

1955-056 Chancery Causes. Sallie R. Richards VS Beth Sanford

475

Dale of Wight County

other surnames: Edwards, CoField,
Channell

April 5, 1933.

Mr. J. R. Richards,
Benn's Church, Va.

Dear Mr. Richards:

It would seem that in the chancery suit in which I represented you during 1926 there has never been any decree dismissing the case from the docket. I have an order executed by the Judge of the Court in which the Clerk is directed to dismiss this suit on April 15th unless there is some objection. The last two letters in this file is one to ^{from me} you dated May 8, 1926, and one to me from Mr. E. H. Williams, dated May 26, 1926, which are quoted in the enclosed copy of a letter which I have written to Mr. E. H. Williams. I assume that this matter was all closed up and that there is no reason to keep the case on the docket. Please write me by return mail, telling me whether or not the matter was fully settled and whether there would be any objection to having it dismissed. Kindly give this your prompt attention. I would like to hear from you by return mail.

Very truly yours,

WMC:J

April 5, 1938.

Mr. E. H. Williams,
Smithfield, Va.

Dear Ernest:

Since writing you a few days ago, making inquiry with reference to an old chancery cause styled Richards v. Lankford, I have located a file in my office which appears to have been handled by Mr. Watkins almost exclusively. I guess that is why I could not remember the case, not having actively handled the same myself. The last two letters in my file dated, respectively, May 8, 1926, to J. R. Richards, and May 26, 1926, from you, reading respectively, as follows:

"Mr. J. R. Richards,
Benn's Church, Va.

Dear Sir:

I have sent the original deed for you and your wife to sign to Mr. E. H. Williams. I enclose you a copy of the same so that you may examine it carefully and be sure that it is correct in all respects before you and your wife sign it.

I also enclose to you statement for \$10.00 covering the preparation of this deed."

- 0 -

"Mr. W. H. Crumpler,
Suffolk, Va.

Dear Crumpler: Re: Richards v. Lankford.

I beg to say that I understand that the Lankfords are to pay the cost of Court less tax Attorney fee. This will be attended to just as soon as I can get the bills together to be presented to Mr. Lankford."

I imagine from the above letters that this matter has been fully settled

(over)

E. H. W. -2-

and that there is no objection to having the case dismissed. If it has not been fully settled or if there is any objection please let me hear from you at once, by return mail.

With kind regards, I am,

Cordially yours,

P. S. In a letter dated March 29, 1933, from Mr. R. A. Edwards I find the following: "my statement of fees shows that Court cost amounted to \$9.85, and that a deposit was made by the plaintiff of \$7.50. I also have a notice on my docket to send statement to E. H. Williams for balance of cost, but the same has never been paid." Please attend to this so that Mr. Edwards will be satisfied.

LAW OFFICES
CRUMPLER & CRUMPLER
SUFFOLK, VIRGINIA
AMERICAN BANK & TRUST BUILDING

WILLIAM M. CRUMPLER
WILLIAM M. CRUMPLER, JR.

April 5, 1933.

Mr. R. A. Edwards,
Isle of Wight, Va.

Dear Gus:

I have finally found the file of Richards v. Lankford. It appears this was handled practically exclusively by Mr. Watkins who was in my office at that time and that accounts for the fact that I did not remember it.

I am enclosing to you a copy of a letter which I have just written Ernest Williams and also a copy of a letter which I have just written Mr. Richards. In the letter from Mr. Williams to me you will observe that his client was to pay the cost. I am reminding him of this.

With very kind personal regards, I am,

Cordially yours,



WMC:J

Richards.
vs Chancery #475
Lambford.

No.

Know all Men by These Presents: That we Sallie K. Richards,

principal ,

and

J. R. Richards,

surety ,

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Five Hundred

Dollars to the payment whereof well and truly to be made we bind ourselves and each of us, our and each of our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

And as to this bond we hereby severally waive the benefit of our Homestead Exemption, and also any right, claim or privilege to discharge any liability arising hereunder to the said Commonwealth, or by virtue of the said office or trust for which this bond is given, with coupons detached from the bonds of this State.

