

1933-077

Chancery Causes: R.

M. Bailey vs Martha L Bailey & al

550

Isle of Wight County

Farmers Bank, Windsor, Virginia & Vaughan & Company, Bankers, Inc & Co
vs W. J. Bailey, W. C. Whitehead, adm of J. M. Bailey & al

other surnames: Lee

McCleeny, Griffin, Johnson
Camp, Vaughan, [A. S. Lee & Son
& Company] [A. S. Lee & Sons
Company, Incorporated]

A. S. JOHNSON

A. E. S. STEPHENS

JOHNSON & STEPHENS

ATTORNEYS AND COUNSELORS AT LAW
SMITHFIELD, VA.

OFFICES AT
ISLE OF WIGHT

February 19th. 1929.

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

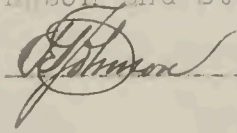
Dear Mr. Edwards:

Enclosed, herewith, is process, showing service upon A. C. Lee and Son and Company, of Norfolk, Va. and also on J. Denton Johnson, of Montross, Va.

Inasmuch as it is likely that we will have a settlement of this matter without going to the court, there will not be any request for an order in the early days of the coming term. In fact we believe that process has not been executed on all the parties defendant. We will get the bill to you, however, in the next day or two.

Yours very truly,

Johnson and Stephens,

By 



ESTABLISHED 1846

INCORPORATED 1905

A.S. LEE & SONS CO., INC.

Manufacturers of

LEE'S BETTER CROP FERTILIZERS

LEE'S EXCELSIOR PREPARED LIME

No. 1 BURNT SHELL LIME. LAND PLASTER

Office: 518 Board of Trade Bldg.
PHONE 27153

NORFOLK, VA., Feb. 16th, 1929.

Mr. R. A. Edwards,, Clerk.
Circuit Court, Isle of Wight Co.,
Isle of Wight C.H., Va.

Dear Sir;

We had served on us today summons to appear in your court the third Monday in February 1929, which is next Monday to answer a bill in chancery, exhibited against us and others by Farmers Bank, Windsor, Va. and Vaughan & Co., against J. M. Bailey and W. J. Bailey.

We do not know why this summons was served on us, as we have had no transactions with Mr. J. M. Bailey, and the only transaction we have had with Mr. W. J. Bailey was in 1926 on a cash basis, and he paid his invoice on that basis.

Will you kindly let us know by return mail the nature of this suit and the name of the plaintiff's attorney, so we can be in position to answer the summons at the proper time, as we understand that this summons is simply for a rule date and not necessarily a personal appearance.

Yours very truly,

A. S. LEE & SONS COMPANY, INC.

By

CPL/G

A. S. JOHNSON

A. E. S. STEPHENS

JOHNSON & STEPHENS
ATTORNEYS AND COUNSELORS AT LAW
SMITHFIELD, VA.

OFFICES AT
ISLE OF WIGHT

February 14th. 1929.

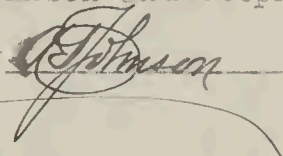
Mr. R. A. Edwards, Clerk,
Isle of Wight,
Virginia.

Dear Gus:

Herewith is process, showing proper service,
upon Martha S. Bailey, Essie McCleunny, Bertha Griffin, W. J.
Bailey, F. H. Johnson and J. Sherman Johnson. I handed you,
in the office, on yesterday, process against J. Vinton Johnson,
showing service. This seems to leave only the process against
the defendant Dotie I. Whitehead out. Be pleased to enter and
file in the papers in the suit.

Yours very truly,

Johnson and Stephens,

By 

A. S. JOHNSON

A. E. S. STEPHENS

JOHNSON & STEPHENS

ATTORNEYS AND COUNSELORS AT LAW

SMITHFIELD, VA.

OFFICES AT
ISLE OF WIGHT

February 9th. 1929.

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

Dear Gus:

Herewith is bill for file in the chancery suit
of R. M. Bailey v. Martha S. Bailey et als. This bill, as your files
will disclose, is for file on the Second February Rules, 1929.

