

1921-015 Chancery Causes, Seaboard Air Line Railway Company vs Algie H. Butler & W. H.

362

Isle of Wight County

Chapman, Sheriff

others or names Johnson,
Harcom

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

Seaboard Air Line Railway
Company

v. *362*

Algie E. Butler and W. E.
Chapman, Sheriff.

BILL.

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

Mar. 7th 1921

Rec'd & Filed

Treas. R. A. Edmond Clerk.

Law Offices of
JAMES H. CORBITT
SUFFOLK, VIRGINIA

THE LINDEN PRINTING COMPANY, HARTFORD, CONN

judgment, upon your complainant's property; that proper process issue, and all proper orders be made; that the said judgment and all executions issued thereupon be decreed to be in nowise liens upon the property of your complainant, and that all such other further and general relief may be afforded your complainant as in the premises may be just and right. And your complainant will ever pray, etc.

SEABOARD AIR LINE RAILWAY COMPANY,

BY

James H. Corbitt
Counsel

James H. Corbitt, p. q.

STATE OF VIRGINIA,

CITY OF SUFFOLK, To-Wit:

I, M. Anderson Maxey, a Notary Public for the City of Suffolk, State of Virginia, hereby certify that James H. Corbitt, Counsel for Seaboard Air Line Railway Company, personally appeared before me, in my City aforesaid, and made oath that the allegations contained in the foregoing bill are true.

Given under my hand this 5th day of March, 1921.

My commission expires on the 23rd day of August, 1923.

M. Anderson Maxey
Notary Public.

and the said sheriff has advertised the said property for sale at public auction Saturday, March 12, 1921, at 11 o'clock A. M., and will make sale of the said property unless enjoined and restrained from so doing; that the said judgment against S. A. L. Railway Company is not a judgment against your complainant, Seaboard Air Line Railway Company, who made no appearance, ~~and that the attempt to subject your complainant's property, that is the two tables, two trucks, two chairs, two coal heaters, one carbon press, one iron safe, two ticket cases, one coal scuttle and shovel, one pair scales and about two tons of coal levied on, or any other property belonging to it, to the payment of the said judgment is unjust and without due process of law.~~

FORASMUCH, THEREFORE, as your complainant is remediless, save in a Court of Equity, it prays that the said Algie H. Butler and the said W. H. Chapman, Sheriff, may be made parties defendant to this bill and required to answer the same in their own proper persons, but not on oath, the oath being hereby waived; that Algie H. Butler, his agents, attorneys at law, and all others, be enjoined and restrained from further proceeding against the property of your complainant with the execution issued upon his judgment against S. A. L. Railway Company, and from proceeding to enforce the said judgment in any manner against the property of your complainant; that especially the said W. H. Chapman, sheriff of the County of Isle of Wight, be enjoined and restrained from making sale of the said tables, trucks, chairs, coal heaters, carbon press, iron safe, ticket cases, coal scuttle and shovel, pair scales, and coal levied on, or either of them, and from further interfering therewith, and from further levying the said execution now in his hands, and all other executions that may be issued on the said

TO THE HONORABLE B. D. WHITE, JUDGE OF THE CIRCUIT
COURT OF ISLE OF WIGHT COUNTY, VIRGINIA:

Your complainant, Seaboard Air Line Railway Company, a public service corporation, complaining, sheweth unto the Court that Algie H. Butler recovered a judgment at law against S. A. L. Railway Company before Jas. A. Johnson, a justice of the peace for Isle of Wight County, Virginia, on the 15th day of December, 1920, for One Hundred and Twenty-five (\$125.00) Dollars, with interest thereon from the 15th day of December, 1920, until paid, and Two and 50/100 Dollars (\$2.50) for his costs on a warrant dated November 30th, 1920, and issued on behalf of the said Algie H. Butler by the said Jas. A. Johnson, Justice of the Peace, against the said S. A. L. Railway Company, copies of the warrant and the judgment being hereunto annexed, as parts of this bill, and marked Exhibit "A" and Exhibit "B", respectively; that an execution has been issued on the said judgment and is now in the hands of W. H. Chapman, sheriff of the County of Isle of Wight, who, through his deputy, J. L. Marcum, has levied the same upon the following property ^{of your complainant,} located in the passenger station of your complainant at Carrsville, Virginia:

Two Tables,
Two Trucks,
Two Chairs,
Three Coal heaters,
One Carbon Press,
One Iron Safe,
Two Ticket Cases,
One Coal scuttle and shovel,
One Pair Scales, and
About Two tons of Coal,

COMMONWEALTH OF VIRGINIA.

or any Deputy,
TO THE SHERIFF OF ISLE OF WIGHT COUNTY—Greeting;

We command you that you summon **Algie H. Butler and W. H. Chapman,**
Sheriff Of Isle Of Wight County,

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 the said Court on the
Third Monday in March, 1921, to answer a bill in
chancery exhibited against them in our said Court by **Seaboard Air**
Line Railway Company,

And have then and there this writ.

Witness, R. A. Edwards, Clerk of our said Court, at the Court-
house, this 8th day of March, 1921, and in the
145 year of the Commonwealth.

