1932-002 Chancery Causes: J. H. Barnes vs F. M. Price v J. T. Duval
Dist of Wight County J. H. Barnes et al vs F. M. Price v J. T. Duval 605

other SURNames: Darden, Smith, Raiford, Pierce, Powell, Holland, Grey, Stephenson, Gray

J R SAUNDERS JOHN K. HUTTON

SAUNDERS & HUTTON
Attorneys at Law
Suffolk, Va.

March 29th, 1932.

Mr. R. A. Edwards, Clerk,
Isle of Wight, Virginia.

Dear Sir:

We are enclosing herewith decree signed by Judge White, to be entered in the case of Barnes, et als, vs. Price and Duvall.

Very truly yours,

Saunders & Hutton

JKH/P.
Encl.

THOMAS L. WOODWARD

ATTORNEY AND COUNSELLOR AT LAW

205-207 NATIONAL BANK OF SUFFOLK BUILDING

SUFFOLK, VIRGINIA

January 18, 1932

Mr. R. A. Edwards, Clerk,
Isle of Wight, Virginia.

Dear Mr. Edwards: Re: J. H. Barnes
v. F. M. Price and J. T. Duval

Please issue and direct, returnable to your court January 21st, the following summons which please send to me by return post so that I can have them served in time. The time is very short now and I will appreciate it if you will do this at once so that there shall be no delay in this case. You may draw draft on me for the costs thereon, or I will pay the bill when presented.

TO THE SHERIFF OF ISLE OF WIGHT COUNTY:

40
160
200

K. B. Rhodes
C. E. Rhodes
S. S. Rhodes
C. J. Rhodes
C. W. Ellis
W. E. Ellis
E. B. Rhodes
O. J. West

200
120
120
440

TO THE SERGEANT OF THE CITY OF NORFOLK:

40
20
60

Bruce Forbes

TO THE SHERIFF OF NANSEMOND COUNTY:

40
20
60

T. E. Felton
Wallace Jackson
Fermer Perry

Issued 1:30 P.M. 1-19-32.

TO THE SERGEANT OF THE CITY OF SUFFOLK:

40
20
60

S. T. Gay
J. E. Crocker
D. C. Lyon
C. J. Dennis
J. T. Turner

TO THE SHERIFF OF SOUTHAMPTON COUNTY:

40
20
60

Dr. E. A. DeBordenave

Yours very truly,
Thos. L. Woodward

J. R. SAUNDERS JOHN K. HUTTON

SAUNDERS & HUTTON
Attorneys at Law
Suffolk, Va.

JANUARY 12TH, 1932.

MR. R. A. EDWARDS,
CLERK CIRCUIT COURT OF ISLE OF WIGHT CO., VA.,
ISLE OF WIGHT, VIRGINIA.

DEAR MR. EDWARDS:

PLEASE SUMMON ON BEHALF OF THE PLAINTIFF IN THE SUIT OF J. H. BARNES V. F. M. PRICE AND J. T. DUVALL, SET FOR JANUARY 21ST., 1932, THE FOLLOWING WITNESSES:

FAYETTE RAWLES, NANSEMOND COUNTY, VA.; JASPER DAUGHTREY, NANSEMOND COUNTY, VA.; LIZZIE P. PIERCE, NANSEMOND COUNTY, VA.

FRANK JOYNER, SUFFOLK, VA.; MILLS GAY, SUFFOLK, VA.

W. J. M. HOLLAND, FRANKLIN, SOUTHAMPTON COUNTY, VA.; DR. E. A. DEBORDENAVE, FRANKLIN, SOUTHAMPTON COUNTY, VA.; DR. J. C. RAWLES, FRANKLIN, SOUTHAMPTON COUNTY, VA.; DR. E. M. BABB, IVOR, SOUTHAMPTON COUNTY, VA.

JOHN DUKE, ISLE OF WIGHT COUNTY, VA.; W. L. DARDEN, ISLE OF WIGHT COUNTY, VA.; CHARLIE E. RHODES, ISLE OF WIGHT COUNTY, VA.; EMMETT RHODES, ISLE OF WIGHT COUNTY, VA., NEAR WINDSOR; ELAM RHODES, ISLE OF WIGHT COUNTY, VA., NEAR WINDSOR; TOBE HOLLAND, ISLE OF WIGHT COUNTY, VA.; JAMES A. JOHNSON, ISLE OF WIGHT COUNTY, VA.; CHESTER CARR, ISLE OF WIGHT COUNTY, VA.; WHITTIE DARDEN, ISLE OF WIGHT COUNTY, VA.; ALFONSO PIERCE, ISLE OF WIGHT COUNTY, VA.

PLEASE MAIL THE NANSEMOND COUNTY SUBPOENAS TO SHERIFF E. B. RAWLES, SUFFOLK, VIRGINIA; CITY OF SUFFOLK SUBPOENAS TO SERGEANT H. W. CHURN, SUFFOLK, VA.; DELIVER THE ISLE OF WIGHT SUBPOENAS TO SHERIFF W. C. WHITEHEAD, SMITHFIELD, VA., AND MAIL THE SOUTHAMPTON COUNTY SUBPOENAS TO SHERIFF T. B. BELL, AT COURTLAND.

WE ARE ENCLOSING OUR CHECK FOR $9.50 SO THAT YOU MAY FORWARD TO THESE OFFICERS THE FEES TO WHICH THEY ARE ENTITLED, THAT IS TO SAY, FIFTY CENTS FOR EACH SERVICE. UPON RECEIPT OF YOUR STATEMENT OF CHARGES, WE SHALL FORWARD YOU A CHECK IMMEDIATELY.

VERY TRULY YOURS,

Saunders & Hutton

JKH/P.
ENCL.

Jno as Thurman
R A Daughtrey

issued 1-16-32
& mailed.

Mrs Pearl Holland
Mrs A G Powell

Mrs Lucie Bradford &
Lloyd Bradford

J. R SAUNDERS JOHN K. HUTTON

SAUNDERS & HUTTON
Attorneys at Law
Suffolk, Va.

NOVEMBER 28TH, 1931.

MR. KENNETH A. BAIN, JR.,
CLERK CIRCUIT COURT CITY OF PORTSMOUTH,
PORTSMOUTH, VIRGINIA.

DEAR MR. BAIN:

WHILE THE CASE OF J. H. BARNES V. F. M. PRICE AND J. T. DUVAL IS NOT TECHNICALLY ON YOUR DOCKET SINCE YOU HAVE NOT YET RECEIVED THE PAPERS FROM THE CLERK OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, THE WRITER SAW JUDGE WHITE ON YESTERDAY AND HE SAID HE WOULD REQUEST YOU TO ISSUE SUBPOENAS.

WE DESIRE TO SUMMON THE FOLLOWING WITNESSES ON BEHALF OF THE PLAINTIFF:

FAYETTE RAWLES, NANSEMOND COUNTY, VA.; JASPER DAUGHTREY, NANSEMOND COUNTY, VA.; LIZZIE P. PIERCE, NANSEMOND COUNTY, VA.

FRANK JOYNER, SUFFOLK, VA.; MILLS GAY, SUFFOLK, VA.

W. J. M. HOLLAND, FRANKLIN, SOUTHAMPTON COUNTY, VA.; DR. E. A. DEBORDENAVE, FRANKLIN, SOUTHAMPTON COUNTY, VA.; DR. J. C. RAWLES, FRANKLIN, SOUTHAMPTON COUNTY, VA.; DR. E. M. BABB, IVOR, SOUTHAMPTON COUNTY, VA.

JOHN DUKE, ISLE OF WIGHT COUNTY, VA.; W. L. DARDEN, ISLE OF WIGHT COUNTY, VA.; CHARLIE E. RHODES, ISLE OF WIGHT COUNTY, VA.; EMMETT RHODES, ISLE OF WIGHT COUNTY, VA., NEAR WINDSOR; ELAM RHODES, ISLE OF WIGHT COUNTY, VA., NEAR WINDSOR.