Yours very truly,

A.S.J.

Barley R. m.

23

W & Barley.

This sent with down
to one instructed in
the name of Farmers
Bank Inc. at W
Barley - in stead.

Farmers Bank, Windsor, Virginia; and Cora V. Camp and C. C. Vaughan, Jr., trading as Vaughan and Company, Bankers, and all other creditors of J. M. Bailey and W. J. Bailey, who may come in and contribute to the costs of this suit,....Comp's v) Chancery. 550

W. C. Whitehead, Sheriff and as such administrator of the estate of J. M. Bailey, deceased:
A. S. Lee and Son and Company,
Martha S. Bailey.
Dottie I. Whitehead
Essie McClenny
Bertha Griffin
W. J. Bailey
R. M. Bailey
F. H. Johnson
J. Sherman Johnson
J. Fenton Johnson

Martha S. Bailey, Essie McClenny, Bertha Griffin, R. M. Bailey, W. J. Bailey, F. H. Johnson and J. Sherman Johnson are residents of Isle of Wight County. J. Fenton Johnson is a resident of Westmoreland County, Dottie I. Whitehead is a resident of the city of Suffolk, A. S. Lee and Son and Company are in Norfolk.

Issue summons for defendants to answer plaintiffs bill in chancery, at Second February Rules, 1929.

Johnson and Stephens, p.q.

Farmer Bank Inc
et al.

W. Cy 550

N. C. W. Hitchhead, Sff
as such Adminstrator
J. M. Bailey Est.

1/2/27

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

- R. M. Bailey,.....Complainant.

v) Chancery. _____ Attorney's memorandum.

✓ Martha S. Bailey,
✓ Dotie I. Whitehead,
✓ Essie McClenny,
✓ Bertha Griffin,
✓ W. J. Bailey,
✓ F. H. Johnson,
✓ J. Sherman Johnson, and,
✓ J. Fenton Johnson,.....Defendants

Be pleased to issue summons in chancery for the defendants above named to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight, Virginia, at the rules to be holden therefor on the third Monday in February, 1929, to answer the complainant a bill in chancery.

Process for Dotie I. Whitehead should be directed to the Sergeant of the City of Suffolk. Process for J. Fenton Johnson should be directed to the Sheriff of Westmoreland County.

Process for all other parties should be directed to the Sheriff of the County of Isle of Wight.

Respectfully,

Johnson and Stephens p.q.

Check herewith for \$7.50 to cover deposit.

Virginia: In the Circuit
Court of Isle of Wight Co.

R. M. Bailey

v) Chancery. 550

W. J. Bailey et als.

Filed February 9th. 1929.

Attorney's memorandum.

*This title
changed to
Wm. J. Bailey*
Dep. 750 815.

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

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

Farmer Bank.

vs: # 550

White Lead, Sherrill's.

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 reinstate the same as provided in Section 6172 of the Code as Amended.

Farmers Bank.

vs } #550

Whitehead Sheriff Hale

March TERM 1933 Filed

CLK.

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

Farmers Bank
vs: # 550
Whitehead sheriff, et als

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.

Farmers Bank

No # 550

Whitehead sheep tags.

COB 9

Page 86

I hereby certify that I have, on this 15th day of
Feb 1929, delivered to Mrs R.M. Bailey wife of R.M. Bailey.
a true copy of the within process.

O. S. Wilkinson, D.S.

Subscribed and sworn to before me, a Al Lee Saunders
Justice
of the peace for the County of Isle of
Wight, in the State of Virginia, this 15th day of
February, 1929.

See 6041

Commonwealth of Virginia,

To the Sheriff of Isle of Wight County—Greeting:

WE COMMAND YOU, That you summon W. C. Whitehead, Sheriff and as such administrator of the estate of J. M. Bailey, deceased, Martha S. Bailey, Essie McClenny, Bertha Griffin, W. J. Bailey, F. H. Johnson, J. Sherman Johnson and R. M. Bailey

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 February, 1929, to answer a bill in chancery, exhibited against them and others in our said Court by Farmers Bank, Windsor, Virginia, and Cora V. Camp and C. C. Vaughan, Jr., trading as Vaughan and Company, Bankers, and all other creditors of the estate of J. M. Bailey, deceased, and W. J. Bailey, who may come in and contribute to the costs of this suit

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this 14th day of February, 1929, and in the 153rd year of the Commonwealth.

