

1909-027 Chancery Causes: B. P. Chapman vs George E. Andrews

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Isle of Wight County

other SURNAMES: MORRISON

Virginia: Clerk's Office of the Circuit Court of the County
of Isle of Wight, March 13th. 1909.

Exhibit "A"

I, A. S. Johnson, Clerk of the Circuit Court of the County of
Isle of Wight, State aforesaid, do certify that it appears
from the records in my office;-that, on the 7th. day of De-
cember, 1908, in the Circuit Court of said County, B. F. Chap-
man recovered a judgment against George M. Andrews for the
sum of \$468.68, with interest thereon from the 12th. day of
December, 1904 till paid, and \$7.02 costs, which said judg-
ment was docketed January 4th. 1909, in J.L.D. No. 3 at page
95. The evidence of debt upon which judgment was rendered con-
tains a waiver of the Homestead Exemption. I also certify that
execution issued on the said judgment on January 6th. 1909,
and that the same has been returned to this office endorsed
"no effects" as of Feb. 23rd. 1909.

Given under my hand this 13th. day of March, 1909.

A. S. Johnson

C.C.

E. H. Morrison, et ux,

To) Bargain and Sale. D. B. No. 47, page 198.

George E. Andrews,

THIS DEED, made this the 16th. day of July in the year eighteen hundred and eighty three between E. H. Morrison and Sarah Augusta, his wife, of the County of Isle of Wight, in the State of Virginia, of the first part, and George E. Andrews of the second part.

WITNESSETH, That in consideration of the sum of One Hundred and Seventy five dollars, the said E. H. Morrison and Sarah Augusta do grant with general warranty, unto the said George E. Andrews his heirs and assigns the following property, to-wit: A tract of land lying and situated in the County and State aforesaid containing ten acres bounded as follows: On the North by the land of W. D. Folk, on the East by lands of J. P. Andrews, on South by the lands of E. J. Chambliss now W. D. Folk and on the west by the lands of Geo. W. Andrews. It being a portion of a tract of land conveyed to E. H. Morrison by a deed bearing date 1st. February 1870, duly recorded in the Clerk's _____ from E. J. Chambliss, A. D. Chambliss, C. B. Hayden, John W. Andrews, James Thomas, S. R. Durfey, Josephine Durfey and W. H. Stephenson.

The said E. H. Morrison and Sarah Augusta his wife covenant that they are seized in fee of the said land that they have the right to convey the said land to the grantee; that the grantee shall have quiet possession of the said land free from all encumbrances; that they, the said parties of the first part, will execute such further assurances of the said land as may be requisite; and that they have done no act to incumber the said land.

Witness the following signatures and seals the day and year first above written.

E. H. Morrison, (SEAL)

S. A. Morrison, (SEAL)

Exhibit B

State of Virginia,

County of Isle of Wight, to-wit:

I, J. Henning Nelms a Notary Public for the County aforesaid, in the State of Virginia, do certify that E. M. Morrison whose name is signed to the writing above bearing date on the 10th. day of July in the year eighteen hundred and eighty 3 has acknowledged the same before me, in my County aforesaid.

Given under my hand this 16 day of July in the year 1883.

J. Henning Nelms, Notary Public.

State of Virginia,

County of Isle of Wight. to-wit:

I, J. Henning Nelms, a Notary Public for the County of Isle of Wight in the State of Virginia, do certify that S. A. Morrison the wife of E. M. Morrison whose names are signed to the writing above, bearing date on the 16 day of July in the year eighteen hundred and eighty 3 personally appeared before me in the Corporation aforesaid, and being examined by me privily and apart from her husband and having the writing aforesaid fully explained to her, she, the said S. A. Morrison acknowledged the said writing to be her act, and declared that she had willingly executed the same and does not wish to retract it.

Given under my hand this 16th. day of July in the year 1883.

