1884-010
Nansemond Co. (Suffolk) Chancery Causes: Darden & Eley vs James A. Weaver & wife et al

Joyner

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY - GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON James A. Weaver and Bettie V. his wife (who are not residents of this Commonwealth) and Josiah Joyner,

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 *next to answer a Bill in Chancery, exhibited against them in the said Court by* Algernon S. Darden and R. Seth Eley, merchants and partners in trade doing business under the firm name and style of Darden and Eley.

and have then and there this Summons. Witness, PETER B. PRENTIS, *Clerk of our said Court, at his office, this* 11th *day of* August *188*3*, in the* 108th *year of the Commonwealth.*

Teste : Peter B. Prentis *Clerk.*

Memo: The Plaintiffs, Durden and Eley require the Clerk of the Court, on which their said suit is pending, to endorse on the Summons, an order to the Officer to whom it is directed, to attach the following Estate of the Defendant, Bettie V. Weaver, to wit: a tract of land, situate in Nansemond County, on Pitch Kettle road, on Smith's Creek, about one and a half miles from the Town of Suffolk, in said County, and containing fifty-two (52) acres, more or less, and bounded by the lands of James George, James T. Joyner, the land of John F. Pruden and the heirs of Wm: Ayers and said Creek; and also the debt due or to become due to the defendant, James A. Weaver or said Bettie V. his wife, by Josiah Joyner, tenant upon said land, as rent for the year 1883, for said land or so much thereof as may remain unpaid by said Josiah Joyner.

Teste: Peter B. Prentis. Clerk

~~Executed and a copy of the within Summons in writing served upon the~~ Tt

I have this 13th. day of August 1883 executed the within summons and served the same as to the within named Josiah Joyner by delivering a copy hereof, in writing to him in person. The within named James A. Weaver and Bettie V. his wife are not residents of my county nor of the State of Virginia.

J. L. Leighton Sff

Kilby & Eley

Durden & Eley

4/20 Sum'ns in Chy: &c

James A. Weaver and Bettie V. his wife (who are not residents of this Commonwealth) and Josiah Joyner.

Sff's Deft's Fees Rules, 1883

Rec'd. B. No: 1. Lodge

Sec'd.

State of Virginia
Nansemond County } to wit

This day R. Sette Eley of the firm of Darden and Eley, merchants and partners in trade doing business under the firm name and style of Darden and Eley, appeared ~~before me~~ in person before me, the undersigned, a Notary Public in and for said County in said State and made oath that James A. Weaver and Bettie V. his wife against whom and others the said Darden and Eley have instituted a suit in Chancery in the Circuit Court of said County of Nansemond are both non-residents of this Commonwealth or the State of Virginia aforesaid.

Given under my hand this 11th. day of August A.D. 1883

Wilbur J. Kilby
Notary Public

Dundore & Elay

vs

James A. Weaver Lewis Sal:

Aug. 11th. 1883 Filed Order of Pub. awarded, on Vacation.

Affidavit for Order of Publi= cation

VIRGINIA, TO WIT—IN VACATION in the Clerk's office of the Circuit court for the county of Nansemond, the 14th day of August, A. D. 1883:

Algernon S. Darden and R. Seth Eley, merchants and partners in trade, doing business under the firm name and style of Darden & Eley.....Plaintiffs,

AGAINST

James A. Weaver and Bettie V., his wife (who are not residents of this Commouwealth), and Josiah Joyner.....Defendants.

IN CHANCERY AND UPON AN ATTACHMENT.

The objeet of this suit is to recover from the defendant Bettie V. Weaver the sum of fifty-six dollars and eighty-one cents, for debt, with lawful interest thereon from the 16th day of July, 1883, till paid, due to the plaintiffs from said Bettie V. Weaver, and to subject her real estate in Nansemond county, Virginia, and the rents and profits thereof, to the satisfaction of said debt; and the plaintiffs having sued out an attachment against the said estate of said Bettie V. Weaver, and the rents and profits thereof, upon affidavit that she and her husband, said James A. Weaver, are not residents of this State, and that she has estate or debts due her in this county; and the said attachment having been levied upon the following estate of said Bettie V. Weaver, to wit; A tract of land situated in Nansemond county, State of Virginia, on Pitch Kettle road, on Smith's creek, about one and one-half miles from the town of Suffolk, in said county, and containing fifty-two (52) acres, and bounded by the lands of James T. Joyner, James George, John F. Pinner and the heirs of William Ayers and by said creek, and also upon the debt of sixty-four dollars to become due on the first day of January, 1884, by Josiah Joyner (the tenaut on said land) to the said Bettie V. Weaver as rent for said land for the year 1883; and neither proeess in said suit nor a copy of said attachment having been served on the said defendants James A. Weaver and Bettie V., his wife, it is ordered that they appear here within one month after due publication of this order and do what is neccssary to protect their interests in this suit, and that a copy of this order be forthwith published in the SUFFOLK HERALD, a newspaper published in the town of Suffolk aforesaid, onee a week for four suceessive weeks and posted at the front door of the Courthouse of this county on the first day of the next term of the court of said county.