IN TESTIMONY WHEREOF, The said Sallie K. Richards

principal ,

and the said

J. R. Richards,

surety ,

have hereunto set their hands and affixed their seals this, the

20th

day of

February

A. D. 19 26.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound Sallie K. Richards, who was on the 17th day of February 1926, awarded an injunction upon her bill in Chancery to be filed in the Circuit Court of the County of Isle Of Wight, Virginia, which said injunction order enjoins and restrains the defendant Seth Lankford, his agents, and servants from cutting, any timber on the tracts or parcels of land in the bill mentioned, also enjoining and restraining the said defendant Seth Lankford from the removal of any and all timber or wood now on the premises thereof for a period of ninety days from the date of said order, unless sooner enlarged or dissolved, shall pay all costs and damages which may be awarded against her in case this injunction shall be dissolved.,

~~shall faithfully discharge the duties of his office or trust as such~~

, then the above obligation to be void, or else to remain in full force and virtue.

A. D. 19 .

Sallie K. Richards [SEAL]

J. R. Richards [SEAL]

[SEAL]

N. A. Eason, Witnesses.

[SEAL]

Virginia: In the Clerk's Office of the Circuit Court of the County of Isle of Wight the 20th

day of February 19 26, this bond was duly executed and acknowledged by the obligors to the same and ordered to be recorded.

N. A. Eason Clerk.

5
Pallie H. Richards
vs. ⁴⁷⁵ Lyman B. Bond
Seth Lambford

as copy.

Filed.

Feb. 20th 19th 96.

Attest R. A. Edwards
clerk.

VIRGINIA,

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

Sallie K. Richards

v.

495

Seth Lankford

In Chancery.

To R. A. Edwards, Clerk.

Issue summons against the defendant on behalf of the complainant returnable to first rules in March, 1926, (third Monday), to answer the complainant's bill for injunction and relief. Also notify the defendant of the injunction which has been obtained against him.

SALLIE K. RICHARDS.

By: William W. Lankford
Counsel.

William W. Lankford
p.q.

3

Gallie H. Richards

✓. 475 .

Heth Lantford

Memorandum.

Filed - 2/25/6.

Dep. G. 1/25/6. 750
2/25/6.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT
APRIL 26TH 1933.

Richard
vs: # 475
Laubford

. It appearing, pursuant to a decree entered herein
on the 6th day of March, 1933, that the parties, or their Counsel,
have been notified by the Clerk of this Court of the terms of
said decree, and no good cause having been shown, it is ordered
that this cause be removed from the docket, with leave to rene-
state the same as provided in Section 6172 of the Code as
Amended.

Richards.

vs. } 4751

Lankford.

March TERM 1933. Filed

CLK

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT
MARCH 6th 1933.

Richards

vs: # 475

Lankford

IT APPEARING that this cause has been on the docket of this Court for more than two years, and that no order has within said period been entered herein, it is therefore ordered, pursuant to the provisions of Section 6172 of the Code of Virginia, as amended, the Clerk of this Court be directed to notify the parties to this cause, if known, or their counsel of record, at his or their last known address, in writing, at least fifteen days before the 25th day of April, 1933, so that on said day all parties named have an opportunity to be heard, and that, except for good cause to then be shown, this cause will be removed from the docket for failure to prosecute the same to a final decree.

Richards

vs: 475

Lankford

C.O.B #9.

Page 83



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

SALLIE K. RICHARDS

VS.

SETH LANKFORD.

)} ::::: INJUNCTION ORDER.

ON MOTION OF THE PLAINTIFF,an injunction is awarded against the defendant,Seth Lankford,restraining and prohibiting the said defendant,his agents and servants from the cutting of any of the timber on the tracts or parcels of land in the bill mentioned-"To-Wit",that certain tract of land containing three (3) acres more or less purchased by Mary E. Lankford from Robert Edwards by deed dated December 13th 1897 and recorded in the Clerks Office of Isle Of Wight County on December 21st, 1897,also that certain tract of land containing six (6) acres more or less purchased by Mary E. Lankford from C. C. Channell and wife by deed dated March 5th 1898 and recorded in the Clerks office of Isle Of Wight County March 7th 1898"; and enjoining and restraining the said defendant,Seth Lankford,from the removal of any and all timber or wood now on the premises thereof for ninety (90) days from this date,unless sooner enlarged or dissolved.

But the plaintiff shall not have the benefit of this order until she,or some one for her, shall have entered into bond,before the Clerk of this Court,with good security to be approved by said Clerk,in the penalty of Five Hundred Dollars,\$ (500.00),conditioned to answer all costs and damages which may be awarded against her in case this injunction shall be dissolved.

Signed. C. W. Coleman.,
JUDGE.

To The Clerk Of The Circuit Court Of Isle Of Wight County.
Enter,February 17th,1926.

C. W. Coleman,Judge.

A Copy.Teste

R. A. Eamon.,
Clerk.

I executed the within by this the 22 day of
Filed 1876 H. J. Jernigan a true
copy of the same on 22nd July 1876 in person
in the County of Isle of Wight.
H. H. Chappin
Sheriff of Isle of Wight Co.

Virginia; Clerks Office Of The Circuit Court Of The County Of
Isle Of Wight; February 20th, 1926.

I, R. A. Edwards, Clerk Of The Circuit Court aforesaid
do hereby certify that that the bond ~~mentioned~~ in the injunct-
ion order hereto attached was this day executed before me in
my said office by the plaintiff thereto, together with security
deemed sufficient, and in the penalty and under the provisions
required. Given under my hand this the day and year first above
written.

R. A. Edwards
Clerk Of The Circuit Court Of The
County of Isle Of Wight.

Virginia. In the Clerks office of the Circuit Court Of The County
Of Isle Of Wight, February 20th 1926;

The foregoing injunction order was this day received at
Ten Oclock A. M. and together with the certificate hereto attach-
ed, entered of record and certified to the Sheriff Of this County
for service upon the defendant.

Teste R. A. Edwards Clerk.,
Cir., Court Isle Of Wight County.

VIRGINIA,

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

Sallie K. Richards

vs.

Seth Lankford.

Injunction Order.

On the motion of the plaintiff, an injunction is awarded against the defendant, Seth Lankford, restraining and prohibiting the said defendant, his agents and servants from the cutting of any of the timber on the tracts or parcels of land in the bill mentioned, and enjoining and restraining the said defendant, Seth Lankford, from the removal of any and all timber ^{or wood} now on the premises thereof *for 90 days from this date, unless* ~~until the further order of this court.~~ *Sooner enlarged or dissolved.*

But the plaintiff shall not have the benefit of this order until she, or some one for her, shall have entered into bond, before the clerk of this court, with good security to be approved by said clerk, in the penalty of Five hundred dollars, (\$ 500 -), conditioned to answer all costs and damages which may be awarded against her in case this injunction shall be dissolved.

B. W. Coleman
Judge.

To the Clerk of the Circuit Court of Isle of Wight County.

Enter Feb 17 1926

The Clerks Office of
Virginia., In The Circuit Court Of
The County of Isle Of Wight; Feb., 20th, 1926.

I, R. A. Edwards, Clerk Of The Circuit Court aforesaid, do certify that the bond required by the foregoing decree was this day given and that the said vacation decree was this day received and entered at Ten Oclock A. M.

Given under my hand this the 20th day of February 1926.

R. A. Edwards Clerk.

²
Sallie H. Richards

v. 475

Seth Lauckford.