J. Henning Nelms, Notary Public.

In the Clerk's Office of the County Court of Isle of Wight County, the 1st. day of August, 1883. This deed from E. M. Morrison & wife to G. E. Andrews was admitted to record on the annexed, certificates of J. Henning Nelms a Notary Public.

Teste, N. P. Young, Clerk.

-----00-----00-----

A copy, Teste,



C.C.

Will of Eliza E. Andrews,
Will Book No. 33, page 388.

Exhibit 'C'

In the name of God Amen, I Eliza E. Andrews of the County of Isle of Wight and State of Virginia, being authorized and empowered by the last will and testament of my dear husband the late George W. Andrews bearing date on the 19th. day of July 1852 and duly admitted to probate in the County Court of Isle of Wight County on the 7th. day of July 1873 1873 to dispose of at my death by will or otherwise of all of the property of which he died seized and possessed and being of sound and disposing mind and body do make, ordain, pronounce and establish this to be my last will and testament.

Item. 1. I give and bequeath to my son James P. Andrews the sum of Five Hundred Dollars and I leave as a charge upon all of the real estate hereinafter mentioned.

Item, 2. I give and bequeath to my son John P. Andrews $\frac{1}{2}$ dozen silver spoons $\frac{1}{2}$ dozen chairs now in the parlor, 2 feather beds, and two bed steads, one bureau, washstand and wardrobe now in my chamber.

Item, 3. I will and direct that after my death that a surveyors chain shall be run by some competent person from the corner of the fence near the persimmon tree that stands in the public road leading from Smithfield to Suffolk at the head of the lane dividing the land now devised from the land of James P. Andrews down and along the public road to the Old Town Road near and at James Branch's and that this land bounded by the main Public Road, the lane aforesaid and the land of W. D. Folk shall be divided into three equal parts to be known as part 1, part 2, & part 3d. part 1st. being the part on which my son George E. now lives part 2d. being the part on which I now live with the main dwelling & out houses & part 3d. being the part now & for a few years cultivated by my son John P. Andrews.

Item, 4. I give and demise to my son George E. Andrews subject to the bequest aforesaid to James P. Andrews part 1st. of the above tract of land, commencing from and at the fence corner &

foresaid and running down and along the public road aforesaid 1/3 of the said distance from the said fence corner to the old Town Road, as aforesaid and a of woodland on the South side of the said Old Town Road, commencing at an oak tree on the North side of the said Old Town Road near a ground bridge thence up and along a ravine to a line tree which divides the land of George F. Hall, formerly D. H. Battens thence along a line of marked trees to a pine on the South side of the said Old Town Road, to be held used and enjoyed by him for life with remainder to his oldest son Charles Mead Andrews provided he lives to be 21 years of age, but if he does not do so, then to the first child of the said George E. Andrews who does reach the age of 21 years but if he the said George E. Andrews shall not have a child who lives to the age of 21 years then I demise the land now and herein demised to the said George E. Andrews for life upon his death to my other sons James P., William P. and John P. Andrews and to their heirs, the child or children of the said James P. William P. and John P. to take the deceased parents share.

Item 5th. I give to William P. Andrews my son subject to the bequest to James P. Andrews as aforesaid the 2d. part of the above mentioned tract commencing on the aforesaid main Public Road leading from Smithfield to Suffolk at the point where the aforesaid land devised to my son George E. Andrews ends & running down and along the said public road another third of the distance from the aforesaid fence corner to the aforesaid Old Town Road at James Branch's being part 2nd. as aforesaid on which I now reside & on which the main dwelling and out houses are and a tract on the North side of the said Old Town Road, commencing at a gum at the bend of the road, thence in a Northerly direction to an Oak which divides the land of W. D. Folk and James P. Andrews thence by a line of marked trees to a pine at a corner of the land of James P. Andrews and George F. Hall (formerly) D. H. Battens) thence along a line of marked trees to a gum or other marked tree on the north side of the said Old Town

Road to be held used and enjoyed by him for and during his life with remainder to his oldest son now living William M. Andrews provided he lives to be 21 years of age, but if he does not do so, then to the first child of the said William P. Andrews who does reach the age of 21 years but if he the said William P. Andrews does not have a child who lives to be 21 years old then I demise the land now and herein devised to him the said William P. Andrews for life upon his the said ~~William P. Andrews~~ ~~for life upon his the said~~ William P. Andrews death to my other sons George E. James P. and John P. Andrews and to their heirs, the child of children of any deceased parent to take the deceased share.