THE TRIAL IS SET FOR DECEMBER 5TH AND YOU WILL PLEASE MAIL THE NANSEMOND COUNTY SUBPOENAS TO SHERIFF E. B. RAWLES, SUFFOLK, VA.; CITY OF SUFFOLK SUBPOENAS TO SERGEANT H. W. CHURN, SUFFOLK, VA.; ISLE OF WIGHT SUBPOENAS TO SHERIFF W. C. WHITEHEAD, SMITHFIELD, VA.; AND SOUTHAMPTON COUNTY SUBPOENAS TO SHERIFF T. B. BELL, AT COURTLAND.

WE ARE HEREWITH ENCLOSING OUR CHECK FOR $7.00 SO THAT YOU MAY FORWARD TO THESE OFFICERS THE FEES TO WHICH THEY ARE ENTITLED, THAT IS TO SAY, FIFTY CENTS FOR EACH SERVICE. UPON RECEIPT OF YOUR

700 paid for Sgt. fees

J. R SAUNDERS JOHN K HUTTON

SAUNDERS & HUTTON
Attorneys at Law
Suffolk, Va.

NOVEMBER 28TH, 1931.

#2.

MR. KENNETH A. BAIN, JR.

RE: J. H. BARNES
VS: F. M. PRICE AND J. T. DUVAL.

STATEMENT OF CHARGES, WE SHALL FORWARD YOU A CHECK IMMEDIATELY.

VERY TRULY YOURS,

Saunders & Hutton

JKH/P.
ENCL.

1921.
November 30th
Memo. for writ
filed. issued

THOMAS L. WOODWARD
ATTORNEY AND COUNSELLOR AT LAW
205-07 NAT'L BANK OF SUFFOLK BLDG.
SUFFOLK, VIRGINIA.

November 27, 1931

Mr. Kenneth Bain, Clerk,
Circuit Court of the City of Portsmouth,
Portsmouth, Virginia.

Dear Sir:

Re: J. H. Barnes
v. F. M. Price and J. T. Duval

I inclose answer to be filed in the above matter which has just been transferred from the Circuit Court of Isle of Wight County to the Circuit Court of the City of Portsmouth. Please mark the same filed upon its receipt.

I inclose check in the amount of $3.20 for which please issue, and send to me, the summons following:

TO THE SHERIFF OF ISLE OF WIGHT COUNTY:

K. B. Rhodes ✓
C. E. Rhodes ✓
S. S. Rhodes ✓
C. J. Rhodes ✓
C. W. Ellis ✓
W. E. Ellis ✓
E. B. Rhodes ✓
O. J. West ✓

TO THE SERGEANT OF THE CITY OF NORFOLK:

Bruce Forbes ✓

TO THE SHERIFF OF NANSEMOND COUNTY:

T. E. Felton ✓
Wallace Jackson ✓
Fermer Perry ✓

TO THE SERGEANT OF THE CITY OF SUFFOLK:

S. T. Gay ✓
J. E. Crocker ✓
D. C. Lyon ✓
C. J. Dennis ✓
J. T. Turner ✓

3. 50 Fee 11/28/31

THOMAS L. WOODWARD
ATTORNEY AND COUNSELLOR AT LAW
205-07 NAT'L BANK OF SUFFOLK BLDG.
SUFFOLK, VIRGINIA.

2- Bain

TO THE SHERIFF OF SOUTHAMPTON COUNTY:

Dr. E. A. DeBordenave /

returnable December 5th at 10:30 A. M.

Yours very truly,

Thos. L. Woodward

TLW/p

1921.
November 28th.
Files issued.

J. R SAUNDERS JOHN K. HUTTON

SAUNDERS & HUTTON
Attorneys at Law
Suffolk, Va.

NOVEMBER 16TH, 1931.

MR. R. A. EDWARDS, CLERK,
ISLE OF WIGHT, VIRGINIA.

RE: J. H. BARNES V. F. M. PRICE AND J. T. DUVAL

DEAR SIR:

WE ARE HEREWITH ENCLOSING BILL IN THE ABOVE STYLED SUIT, TOGETHER WITH PROCESS, SERVICE OF WHICH WAS ACCEPTED BY THE DEFENDANTS.

WE ARE ALSO ENCLOSING OUR CHECK FOR EIGHTY CENTS TO COVER YOUR STATEMENT OF COST.

YOURS VERY TRULY,

Saunders & Hutton

JKH/P.
ENCLS.

SUFFOLK, VA.

July 18, 1931.

This agreement made between Miss M.L. Darden of the first part and F.M.Price and J.T.Duval of the second part whereby the party of the first part agrees to sell all standing timber that is merchantable,pine,poplar and gum to the parties of the second part. The purchase price being two dollars and fifty cents ($2.50) per thousand feet long measure at mill. The parties of the second part to pay each Monday for all timber carried to the mill the week before and payment to be made in presence of witness.

Witness our hands and seals this 18th day of July 1931.

M L Darden SEAL

F M Price SEAL

J. T. Duval SEAL.

Witness

C B Darden

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

J. H. Barnes, Martha F. Raiford,
Lizzie P. Pierce, Sarah J. Powell,
Pattie I. Holland, Vertley E.
Smith and Margaret Copeland Gray.....Complainants

v. DECREE

F. M. Price and J. T. Dvuall.....Defendants.

This cause, which has been regularly matured and set for hearing at the rules, came on this day to be heard upon the bill of the above named complainants and the exhibit thereto, and the answers thereto of the above named defendants, with general replication to said answers, and was argued by counsel; and upon the testimony heard in open Court, being ~~Upon consideration thereof,~~ the Court ~~having maturely considered the pleadings, is~~ of ~~the~~ opinion that the contract referred to in the bill, dated July 18, 1931, by virtue of which the defendants claim the right to cut and remove the timber on the land hereinafter described, is void and unenforceable, ~~and~~ doth so decide ~~and declare~~, and the Court doth adjudge, order and decree that the said F. M. Price and J. T. Duvall, their agents and assigns, be, and they are hereby permanently enjoined and restrained from cutting ~~and/~~or removing, or going upon the said premises for the purpose of cutting ~~and/~~ or removing the timber, or any part thereof, on the land of which Mary Lou Darden died seised and possessed, situated in Isle of Wight County, Virginia, containing by estimate two hundred and thirty-four and one-fifth (234-1/5) acres, bounded by the land of the J. J. Rhodes estate, J. R. Saunders and others.

And it appearing ~~to the Court~~ that the parties to this suit, by counsel, have agreed upon an accounting; ~~that~~ for the amount due by the defendants to the heirs at law of said Mary Lou Darden for timber cut and removed ~~from said land by the defendants is $134.87, and the Court being of the opinion that of this amount the complainants are entitled to receive the sum of $98.12,~~ it is ordered that the defendants pay to the complainants, or to their attorneys of record for them, the said sum of $98.12.

And the Court doth further order that the complainants recover of the defendants their cost about their suit in this behalf expended, and this cause is removed from the Docket.

VIRGINIA:

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

J. H. Barnes, Martha F. Raiford, Lizzie P. Pierce, Sarah J. Powell, Pattie I. Holland, Vertley E. Smith and Margaret Copeland Gray,

Complainants

v. DECREE #605

F. M. Price and J. T. Duvall,

Defendants.

1932
Mar. 26.
Enter this
8:30 A.M.

I have seen this decree
Thos. L. Woodward
of Counsel for Defendants

Saunders & Saunders
for Plaintiffs

9-36

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

J. H. Barnes.....Plaintiff

v. ORDER

F. M. Price and J. T. Duvall.....Defendants

On motion of Martha F. Raiford, Lizzie P. Pierce, Sarah J. Powell, Pattie I. Holland, Virtley E. Smith and Margaret Copeland Gray, by counsel, it appearing that they are owners in fee simple of undivided interests in the land on which the timber in question in this suit stands, it is ordered that the said Martha F. Raiford, Lizzie P. Pierce, Sarah J. Powell, Pattie I. Holland, Virtley E. Smith and Margaret Copeland Gray be, and they are hereby, made parties plaintiff to this cause.

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

J. H. Barnes,
Plaintiff,

v. ORDER
F. M. Price and J. T. Duvall,
Defendants.