Injunction Order

1/20/12. Laid

Book 8

Page 321

Smithfield
MAGNET, V.A.,

5/22

1926

Mr. H. M. Crumpler, Atty,

IN ACCOUNT WITH W. H. CHAPMAN

Sheriff of the County of Isle of Wight, Va.

10% Commissions Charged on all Collections unless otherwise agreed upon

1926

Feb.	22	To ex. injunction Richards vs Sanford	50
"	"	" " " Pub. " " "	50
Apr.	8	" " notice to Take dep. " " "	50
			150

State of Virginia,

City of Suffolk, to-wit:

I, J. R. Richards, being duly sworn upon my oath do state and say that the several matters and things set forth in the bill of Sallie K. Richards, my wife, for an injunction and other relief against Seth Lankford, of my own knowledge are true.

Witness:—
Marie January
M. E. Lankford

J. R. Richards
his mark

The above named J. R. Richards this day appeared before me, within the City of Suffolk, Virginia, for which said city I am duly commissioned as a notary public, and made oath before me that the matters and things set forth in the bill of Sallie K. Richards, his wife, for an injunction and other relief against Seth Lankford, of his own knowledge are true.

Given under my hand this 17th day of February, 1926.

Maries January
Notary Public.

1
Sallie K. Richards

v. 475

Seth Lauckford

Affidavit.

Commonwealth of Virginia,

To the Sheriff of Isle of Wight County—Greeting:

WE COMMAND YOU, That you summon Seth Lankford,

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, 1926,
to answer a bill in chancery, exhibited against him.
in our said Court by **Sallie K. Richards,**

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this 20th
day of February, 1926, and in the 150th year of the
Commonwealth.

R. A. Edwards Clerk.

(Original)

4

Sallie K. Richards,

vs.

CHANCERY NO. 475

Seth Lankford,

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 FIRST MARCH Rules
(THIRD MONDAY)

19...26

W. M. Crumpler, p. q.

27. 26. 1906
In the County of Isle of Wight
Copy of the same as said Lankford
27. 26. 1906
Seth Lankford

12/20/06

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

<u>Sallie K. Richards</u>	)	
v.	)	Bill for Injunction.
<u>Seth Lankford</u>	)	

Your complainant, Sallie K. Richards, respectfully represents.

F I R S T

That she is the daughter of Seth Lankford and Mary E. Lankford who were legally married and lived together as husband and wife until the death of the said Mary E. Lankford.

S E C O N D

That after the marriage of Seth Lankford and before the death of the said Mary E. Lankford, the said Mary E. Lankford acquired by purchase two certain parcels of land. The first parcel of land was conveyed from Robert Edwards to the said Mary E. Lankford by deed of bargain and sale dated the 13th day of December, 1897, and recorded the 21st day of December, 1897, in the Clerk's Office of the County of Isle of Wight, State of Virginia, which deed conveyed unto the said Mary Lankford, "All of a certain tract or parcel of land situate, and being in that part of said County known as White Marsh containing thee acres more or less, and adjoining the land of Walter Chapman, Dean Edwards and also it being the same land purchased by the said Robert Edwards from E. W. Cofield." The second parcel of land was conveyed from C. C. Channell and Maggie T. Channell, his wife, of the County of Isle of Wight to the said Mary E. Lankford by deed of bargain and sale dated the 5th day of March, 1898, and recorded the 7th day of March, 1898, in the Clerk's Office of the County of Isle of Wight, State of Virginia, which deed conveyed unto the said Mary E. Lankford, "All that certain tract of land lying, being and situated in the said County of

Isle of Wight, in the said State of Virginia, containing six acres more or less, and which is bounded by the lands of C. C. Channell and wife, J. Walter Chapman and the White Marsh Public Road, the line running as follows: Beginning at a planted cedar post on road and running about north to marked sweet gum tree, thence about N. W. following ravine to marked pine near marsh, thence across said marsh and swamp to corner marked line tree on J. Walter Chapman line, thence following said line up swamp to White Marsh Public Road, thence down said road to starting point."

