

1917-014

Chancery Causes, W.

T Spiers vs Stephen Whitley, Armstead Whitley &

240

Dale of Wight County

E

V. Whitley

other surnames: Chapman

M _____

To A. S. JOHNSON,

CLERK OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, DR.

To the Clerk of the Circuit Court of
Isle of Wight County, Virginia
W. F. Spier Plaintiff
vs. E. N. Whitley Defendant
In Chancery

Issue Summons in Chancery to 2nd June
1916. for said Plaintiff vs. said
Defendant to answer the said Plaintiff
a bill in Chancery.

E. N. Whitley

CK 852

Spiers

vs) Chancery-240

Whitley

Memo

VIRGINIA: CLERKS OFFICE OF THE
CIRCUIT COURT OF THE COUNTY
OF ISLE OF WAUGH

June 21 1916

Filed

Teste, *Johnson* *Chas*

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

W. T. Spiers

vs) 240

S. J. Whitley et als.

This day came the parties, both complainant and defendants, and having ~~stated to the court that~~ made statement in open court that the matters in controversy, stated in this suit, have been amicably settled, and that there is no further need for said suit to remain upon the ~~docket~~ docket, it is ~~it~~ adjudged, ordered and decreed that the same be, and is, hereby, dismissed.

Spur
n 5240 by
Whaley

Note for deer

Outs July 10/1917

C.O.B. 7

page 423

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W. T. Spiers

vs) 240

Stephen J. Whitley, Armistead Whitley and E. V. Whitley

For good cause shown, this cause, which was dismissed by the Clerk of this court for failure, on the part of the complainant, to file his bill within thirty days after return of process, duly executed, is reinstated upon the docket.

N. J. Spence

n } 240

J. Whiting et al

Note for de cser

60 B 7 page 419

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, JUNE
4TH. 1917.

W. T. Spiers

vs)

Stephen Whitley, Armistead Whitley and E. V. Whitley.

On motion of the plaintiff, and for good cause shown, an injunction is awarded him to enjoin and restrain Stephen Whitley, Armistead Whitley, and E. V. Whitley, their agents and employes and laborers from destroying the fences and gates erected, or to be erected by the said plaintiff, on all that certain tract, piece or parcel of land, lying, being and situate in the County of Isle of Wight, State of Virginia, containing forty eight acres, more or less, and bounded by the lands of Loyd Horne, E. V. Whitley, and the County road leading from Smithfield to Long View. And the said defendants, their agents, employes and laborers are further enjoined and restrained from crossing the land of the said plaintiff as above mentioned and described, or in any other manner interfering with his quiet possession and use and enjoyment of the said land. But, the said plaintiff shall not have the benefit of this order until he shall enter into a bond with sufficient security, in the penalty of two hundred and fifty dollars, payable as the statute requires, and conditioned according to law.

This injunction shall only remain in force until the tenth day of July, 1917, unless sooner enlarged or dissolved.

A copy,

Teste, *E. J. Johnson* Clerk.

The bond required by the above injunction order has been executed.

Teste,

E. J. Johnson Clerk.

W. J. Shurt

v. J. G. 240

Whitley et al

Copy of injunction
order to serve

Not finding E. V. Whitley nor Armistead Whitley at their usual places of abode I executed the within injunction order by serving a true copy of same on S. J. Whitley for E. V. Whitley, he the said S. J. Whitley being the husband of the said E. V. Whitley, and I explained to him the purport of same, and I served a true copy of the same on Mrs Armistead Whitley for the said Armistead Whitley her husband and explained to her the purport of same, and I further executed the same by serving a true copy of the same on S. J. Whitley in person, all done at their residence in the County of Isle Of Wight this the 21st day of June 1917.

R. Augustus Edwards
Sheriff Isle Of Wight County.

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT.

JUNE 4th - 1917.

W. T. SPIERS,..... PLAINTIFF,

VS) *240*

STEPHEN WHITLEY, ARMSTEAD WHITLEY, AND

E. V. WHITLEY,..... DEFENDANTS.

On motion of the plaintiff, and for good cause shown, an injunction is awarded him to enjoin and restrain Stephen Whitley, Armstead Whitley and E. V. Whitley, their agents, employes and laborers from destroying the fences and gates erected, or to be erected by the said plaintiff, on all that certain tract, piece or parcel of land, lying, being and situate in the County of Isle of Wight, State of Virginia, containing forty-eight acres, more or less, and bounded by the lands of Lloyd Horne, E. V. Whitley, and the County Road leading from Smithfield to Longview. And the said defendants, their agents, employes and laborers are further enjoined and restrained from crossing the land of the said plaintiff as above mentioned and described, or in any other manner interfering ^{with} his quiet possession and use and enjoyment of the said land. But, the said plaintiff shall not have the benefit of this order until he shall enter into a bond with sufficient security in the penalty of *Two Hundred and Fifty* Dollars, payable, as the statute requires, and conditioned according to law.

Day of July 1917 This injunction shall only remain in force ^{*until the bond*} ~~for the period~~ ~~of sixty days from this date~~, unless sooner enlarged or dissolved.

Judge of Circuit Court of Isle of Wight Co.