A copy—Teste:

PETER B. PRENTIS, Clerk.

WILBUR J. KILBY, p. q. au15-4t

State of Virginia.
Nansemond County } to wit
Peter B Prentis. Clerk of the Cir-
cuit Court of said county in said
State this day appeared in person
before me. a Notary Public in and
for said County in said State and
made oath that, on the first day
of the County Court of said County
at the September Term thereof in
the year 1883, he posted a copy of
the annexed order of publication at
the front door of the Courthouse of
said county.

Given under my hand this 12th.
day of September A.D. 1883

Wilbur J. Kilby
Notary Public

All Available Text Successfully Captured

Warden & Ebey
vs } Equity of Pleb
James H. Weaver, et al

1883
Septr. 12th: Filed

VIRGINIA, TO WIT—IN VACATION in the Clerk's office of the Circuit court for the county of Nansemond, the 14th day of August, A. D. 1883:

Algernon S. Darden and R. Seth Eley, merchants and partners in trade, doing business under the firm name and style of Darden & Eley.....Plaintiffs,

AGAINST

James A. Weaver and Bettie V., his wife (who are not residents of this Commonwealth), and Josiah Joyner.....Defendants.

IN CHANCERY AND UPON AN ATTACHMENT.

The object of this suit is to recover from the defendant Bettie V. Weaver the sum of fifty-six dollars and eighty-one cents, for debt, with lawful interest thereon from the 16th day of July, 1883, till paid, due to the plaintiffs from said Bettie V. Weaver, and to subject her real estate in Nansemond county, Virginia, and the rents and profits thereof, to the satisfaction of said debt; and the plaintiffs having sued out an attachment against the said estate of said Bettie V. Weaver, and the rents and profits thereof, upon affidavit that she and her husband, said James A. Weaver, are not residents of this State, and that she has estate or debts due her in this county; and the said attachment having been levied upon the following estate of said Bettie V. Weaver, to wit: A tract of land situated in Nansemond county, State of Virginia, on Pitch Kettle road, on Smith's creek, about one and one-half miles from the town of Suffolk, in said county, and containing fifty-two (52) acres, and bounded by the lands of James T. Joyner, James George, John F. Pinner and the heirs of William Ayers and by said creek, and also on the debt of sixty-four dollars to become due on the first day of January, 1884, by Josiah Joyner (the tenant on said land) to the said Bettie V. Weaver as rent for said land for the year 1883; and neither process in said suit nor a copy of said attachment having been served on the said defendants James A. Weaver and Bettie V., his wife, it is ordered that they appear here within one month after due publication of this order and do what is necessary to protect their interests in this suit, and that a copy of this order be forthwith published in the SUFFOLK HERALD, a newspaper published in the town of Suffolk aforesaid, once a week for four successive weeks and posted at the front door of the Courthouse of this county on the first day of the next term of the court of said county.

A copy—Teste:

PETER B. PRENTIS, Clerk.

WILBUR J. KILBY, p. q. au15-4t

STATE OF VIRGINIA, TO WIT:
In the Clerk's office of the Circuit court for the county of Nansemoud, the 11th day of August, A. D. 1883—in vacation;

Algernon S. Darden and R. Seth Eley, merchants and partners in trade, doing business under the firm name and style of Darden & Eley.....Plaintiffs,

AGAINST

James A. Weaver and Bettie V., his wife (who are non-residents of this Commonwealth), and Josiah Joyner.....Defendants.

IN CHANCERY.

