

1882-012

Nansemond Co. (Suffolk)

Chancery Causes: Archer Drew vs Claudius W. Wright & wife

Riddick

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *Claudius W. Wright and
Maggie E. his wife*

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be
held for the said Court, on the first Monday in *September, 1881*, ^{this month} next to answer a

Bill in Chancery, exhibited against *Them*

in the said Court by *Nicker Drew,*

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said
Court, at his office, this *3rd*: day of *September* 1881, in the *106th*:
year of the Commonwealth.

Teste:

Peter B. Prentis Clerk.

1881. September 3rd Executed and a copy hereof
delivered to Claudius W. Wright and Maggie E.
his wife each.
J. H. Rawls Deft.
J. L. Fugham Shff

C. H. Causey, p. q.

Archer Drew

vs { Summons in Chy: ^H

Claudius W. Wright ^H and
Maggie E. his wife.

To Sept: Rules, 1881.

Pro: B. No: 1. Page.
Cir: Co:

2
At a Circuit Court continued and held for
Harrison County, the 14th day of October, 1882.
Archer Drew Plaintiff.

Against Edw. Chaney.

Chas. Wright & wife

Defendants.

This case came on this day to be
heard upon the papers formerly read and was
argued by Counsel.

And ^{it} appearing to the Court that since
the filing of the Bill, the defendants have
made to the Plaintiff the ^{defendants} claimed by the
plaintiff, in his bill, the Court doth order,
adjudge and decree that the suit be removed
from the docket at the expense of the defend-
ants.

A copy,

Teste:

Peter B. Prentiss, Clerk.

Xmas

Ucher Drew

$\frac{14}{25}$ { Copy Decree 14th Octo: 82

C. W. Wright has

Archer Deew
^{vs}

Wright & wife.

This cause came on this day to be heard upon the papers formerly read and was argued by Counsel. And it appearing to the Court that since the filing of the bill the defendants have made to the plaintiff the deed claimed by the plaintiff in his bill the Court doth order ad judge and decree that the suit be ^{removed} dismissed from the docket at the expense of the defendants.

Archer Drew

vs

Wright vs

Final Decree.

Oct Term 1882

Oct 14th 1882.

To be entered,

Geo. T. Brown.

Entered Chancery Order
Book No. 1 - Page 590

copied

Received of Helisea Brown
Twenty seven dollars & thirty seven
cents - \$27.37^{cts} part - pay m^ont^h
on ~~house~~ & lot -

Haggie E. Wright.
Feb 24th 1880.

Exhibit "L"

In the name of God: I William S. Ridelick of the Town of Suffolk, in the State of Virginia, being of sound mind and memory, (blessed be God for the same), do make + publish this my last Will and Testament.

I give and bequeath to my five children the real estate opposite their names below. My daughter Maggie to have possession of her portion now; and the others have possession upon each one arriving at the age of twenty one years. Except one lot each upon the conditions named below in this Will. To wit namely,

1st. Levelly Lot + Stable on Franklin st.	valued	\$2500.00
" Kenyon Tract 20 acres	"	600.00
" 3 vacant lots on E. Side Holladay St. 2 sold	"	350.00
" 2 lots on Fair Ground sold by G. W. W.	"	350.00
" Prospect tract of land (280 acres)		
Bal. due on it	"	900.00
" All my household + Kitchen furniture	"	300.00
		<u>\$5000.00</u>

x x x x x x x x x x x x x x x x
 All the real estate bequeathed above to my five children I wish them to have in fee

Maggie E. Wright
 share Real est.

simple, to do as they please with when they become twenty-one years of age, except one lot to each which is given conditionally. Viz.

The Cully Lot to Maggie provided she have an heir or heirs before she dies, but if she die without heirs, the lot is to go back to my other children then living, equally.

x x x x x x x x x x x x x

In Testimony whereof I hereunto set my hand and seal this 26th: day of July 1873.

Willis S. Riddick 

I certify that the foregoing is a correct extract from the Will of the late Willis S. Riddick, decd, said Will having been duly probated on the 18th: day of December, 1873 at a Monthly Court held for Ramsey County on that day, and recorded in Will Book No. 2. pgs. 432, 3.4.

W. S. Riddick's Will
(An Extract)

Exhibit "B"

1875, July 30th. Recd. of Archie Brown
Ten dollars in part payment for lot
on Coluden Lane, which makes in all paid
One Hundred & fourteen dollars.

Wm. S. Redick

Bel den $\begin{array}{r} 475 \\ 114 \\ \hline \$ 361 \end{array}$

Drew
to G. Chz
Wright & Co.

Exhibit
"A"

In the Circuit Court of Hansemond County
To the Hon^{ble}. George Blow, Judge of said
Court.

Archer Drew .

Plaintiff

vs. { In chancery

Claudius W. Wright and
Maggie E. his wife .

Defendants.

Humbly complaining
your complainant Archer Drew, a resident
of Hansemond County in the State of Vir-
ginia, respectfully represents to the Court
and says:

That some time in the year 1871,
your complainant entered into an agree-
ment with Willis S. Riddick, late a resi-
dent of this County, but now deceased,
to purchase a home and lot on what is
known as the "Fair Ground", near Suffolk,
fronting on the "Culoden Road" for the sum
and price of four hundred and seventy-
five dollars:—

That on the 30th day of July, 1875 there
was due on said lot the sum of \$361⁰⁰/₁₀₀ as
will appear by a receipt in the hand-writing
of said Willis S. Riddick and duly signed
by him = the said receipt being herewith
filed marked "A" and asked to be taken as
a part of this bill: That from time

to time payments were made running from the 30th: of July 1875-as aforesaid till the 24th: of February, 1880, said payments being sometimes made by said complainant and sometimes by Melissa Drew his wife; and said payments were sometimes made to said Claudius W. Wright and sometimes to Maggie E. Wright- his wife, who was the daughter of said Willis S. Riddick deceased.