1932
Jan 21.
Entered this
R.H.S.C.

Book 9
page 208

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF PORTSMOUTH:

J. H. BARNES,
PLAINTIFF,

v. DECREE

F. M. PRICE AND J. T. DUVAL,
DEFENDANTS.

ON MOTION OF THE PLAINTIFF AND THE DEFENDANTS, BY COUNSEL, IT IS ADJUDGED, ORDERED AND DECREED THAT THIS CAUSE BE REMOVED TO THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, ~~WHICH HAS JURISDICTION OF THE SUBJECT MATTER.~~

J. H. BARNES,
PLAINTIFF

v. DECREE

F. M. PRICE AND J. T. DUVAL,
DEFENDANTS.

1931
Dec 12
Entered

We Consent:
F. M. Price & J. T. Duval
By Thos. L. Wordsworth
Their Attorney

1931.
December, 12th
Entered.

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

J. H. BARNES,
PLAINTIFF,

v. DECREE

F. M. PRICE AND J. T. DUVAL,
DEFENDANTS.

ON MOTION OF THE PLAINTIFF AND THE DEFENDANTS, BY COUNSEL, IT IS ADJUDGED, ORDERED AND DECREED THAT THIS CAUSE BE REMOVED TO THE CIRCUIT COURT OF THE CITY OF PORTSMOUTH, ~~WHICH HAS JURISDICTION OF THE SUBJECT MATTER~~.

J. H. BARNES,

PLAINTIFF,

v. DECREE 605

F. M. PRICE AND J. I. DUVAL,

DEFENDANTS.

1931
Nov 27
Entered

9-20

We consent:
F. M. Price and J. I. Duval
By Thos. L. Woodward, Their Attorney

James R. Harris
For Plaintiff

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF PORTSMOUTH:

J. H. BARNES.....PLAINTIFF

v. ORDER

F. M. PRICE AND J. T. DUVAL.....DEFENDANTS.

ON MOTION OF PLAINTIFF, BY COUNSEL, IT APPEARING TO THE COURT THAT THE CLERK OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY HAS TRANSMITTED TO THE CLERK OF THIS COURT THE ORIGINAL PAPERS HEREIN, WITH THE COPIES OF ALL THE RULES AND ORDERS MADE, AND A STATEMENT OF THE COSTS INCURRED BY EACH PARTY HEREIN, IT IS ORDERED THAT THIS CAUSE BE PLACED UPON THE CHANCERY DOCKET OF THIS COURT.

J. H. BARNES,
PLAINTIFF,

vs. ORDER

F. M. PRICE AND J. T. DUVAL,
DEFENDANTS.

1431
Nov. 27,
Entered
1931.

1931,
Nov. 27
Entered

ISLE OF WIGHT, VA., 1-16 1932

M Barnes T Newton Atty

Re Bonds to Price & Daniel

To R. A. EDWARDS Dr.

CLERK OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY

COMMISSIONER IN CHANCERY

PROMPT SETTLEMENT OF ACCOUNTS RENDERED INSURES PROMPT ATTENTION TO FUTURE WORK

2 Certificates	Recording	1	00
" "	Certificate		80
" "	Certificate	1	40
" "	Certificate	2	40
		5	60

Clg.

C. L. Carr - Collinsville.

Barnes vs Duvall & Price

1 day - 14 miles.

(forgot to bring summons)

CLERK'S OFFICE

CIRCUIT COURT OF ISLE OF WIGHT COUNTY

ISLE OF WIGHT, VIRGINIA

R. A. EDWARDS, CLERK
AND COMMISSIONER IN CHANCERY

Jan 21-1932

Judge B. D. White
Circuit Court Isle of Wight Co. Va,

Dear Sir.

Re. Committee Emma Edwards

Beg to advise that I have in hand as committee of the above mentioned party check for $100.00 and wish to draw amount of $47.32.

Beg to tender my resignation herewith effective at once as committee of Emma Edwards

H. C. Whitehead Sheriff and as such committee Emma Edwards

Barnes et al

vs

Price & Durant.

Plaint.

.50 } each
7.00 }

Each Pltf - 9.50 =

Stamp · 1.00

Chg.

8.00
1.50
2.50
12.00

The Commonwealth of Virginia,

To the sheriff of the County of ~~Isle of Wight~~ Nansemond, Greeting:

We Command you to summon Wallace Jackson

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the court house thereof, on the 21st day of Jan. 19,32 at 10:30 A. M. to testify and the truth to say in behalf of the Defendants in a certain controversy in our said court, before the said Judge depending and undetermined, between

J. H. Barnes, Plaintiff

and

F. M. Price & J. T: Duval, Defendant,

And have then there this writ. Witness R. A. Edwards, Clerk of our said court at the court-house, the 19 day of Jan. 19 32, and in the 156 year of Commonwealth.

R. A. Edwards

Clerk.

NOTE. Appear before the Clerk and claim your attendance

Wallace Jackson

CONTROVERSY.

Price & Duval

vs. Idz. } **Subpoena For Witness**

J. H. Barnes

Suffolk - 20 m

Reg 441

Circuit Court
of
Isle of Wight County

the day of

The Commonwealth of Virginia,

To the ~~sheriff~~ Sergeant city of Suffolk of the ~~County of Isle of Wight~~, Greeting:

We Command you to summon D.C.Lyon

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the court house thereof, on the 21st day of Jan. 19,32 at 10:30 A. M. to testify and the truth to say in behalf of the Defendants in a certain controversy in our said court, before the said Judge depending and undetermined, between

J. H. Barnes, Plaintiff

and

F. M. Price & J. T. Duval, Defendant,

And have then there this writ. Witness R. A. Edwards, Clerk of our said court at the court-house, the 19 day of Jan, 19 32, and in the 156 year of Commonwealth.

R A Edwards

Clerk.

NOTE. Appear before the Clerk and claim your attendance

D. C. Ly.

CONTROVERSY.

Price & Duval

Adz. } **Subpoena For Witness**

J. H. Barnes

Suffolk
20 miles 1 way

Circuit Court
of
Isle of Wight County

the ___ day of ___

The Commonwealth of Virginia,

To the ~~sheriff of the County of Isle of Wight,~~ sergeant city of Suffolk Greeting:

We Command you to summon C. J. Dennis

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the court house thereof, on the 21st. day of Jan. 19,32 at 10:30 A. M. to testify and the truth to say in behalf of the Defendants in a certain controversy in our said court, before the said Judge depending and undetermined, between

J. H. Barnes, Plaintiff

and

F. M. Price & J. T. Duval, Defendant,

And have then there this writ. Witness R. A. Edwards, Clerk of our said court at the court-house, the 19 day of Jan. 1932, and in the 156 year of Commonwealth.

R. A. Edwards

Clerk.

NOTE. Appear before the Clerk and claim your attendance

C. J. Dennis

CONTROVERSY.

Price & Duval

Adz. — **Subpoena For Witness**

J. H. Barnes

Suffolk — 40 miles

Circuit Court
of
Isle of Wight County

the ___ day of ___

The Commonwealth of Virginia,

To the ~~sheriff~~ Sergeant City of Suffolk of the ~~County of Isle of Wight,~~ Greeting:

We Command you to summon S. T. Gay

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the court house thereof, on the 21st. day of Jan. 19,32 at 10:30 A. M. to testify and the truth to say in behalf of the Defendants in a certain controversy in our said court, before the said Judge depending and undetermined, between

J. H. Barnes, Plaintiff

and

F. M. Price & J. T. Duval, Defendant,

And have then there this writ. Witness R. A. Edwards, Clerk of our said court at the court-house, the 19 day of Jan. 19 32, and in the 156 year of Commonwealth.

R. A. Edwards

Clerk.

NOTE. Appear before the Clerk and claim your attendance

D. T. Day

CONTROVERSY.

Price & Duval

Adz.) **Subpoena For Witness**

J. F. Barnes

Suffolk. 20 Mls

Circuit Court
of
Isle of Wight County

the ____ day of ____

The Commonwealth of Virginia,

To the ~~sheriff~~ sergeant city of Suffolk of the ~~County of Isle of Wight~~, Greeting:

We Command you to summon J. T. Turner

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the court house thereof, on the 21st day of Jan. 19,32 at 10:30 A. M. to testify and the truth to say in behalf of the Defendants in a certain controversy in our said court, before the said Judge depending and undetermined, between

J. H. Barnes, Plaintiff

and

F. M. Price & J. T. Duval, Defendant,

And have then there this writ. Witness R. A. Edwards, Clerk of our said court at the court-house, the 19 day of Jan 1932, and in the 156 year of Commonwealth.

