshaw and Joseph Lankford, West by the lands belonging to the estate Ludlow Lawrence, deceased and others and is the same tract of land conveyed to the said Sallie M. Holland by deed from Joel P. Holland her husband, dated -----189- and recorded in the clerk's office of the court of the county of Isle of Wight, in Deed Book-----page-----.

Your commissioner farther reports that the lands in the bill and proceedings mentioned will rent for enough in five years to pay the debt of the plaintiff, and the costs of this suit.

*The priorities of the said liens
are indicated by figures 1, 2, 3 and 4*

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

Time employed-----13-----hours
Fee\$-----7.85-----

Samuel H. Edwards

"B"

A N A C C O U N T of the real estate of the said
Sallie M. Holland and Joel P. Holland, subject to liens
by deed or trust, by judgment or otherwise, together
with the fee-simple and annual value of said real
estate-----

Fee-Simple---Annual value

One tract of 674 acres, standing charged
on the land books of Isle of Wight
county, in the name of

Sallie M. Holland-----\$ 4000.00 \$ 250.00

COMMISSIONERS OFFICE

ISLE OF WIGHT C. H. Va.,

SEPTEMBER 6th. 1899.

To the circuit court of Isle of Wight county:

Pursuant to a decree of the said court rendered on
at the October term, 1898, in a suit in chancery depen-
ding therein, between A. H. Baker, assignee of H. W. Campbell
trustee for Britt & Co., plaintiff, and S. M. Holland and
Joel P. Holland, defendants, the undersigned a commissio-
ner in chancery of the said court, to whom was referred
the following enquiries and accounts: 1st. The annual
and fee-simple value of the lands in the bill and pro-
ceedings mentioned. 2nd. an account of the liens on the
lands in the bill and proceedings mentioned, stating
their priorities, and especially an account of any lien
for delinquent taxes, 3rd: whether the land in the bill
and proceedings mentioned will rent for enough to pay
the debt of the plaintiff, and the costs of this suit,
in five years, fourth; any matter deemed pertinent by the
commissioner, or which may be required by any party in
interest to be so taken, stated and reported, reports
that on the 28th day of August 1899, he issued notices
against the said parties, requiring them to attend the
taking of the said accounts, at his office, on the 6th
day of September 1899, all of which notices were retur-
ned to your commissioner duly executed, and on the date
of this report your commissioner completed the forego-
ing account, marked A; of deeds or trust and judgments

1st- C.E. Holland trading as C.E. Holland & Co.,
 Judgment of a Justice v. Joel P.
 Holland, - \$23.31
 Interest from March 23rd 1894,
 to October 24th 1899, \$11.25
 Costs----- \$1.10-----\$45.66

*Doctura
 Apie and
 1892*

2nd- J. L. Dawson, Judgment of the Circuit
 Court, April term 1894, v. Joel P. Holl-
 and and Sallie M. Holland for -- \$116.39
 Interest from Dec 5th 1893,
 to October 24th 1899, \$56.47
 Costs----- \$ 8.20-----\$181.06

3rd- John L. Lawrence administrator of
 J. Lee Lawrence, deceased, Judgment of
 county court for cost of defending
 a warrant transferred from a Justice
 v. Sallie M. Holland, April 25th 1895,
 for---- \$ 6.17
 Interest----- \$ ----\$ 6.17

4th- John Mahoney and Edward Mahoney, par-
 tners trading as J. & E. Mahoney, Judg-
 ment of circuit court April term,
 1896, v. Sallie M. Holland and Joel P.
 Holland for -- \$206.72
 Interest on \$82.25 part thereof
 from 30th day of ~~aprix~~ July 1893,
 to October 24th 1899, -- \$ 30.84
 Interest on \$124.47 remainder
 thereof from 5th of September 1893,
 to Oct 24th 1899. --- \$ 46.03
 Costs----- \$ 8.20-----\$291.79.
(Homestead waived)

5th- H. W. Campbell Trustee for Brit & Ely
 Judgment of a Justice of the Peace
 Oct 8th 1894, against Sallie M. Holland
 and Joel P. Holland, Doctura Dec 7th 1894
 for *(Homestead waived)* \$ 37.76

Interest from Apie 4th 1894
 to Oct 24th 1899,
 Costs 12.52
 2,05-#5233

"A"

An account of all claims against or debts due by the defendants, Sallie M. Holland and Joel P. Holland, secured by them upon their real estate by virtue of deeds of trust, judgments or otherwise, including the judgments in favor of the ~~xxxxxxx~~ complainant:

(4)

1st. A Deed of Trust from Sallie M. Holland and Joel P. Holland, to A.L. Gardner trustee for M.V. Davis, dated March 28th 1890, ~~or~~ *Recorded March 29th 1894 for* \$2000.00

(100-)

A deed of trust from Joel P. Holland to A.L. Gardner, trustee, dated January 5th 1891, and recorded January 7th 1891, for----- \$862.40
Interest----- \$ ----

(1)

A deed of trust from Joel P. Holland to A.L. Gardner trustee, *for J. L. to* dated Dec 24th 1890, and recorded January 7th 1891, *for flat* for----- \$660.00
Interest----- \$ ----

(1)

A deed of trust from Joel P. Holland to A.L. Gardner trustee, *for J. G. Cutchin* dated Dec 26th 1890, and recorded January 7th 1891, for----- \$500.00
Interest----- \$ ----

(2)

A deed of trust from Joel P. Holland and Sallie M. Holland, ~~xxxxxx~~ to A.L. Gardner trustee, dated May 4th 1891, and recorded May 12th 1891, on Lot in Carrsville, for----- \$1000.00
Interest----- \$ ----

(3)

A deed of trust from Joel P. Holland and Sallie M. Holland to Jas. L. McLemore, trustee, *for J. G. Hindred* dated June 23rd 1892, ~~and~~ recorded July 2nd 1892, for----- \$1000.00
Interest, ---- \$ ----

A. H. Baker, Assignee,

vs.

S. M. Holland, et als.

D E C R E E

October 24, 1898.

To be entered:

Robert M. Prentiss

Entered

A. H. Baker, Assignee of ~~V.~~ ^W H. Campbell,
Trustee for Britt & Co.,
vs.
S. H. Holland and Joel P. Holland.

This cause came on this day to be heard on the bill of complaint taken for confessed as to all the defendants, on whom process has been duly served, they 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. - The annual and fee-simple value of the lands in the bill and proceedings mentioned.

Second. - An account of the liens on the lands in the bill and proceedings mentioned, stating their priorities, and especially an account of any lien for delinquent taxes.

Third. - Whether the land in the bill and proceedings mentioned will rent for enough to pay the debt of the plaintiff, and the costs of this suit, in five years.

Fourth. - Any matter deemed pertinent by the commissioner, or which may be required by any party in interest to be so taken, stated and reported.

Baker assignee &c
vs

Joel P. Hollander
and others.

De cue

To be entered -
Octo 23, 1899

Robert R. Dentis

execute this decree he shall
enter into a bond before the
clerk of this court in the penalty
of \$300. — with surety by
the said clerk deemed
sufficient and conditioned
for the faithful performance
of the duties of said Spe-
cial Commissioner under
this and all subsequent
decrees hereinafter made, and said
bond shall be ^{made} payable
according to law.

Baker assignee &c

vs.

Joel P. Holland & wife

This cause came on this day to be again heard on the papers formerly read and on the report of Commissioner S. H. Edwards filed herein on the 13th day of October 1899, ^{to which no exceptions have been filed,} and was argued by counsel:

On consideration whereof the court doth adjudge, order and decree, without ^{doing} affirming said report of Commissioner S. H. Edwards, that Wm. S. Holland, who is hereby appointed a special Commissioner, for that purpose proceed to rent, ^{by public auction} for the year 1900 the farm whereon Joel P. Holland lives in Isle of Wight county containing 644 acres, more or less, taking from the renter and bond with good security payable December 1st ~~1899~~ ¹⁹⁰⁰ for the rent, but before said Wm. S. Holland shall proceed to

A. H. Campbell trustee
for Bond & Co.

vs.

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EXTRACT
JUDGMENT.

A. M. Holland & Jacob C. Holland

p. q.

Exhibit "A."

Virginia: In the *I. F. Ellis* Justice Court of the County of *Mecklenburg*
the *8th* day of *October* 1896

N. H. Campbell trustee for Brit. & Ellis

Plaintiff

Against

Salhi M. Holland & Joel R. Holland

Defendant

Docketed
Dec. 7th 1896

Judgment in favor of the plaintiff against the defendant for the sum of
Thirty Seven dollars and *Seventy Six* cents,
with interest thereon, to be computed after the rate of six per centum per annum, from the *4th* day
of *April* 1894

till payment, and the costs. Plaintiff's costs \$ *2.00*

An extract—Teste.

N. J. Young Clerk.

Plaintiff's Attorney.

J. E. Mahony

vs.

}

EXTRACT
JUDGMENT.

S. M. & J. P. Holland

Wm. S. Holland p. q.

See 35-4

Virginia: In the Circuit Court of the County of Isle of Wight
the 28th day of April 1896

John Mahoney & Edward S. Mahoney partners
trading as J. & E. Mahoney

Plaintiff

Against

Sallie M. Holland & Joel P. Holland

Defendant

Judgment in favor of the plaintiff against the defendant for the sum of Two Hundred
& Six dollars and Seventy Two cents,
with interest thereon, to be computed after the rate of six per centum per annum, from the 30th day
of July 1893, on \$82.²⁵ paid thereof and on \$124.⁵⁷ remainder
thereof from 5th of Sept 1893
till payment, and the costs. Plaintiff's costs \$ 8.²⁰

An extract—Teste.

A. J. Young

Clerk.

Wm. S. Holland

Plaintiff's Attorney.

July 6 in 1854
Returned my effects
R. H. E. Shippe

Smithfield Male and Female Institute, —Smithfield, Virginia—

The opening session of the SMITHFIELD MALE AND FEMALE INSTITUTE will begin on Monday, October 2, 1899. A competent and fully equipped corps of teachers has been employed, and we feel confident in assuring the public that no pains will be spared to fully meet the educational needs of Smithfield and the surrounding country.

Departments of Instruction.

The primary and advanced English courses will be thoroughly taught in one department, the languages in another, and there will be a thorough course in Vocal and Instrumental Music.

Boarding Facilities.

Arrangements are now being made to furnish good board at reasonable rates to all non-resident pupils.

Instruction and Discipline.

The trained and experienced teachers will give their whole time during school hours to instruction in modern methods, and will be required to exercise a general supervision over the pupils, and in matters of discipline the teachers will have the thorough co-operation of the Board of Directors.

Object of the Institute.

We propose to make the Institute a preparatory school for any College or University in our State, and we earnestly and confidently ask the support of the community in this important work.

Sources of Information.

For terms and all details as to board and school accommodations, we take pleasure in referring all interested to the Secretary, Mr. JOHN L. UNDERWOOD, or any member of the Board of Directors.

JOHN W. LAWSON, PRESIDENT.

JOHN L. UNDERWOOD, SECRETARY.

Executed by delivering a copy of this
motion to Joel P. Hallowell, & Sallie H. Hallowell
each a true copy of the within
summons. Sept 1st 1848. Ro. H. Edward
Sept.

To Mr. Joel P. Holland and Mrs. S.M. Holland:-

Please take notice that on the 20th day of September 1898 at his office in the town of Suffolk, Virginia, I shall apply to the Honorable Robert R. Prentiss, Judge of the Circuit Court of the county of Isle of Wight to enter an interlocutory decree for enquiry and accounts in the suit in the said Circuit Court pending in which you are the defendants and I am the plaintiff.

A.H. Baker assisnee of W.H. Campbell
trustee for Brit & co. by

Wm S. Halland his atdy.

I hereby accept due and legal service of the
within.
Sept. 1. 1899.

A.H. Baker assignee
W.H. Leuppell trustee
for Britt & Co.
by W.S. Halland
his attorney.

Exempted by delivering a copy of the
notice to A.H. Baker, Bactin Mc. Halland,
& Jael P. Halland each Sept 1st 1899.
Re. A. Leuppell & Co.

FORM NO. 400.

Baker assignee

COMMISSIONER'S NOTICE.

U.S.

Holland & Volkmann

Commissioner's Office,
Isle of Wight C.H., Virginia

August 28th 1899

To A. H. Barker Assignee of W. H. Campbell
Trustee for Brice & Co. and
To S. M. Holland and J. P. Holland

You are hereby notified that I have fixed upon the 6th day of September next,

if fair; if not, on the next fair day thereafter (Sunday excepted), to take and settle, at my office, the account

of First, The annual and fee-simple value of the lands in the bill and proceedings mentioned; Second, an account of the liens on the lands in the bill and proceedings mentioned, stating their priorities, and especially an account of any lien for delinquent taxes; Third, whether the land in the bill and proceedings mentioned will rent for enough to pay the debt of the plaintiff, and the costs of this suit, in five years; Fourth, any matter claimed pertinent by the complainant, or which may be required by any party in interest to be so taken, stated and reported

required to be taken by a decree of the Circuit Court of the County of Isle of Wight

rendered on the 24th day of October 1898, in a suit in chancery depending in said

Court between A. H. Barker Assignee of W. H. Campbell
Trustee for Brice & Co. Plaintiff

and,

S. M. Holland and J. P. Holland
Defendants

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.

Samuel H. Edwards
Commissioner in Chancery