That on the day of December, 1875- the said Willis S. Riddick departed this life, having however first-made his last Will and Testament, which was duly probated in the County Court of Hansonman County on the day of December, 1875; and under the terms of said Will this lot being still unpaid for was devised and bequeathed to Maggie E. his eldest child and then as now the wife of C. W. Wright; as will appear by an Extract from said will duly authenticated and herewith filed marked "B".

That on the day of June, 1878 the sum of \$51.⁰⁰/₁₀₀ which was paid into the hands of C. H. Causey, attorney, for payment to Claudius W. Wright was under due process of garnishment paid over to

H. H. Rawls, Sergeant of the Town of Suffolk to satisfy executions in his hands in favor of M. Jones & Co, and Joseph Little & Son against said E. W. Wright, and your Complainant claims that he should have credit for this amount, on the balance that was due and owing for the Lot aforesaid and this the said E. W. Wright persistently refuses, although a competent Court has decided that the said E. H. Carney properly paid the \$57.⁰⁰ aforesaid to the Creditors of said E. W. Wright.

That when on the 24th: of February, 1880 the last payment above mentioned was made, amounting to \$27.³⁷/₁₀₀, by Melissa Drew the wife of your Complainant to Mrs. Maggie E. Wright, a receipt for which is herewith filed marked "C", the said Mrs. Maggie E. Wright informed your Complainant ~~through her~~ that the whole amount of the purchase money was paid except the \$57.⁰⁰ aforesaid and although your Complainant was prepared on the 24th: day of February 1880 to pay whatever balance there might be due, the said defendants after a careful calculation would only receive the aforesaid sum of \$27.³⁷/₁₀₀ (\$27.37) and told your Complainant

* been made on Saturday the 30th day of September 1881, and the said
L. W. Wright - agreed to make a deed to your Complainant on the
payment of the sum of twenty dollars which your Complainant
promptly refused - saying that all the money had been paid for
the lot in question and he was entitled to have his deed.

that as soon as the \$57.⁰⁰ above referred to
was paid by L. H. Causey that then a
good and sufficient deed would be
executed and delivered for the said home
and lot.

Your Complainant states further
that if the credit of \$57.⁰⁰ aforesaid be
allowed him that then it will be shown
that the entire purchase price has been
paid, and the same should be allowed
as a credit as it has been applied to
the sole benefit of said L. W. Wright as
will appear from the records of the pro-
ceedings under which the same was
paid, now on file in the Clerk's office
of the County Court of Harsemau
County, and therefore your Complainant
is entitled to have his deed.

That your Complainant has frequently
demanded a deed for the lot of land in
question but hitherto the defendants have
always refused to execute and deliver
the same to him, the last demand having*

Your Complainant is advised and
therefore says that a Court of Equity should
and will enforce his rights in the premises
and decree that the said L. W. Wright and
Maggie E. his wife make to him a

proper deed with general warranty for the said lot of land in question to him and his heirs forever.

In tender consideration whereof and inasmuch as your Complainant is without remedy save in a Court of equity where matters of this kind are alone and properly cognizable and relievable, he prays that the said L. W. Wright and Maggie E. his wife (née Ridlick) may be made parties defendant to this bill and be required respectively to answer the same in the usual mode.

That if necessary an account may be made up under decree of this honorable Court showing what amounts have been paid by said Archer Drew, and if it appear that the said Complainant has paid the amount agreed to be paid in the lifetime of Willis S. Ridlick that the Court decree him a deed at the hands of said L. W. Wright and should it appear that any balance be due to said Wright and wife that then on payment of said balance a deed be made, and your Complainant prays that in making up said account due credit shall be given for the \$57.⁰⁰ paid in the hands

of C. H. Causey.

And that your complainant may have such other and further relief in the premises as the nature of the case may require, or to equity shall seem meet,

May it please yr. And your complainant will ever pray yr.

Archer Drew
by C. H. Causey Atty,

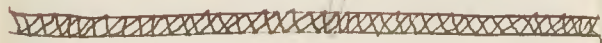
State of Virginia

Hamsemond County, to wit

I, C. H. Causey, a Notary Public in and for the County aforesaid in the State of Virginia, do certify that Archer Drew the Plaintiff in the foregoing bill of Complaint personally appeared before me and made oath that the facts contained therein in and to the best of his knowledge and belief Given under my hand this 3rd day of September 1881,

C. H. Causey
Notary Public

Archer Drew
vs { Chey papers
vs { W. Wright & Co.



Bill.

Archer Drew

th vs { Chy notes

Claudius W. Wright & wife

1881 Sept. 3rd: Summ. in Chy issued to Sept. Rule 1881

" " 5th: Bill & x bts - filed & decree nisi ^{vs} Deft.

" Oct. 3rd Decree nisi confirmed & cause set for hearing
on motion of Plff's Counsel.

Chry Notes.

Archer Drew

Chry Notes

E. W. Wright sur