R. A. Edwards
Clerk.

NOTE. Appear before the Clerk and claim your attendance

J. T. Turner.

CONTROVERSY.

Price & Duval

Adz. } **Subpoena For Witness**

J. H. Barnes

Suffolk Va
20 mls

Circuit Court
of
Isle of Wight County

the day of

The Commonwealth of Virginia,

To the sheriff of the County of ~~Isle of Wight~~ Southampton, Greeting:

We Command you to summon DR. E. A. DeBordenave

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the court house thereof, on the 21st. day of Jan. 19,32 at 10:30 A. M. to testify and the truth to say in behalf of the Defendants in a certain controversy in our said court, before the said Judge depending and undetermined, between

J. H. Barnes, Plaintiff

and

F. M. Price & J. T. Duval, Defendant,

And have then there this writ. Witness R. A. Edwards, Clerk of our said court at the court-house, the 19 day of Jan. 1932, and in the 156 year of Commonwealth.

R. A. Edwards D.

Clerk.

NOTE. Appear before the Clerk and claim your attendance

Original

CONTROVERSY.

Price + Duval

Adz. } **Subpoena For Witness**

J. H. Barnes

Circuit Court
of
Isle of Wight County

the 21 day of Jan 1932

Executed this 20th.Day of January.1932.by delivering a true Copy of the within Subpoena to Dr.E.A.deBordenave. in person at his Home in Franklin Southampton County,Va.

W.E.Darden.Sgt.Franklin, Va.

The Commonwealth of Virginia,

To the sheriff of the County of ~~Isle of Wight~~ Southampton, Greeting:

We Command you to summon DR. E. A. DeBordenave

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the court house thereof, on the 21st. day of Jan. 1932 at 10:30 A. M. to testify and the truth to say in behalf of the Defendants in a certain controversy in our said court, before the said Judge depending and undetermined, between

J. H. Barnes, Plaintiff

and

F. M. Price & J. T. Duval, Defendant,

And have then there this writ. Witness R. A. Edwards, Clerk of our said court at the court-house, the 19 day of Jan. 32, and in the 156 year of Commonwealth.

R A Edwards

Clerk.

NOTE. Appear before the Clerk and claim your attendance

Dr. E. A. DeBordenave

CONTROVERSY.

Price & Duval

Adz. } **Subpoena For Witness**

J. H. Barnes

Circuit Court
of
Isle of Wight County

the ___ day of ___

The Commonwealth of Virginia,

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

We Command you to summon E.B.Rhodes

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the court house thereof, on the 21st. day of Jan. 19,32 at 10:30 A. M. to testify and the truth to say in behalf of the Defendants in a certain controversy in our said court, before the said Judge depending and undetermined, between

J. H. Barnes, Plaintiff

and

F. M. Price & J. T. Duval, Defendant,

And have then there this writ. Witness R. A. Edwards, Clerk of our said court at the court-house, the 19 day of Jan. 19 32, and in the 156 year of Commonwealth.

R. A. Edwards

Clerk.

NOTE. Appear before the Clerk and claim your attendance

E. B. Rhodes

CONTROVERSY.

Price & Duval

'dz.

Subpoena For Witness.

J. H. Barnes

14 miles
Windsor
R#1

Circuit Court
of
Isle of Wight County

the ___ day of ___

The Commonwealth of Virginia,

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

We Command you to summon C.W. Ellis

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the court house thereof, on the 21st. day of Jan. 19,32 at 10:30 A. M. to testify and the truth to say in behalf of the Defendants in a certain controversy in our said court, before the said Judge depending and undetermined, between

J. H. Barnes, Plaintiff

and

F. M. Price & J. T. Duval, Defendant,

And have then there this writ. Witness R. A. Edwards, Clerk of our said court. at the court-house, the 19 day of Jan. 19 32, and in the 156 year of Commonwealth.

R. A. Edwards

Clerk.

NOTE. Appear before the Clerk and claim your attendance

C. A. Ellis

CONTROVERSY.

Price & Duval

Adz.

Subpoena For Witness

J. H. Barnes

W-
15 miles

Circuit Court
of
Isle of Wight County

the ___ day of ___

The Commonwealth of Virginia,

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

We Command you to summon W. E. Ellis

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the court house thereof, on the 21st. day of Jan. 19,32 at 10:30 A. M. to testify and the truth to say in behalf of the Defendants in a certain controversy in our said court, before the said Judge depending and undetermined, between

J. H. Barnes, Plaintiff

and

F. M. Price & J. T. Duval, Defendant,

And have then there this writ. Witness R. A. Edwards, Clerk of our said court at the court-house, the 19 day of Jan. 1932, and in the 156 year of Commonwealth.

R. A. Edwards

Clerk.

NOTE. Appear before the Clerk and claim your attendance

H. E. Ellis

CONTROVERSY.

Price & Duval

Adz.

Subpoena For Witness

J. H. Barnes

18 Windsor,

Circuit Court
of
Isle of Wight County

the ____ day of _____

The Commonwealth of Virginia,

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

We Command you to summon S.S.Rhodes

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the court house thereof, on the 21st day of Jan. 1932 at 10:30 A. M. to testify and the truth to say in behalf of the Defendants in a certain controversy in our said court, before the said Judge depending and undetermined, between

J. H. Barnes, Plaintiff

and

F. M. Price & J.T.Duval, Defendant,

And have then there this writ. Witness R. A. Edwards, Clerk of our said court at the court-house, the 19 day of Jan. 1932, and in the 156 year of Commonwealth.

R. A. Edwards

Clerk.

NOTE. Appear before the Clerk and claim your attendance

S. S. Rhodes

CONTROVERSY.

Price & Duval

vs. } **Subpoena For Witness**

J. H. Barnes

16 miles
W-

Circuit Court
of
Isle of Wight County

the ___ day of _____

The Commonwealth of Virginia,

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

We Command you to summon C.E. Rhodes

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the court house thereof, on the 21st day of Jan. 1932 at 10:30 A. M. to testify and the truth to say in behalf of the Defendants in a certain controversy in our said court, before the said Judge depending and undetermined, between

J. H. Barnes, Plaintiff

and

F. M. Price & J.T. Duval, Defendant,

And have then there this writ. Witness R. A. Edwards, Clerk of our said court at the court-house, the 19 day of Jan 1932, and in the 156 year of Commonwealth.

R. A. Edwards

Clerk.

NOTE. Appear before the Clerk and claim your attendance

C. E. Rhodes

CONTROVERSY.

Price & Duval

Adz. } **Subpoena For Witness**

J. H. Barnes

16 miles
W

Circuit Court
of
Isle of Wight County

the ____ day of _____

_____

The Commonwealth of Virginia,

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

We Command you to summon K. B. Rhodes

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the court house thereof, on the 21st day of Jan. 1932 at 10:30 A. M. to testify and the truth to say in behalf of the Defendants in a certain controversy in our said court, before the said Judge depending and undetermined, between

J. H. Barnes, Plaintiff

and

F.L. Price & J. T. Duval, Defendant,

And have then there this writ. Witness R. A. Edwards, Clerk of our said court at the court-house, the 19 day of Jan. 1932, and in the 156 year of Commonwealth.

R. A. Edwards

Clerk.

NOTE. Appear before the Clerk and claim your attendance

K. B. Rhodes

CONTROVERSY.

Price & Duval

Adz. } **Subpoena For Witness**

J. H. Barnes.

16 miles
Windsor

Circuit Court
of
Isle of Wight County

the ___ day of _____

The Commonwealth of Virginia,

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

We Command you to summon Tobe Holland

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the court house thereof, on the 21st day of Jan 19,32 at 10:30 A. M. to testify and the truth to say in behalf of the plaintiff in a certain controversy in our said court, before the said Judge depending and undetermined, between

J.H. Barnes, Plaintiff

and

F.M.Price and J. T. Duvall, Defendant,

And have then there this writ. Witness R. A. Edwards, Clerk of our said court at the court-house, the 16th day of Jan 19 32, and in the 156 year of Commonwealth.