W.T. SPIERS,

VS) INJUNCTION,

STEPHEN WHITLEY, ARMISTEAD
WHITLEY, AND E.V. WHITLEY.

1917
June 4
Entered
P. J. W.

C. O. B. 7, P. 420

ERNEST H. WILLIAMS
Attorney-at-Law
SMITHFIELD, VIRGINIA

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

W. T. Spiers,.....Complainant

vs) Chancery. No. 240.

E. V. Whitley,.....Defendant.

Commonwealth of Virginia,

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

We command you that you summon E. V. Whitley to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight, at the rules to be holden for said court on the third Monday in June, 1916, to answer W. T. Spiers a bill in chancery exhibited by him against her. And have then and there this writ.

Witness, A. S. Johnson, Clerk of said Court, at the Courthouse, this 9th. day of June, 1916.

A. S. Johnson Clerk.

E. H. Williams, p.q.

Spiers

vs) Chancery 240

Whitley.

Subpoena

I executed the within ^{Summons} this the 14th day of
June 1916 by F. V. Whitley a true
copy of the same. E. V. Whitley in person
in the County of Isle of Wight.
P. Aug. Edwards
Sheriff of Isle of Wight Co.

VIRGINIA: CLERKS OFFICE OF THE
CIRCUIT COURT OF THE COUNTY
OF ISLE OF WIGHT

June 14 1916

Returned & sealed

Teste, P. Johnson Clerk.

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT.

W. T. SPIERS, ... PLAINTIFF,

vs)

STEPHEN WHITLEY, ARMSTEAD WHITLEY, AND

E. V. WHITLEY, ... DEFENDANTS.

TO THE HON. B. D. WHITE, JUDGE OF THE SAID COURT:

Humbly complaining, your complainant, W. T. Spiers, respectfully sheweth unto the Court the following case:

That he is the owner in fee simple of all that certain tract, piece or parcel of land, lying, being and situate in the County of Isle of Wight, State of Virginia, containing forty-eight acres, more or less, and bounded by the lands of Lloyd Morne, E. V. Whitley, and the County Road leading from Smithfield to Longview. It being the same land conveyed to your said complainant by deed from B. P. Chapman, et ux., said deed being of record in the Clerk's Office of this Court.

That from time to time, your complainant, the said W. T. Spiers has erected fences and gates on the said tract of land for the purpose of enclosing the said land for cultivation and for pasturage for his live stock; but, the said defendants, under a pretended claim of right-of-way across the said land have destroyed every such fence and gates erected by your said complainant, thereby preventing your said complainant from enjoying the use of his said land.

And your said plaintiff is advised and so charges that the said defendants have threatened that should your complainant again attempt to use or enjoy his said land or to erect fences and gates for the protection thereof, that the said defendants and their laborers will again destroy such gates and fences to the irreparable damage of your said plaintiff.

Your complainant alleges, and so charges that the said defendants, if allowed to continue to destroy your complainant's fences and gates, will cause him, the said complainant, great and irreparable loss and injury to the extent of denying to him the use and enjoyment of his said property, *and will prevent your said plaintiff from cultivating a crop*

And your plaintiff further alleges and charges that Stephen Whitley and Armstead Whitley, and their employes are insolvent, and, that should your complainant obtain a judgment at law for the damage so done him, or threatened to done him, that such judgment could not be realized upon, and would be absolutely worthless as against the said Stephen Whitley and the said Armstead Whitley, and their colored laborers.

In tender consideration whereof, and for as much as your complainant is remediless in the premises, save by the aid of a Court of equity, where matters of this kind are alone and properly cognizable, your complainant prays that the said Stephen Whitley, Armstead Whitley and E. V. Whitley, may be made parties defendant to this bill, and required to answer the several statements thereof on oath; that the said Stephen Whitley, Armstead Whitley and E.V. Whitley, their agents, employes and laborers be enjoined and restrained from destroying the fences and gates erected, or to be erected by your said plaintiff on his said land above mentioned and described; that the said defendants be further enjoined and restrained from crossing the land of your said plaintiff or in any other manner interfering with his quiet possession

and use and enjoyment of the said land, and that all such other, further and general relief may be afforded your complainant as the nature of his case may require, or to equity shall seem meet.

And your complainant will ever pray, etc.

W. T. Spiers
Complainant.

E.H. Williams, p.q.

STATE OF VIRGINIA,
COUNTY OF ISLE OF WIGHT, TO-WIT:

This day, personally appeared before me, E.H. Williams, a Commissioner in Chancery of the Circuit Court for the County of Isle of Wight, Virginia, W. T. Spiers, who made oath that the statements contained in the above bill are true and correct to the best of his knowledge and belief.

Given under my hand this 4th day of June, 1917.

E. H. Williams
Commissioner in Chancery.

W. T. SPIERE,

VS) BILL, *240*

STEVEN WHITLEY,

ARNOLD WHITLEY, AND

E. V. WHITLEY.

June 4, 1917

*This suit, which has been
dismissed at Rules for
failure to file Bill, for
good cause shown, is
reinstated. Bill filed
injunction and set aside*

ERNEST H. WILLIAMS

Attorney-at-Law

SMITHFIELD, VIRGINIA