The object of this suit is to reeover of the said defendants, James A. Weaver and Bettie V., his wife, the sum of fifty-six dollars and eighty-one cents, with lawful interest thereon from the 16th day of July, 1883, till paid, for debt due from the said Bettie V. to said plaintiffs, and to subject her real estate in Nansemond county, Virginia, and the rents and profits thereof to the satisfactiou of said debt. And affidavit having been made that the said James A. Weaver and Bettie V., his wife, are not residents of this State, they are required to appear within oue month after due publication of this order, iu the Clerk's office of our said court, at rules to be holden therefor, and do what is necessary to protect their interests.

And it is ordered that a copy of this order be forthwith published once a week for four successive weeks in the SUFFOLK HERALD, a newspaper printed in the town of Suffolk, in said county of Nausemond, and be posted at the front door of the Courthouse of said county on the first day of the next County court for said couuty after the date of this order.

A copy—Teste:

PETER B. PRENTIS, Clerk.

WILBUR J. KILBY, p. q. au15–4t

I. Thos. G. Elam, the Proprietor and Editor of The Suffolk Herald, a newspaper printed in the Town of Suffolk in Nansemond County. State of Virginia, do hereby certify that the attached orders of Publication were each duly published in the said newspaper, for four successive weeks from, including and after the 15th. day of August A. D. 1883,

Given under my hand this 6th. day of September A. D. 1883

Thos. G. Elam.
Edr. & Prop'r

All Available Text Successfully Captured

Darden & Eley

vs & Certificate of Pub:

James A. Weaver, wife & al:

1883

Septr: 6th: Filed.

Virginia, to wit:

In vacation in the Clerk's Office of the Circuit Court for the county of Nansemond the 14th. day of August. A.D. 1883:

Algernon S. Darden and
R. Seth Eley merchants and
partners in trade doing business
under the firm name and
style of Darden and Eley, Plaintiffs

against } In chancery and upon an attachment

James A. Weaver and Bettie V.
his wife (who are not residents
of this Commonwealth) and
Josiah Joyner, Defendants.

The object of this suit is to recover from the defendant Bettie V. Weaver the sum of fifty-six dollars and eighty-one cents for debt with lawful interest thereon from the 16th. day of July 1883 till paid due to the Plaintiffs from the said Bettie V. Weaver, and to subject her real estate in Nansemond county, Virginia, and the rents and profits thereof to the satisfaction of said debt; and the Plaintiffs having sued out an attachment against the said estate of said Bettie V. Weaver and the rents and profits thereof, ~~and~~ ~~of~~

~~the said Bettie V. Weaver~~ upon affidavit that she and her husband, said James A. Weaver, are not residents of this State and that she has estate or debts due her in this county; and the said attachment having been levied upon the following estate of the said Bettie V. Weaver, to wit, a tract of land situated in Nansemond County, State of Virginia, on Pitch Kettle road, on Smith's Creek about one and one-half miles from the Town of Suffolk in said County and containing fifty-two (52) acres, and bounded by the lands of James T. Joyner, James George, John F. Joyner and the heirs of Wm. Ayers and by said creek, and also upon the debt of sixty-four dollars to become due on the first day of January 1884 by Josiah Joyner (the tenant on said land) to the said Bettie V. Weaver as rent for said land for the year 1883; and neither process in said suit nor a copy of said attachment having been served on the said defendants, James A. Weaver and Bettie V. his wife, it is ordered that they appear here within one month after due publication of this order and do what is necessary to protect their interests in this suit; and that a copy of this order be forthwith published in "The Suffolk Herald"

a newspaper published in the Town of Suffolk aforesaid once a week for four successive weeks and posted at the front door of the Courthouse of this County on the first day of the next term of the Court of said County

Teste:

Peter B. Prentis. Clerk

Darden & Eley

25th Ky. Vol. Inf.

James A. Weaver Co. F.

1883

August 11th. wounded

State of Virginia, to wit:

In Vacation — In the Clerk's Office of the Circuit Court for the County of Nansemond, the 11th. day of August, A.D. 1883.

Algernon S. Warden and R. Seth Eley, merchants and partners in trade, doing business under the firm name and style of Warden and Eley . . . . . Plaintiffs.

Against } In Chancery

James A. Weaver and Bettie V. his wife (who are non-residents of this Commonwealth) and Josiah Joyner . . . . . Defendants.

The Object of this suit is to recover of the said defendants, James A. Weaver and Bettie V. his wife, the sum of Fifty-six dollars and eighty-one cents, with lawful interest thereon from the 16th. day of July, 1883, till paid, for debt due from the said Bettie V. to said Plaintiffs, and to subject her Real Estate in Nansemond County, Virginia, and the rents and profits thereof to the satisfaction of said debt — And affidavit having been made that the said James A. Weaver and Bettie V. his wife are not residents of this State, they are required to appear within one month after due publication of this order, in the Clerk's Office of our said Court, at Rules, to be holden therefor, and do what is necessary to protect their interests: And it is ordered, that a Copy of this order be forthwith published once a week for four successive weeks, in the "Suffolk Herald" a newspaper printed in the Town of Suffolk in said County of Nansemond, and be posted at the front door of the Court House of said County, on the first day of the next County Court for said County, after the date of this order.

Teste.

Peter B. Prentis. Clerk.

Darden & Eley

vs } Or: of Pub:

James A. Weaver & wife, &al

Aug: 11th 1883 Awarded

STATE OF VIRGINIA, TO WIT:
In the Clerk's office of the Circuit court for the county of Nansemond, the 11th day of August, A. D. 1883—in vacation:

Algernon S. Darden and R. Seth Eley, merchants and partners in trade, doing business under the firm name and style of Darden & Eley.....Plaintiffs,

AGAINST

James A. Weaver and Bettie V., his wife (who are non-residents of this Commonwealth) and Josiah Joyner.....Defendants.

IN CHANCERY.

The object of this suit is to recover of the said defendants, James A. Weaver and Bettie V., his wife, the sum of fifty-six dollars and eighty-one cents, with lawful interest thereon from the 16th day of July, 1883, till paid, for debt due from the said Bettie V. to said plaintiffs, and to subject her real estate in Nansemond county, Virginia, and the rents and profits thereof to the satisfaction of said debt. And affidavit having been made that the said James A. Weaver and Bettie V., his wife, are not residents of this State, they are required to appear within one month after due publication of this order, in the Clerk's office of our said court, at rules to be holden therefor, and do what is necessary to protect their interests.

And it is ordered that a copy of this order be forthwith published once a week for four successive weeks in the SUFFOLK HERALD, a newspaper printed in the town of Suffolk, in said county of Nansemond, and be posted at the front door of the Courthouse of said county on the first day of the next County court for said county after the date of this order.

A copy—Teste:

PETER B. PRENTIS, Clerk.

WILBUR J. KILBY, p. q. au15-4t

signation as a Senator, and it is
ietty well understood that they will
him their seats. The Democrats
ntend that the acceptance by them
their present positions disqualifies
em from holding their seats in the

Virginia
Nansemond County } to wit

Peter B. Prentis, Clerk of the Circuit Court of said Nansemond County this day personally appeared before me, Wilbur J. Kilby, a Notary Public in and for said County in said State and made oath that at the first day of the County Court of said County at the August term thereof in the year 1883, he posted a copy of the attached order of Publication at the front door of the Courthouse of said County.

Given under my hand this 21st. day of August A. D. 1883

Wilbur J. Kilby
Notary Public

All Available Text Successfully Captured

Gardner & Eley

$\frac{4}{20}$ } affidavit as to posting
or:

James A. Weaver, with Lee

Septr: 21st. 1883 Made Filed.

Algernon S. Darden and R. Seth Eley
merchants and partners in trade
doing business under the firm name
and style of Darden and Eley
Plaintiffs

Against } In Chancery

James A. Weaver and Bettie V. his
wife (who are not residents of this
Commonwealth) and Josiah Joyner
Defendants.

The clerk of the Circuit Court
of Nansemond County in which
the above-entitled suit is pending,
will direct the officer to whom
the attachment is directed which
has been sued out, in said suit,
against the estate of the non-resi-
dent defendants, said James A.
Weaver and Bettie V. his wife, to
serve a copy of said attachment
upon the defendant, said Josiah
Joyner, who is hereby designated to
the said officer as a person ~~who~~
indebted to said defendant

Bettie V. Weaver and James A. Weaver in the sum of sixty-four dollars due or to become due to them as rent for the year 1883 for their land in said County upon which the said Joyner now resides as their tenant.