R. A. Edwards D.C.

NOTE. Appear before the Clerk and claim your attendance

Jake Holland
CONTROVERSY.

Barnes

v

Subpoena
For
Witness

Price v Duvall

Circuit Court
of
Isle of Wight County

the 21 day of Jan. 1932

The Commonwealth of Virginia,

To the ~~sheriff of the~~ Sergeant of the City of Suffolk County of Isle of Wight, Greeting:

We Command you to summon Frank Joyner - Mills Day

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the court house thereof, on the 21st day of Jan 19, 32 at 10:30 A. M. to testify and the truth to say in behalf of the plaintiff in a certain controversy in our said court, before the said Judge depending and undetermined, between

J. H. Barnes, Plaintiff

and

F.M. Price and J.T. Duvall, Defendant,

And have then there this writ. Witness R. A. Edwards, Clerk of our said court at the court-house, the 16th day of Jan 1932, and in the 156 year of Commonwealth.

R. A. Edwards, Clerk

NOTE. Appear before the Clerk and claim your attendance

Original

CONTROVERSY.

Barnes

vs

Price & Duvall

Subpoena For Witness

Circuit Court
of
Isle of Wight County

the 21 day of Jan. 1932

Jan 22 1932

Executed By

By calling at the usual place of abode of the defendant

Isaac Joyner

and not finding him there, nor his wife, nor any member of his family above the age of sixteen years, I posted a copy hereof in writing at the front door of his dwelling house, the said usual place of abode in the city of Suffolk.

City Sergeant

Deputy Sergeant

Jan 22 1932

Executed By

By calling at the usual place of abode of the defendant

Willie Jay

and not finding him there, nor his wife, nor any member of his family above the age of sixteen years, I posted a copy hereof in writing at the front door of his dwelling house, the said usual place of abode in the city of Suffolk.

City Sergeant

Deputy Sergeant

Sgt. Fee

PAID

$ 1.00

Deputy City SERGEANT

The Commonwealth of Virginia,

To the sheriff of the County of ~~Isle of Wight~~ Nansemond, Greeting:

We Command you to summon Fayette Rawles, Jasper Daughtery, Lizzie P. Pierce

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the court house thereof, on the 21st day of Jan 19, 32 at 10:30 A. M. to testify and the truth to say in behalf of the plaintiff in a certain controversy in our said court, before the said Judge depending and undetermined, between

J. H. Barnes

, Plaintiff

and

F.M.Price and J. T. DuVall ,Defendant ,

And have then there this writ. Witness R. A. Edwards, Clerk of our said court at the court-house, the 16 day of January 1932 , and in the 156 year of Commonwealth.

R. A. Edwards Clk

NOTE. Appear before the Clerk and claim your attendance

Original

CONTROVERSY.

Barnes

v.

Price
&
Burrell

Subpoena For Witness

Circuit Court
of
Isle of Wight County

the 21 day of Jan. 1932.

Executed on the 19th day of Jan.
1932, within the County of Nansemond, State of Virginia, by delivering a true copy of the within summons ~~notice~~, in writing, to Lizzie Price Jasper Daughtery ~~in person~~ Layette Rawles each in person

E B Rawles
Sheriff of Nansemond County

By A C Rawles
Deputy Sheriff of Nansemond County

The Commonwealth of Virginia,

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

We Command you to summon Emmett B Rhodes

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the court house thereof, on the 21st day of Jan 1932 at 10:30 A. M. to testify and the truth to say in behalf of the plaintiff in a certain controversy in our said court, before the said Judge depending and undetermined, between

J.H. Barnes, Plaintiff

and

F.M. Price and J.H. Duvall, Defendant,

And have then there this writ. Witness R. A. Edwards, Clerk of our said court at the court-house, the 16th day of Jan 1932, and in the 156 year of Commonwealth.

R. A. Edwards D. Clk

NOTE. Appear before the Clerk and claim your attendance

Emmett Rhodes
CONTROVERSY.

Barnes

v. | Subpoena For Witness

Price & Duvall

Circuit Court
of
Isle of Wight County

the 21 day of Jan. 1932

The Commonwealth of Virginia,

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

We Command you to summon W. L. Bardem

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the court house thereof, on the 21st day of Jan 1932 at 10:30 A. M. to testify and the truth to say in behalf of the plaintiff in a certain controversy in our said court, before the said Judge depending and undetermined, between

J.H. Barnes, Plaintiff

and

F.M. Price and J.H. Duvall, Defendant,

And have then there this writ. Witness R. A. Edwards, Clerk of our said court at the court-house, the 16th day of Jan 1932, and in the 156 year of Commonwealth.

R. A. Edwards Clk

NOTE. Appear before the Clerk and claim your attendance

W. L. Darden

CONTROVERSY.

Barnes

v. | **Subpoena For Witness**

Price v Duvall

15 miles W.

Circuit Court
of
Isle of Wight County

the 21 day of Jan. 1932.

The Commonwealth of Virginia,

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

We Command you to summon Whittie Darden

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the court house thereof, on the 21st day of Jan 19, 32 at 10:30 A. M. to testify and the truth to say in behalf of the plaintiff in a certain controversy in our said court, before the said Judge depending and undetermined, between

J.H. Barnes, Plaintiff

and

F.M. Price and J.T. Duvall, Defendant,

And have then there this writ. Witness R. A. Edwards, Clerk of our said court at the court-house, the 16th day of Jan 19 32, and in the 156 year of Commonwealth.

R. A. Edwards Clerk

NOTE. Appear before the Clerk and claim your attendance

Whittie Darden

CONTROVERSY.

Barnes

v

Subpoena For Witness

Price + Duvall

W-
15 miles

Circuit Court
of
Isle of Wight County

the 21 day of Jan. 1932.

The Commonwealth of Virginia,

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

We Command you to summon John Duke

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the court house thereof, on the 21st day of Jan 1932 at 10:30 A. M. to testify and the truth to say in behalf of the plaintiff in a certain controversy in our said court, before the said Judge depending and undetermined, between

J.H. Barnes, Plaintiff

and

F.M. Price and J.H. Duvall, Defendant,

And have then there this writ. Witness R. A. Edwards, Clerk of our said court at the court-house, the 16th day of Jan 19 32, and in the 156 year of Commonwealth.

R. A. Edwards Clk

NOTE. Appear before the Clerk and claim your attendance

John Duke

CONTROVERSY.

Barnes

US

Subpoena For Witness

Price + Durrell

Carrville

Circuit Court
of
Isle of Wight County

the 21 day of Jan. 1932

The Commonwealth of Virginia,

To the sheriff of the County of Southampton *Isle of Wight, Greeting:*

We Command you to summon Dr. J. C. Rawls

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the court house thereof, on the 21st day of Jan 19, 32 at 10:30 A. M. to testify and the truth to say in behalf of the plaintiff in a certain controversy in our said court, before the said Judge depending and undetermined, between

J. H. Barnes, Plaintiff

and

J.W.Price and J. T. DeVall, Defendant,

And have then there this writ. Witness R. A. Edwards, Clerk of our said court at the court-house, the 16th day of January 19 32, and in the 156 year of Commonwealth.

R. A. Edwards Jr. Clk

NOTE. Appear before the Clerk and claim your attendance

Dr. Rawls
CONTROVERSY.

Barnes

vs

Subpoena
For
Witness

Price & Duvall

Circuit Court
of
Isle of Wight County

the 21 day of Jan. 1932.

The Commonwealth of Virginia,

To the sheriff of the County of ~~Isle of Wight~~ Southampton, *Greeting:*

We Command you to summon Dr. E. A. DeBordenave

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the court house thereof, on the 21st day of Jan 19, 32 at 10:30 A. M. to testify and the truth to say in behalf of the plaintiff in a certain controversy in our said court, before the said Judge depending and undetermined, between

J. H. Barnes, Plaintiff

and

F.H.Price and J. T. DuVall, Defendant,

And have then there this writ. Witness R. A. Edwards, Clerk of our said court at the court-house, the 16th day of January 19 32, and in the 156 year of Commonwealth.