Item 6, I give and devise to my son John P. Andrews in fee simple absolute subject to the bequest to James P. Andrews as aforesaid the remaining third of the herein before mentioned tract of land bounded by the aforesaid public road the aforesaid lane & the lands of the aforesaid W. D. Folk extending from the line of the land herein devised to my son William P. Andrews on the aforesaid main Public Road leading as aforesaid from Smithfield to Suffolk down to the Old Town Road together with all of the wood land in the rea of this his 1/3 of the land aforesaid extending to the line of W. D. Folk containing some three or four acres.

Witness my hand & seal this ¹²~~11~~th. day of November A.D. 1884.

Eliza E. Andrews, (SEAL)

Signed, sealed, published and declared by the testator Eliza E. Andrews as and for her last will and testament in the presence of us who in her presence at her request and in the presence of each other have hereunto subscribed our names as witnesses.

R. S. Thomas,

Jno. L. Cowling,

Whereas ^I Eliza E. Andrews have made my last will in writing bearing date on the 12th. day of November 1884 as is herein and above

set forth forth Now I do hereby make this codicil thereto,
to be taken as a part thereof, I do hereby revoke the devise
contained in the 5th. clause of my will to William P. Andrews
and on certain conditions to William M. Andrews or to any
child of W. P. Andrews who reaches the age of twenty one years &
and in lieu thereof I devise the the said land mentioned in
the said fifth clause to my son John P. Andrews in fee simple
subject to the charge of eight hundred dollars which he is to
pay to the said William P. Andrews twelve months after my death.
without interest on the same from my death.

I give Eliza P. Andrews half dozen silver spoons.

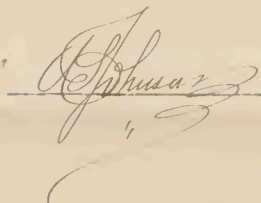
Witness my hand this 30th. day of June A. D. 1897.

Eliza E. Andrews,

In the County Court of Isle of Wight County the 3rd. day of
October 1898 a paper writing purporting to be the last will &
testament of Eliza E. Andrews was presented in Court which
was proved by the oaths of John L. Cowling and R. B. Thomas the
subscribing witnesses thereto. There being nonwitnesses to the
codicil Geo. E. Andrews was sworn and deposed that he was well
acquainted with handwriting of the testator and verily believes
the handwriting and the name thereto subscribed to be wholly
written by the testatrix's own hand whereupon it is ordered
that the said paper writing be recorded as the true last will
and testament of Eliza E. Andrews, deceased.

Teste, W. F. Young, C. C.

A copy, Teste,



C. C.

GEORGE F. WHITLEY
ATTORNEY AT LAW,
SMITHFIELD, VA.

TO THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF
WIGHT.

B. P. Chapman,-----Plaintiff,

vs.

Geo. E. Andrews, ----- Defendant.

As attorney for plaintiff in the above styled suit
which was instituted in the Circuit Court for the County of
Isle of Wight, at 2nd, March Rules, 1909, you are hereby
authorized to dismiss the said suit, *at rule*

Geo. F. Whitley
Attorney for Plaintiff.