R. A. Edwards Clerk.

A copy Teste.

R. A. Edwards Clk.

James H. Corbett, ...P. Q.

I hereby accept legal and sufficient service of the within summons.

Feb. 7th, 1921.

Th. H. Chapman Sheriff.

COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF ~~OF ISLE OF WIGHT COUNTY~~ ^{or any Deputy.}—Greeting;

We command you that you summon **Algie H. Butler and W. H. Chapman,**
Sheriff Of Isle Of Wight County,

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 the said Court on the

Third Monday in **March**, 191**21**, to answer a bill in
chancery exhibited against **them** in our said Court by **Seaboard Air**
Line Railway Company,

And have then and there this writ.

Witness, **R. A. Edmunds**, Clerk of our said Court, at the Court-
house, this **8th** day of **March**, 191**21**, and in the
145 year of the Commonwealth.

R. A. Edmunds Clerk.

A copy Teste.

R. A. Edmunds Clk.

James H. Corbett, ...P. Q.

VIRGINIA:
IN THE CIRCUIT COURT OF
ISLE OF WIGHT COUNTY

Seaboard Air Line Railway
Company

v.

Algie H. Butler and W. H.
Chapman, Sheriff.

INJUNCTION.

1921
Mar. 7.
Entered.
B.D.W.

Chancery Order Book
8. Page 54.

I hereby accept sufficient service of the within injunction
W. H. Chapman, Sheriff.

enjoined and restrained from further levying the said execution now in his hands, and all other executions that may be issued on the said judgment, upon the property of the complainant, Seaboard Air Line Railway Company.

This injunction shall be effective for a period of Sixty days from this date, unless previously dissolved.

But before the complainant shall have the benefit of this order, it, or some one for it, shall enter into a bond in the penalty of \$ 200⁰⁰ to pay all such costs as may be awarded against the Seaboard Air Line Railway Company, and all damages that may be incurred by the defendants by the reason of the suing out of this injunction, in case the said injunction shall be dissolved.

VIRGINIA:

~~IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY,~~
ON THE _____ DAY OF ~~MARCH~~, 1921.

Seaboard Air Line Railway Company Complainant.

v.

IN CHANCERY.

Algie H. Butler and W. H. Chapman,
Sheriff of Isle of Wight County Defendants.

An injunction is granted in accordance with the prayer of the complainant's bill this day filed, restraining the defendant Algie H. Butler, from further proceeding against the property of the complainant, Seaboard Air Line Railway Company, with the execution issued upon his judgment obtained against S. A. L. Railway Company before Jas. A. Johnson, a justice of the peace for Isle of Wight County, Virginia, on the 15th day of December, 1920, for One Hundred and Twenty-five Dollars (\$125.00), with interest thereon from the 15th day of December, 1920, and Two and 50/100 Dollars (\$2.50) costs, and from proceeding to enforce the said judgment in any manner against the property of the complainant, Seaboard Air Line Railway Company; and W. H. Chapman, Sheriff of the County of Isle of Wight, ^{or any of his deputies,} is enjoined and restrained from making sale of the two tables, two trucks, two chairs, three coal heaters, one carbon press, one iron safe, two ticket cases, one coal scuttle and shovel, one pair scales, and about two tons of coal belonging to the complainant, Seaboard Air Line Railway Company, levied on by him, located in the passenger station of the complainant at Carrsville, Virginia, and from further interfering therewith, and he is directed forthwith to restore the property so levied upon to the custody and possession of the said Seaboard Air Line Railway Company, and he is further

Executed in the County of Isle of Wight on
this 15th day Mar. 1921 by delivering a true
copy of the within Summons ^{injunction order} to
Algie H. Buttes in person.

W. H. Chapman, Sheriff
By J. L. Harcum. D.S.

Seaboard Air Line
Railway Company.
78# 262

Buttes - & Chapman
Swifts

a copy for

A. H. Buttes.

At - 3/19/21 filed

R. A. E. cer

of the suing out of this injunction, in case the said injunction shall be dissolved.

A Copy Teste.

R. A. Edwards Clerk.

Bond in the above injunction cause in the amount of Two Hundred Dollars with approved security has been properly given and filed in this office.

Teste R. A. Edwards Clerk.

1st Clerk Office Circuit Court Seely May 1st 6
Mar. 7th 1921.

Seaboard Air Line Railway Company Complainant

V.

IN CHANCERY

Algie H. Butler and W. H. Chapman

Sheriff of Isle of Wight County Defendants.

An injunction is granted in accordance with the prayer of the complainants bill this day filed, restraining the defendant Algie H. Butler, from further proceeding against the property of the complainant, Seaboard Air Line Railway Company, with the execution issued upon his judgment obtained against S.A.L. Railway Company before Jas. A. Johnson, a justice of the peace for Isle of Wight County, Virginia, on the 15th day of December, 1920, for One Hundred and Twenty-five Dollars (\$125.00) with interest thereon from the 15th day of December, 1920, and Two and 50/100 Dollars (\$2.50) costs, and from proceeding to enforce the said judgment in any manner against the property of the complainant, Seaboard Air Line Railway Company; and W.H. Chapman, Sheriff of the County of Isle of Wight or any of his deputies is enjoined and restrained from making sale of the two tables, two trucks, two chairs, three coal heaters, one carbon press, one iron safe, two ticket cases, one coal scuttle and shovel, one pair scales and about two tons of coal belonging to the complainant, Seaboard Air Line Railway Company, levied on by him, located in the passenger station of the complainant at Carreville, Virginia, and from further interfering therewith, and he is directed forthwith to restore the property so levied upon to the custody and possession of the said Seaboard Air Line Railway Company, and he is further enjoined and restrained from further levying the said execution now in his hands, and all other executions that may be issued on the said judgment, upon the property of the complainant, Seaboard Air Line Railway Company.

This injunction shall be effective for a period of sixty days from this date, unless previously dissolved.

But before the complainant shall have the benefit of this order, it, or some one for it, shall enter into a bond in the penalty of \$200.00 to pay all such costs as may be awarded against the Seaboard Air Line Railway Company, and all damages that may be incurred by the defendants by the reason

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January.
VIRGINIA:

IN THE CIRCUIT COURT OF
ISLE OF WIGHT COUNTY.

Seaboard Air Line Railway
Company,

v.

Algie H. Butler.

DECREE.

1921
Dec. 12
Entered
B. D. W.

8-98

EXAMINED AND RECORDED

be made perpetual. And it is further ordered that the
defendants do pay to the complainant its costs by it about
its suit in this behalf expended.

In the Circuit Court of Isle of Wight County

Seaboard Air Line Railway Company,

v.

DECREE.

Algie H. Butler.

This cause came on this day to be heard on the bill taken for confessed as to the defendants, Algie H. Butler and W. H. Chapman, Sheriff of Isle of Wight County, on whom process has been duly served, they still failing to appear and plead, answer or demur to the said bill.

On consideration whereof, the Court doth adjudge, order and decree that the injunction formerly granted in this cause enjoining and restraining the defendant, Algie H. Butler, from further proceeding against the property of the complainant, Seaboard Air Line Railway Company, with the execution issued upon his judgment obtained against S. A. L. Railway Company, before Jas. A. Johnson, a Justice of the Peace for Isle of Wight County, Virginia, on the 15th day of December, 1920, for One Hundred and Twenty-five Dollars (\$125.00), with interest thereon from the 15th day of December, 1920, and Two Dollars and Fifty Cents (\$2.50) costs, and from proceeding to enforce the said judgment in any manner against the property of the complainant, Seaboard Air Line Railway Company, and enjoining and restraining W. H. Chapman, Sheriff of the County of Isle of Wight, and his deputies from making sale of the two tables, two trucks, two chairs, three coal heaters, one carbon press, one iron safe, two ticket cases, one coal scuttle and shovel, one pair scales, and about two tons of coal belonging to the complainant, Seaboard Air Line Railway Company, levied on by him, located in the passenger station of the complainant at Carrsville, Virginia, and from further interfering therewith,

Seaboard Air Line R.R. Co.

75 Chy-362

Reuter & Chapman

Memo.

Filed Mar. 7th 1941

John R. Edwards
ad

Memorandum

Seaboard Air Line Railway Company

v.

Algie H. Butler and
W. H. Chapman, Sheriff of
Isle of Wight County,

Issue Summons in Chancery to
2nd March, 1921, Rules.

James H. Barlett, p. g.

Open Court
March 16 - 1921

Exhibit A

STATE OF VIRGINIA---ISLE OF WIGHT COUNTY, To-Wit:

To The Sheriff of said County:

YOU ARE HEREBY COMMANDED TO SUMMON S. A. L. Railway Company, if to be found in your County, to appear at Carrsville, Va. in said County, on the 15th day of Dec. 1920, at 2 P. M. before me or such other Justice of said County as may then be there to try this warrant, to answer the claim of Algie H. Butler to damages, to-wit: for the sum of 125.00 dollars, due for the injury done to property, for this, that the said Defendant, on the 18th day of June, 1920, in said County, did unlawfully kill One Cow, of the value of 125.00 dollars, the property of the said Plaintiff, and then and there make return of this warrant.

Given under my hand this 30th day of Nov. 1920.

Jas. A. Johnson, J. P. (SEAL)

Exhibit B

Algie H. Butler	)	Plaintiff
vs.	)	In debt.
S. A. L. Railway Co. <del> </del>	)	Defendant.

Carrsville, Va., Dec. ~~15~~ 15, 1920.

Judgment: That the Plaintiff recover of the Defendant, ~~one hundred and twenty-five~~ ^{125.00} dollars, with interest thereon from the 15th day of Dec. ~~1920~~ 1920, till paid, ^{and 2.50 dollars for his cost.} ~~which Algie H. Butler has recovered before me on a warrant in debt; also the \$2.50 dollars which has been adjudged to the said Plaintiff for costs in prosecuting this warrant.~~

~~Given under my hand this 15th day of December, 1920.~~

Jas. A. Johnson, J.P. (SEAL)

~~Costs taxes~~
~~Justice~~
~~Sheriff~~