R. A. Edwards. Clerk.

Farmers Bank etc

vs. }

CHANCERY NO. 550

W. J. Bailey et al

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 Rules

19.....

.....p. q.

We hereby accept legal service on the within process:

Esq. Melvin

Bertie M. Griffin

Master of Bankers

W. J. Bailey

J. Sherman Johnson

E. H. Johnson

W. C. Whithead
Sheriff and as such administrator
of the estate of J. M. Bailey, decd.

Commonwealth of Virginia,

Sgt. of the City of Norfolk
To the ~~Sheriff of Isle of Wight County~~ — Greeting:

WE COMMAND YOU, That you summon **A. S. Lee and Son and Company**

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 February, 1929,
to answer a bill in chancery, exhibited against them and others
in our said Court by Farmers Bank, Windsor, Virginia, and Cora V. Camp
and C. C. Vaughan, Jr., trading as Vaughan and Company, Bankers, and
all other creditors of J. M. Bailey and W. J. Bailey who may come in
and contribute to the costs of this suit.

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this 14th
day of February, 1929, and in the 153rd year of the
Commonwealth.

R. A. Edwards Clerk.

Executed this 13th February 1929

by delivering a copy of the within to

W. L. E. President of
S. J. and Son and Company

a Corporation, in the City of Norfolk,
wherein he resides and wherein the said
Corporation is doing business.

C. H. TUMBLESON

City Sergeant

City of Norfolk

W. L. E.

Deputy

PAID
James Danvers

vs.

CHANCERY NO. 550

Dorley et al

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 Rules

19.....

.....p. q.

Commonwealth of Virginia,

Westmoreland County
To the Sheriff of ~~Isle of Wight County~~ — Greeting:

WE COMMAND YOU, That you summon J. Fenton Johnson

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 February, 1929, to answer a bill in chancery, exhibited against him and others in our said Court by Farmers Bank, Windsor, Virginia, and Cora V. Camp and C. C. Vaughan, Jr., trading as Vaughan and Company, Bankers, and all other creditors of J. M. Bailey and W. J. Bailey who may come in and contribute to the costs of this suit

 I hereby accept legal service of the within process.

J. Fenton Johnson

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this 14th day of February, 1929, and in the 153rd year of the Commonwealth.

R. A. Edwards. Clerk.

Farmers Bank etc

vs. }

CHANCERY NO.

H. J. Baily et al

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 *2nd of Feby 1979* Rules

19.....

Johnson Stephens p. q.

COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF THE COUNTY OF ISLE OF WIGHT, GREETING:

WE COMAND YOU, in the name of the Commonwealth of Virginia, to summon Martha S. Bailey, Essie McClenny, Bertha Griffin, W. J. Bailey, F. H. Johnson and J. Sherman Johnson, to appear at the Clerk's Office of our Circuit Court of the County of Isle of Wight, in the State of Virginia, at the rules to be holden therefor on the Third Monday in February, 1929, to answer a bill in chancery to be exhibited against them by R. M. Bailey. And have then and there this writ.

WITNESS, R. A. Edwards, Clerk of our said Court, at the Courthouse of said county on this 9th. day of February, 1929, and in the 153rd. year of the Commonwealth of Virginia.

R. A. Edwards, Clerk.

Johnson and Stephens, p.g.

R. M. Bailey

v) Chancery. _____

Martha S. Bailey et als.

Subpoena in chancery.