And the said Plaintiffs require the said clerk to endorse on the summons in said suit an order to the officer to whom it is directed to attach the following real estate of the defendant, Bettie V. Weaver, aforesaid, to wit: A tract of land situated in said County on Pitch Kettle road on Smith's creek about one and one-half miles from the Town of Suffolk in said County and containing fifty two (52) acres, and bounded by the lands of James George James T. Joyner, the land of John H. Pinner and the heirs of Wm. Ayers and by said creek,

And also the said debt due or to become due to said defendants James A. Weaver and Bettie V. his wife by said Josiah Joyner in the said sum of sixty-four dollars ~~due or to become due~~ as rent aforesaid, or so

much thereof as may remain un-
paid by said Josiah Joyner.

Darden & Edey, Plaintiffs
By Wilbur J. Kilby atto.

Charles K Elay

vs Ex Direction to Clerk

James A. Weaver & wife Et al

Aug: 11th: 1883

Filed

State of Virginia
Nansemond County } to wit:

This day R. Seth Eley ~~appeared~~ of the firm of Darden and Eley merchants and partners in trade doing business under the firm name and style of Darden and Eley, appeard ~~before me~~ in person before me, the undersigned, a Notary Public in and for said County in said State and made oath that he has a just claim against James A. Weaver and Bettie V. his wife for the sum of fifty six dollars and eighty one cents for debt with lawful interest thereon from the 16th. day of July 1883 till paid and that the said firm of Darden and Eley have present cause of action therefor and that the said James A Weaver and Bettie V. his wife are not residents of this State and that he R. Seth Eley, the affiant believes that the said James A. Weaver and Bettie V. his wife have estate and debts due them within the said County of Nansemond, ~~and~~ and that they are sued jointly with one Josiah Joyner who resides in the said

Order & Eley

vs

James A. Weaver Lewis Val

Aug: 11th: 1883. Filed & attachment issued

Affidavit for Attachment

County of Shawnee, ss.
Given under my hand this 11th day of August A. D. 1883
William J. Kelly
Notary Public

The Commonwealth of Virginia
To the Sheriff of the County of
Nansemond, Greeting

Whereas Algernon S. Darden and R. Seth Eley, merchants and partners in trade doing business under the firm name and style of Darden and Eley have instituted in our Circuit Court for the county of Nansemond aforesaid, a suit in Equity, which is now pending in our said Court a-gainst James A. Weaver and Bettie V. his wife and Josiah Joyner, and the said R. Seth Eley having made oath before Wilbur J. Kilby, a Notary Public in and for said county that the claim asserted in the said suit is just for the sum of fifty six dollars and eighty-one cents for debt with law-ful interest thereon from the 16th. day of July 1883 till paid and that the said Darden and Eley have present cause of action therefor and that the said James A. Weaver and Bettie V. his wife are not residents of this State and that he the affiant, be-lieves that the said James A. Weaver

and Bettie V. his wife have estate and debts due them in the said County of Nansemond;

Therefore, we command you that you attach the estate of the said James A. Weaver and Bettie V. his wife for the amount aforesaid of principal and interest that you receive such estate so attached into your hands and so provide that the same may be forthcoming and liable to farther proceedings to be had thereon according to law. And that you have this writ at the ~~clerk's o~~ next term of our said Circuit Court for the county aforesaid and then and there make return how you have executed this writ

Witness Peter B. Prentis Clerk of our said ~~Court~~ Circuit Court this 11th. day of August A. D. 1883 and of our ~~the~~ foundation ~~of our C~~ the 108th.

Peter B. Prentis Clerk.

By virtue of this attachment I levied the same on the 13th. day of August A. D. 1883 on the following real estate of Bettie V. Weaver, one of the defendants mentioned in said attachment, to wit; a tract of land situated in Nansemond County, State of Virginia, on Pitch Kettle road on Smith's Creek about one and one-half miles from the Town of Suffolk in said County and containing fifty two (52) acres, and bounded by the lands of James T. Joyner, James George, John F. Pinner and the heirs of Wm. Ayers and by said Creek.

And I also on the same day levied the said attachment on the debt of sixty four (64) dollars to become due on the first day of January 1884 by Josiah Joyner, (the tenant on said land), to the said Bettie V. Weaver as rent for said land for the year 1883 by serving a copy of the said attachment in writing upon said Josiah Joyner in person, he having been designated to me in writing by the plaintiffs in said attachment as a person ~~in~~ indebted to said Bettie V. Weaver.

The said James A. Weaver and Bettie

N. his wife are not residents of my County nor of the State of Virginia and have not been served with a copy of said attachment

J L Smytham Sheff

Worden & Eloy
Att'ys for Plff
James A. Warren & Wife & al.

To October Term, 1883
Amherst Cir. Ct.

Pro: $3. No. 1. Page
Cir. Ct.

Darden & Eley

vs.

Weaver & wife & al.

On the motion of the com-
plainants, by their counsel, it
is ordered that this cause
be dismissed.

Darden & Eley

vs. } In Chy.

Weaver Wife & al.

Circuit Court
Nansemond County
April 10 1884
order
To be entered
Geo. P. Bloxom.

Ended DB 72 p 650

Suffolk, Va. July 16th 1883.

Mrs. Bettie N. Weaver

Bought of Darden & Eley,

DEALERS IN

Dry Goods, Notions, Clothing, Shoes, Hats, Carpets,

Hardware, Groceries, &c., &c.

Terms:

1882

Oct	3	5 7 yds Cottons	order	10	5 70	
		5 2½ " "		10	1 00	
		2 Balmorals		125	2 50	
		6 Pr Hose		40	2 40	
		1 " Shoes			2 50	
		3 " " @ 225	1 pr Shoes	175	8 50	
		1 " " " 138	2 " "	100	3 38	
		2 Coats		100	2 00	31 98
Oct	10	2 Pr Shoes		225		4 50
"	24	15 yds Dress Goods		20	3 00	
		15 " " "		20	3 00	
		8 " " "		20	1 60	
		1 Pr Gaiter Shoes			2 00	
		1 " Coat "			1 15	
		1 " " "			1 00	
		1 Balmoral			1 25	
		1 Shirt "			88	
		8 Qrs Buttons		15	1 20	
		3 Child Hose		100	3 00	
		2 Ladies Cotton		700	14 00	
		8 yds Flannel		37½	3 00	
		2 Ladies Hose		100	2 00	
		1 Gauze Vest			75	37 83
Nov	6	2 Pr Shoes @ 10 & Rubbers		10	80	
		1 Gingham Dress		1-	67	
		1 Ladies Cotton Hose			3 50	
		1 " " "			3 50	9 97
"	22	1 Pr Ladies Shoes		150	3 50	
		1 Qr Buttons			15	3 65
	27	14 yds Dress Goods (Flannel)		25	3 50	
		1 Qr Buttons			25	3 75
Dec	2	2½ yds Red Saxon Flannel		60	1 50	
		½ Qr Buttons		25	38	1 88
						$ 53.56

Amt brought forw'd $93 56

Dec	2	1/2 doz Razor (Jarvis)	5/-	1	5	
		1 " Pocket "		13		32
		1 " Razor "				50
"	18	7 yds Calico	"	8	56	
		1 " Cotton Flannel			75	131
1883 Feb	8	1 Size Chunk			650	
		1 Size Chisle		75	300	
		6 Reims Collars		1/-	100	1050
						$105 94
1882 Oct	10	2 " Size cold			1 50	
		1 " " " "			138	
		1 " " " "			200	
Nov	6	1 " Size Cotton		100	1400	
1882 Jan	8	1 " Axel			3000	4913
						$5681

Int. from 16 July 1883

The Plaintiffs, Darden and Eley claim of the Defendants, the above-mentioned sum of $56.81 and interest thereon from the 16th day of July 1883 till paid and the costs of suit

Wilbur J. Killy p.q.

Darden & Eley
vs
Jas. A. Weaver and wife and others

Exhibit A.
filed with the Bill

In the Circuit Court of Nansemond County, Va.

Algernon S. Darden and R. Sette Eley, merchants and partners in trade doing business under the firm name and style of Darden and Eley, Plaintiffs

against } In Chancery

James A. Weaver and Bettie V. his wife (who are not residents of this Commonwealth) and Josiah Joyner, Defendants

To the Hon. George Blow, Circuit Court Judge in and for the County of Nansemond in the State of Virginia,

Complaining respectfully represent and show unto Your Honor, Your Complainants, said Algernon S. Darden and R. Sette Eley, merchants and partners in trade doing business under the firm name and style of Darden and Eley, that on the 16th. day of July A. D. 1883, the said Bettie V. the wife of said James A. Weaver, as a sole and separate trader had become and was indebted to your

Complainants in the sum of fifty-six and 81/100 dollars for divers goods, wares and merchandise before that time by your Complainants sold and delivered to the said Bettie V. Weaver and at her special instance and request, as will appear by a copy of the account kept by your Complainants and taken from their regular books of accounts, showing the several articles sold as aforesaid to said Bettie V. Weaver and charged to her on said books and the prices to be paid therefor, - said copy of said account being herewith filed as a part of this Bill and marked "Exhibit A".

That by deed dated the 28th. day of November A.D. 1882 and recorded the 5th. day of December A.D. 1882 in deed book No. 11 page 104 in the Clerk's office of Nansemond County Court, there was sold and conveyed by J. N. Ramsay and wife unto said Bettie V. Weaver for the sum of $800, a tract of land situated in Nansemond County on Pitch Kettle road and on Smith's Creek

about one and one-half miles from Suffolk, Va. containing fifty two (52) acres, and bounded by the lands of James T. Joyner, John F. Pinner James George and the heirs of Wm. Ayers and by said road and creek.

That your complainants have made repeated demands upon the said Bettie V. Weaver and her said husband, James A. Weaver for payment of said sum of fifty-six and 81/100 dollars, but as yet the same has not been paid by them or either of them or any one for them, they still refusing and neglecting to pay the same, notwithstanding the fact that said sum of money has long since been due and payable.

That the said parcel of land under and by virtue of the laws of the State of Virginia in force at the time and still in force, became the sole and separate estate of said Bettie V. Weaver immediately upon its sale and conveyance to her as aforesaid and as such became liable for her

debts.

That the several articles of goods, wares, and merchandise sold as aforesaid to said Bettie V. Weaver as set forth in said "Exhibit A", were sold to her upon the faith and credit of her separate estate and especially in the belief and with the understanding that her said real estate should be bound for the payment of the same.

Your Complainants charge that the said indebtedness of said Bettie V. Weaver to them is a charge upon said land, and separate estate of said Bettie V. Weaver, created by her when she incurred said indebtedness and that the said land or the rents and profits thereof are, is liable for the payment and satisfaction of said indebtedness and that your Complainants have a right in a Court of Equity to subject said land or the rents and profits thereof as the sole and separate estate of said Bettie V. Weaver, to the payment of her said indebtedness to your Complainants.

That the said land is now in the possession of Josiah Joyner, a tenant, who rented the same of said Bettie V. Weaver for the year 1883 for the sum of $64.00 rent to be paid therefor, for the year 1883, on the first day of January 1884 and that said sum of $64.00 has not been paid to said Bettie V. Weaver or any other person.

That said land and the rents and profits to be derived therefrom, constitute all the sole and separate estate of said Bettie V. Weaver in Nansemond County or the State of Virginia.

In consideration whereof Your Complainants being without remedy save in a Court of Equity, pray that the said James A. Weaver and Bettie V. his wife (who are not residents of this Commonwealth) and said Josiah Joyner, may be made parties defendant to this Bill and be required in their proper persons and upon their respective oaths, to answer all the allegations herein contained; that an account may be taken of

the said indebtedness of said Bettie V. Weaver to your Complainants and of the sole and separate estate of said Bettie V. Weaver, real & personal, liable therefor, including the parcel of land above described, together with an account of the annual rents and profits of said land and an account of the rent for said land due by said Josiah Joyner for the year 1883; and that said Bettie V. Weaver's sole and separate personal estate and the rents and profits of her said real estate may be subjected and applied to the satisfaction and payment of her said indebtedness to your Complainants and that all further general and adequate relief, consistent with Equity may be granted, And as in duty bound, your Complainants will ever pray etc.

Darden & Exley
By Wilbur J. Kilby, Atto.

11 August 1883

Kirby. P. T.

Warden & Eley

vs } Bill

James A. Weaver. wife &c

Darden & Eley

vs } Chy: Notes

James A. Weaver, wife & Als

1883. Aug: 11th Summons Chy &c issued to Septr: Rules, 1883.

" " " Affidavit for or: pub: made & filed & or: awarded

" " " do. do. attach: &c — &c — &c

" Sept: 3rd: Bill &c filed.

" Octo: 15th: or: taken &c. having been published & posted

according to Law & no. other cause set for

hearing: on the: & No Sol: Counsel.

1884. Apl: 10th Dismissed

Chy: Notes