R. A. Edwards clk

NOTE. Appear before the Clerk and claim your attendance

Dr. DeBordenave

CONTROVERSY.

Barnes

v. } **Subpoena For Witness**

Price & Duvall

Circuit Court
of
Isle of Wight County

the 21 day of Jan. 1932.

The Commonwealth of Virginia,

To the sheriff of the County of ~~Isle of Wight~~ Southampton, Greeting:

We Command you to summon W. J. M. Holland

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the court house thereof, on the 21st day of Jan 19, 32 at 10:30 A. M. to testify and the truth to say in behalf of the plaintiff in a certain controversy in our said court, before the said Judge depending and undetermined, between

J. H. Barnes, Plaintiff

and

F.M.Price and J. T. DuVall, Defendant,

And have then there this writ. Witness R. A. Edwards, Clerk of our said court at the court-house, the 16th day of January 19 32, and in the 156 year of Commonwealth.

R. A. Edwards clk

NOTE. Appear before the Clerk and claim your attendance

W. J. M. Holland

CONTROVERSY.

Barnes

v

Subpoena For Witness

Price + Duvall

Circuit Court
of
Isle of Wight County

the 21 day of Jan. 1932

F. W. Dillon

The Commonwealth of Virginia,

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

We Command you to summon Dr. E. M. Babb.

to appear before the Judge of our Circuit Court of the County of Isle of Wight, at the court house thereof, on the 21st day of Jan 19, 30 at 10:30 A. M. to testify and the truth to say in behalf of the plaintiff in a certain controversy in our said court, before the said Judge depending and undetermined, between

J. H. Barnes, Plaintiff

and

F. M. Price and J. T. DuVall, Defendant,

And have then there this writ. Witness R. A. Edwards, Clerk of our said court at the court-house, the 16th day of January 19 30, and in the 154 year of Commonwealth.

R. A. Edwards Clk

NOTE. Appear before the Clerk and claim your attendance

Dr. Babb
CONTROVERSY.

Barnes

v.

Subpoena
For
Witness

Price + Duvall

Circuit Court
of
Isle of Wight County

the 21 day of Jan. 1932.

Issue Sml G.

The Commonwealth of Virginia, Sheriff of Isle of Wight Co.

TO THE ~~SERGEANT OF THE CITY OF PORTSMOUTH~~, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

John Duke, W. L. Darden, Charlie E. Rhodes, Emmett Rhodes, Elam Rhodes.

to appear before the Circuit Court of the City of Portsmouth, at the Municipal Building of said City on the 5 day of December 193 1, at 10:30 o'clock A. M., to testify and the truth to say on behalf of the Plaintiff

in a certain matter of controversy in our said Court depending and undetermined between

J. H. Beanes Plaintiff

and

L. M. Price etal Defendant

And this the witness shall in nowise omit, under the penalty of $300 each—And have then and there this summons.

Witness, KENNETH A. BAIN, Jr., Clerk of our said Court, at his office, this 30 day of Nov. 1931, in the 156 th year of the Commonwealth.

KENNETH A. BAIN, Jr., CLERK.

By L. M. Meafner D. C.

Executed the within warrant this the 3rd

day of Dec 1931 by serving a true copy

of same on Emmett Rhodes and Elsie Rhodes in person

Within the County of Isle of Wight.

W. C. Whitehead Sheriff

D. S.

J. H. Barnes

vs. SUMMON FOR WITNESSES

J. M. Price et al

193 1

To December 5th

10:30 a.m.

P.Q.

P.D.

Saunders & Sutton

Not finding John Duke at his usual place

of abode nor any member of the family of the said

John Duke over the age of sixteen years

I executed the within Summons by posting a true copy of same

on the front door of the residence of the said John Duke

in the County of Isle of Wight this 3rd

day of Dec 1931

W. C. Whitehead Sheriff

By D. S.

Not finding W. L. Dawson at his usual place of abode,
I executed the with-in warrant this the 3rd day of Dec 1931
by serving a true copy of same on Mrs W. L. Dawson for the
said W. L. Dawson and explained to her the purport of
same, She being a member of the family of the said
and over the age of sixteen years, in the County of Isle of Wight.

W. C. Whitehead Sheriff

D. S.

Not finding Charlie E. Rhodes at his usual place of abode,
I executed the with-in warrant this the 3rd day of Dec 1931
by serving a true copy of same on Mrs Charlie E. Rhodes for the
said Charlie E. Rhodes and explained to her the purport of
same, She being a member of the family of the said
and over the age of sixteen years, in the County of Isle of Wight.

W. C. Whitehead Sheriff

The Commonwealth of Virginia,

TO THE SERGEANT OF THE CITY OF ~~PORTSMOUTH~~ Suffolk, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

Frank Jeyney, Mills Gay

to appear before the Circuit Court of the City of Portsmouth, at the Municipal Building of said City on the 5 day of December 1931, at 10:30 o'clock A. M., to testify and the truth to say on behalf of the Plaintiff

in a certain matter of controversy in our said Court depending and undetermined between

J. H. Barnes — Plaintiff

and

F. M. Price etal — Defendant

And this the witness shall in nowise omit, under the penalty of $300 each—And have then and there this summons.

Witness, KENNETH A. BAIN, Jr., Clerk of our said Court, at his office, this 30 day of Nov. 1931, in the 156 th year of the Commonwealth.

KENNETH A. BAIN, Jr., CLERK.

By L. M. Hughes D. C.

Executed 12 / 31
by serving a copy hereof on the defendant in person. Mills Foy

H. H. Chun
City Sergt.

W. Walton
Deputy City Sergt.

Executed 12-1-31
by serving a copy hereof on the defendant in person. Frank Pierce

H. H. Chun
City Sergt.

W. Walton
Deputy City Sergt.

Sgt. Fee $1.00
PAID
W. Walton
Dep City SERGEANT

J. H. Barnes

vs. { SUMMON FOR WITNESSES

F. M. Price et al

193 1

To December 5th
10:30 A.M.

P.Q.
~~P.D.~~

Saunders & Hutton

The Commonwealth of Virginia, Sheriff of Nansemond Co.

TO THE ~~SERGEANT OF THE CITY OF PORTSMOUTH~~, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

Fayette Rawles, Jasper daughtry, Lizzie P. Price

to appear before the Circuit Court of the City of Portsmouth, at the Municipal Building of said City on the 5 day of December 1931, at 10:30 o'clock A. M., to testify and the truth to say on behalf of the Plaintiff

in a certain matter of controversy in our said Court depending and undetermined between

J. H. Barnes Plaintiff

and

F. M. Price, etal Defendant

And this the witness shall in nowise omit, under the penalty of $300 each—And have then and there this summons.

Witness, KENNETH A. BAIN, Jr., Clerk of our said Court, at his office, this 30 day of Nov. 1931, in the 156 th year of the Commonwealth.

KENNETH A. BAIN, Jr., CLERK.

By L. M. Hodges D. C.

Executed on Fayette Rawles. By serving a copy on Mrs Fayette Rawles on Dec 2 1931. in Nansemond county Va

E. B. Rawles Sheriff

By J C Taylor

J. H. Barnes

vs. } SUMMON FOR WITNESSES

A. M. Price etal

193 1

To Dec 5th

10:30 Am.

P.O.
~~P.D.~~

Saunders & Mustatone

Executed on the 2nd day of December 1931, within the County of Nansemond, State of Virginia, by delivering a true copy of the within summons ~~etc.~~, in writing, to Jasper Daughtry and Lizzie Pierce in person.

E B Rawles
Sheriff of Nansemond County

By J C Taylor
Deputy Sheriff of Nansemond County

Commonwealth of Virginia,

To the Sheriff of Isle of Wight County — Greeting:

WE COMMAND YOU, That you summon F. M. Price and J. T. Duvall

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 November, 1931, to answer a bill in chancery, exhibited against them in our said Court by J. H. Barnes

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this 6th day of November, 1931, and in the 156th year of the Commonwealth.

R. A. Edwards Clerk.

One, legal and
sufficient service of
foregoing summons
is hereby accepted this
7th day of October, 1931
F. M. Price and
J. T. Duvall
E. Hugh Holland
Att'y.