I hereby accept ^{service} ~~summons~~
of the within described writ
this the 12th day of Feb 1929
W. Bailey

I hereby accept ^{service} ~~summons~~
of the within described writ
this the 12th day of Feb 1929
Martha S. Bailey

Executed the within subpoena this the 12th day of Feb.
1929 by serving a true copy of the same on Essie McClenny,
Bertha Griffin, F.H. Johnson and J. Sherman Johnson in person
in the county of Isle of Wight

W. C. McClenny Sheriff.

COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF THE COUNTY OF WESTMORELAND, GREETING:

We command you, in the name of the Commonwealth of Virginia, that you summon J. Fenton Johnson to appear at the Clerk's Office of our Circuit Court of the County of Isle of Wight, at the Rules to be holden therefor on the Third Monday in February, 1929, to answer a bill in chancery to be exhibited against him and others by R. M. Bailey. And have then and there this writ.

Witness, R. A. Edwards, Clerk of our said Court, at the Courthouse thereof, this the 9th. day of February, 1929, and in the 153rd. year of the Commonwealth of Virginia.

R. A. Edwards, Clerk.

Johnson and Stephens, p.q.

R. M. Bailey

v) Chancery. _____

Martha S. Bailey et als.

Subpoena in chancery.

Served the within paper
by delivering a true copy
to J. F. Johnson in person
Feb. 11, 1929.

E. S. Walker
-----Depty Sheriff

Westmoreland County, Va.

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

R. M. Bailey,.....Complainant.

v) Chancery. _____ Bill of complaint.

Martha S. Bailey,
Dottie I. Whitehead,
Essie McClenny,
Bertha Griffin,
W. J. Bailey,
F. H. Johnson,
J. Sherman Johnson, and,
J. Fenton Johnson,.....Defendants.

TO HONORABLE BENJAMIN DEY WHITE,

Judge of the Circuit Court of the County of Isle of Wight,
Virginia.

Your complainant, R. M. Bailey, respectfully shows to the court the following case, and prays for such relief therein as in equity is appropriate:

That on the _____ day of _____, J. M. Bailey departed this life, intestate, a resident of the County of Isle of Wight, Virginia, leaving him surviving his widow, Martha S. Bailey, and the following named children, to-wit: your complainant, R. M. Bailey, Dottie I. Whitehead, Essie McClenny, Bertha Griffin, W. J. Bailey, and the following named grand-children, children of a deceased daughter, to-wit: F. H. Johnson, J. Sherman Johnson and J. Fenton Johnson, and possessed of some real estate situate, lying and being in the said County.

That your complainant, and the children and grand-children here named are entitled to said real estate, subject to the dower of the widow therein.

That the said real estate, as your complainant believes, is susceptible of partition, as a whole, among those entitled to share therein, or some distinct or independent part thereof is so

susceptible; but, in the event that the whole is not susceptible to partition, the whole or a part of it, then your complainant believes, and avers, that all of the parties in interest will be benefitted by a sale of the whole, and the proceeds of such sale applied in the manner provided by law.

In tender consideration whereof, and forasmuch as your complainant is without remedy in the premises, save in a court of equity, where matters of this kind are alone and properly cognizable, he prays that the said Martha S. Bailey, Dotie I. Whitehead, Essie McCleamy, Bertha Griffin, W. J. Bailey, F. H. Johnson, J. Sherman Johnson and J. Fenton Johnson, be made parties defendant to this bill of complaint, and required to answer the same, though not under oath, oath thereto being hereby expressly waived; that proper process issue; that the said real estate may be partitioned between and among those entitled to share therein, either partially or in its entirety; or, that it be sold and the proceeds thereof be divided as provided by law in such cases; that all proper orders and decrees may be entered, accounts taken, inquiries directed, reports made; and that your complainant may have all such further, other and general relief in the premises as the nature of his case may require to which to equity and good conscience may seem meet. And your complainant will ever pray, etc.

Notice is hereby given that the court will be requested to allow complainants attorneys a proper fee for conducting this cause.

Respectfully

R. M. Bailey,
By counsel.

Johnson and Stephens, p.q.

Virginia: Circuit Court of
Isle of Wight County.

R. M. Bailey

v) Chancery. _____

Martha S. Bailey et als.

Bill of complaint.

Second February Rules, 1929.

Third February Rules, 1929.

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut