

1933-068 Chancery Causes, Willie Williams vs George F. Whitley

515

Isle of Wight County

J. THOMAS NEWSOME
ATTORNEY-AT-LAW
NOTARY PUBLIC

NEWPORT NEWS, VA.,

October 28, 1927.

Mr. R. A. Edwards,
Clerk, Circuit Court,
Isle of Wight P. O., Va.

WILLIE WILLIAMS V. GEORGE F. WHITLEY.

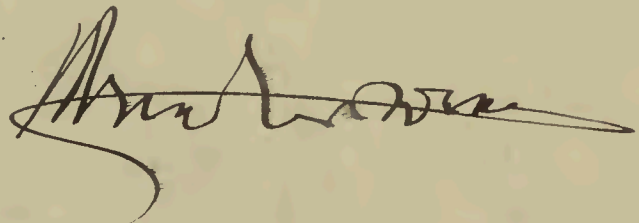
Dear Sir:

I am handing you herein Bill and Memo. which I shall thank
you to file in the above case. I am also enclosing check for
Eight Dollars and Fifty Cents (\$8.50) to cover cost.

Very truly,

JTN*IMR.

(Encls. 3).



Pro. said to
slip I. on. 10/29/77

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

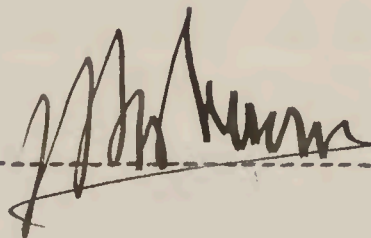
WILLIE WILLIAMS,.....Plaintiff,)

v.

MEMO.

GEORGE F. WHITLEY,.....Defendant.)

The Clerk will please issue summons against the defendant
returnable to ~~First~~ ^{Second} November rules.


-----P. Q.

#515

WILLIE WILLIAMS,

v.

GEORGE F. WHITLEY.

MEMO.

Frid 10/29-27.

Dep. 8⁵⁰ a.m.

Left for Paris by air.

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

Williams
vs: # 515
Whitley

. 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 reins-
state the same as provided in Section 6172 of the Code as
Amended.

Willis

vs } 515 ✓

Whitley

March TERM 1933 Filed

CLX

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

Williams

vs: # 515

Whitley

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.

Williams

vs # 515

Whitley

COR 9

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Commonwealth of Virginia,

To the Sheriff of Isle of Wight County—Greeting:

WE COMMAND YOU, That you summon **George F. Whitley,**

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules
to be holden for the said Court on the Third Monday in November, 1927,
to answer a bill in chancery, exhibited against Him-----
in our said Court by **Willie Williams,**

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this 29th
day of October, 1927, and in the 152nd, year of the
Commonwealth.

R. A. Edwards Clerk.

Willie Williams

v.s.

CHANCERY NO.

George F. Whitley,

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

19²⁷

J. Thomas Newsoms, p. q.

Shiffs fee pd by R.A.E.

I executed the within subpoena on the 31st day of
Oct 1927 by causing a true
copy of the same to be served on the person
in the County of Isle of Wight.
W. H. Chipman
Deputy Clerk of the County of Isle of Wight

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

WILLIE WILLIAMS,.....Plaintiff,)

V.)

B I L L.

GEORGE F. WHITLEY,.....Defendant.)

TO THE HON. B. D. WHITE,

JUDGE OF SAID COURT:

Humbly complaining, sheweth unto the court your orator, Willie Williams the following case:

1.

That he is a colored citizen of Isle of Wight County where he has resided for more than twenty-seven years; that he has sought to be industrious, frugal and provident for his family all his life, purchasing a certain tract of land in said County consisting of Forty-seven and three-fourths acres, and another piece of property of one acre on which property he has built a four-room cottage, comfortable, convenient and well appointed for a man in his station of life;

7.

That he employed a lawyer, formerly a resident of Isle of Wight County to protect his interest in the premises, and relied upon his judgment for his protection. This lawyer was suffering at the time from some sort of mental derangement, which finally resulted in his detention at the insane asylum in the City of Williamsburg. Subsequently he employed other counsel who took up with the purchaser of the property at the sale under the deed of trust the question of a reconveyance of the property to him for a sum of money sufficient to reimburse him and to also pay the interest on his outlay. Much correspondence went on between the attorney last employed by your orator until finally, after a full explanation of the case, your orator, through and by his attorney, notified the said George F. Whitley that in his opinion, the transaction was lacking in bona fides. Whereupon, the said trustee and purchaser of the property as aforesaid, brought an action at law against your orator for unlawful entry and detainer. Still insisting that the matter was equitable and not actionable at law, your orator called the said George F. Whitley's attention to that fact and removed the case to this court, with the understanding that no judgment would be asked for until counsel had definitely determined what was the proper remedy;

8.

That notwithstanding this, at the term of the court in Isle of Wight, the said attorney asked for and received judgment from the court, without knowledge either to your orator or his attorney. This action was very probably taken by the said purchaser under the impression that the matter was not in negotiation and without intentional fraud; Notwithstanding, however, this belief, on the part of your orator, he alleges that he was lulled into a feeling of security by

the said George F. Whitley by reason of the negotiations that were in progress. Negotiations were not only in progress by letter, but also by telephonic conversations between him and your orator's counsel;

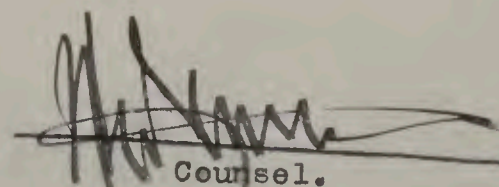
9.

Your orator therefore alleges that he has been deprived of his rights in equity of valuable property, including his home, amounting to four or five thousand dollars by the trustee who is not an innocent purchaser under the law, and who failed to notify him of sale of said property, having full knowledge of his whereabouts.

IN TENDER CONSIDERATION WHEREOF, and forasmuch as your orator is remediless in the premises, without the aid and intervention of a court of equity where matters of this kind are alone properly cognizable and relievable, he prays that the judgment on the law side of your Honor's court may be declared null and void; that the sale of the said property shall also be declared inequitable; that the said George F. Whitley may be compelled to reconvey the said property to your orator; that interrogatories may be decreed and ordered requesting a full disclosure of the considerations in this transaction; that your orator may be permitted to pay the money owing under said deed of trust, with legal interest and charges, and that such other, further and general relief may be afforded him as the nature of his case requires and to equity may seem meet, and he will as in duty ~~bound~~ bound ever pray.

Willie Williams,

By,


Counsel.

WILLIE WILLIAMS,

V.

GEORGE F. WHITLEY.

B I L L.

OFFICE OF
J. THOMAS NEWSOME
ATTORNEY-AT-LAW
NEWPORT NEWS, VIRGINIA