J. H. Barnes

vs. } CHANCERY NO. 605

F.M.Price and J.T.Duvall

ORIGINAL SUBPOENA

Virginia, Clerk's office of the Circuit Court of the County of Isle of Wight.

....., *19*.....

Returned, entered and filed.

Teste:

.....*Clerk*

To Second November *Rules*

*19*31

.....*p. q.*

VIRGINIA:

In the Circuit Court of Isle of Wight County:

J. H. Barnes.....Complainant

V. ANSWER

F. M. Price and J. T. Duval.....Defendants

The answer of F. M. Price and J. T. Duval to a Bill of Complaint filed against them in the Circuit Court of Isle of Wight County, Virginia, by J. H. Barnes, complainant.

These respondents reserving to themselves the benefit of all just exceptions to the said Bill of Complaint, for answer thereto, or to so much thereof as they are advised that it is material they should answer, answer and say:

(1) Said defendants specifically and emphatically deny each and every allegation set out in paragraphs three, four, five, six, seven and eight of the Bill of Complaint in this suit.

(2) Defendants allege that Mary Lou Darden was the owner of a certain tract of land in Isle of Wight County, Virginia, on July 18th, 1931; that said defendants purchased from said Mary Lou Darden all standing timber that is merchantable, pine poplar and gum, for TWO AND 50/100 ($2.50) DOLLARS per thousand feet, log measure, at mill by written agreement, under seal, on July 18th, 1931; that said agreement has been partly performed in that said defendants have cut a portion of said timber and have paid for same according to agreement; said defendants are willing and desire to continue to perform their contract.

(3) Said defendants deny that said Mary Lou Darden was feeble-minded or incapable of entering into said agreement or that she was insane; and defendants also deny that said Mary Lou Darden was taken advantage of or imposed on in any way in the execution of said agreement.

(4) Said defendants allege that the price agreed upon for said timber was a fair and reasonable market price for same and that they have paid for same strictly in accordance with said agreement; that said agreement was solicited by Mary Lou Darden and was made fairly with her, and that the said Mary Lou Darden was of sound and capable mind at the time of the execution of said agreement.

(5) Said defendants deny that said Mary Lou Darden was mentally incompetent to enter into the contract alleged in the Bill of Complaint, but allege that she was mentally competent to enter into said contract, or any other contract, to dispose of her property and to attend to business affairs. Said defendants also allege that said Mary Lou Darden understood and appreciated the nature, scope and consequences in signing said instrument; that she was mentally and legally competent to do so and do so freely and voluntarily.

(6) Your defendants deny that said Mary Lou Darden had been afflicted with a mental disease or condition commonly known as softening of the brain and deny that she was mentally incompetent or incapable in any way.

(7) Your defendants deny that said Mary Lou Darden was induced to sign said contract by the defendants by means of undue influence or in any other way. On the other hand, your defendants allege that said Mary Lou Darden did induce your defendants to enter into said agreement with her.

(8) Said defendants allege that the first proceedings taken at the instigation of certain parties who expected to become heirs of Mary Lou Darden after her death was an attachment suit brought in her name by her with the consent and assistance of those who now allege her mental incapacity. Consequently, the heirs of

Mary Lou Darden, including the complainant in this suit, have affirmed her mental competency at the time said contract was entered into and are estopped to question same at this time.

(9) Your defendants deny that said contract is vague, indefinite and uninforceable and is not a sufficient compliance with the Statute of Frauds. This was the only timber owned by said Mary Lou Darden, all parties to the agreement were on the premises at the time, and said agreement has been partly performed and several payments were made to said Mary Lou Darden under the terms of said contract from time to time. Furthermore, the complainant in this suit, and the other heirs of Mary Lou Darden, do not stand in the same position as creditors or purchasers for value, but stand in the same position as she herself would be in if she were alive. As to Mary Lou Darden and her heirs, this contract is sufficient in law for all purposes.

(10) Your defendants deny that said Mary Lou Darden has been lawfully or legally adjudged mentally incompetent; but allege that your defendants had no notice of the alleged hearing in lunacy proceedings and were not parties thereto, which alleged proceedings were taken after said contract was entered into and does not bind your defendants in any way.

And now, having fully answered the complainant's Bill, these respondents pray to be hence dismissed with their reasonable cost by them in this behalf expended.

F M Price
Respondent

J. J. Duval, By Thos. L. Woodward His Atty
Respondent

Thos. L. Woodward
Counsel

Hugh A. Holland
Counsel

State of Virginia,
City of Suffolk, to-wit:

F. M. Price, one of the respondents named in the foregoing answer being duly sworn, says that the facts and allegations therein contained are true, except so far as they are therein stated to be on information, and that so as they are therein stated to be upon information he believes them to be true.

F M Price
Respondent

Taken, sworn to and subscribed before me, Lucy W. Crocker, a Notary Public of and for the City and State aforesaid, in my City aforesaid, this 25th day of November, 1931.

My commission expires:
September 28, 1935.

Lucy W Crocker
Notary Public

VIRGINIA:

In the Circuit Court
Of Isle of Wight County:

J. H. Barnes.....Complainant

V. ANSWER

F. M. Price and J. T. Duval.....
.....Defendants

1931
Mar 28th filed
KaBJ
Clk

HUGH L. HOLLAND
~~HOLLAND & LOVELACE~~
ATTORNEYS AT LAW
SUFFOLK, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

J. H. BARNES

v.

F. M. PRICE AND J. T. DUVAL

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

YOUR COMPLAINANT, J. H. BARNES, RESPECTFULLY REPRESENTS:

(1) THAT MARY LOU DARDEN DIED ON THE 23RD DAY OF SEPTEMBER, 1931, INTESTATE, LEAVING AS HER SOLE HEIRS AT LAW AND DISTRIBUTEES YOUR COMPLAINANT, J. H. BARNES, MARTHA F. RAIFORD, LIZZIE P. PIERCE, SARAH J. POWELL, PATTIE I. HOLLAND, VERTLEY SMITH, PEARL BOWEN, JOHN GOODE BARNES, MARGARET COPELAND GREY, VERTLEY D. STEPHENSON, GOLDIE STEPHENSON, RUTH H. STEPHENSON, AND JAMES EDWIN STEPHENSON, THE LAST THREE BEING INFANTS UNDER THE AGE OF TWENTY-ONE YEARS, AND THAT THE SAID MARY LOU DARDEN DIED SEISED AND POSSESSED OF A CERTAIN TRACT OF LAND SITUATED IN ISLE OF WIGHT COUNTY, VIRGINIA, CONTAINING TWO HUNDRED, THIRTY-FOUR AND ONE-FIFTH (234-1/5) ACRES, BOUNDED BY THE LANDS OF THE J. J. RHODES ESTATE, J. R. SAUNDERS, AND OTHERS.

(2) THAT SOME TIME BETWEEN JULY 18TH, 1931, AND AUGUST 12TH, 1931, THE DEFENDANTS BEGAN TO CUT AND REMOVE FROM THE AFORESAID LAND THE STANDING TIMBER THEREON, CLAIMING THE RIGHT TO DO SO BY VIRTUE OF A PAPER WRITING IN THE FOLLOWING WORDS AND FIGURES:

"JULY 18, 1931.

THIS AGREEMENT MADE BETWEEN MISS M. L. DARDEN OF THE FIRST PART AND F. M. PRICE AND J. T. DUVAL OF THE SECOND PART WHEREBY THE PARTY OF THE FIRST PART AGREES TO SELL ALL STANDING TIMBER THAT IS MERCHANTABLE, PINE, POPLAR AND GUM TO THE PARTIES OF THE SECOND PART. THE PURCHASE PRICE BEING TWO DOLLARS AND FIFTY CENTS ($2.50) PER THOUSAND FEET LONG MEASURE AT MILL. THE PARTIES OF THE SECOND PART TO PAY EACH MONDAY FOR ALL TIMBER CARRIED TO THE MILL THE WEEK BEFORE AND PAYMENT TO BE MADE IN PRESENCE OF WITNESS.

WITNESS OUR HANDS AND SEALS THIS 18TH DAY OF JULY 1931.