Writ Tax	1.50
Clerk	4.20
Atto	15.00
Sherriff	50
	<u>\$27.20</u>

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon *George E. Andrews*

to appear at the Clerk's office of the *County* Court of the *County of Isle of Wight*
at the rules to be held for the said Court, on the *3rd* Monday in *March* 1909,
to answer a bill in chancery, exhibited against *him* in our said court for
by B. P. Chapman

And have then there this writ. Witness *A. D. Johnson* ~~NATHANIEL F. YOUNG~~, Clerk of our said court, at
the court-house, the *11th* day of *March* 1909, and in the *12^{3rd}*
year of the Commonwealth.

Dist. Johnson
On 32

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J. P. Chapin

SUBPOENA
IN
CHANCERY.

VS.

Geo. C. Andrews

W. F. Whitley p. 9

To *David March* Rules,
Circuit Court.

1909

B 33119

Examined March 13 - 1909 by delivering a true
copy of the within summons to Geo. C. Andrews
in person in the Co. of Suffolk County.

H. A. Edwards Shft.
By *R. Aug. Edwards* ds.
R. S.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA,

And March Rules, 1909.

B. P. Chapman,-----Plaintiff,

vs.

Geo. E. Andrews,-----Defendant.

To the Honorable B. D. White, Judge of the Circuit Court, for the County of Isle of Wight:

Humbly complaining sheweth to the Court, your Complainant, B. P. Chapman, that he has recovered a judgement for four hundred and sixty eight dollars and sixty eight cents, (\$468.68) with interest & etc. against Geo. E. Andrews, in the Circuit Court of Isle of Wight County, an extract of which judgement, is herewith filed, marked exhibit "A". Of this judgement no part has been paid.

Your complainant avers and charges that Geo. E. Andrews, the defendant in this suit, is possessed in fee-simple of a certain tract of land containing 10 acres, and situated in the County of Isle of Wight, near the town of Smithfield, and bounded as follows: On the North by the land of W. D. Folk, on the East by lands of W. P. Andrews, on South by lands of T. J. Chambliss, now W. D. Folk, and on the west by lands of Geo. E. Andrews. The said tract of land being conveyed to the said Geo. E. Andrews, by deed dated on the 16th, day of July, 1883, and duly recorded in the Clerks in Office of Isle of Wight County, a copy of which deed is herewith filed marked exhibit "B" and prayed to be read as apart of this bill.

Your Complainant further avers and charges that the said Geo. E. Andrews, is also possessed of a life interest in a certain tract or parcel of land situate in the County of

Isle of Wight, containing 66 acres, lying about one mile from the town of Smithfield, on the County Road, known as "Road Point". And that the said life interest was acquired by and through the will of Eliza E. Andrews, the mother of the said Geo. E. Andrews, a certified copy of which will is herewith filed marked exhibit "C" and prayed to be read as a part of this bill.

Your Complainant avers and charges that the rents and profits of the said will not in five years satisfy your complainant's judgement, and that he is entitled to enforce the lien of the same by a sale of the said property.

In tender consideration whereof, your complainant prays that the said Geo. E. Andrews, may be made a party defendant to this bill and required to answer the same, answer under oath being hereby waived; that proper process issue and that all proper orders and decrees may be made, and inquiries be directed; that if it shall appear, that the said rents and profits of the said real estate, will not in five years satisfy your complainant's judgement, that the said real estate be sold, both the fee-simple estate in the said 10 acres, and the life estate in the said 66 acres, and the proceeds thereof be applied in satisfaction of your Complainant's judgement; that if such rents will so suffice, the said land be rented out, and the rents and profits be applied to the said judgement until the same be satisfied; that a reasonable fee be allowed your complainant's attorney for his services in this cause, and that all such other and further relief will be given your complainant as the nature of his case, or to equity shall seem meet, and your complainant will ever pray & etc.

Geo. F. Whitley p.c.

B. P. Chapman,
vs. | Bill,
Gen. C. Andrews.

7th March rules 1909
Bill filed - process returned
w. cited - Deane nisi.

3rd March rules 1909
Dismissed at re-
quest of plaintiff's
Attorney

GEO. F. WHITLEY
ATTORNEY-AT-LAW
SMITHFIELD, VA.