T H I R D

That the aforesaid two tracts of land contain thereon valuable timber.

F O U R T H

That there were four children, Mary Lankford, Telia Lankford, Seth Lankford, Jr., and your complainant, Sallie K. Richards (formerly Lankford), born of the aforesaid marriage of Seth Lankford and Mary E. Lankford.

F I F T H

That the said Mary E. Lankford died, possessed in fee simple of the aforesaid two tracts of land, without having made a will and that the said tracts of land descended according to the Statute of Descents to the said children of Mary E. Lankford.

S I X T H

That the only interest of the defendant, Seth Lankford, now or heretofore in the said two tracts of land is his right of curtesy..

S E V E N T H

That the defendant, Seth Lankford, has been in possession of and exercised control over the said two tracts of land and rented them out to tenants and collected and kept the rents therefrom since the death of his said wife, Mary E. Lankford.

E I G H T H

That on or about, to-wit, the 10th day of February, 1926, the said Seth Lankford, entered upon and began cutting down and is now cutting down the said standing and growing timber on the said tract or parcel of land acquired by Mary E. Lankford from C. C. Channell and threatens to continue to do so and also to begin cutting down the standing and growing timber on the said parcel of land acquired by Mary E. Lankford from Robert Edwards, and the said defendant, Seth Lankford, will do so until the said two parcels of land are entirely denuded of its timber unless restrained from so doing, none of said timber so cut or so threatened to be cut being necessary for or intended to be used for the upkeep or incident to the use and enjoyment of said premises but being intended by the defendant to be sold.

N I N T H

That there is now a considerable quantity of timber that has been cut down, still lying upon the said land, and it has not yet been removed therefrom, but the said defendant threatens to remove and will remove it, unless inhibited from so doing.

T E N T H

That in cutting down the said timber the defendant has damaged the fences on the parcel of land acquired from C. C. Channell and will continue to damage the said fences until restrained from cutting down the said timber.

E L E V E N T H

Your complainant has applied to the said Seth Lankford and requested and demanded that he cease to cut down the said timber but the said Seth Lankford positively refuses so to do and asserts his intention to continue his operations.

Your complainant therefore prays that an injunction may issue, inhibiting and restraining the said Seth Lankford from the further cutting of any of the standing and growing timber on the said lands, and from the removal of any and all timber now on the

premises thereof, which has been cut down by him, the said Seth Lankford, or otherwise, until the further order of this court; that a commissioner may be appointed by your honor to sell the timber which has been cut and is now on the premises and divide the proceeds among those entitled to them by law, or otherwise handle said proceeds as the Court thinks best; that a personal judgment be entered by this Court against the said Seth Lankford in favor of all parties interested and especially in favor of the complainant for her share, to the amount and extent of the damages caused by said encroachment to said land, timber, fences and otherwise, inclusive of punitive damages; and that the Court grant unto your complainant such other, further and general relief as to equity may seem meet, and as in duty bound, your orator will ever pray, etc.

Sallie K. Richards
Complainant.

Wm. H. Lankford
p.q.

State of Virginia,

City of Suffolk, to-wit:

I, Sallie K. Richards, being duly sworn upon my oath do state and say that the several matters and things setforth in the above bill of complaint so far as stated of my own knowledge are true, and so far as stated upon information and belief, I believe them to be true.

Sallie K. Richards

The above named Sallie K. Richards this day appeared before me, within the City of Suffolk, Virginia, for which said city I am duly commissioned as a notary public, and made oath before me that the matters and things setforth in the above bill of complaint, so far as stated of her own knowledge are true, and so far as

stated upon the knowledge and information of others, she believes them to be true.

Given under my hand this 17th day of February, 1926.

Mario January
Notary Public.

Bill for Injunction

Sallie K. Richards

v. 475
Seth Lankford.

2 Man. Rules.
1926.

WILLIAM M. CRUMPLER
ATTORNEY AT LAW
SUFFOLK, VA.