M L DARDEN (SEAL)

F M PRICE (SEAL)

J. T. DUVAL. (SEAL)

WITNESS

C. B. FORBES"

(3) THAT SAID PAPER WRITING HEREINAFTER REFERRED TO AS "CONTRACT" WAS EXECUTED ON THE 18TH DAY OF JULY, 1931; THAT WHEN SAID CONTRACT WAS EXECUTED AS AFORESAID AND FOR SOME TIME PRIOR THERETO AS WELL AS CONTINUOUSLY THEREAFTER, THE SAID MARY LOU DARDEN WAS MENTALLY INCOMPETENT TO ENTER INTO SAID CONTRACT, OR ANY OTHER CONTRACT; TO DISPOSE OF HER PROPERTY, ~~AND~~ OR TO ATTEND TO BUSINESS AFFAIRS; THAT WHEN SAID PAPER WRITING WAS SIGNED, THE SAID MARY LOU DARDEN DID NOT UNDERSTAND AND APPRECIATE THE NATURE, SCOPE AND CONSEQUENCES OF HER ACT IN SIGNING SAID INSTRUMENT; THAT ON OR ABOUT THE FIRST DAY OF AUGUST, 1931, THE SAID MARY LOU DARDEN WAS LAWFULLY ADJUDGED MENTALLY INCOMPETENT BY A CONSTITUTED COMMISSION SITTING IN ISLE OF WIGHT COUNTY, VIRGINIA, AS WILL APPEAR FROM THE RECORDS OF THE CIRCUIT COURT OF SAID COUNTY, WHEREUPON LILLY RAIFORD DULY QUALIFIED AS COMMITTEE OF SAID MARY LOU DARDEN; THAT ON OR ABOUT THE 12TH DAY OF AUGUST, 1931, THE SAID LILLY RAIFORD, COMMITTEE AS AFORESAID, WAS GRANTED AN INJUNCTION BY THIS HONORABLE COURT RESTRAINING THE DEFENDANTS HEREIN FROM CUTTING AND REMOVING SAID TIMBER FOR A PERIOD OF SIXTY DAYS, WHICH INJUNCTION EXPIRED ON OR ABOUT OCTOBER 12TH, 1931, THE SAID MARY LOU DARDEN HAVING DIED ON SEPTEMBER 23, 1931.

(4) THAT FOR SOME TIME, TO-WIT, TWO YEARS BEFORE SAID CONTRACT WAS SIGNED, THE SAID MARY LOU DARDEN HAD BEEN AFFLICTED WITH A MENTAL DISEASE OR CONDITION COMMONLY KNOWN AS SOFTENING OF THE BRAIN, SHE BEING AT THE TIME SAID CONTRACT WAS SIGNED APPROXIMATELY EIGHTY-FOUR YEARS OF AGE, AND WHEN SAID CONTRACT WAS SIGNED SHE WAS MENTALLY INCAPABLE OF BECOMING A PARTY THERETO.

(5) THAT YOUR COMPLAINANT BELIEVES AND HERE STATES THAT

THE SAID MARY LOU DARDEN WAS INDUCED TO SIGN SAID CONTRACT BY THE DEFENDANTS BY THE USE OF UNDUE INFLUENCE BROUGHT TO BEAR UPON HER BY THE SAID DEFENDANTS.

(6) THAT SAID DEFENDANTS AFTER THE DEATH OF MARY LOU DARDEN AND AFTER THE SAID INJUNCTION HAD EXPIRED, WELL KNOWING THE AFORESAID MENTAL CONDITION OF MARY LOU DARDEN AND HAVING KNOWLEDGE OF THE DEATH OF SAID MARY LOU DARDEN, HAVE BEEN, AND STILL ARE, CUTTING AND REMOVING SAID TIMBER AS RAPIDLY AS POSSIBLE.

(7) THAT THE SAID CONTRACT IS VAGUE, INDEFINITE AND UNENFORCEABLE AND IS NOT A SUFFICIENT COMPLIANCE WITH THE STATUTE OF FRAUDS.

(8) THAT THE PURCHASE PRICE OF SAID TIMBER MENTIONED IN THE CONTRACT IS WHOLLY INADEQUATE; THAT THE VALUE OF THE WHOLE ESTATE OF MARY LOU DARDEN IS LARGELY REPRESENTED BY SAID TIMBER; THAT UNLESS DEFENDANTS ARE ENJOINED FROM FURTHER INTERFERENCE WITH SAID TIMBER, THE INHERITANCE OF YOUR COMPLAINANT AND THE OTHER HEIRS OF MARY LOU DARDEN TO A GREAT EXTENT WILL BE DESTROYED.

IN TENDER CONSIDERATION WHEREOF, AND FOR AS MUCH AS YOUR COMPLAINANT IS REMEDILESS IN THE PREMISES, SAVE BY A COURT OF EQUITY WHERE MATTERS OF THIS KIND ARE ALONE AND PROPERLY COGNIZABLE, YOUR COMPLAINANT PRAYS THAT THE AFORESAID F. M. PRICE AND J. I. DUVAL BE MADE PARTIES DEFENDANT TO THIS BILL, THAT THEY BE REQUIRED TO ANSWER THE SAME, BUT NOT UNDER OATH, ANSWER UNDER OATH BEING EXPRESSLY WAIVED; THAT AN ORDER MAY BE ISSUED BY THIS COURT ENJOINING AND RESTRAINING SAID F. M. PRICE AND J. I. DUVAL, THEIR AGENTS, SERVANTS AND EMPLOYEES FROM CUTTING, REMOVING OR IN ANY MANNER INTERFERING WITH THE TIMBER UPON THE LANDS OF THE ESTATE OF MARY LOU DARDEN SITUATED IN ISLE OF WIGHT COUNTY, VIRGINIA, BOUNDED BY THE LANDS OF J. J. RHODES' ESTATE, J. R. SAUNDERS AND OTHERS AND CONTAINING TWO HUNDRED AND THIRTY-FOUR AND ONE-FIFTH (234-1/5) ACRES, UNTIL THE FURTHER ORDER OF THIS COURT; THAT SAID SUPPOSED CONTRACT BE DECLARED NULL AND VOID AND OF NO FURTHER FORCE AND EFFECT; THAT PROPER COUNSEL FEES MAY BE ALLOWED THE ATTORNEYS FOR THE

COMPLAINANT FOR THE INSTITUTION AND PROSECUTION OF THIS SUIT, AND THAT COMPLAINANT MAY BE GRANTED ALL SUCH OTHER AND FURTHER AND GENERAL RELIEF AS THE NATURE OF HIS CASE MAY REQUIRE OR TO EQUITY SHALL SEEM MEET AND JUST. AND YOUR COMPLAINANT WILL EVER PRAY.

J. H. Barnes
COMPLAINANT

R. L. Watkins

Saunders & Saunders
COUNSEL FOR COMPLAINANT.

STATE OF VIRGINIA,

CITY OF SUFFOLK, TO-WIT:

I, EVELYN PALMER, A NOTARY PUBLIC OF AND FOR THE CITY AFORESAID, AND STATE OF VIRGINIA, DO CERTIFY THAT J. H. BARNES, WHOSE NAME IS SIGNED TO THE FOREGOING BILL, HAS THIS DAY APPEARED BEFORE ME IN MY PRESENCE IN MY SAID CITY AND MADE OATH BEFORE ME THAT THE SEVERAL MATTERS AND THINGS SET FORTH IN THE SAID BILL, AS OF HIS OWN KNOWLEDGE, ARE TRUE, AND THAT SUCH MATTERS AND THINGS AS ARE NOT STATED OF HIS OWN KNOWLEDGE, ARE TRUE ACCORDING TO HIS BEST INFORMATION AND BELIEF.

GIVEN UNDER MY HAND THIS 31ST DAY OF OCTOBER, 1931.

MY COMMISSION EXPIRES ON THE 12TH DAY OF MAY, 1935.

Evelyn Palmer
NOTARY PUBLIC.

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VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY:

J. H. BARNES,

v. BILL

F. M. PRICE AND J. T. DUVAL

Sup. 750

11/15/32 Fuit 106

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Suffolk, Va.