1890-010
Nansemond Co. (Suffolk) Chancery Causes: David Shriver vs Effie M. Russell & husband

VIRGINIA—NANSEMOND COUNTY, TO WIT.—In vacation: In the Clerk's office of the Circuit Court of Nansemond county the 19th day of February 1889—

David Shriver.....Complainant,

AGAINST

Effie M. Russell and William H. Russell, her husband.....Defendants.

IN CHANCERY.

Foreign Attacnment in Equity, which has been returned executed.

The object of this suit is to recover of the defendant, Effie M. Russell, $800 with interest at the rate of six per cent. per annum on $600, part thereof, from the 19th day of June, 1886, and on $200, the residue thereof, from the 4th day of October, 1886, until paid, and by attachment to subject the real estate of the defendant Effie M. Russell in the county of Nansemond to the payment of the same, and affidavit having been made that the said defendants are not residents of the State of Virginia they are required to appear within fifteen days after the due publication hereof and do whatever may be necessary to protect their interests in this suit.

A copy—Teste:

PETER B. PRENTIS, Clerk.

ROBERT R. PRENTIS, p. q. fe22-4w

Office of The Herald.

Suffolk, Va., March 15 1889

I hereby certify that the order of which the annexed is a copy has been published in THE SUFFOLK HERALD in the manner prescribed by law==once a week for four successive weeks.

J. E. Dooley

Editor Herald.

Fee $1 60

State of Virginia,
County of Nansemond, to wit:

Virginia:

Nansemond County, to wit:

In vacation. In the Clerk's Office of the Circuit Court of Nansemond County the 14th. day of February 1880.

David Shriver Complainant

against In Chancery

Effie M. Russell and William N. Russell, her husband. —

Foreign Attachment in Equity, which has been returned executed. —

The object of this suit is to recover of the defendant Effie M. Russell $800. - with interest at the rate of six per cent per annum on $600. - part thereof from the 14th. day of June 1886, and on $200. - the residue thereof from the 4th. day of October 1886 until paid, and by attachment to subject the real estate of the defendant Effie M. Russell in the County of Nansemond to the payment of the same. —

And affidavit having been made that the said defendants are not residents of the State of Virginia, they are required to appear within fifteen days after due publication hereof, and do whatever

may be necessary to protect their interests in this suit. -

Robert C. Ellis, Esq.

State of Virginia
County of Nansemond, to wit:

This day David Shriver personally appeared before me Peter B. Prentis Clerk of the Circuit Court of Nansemond County and made oath that Effie M. Russell the wife of William A. Russell is justly indebted to him in the sum of $800. with interest at the rate of six per cent per annum on $600. part thereof from the 19th. day of June 1886 and on $200. the residue thereof from the 4th. day of October 1886 until paid; which is now due and payable for debt, and that there is present cause of action therefor: that the said Effie M. Russell and William A. Russell are not residents of the State of Virginia, and that he believes that the said Effie M. Russell has estate within the County of Nansemond. - Given under my hand this 14th. day of February 1889. -

Peter B. Prentis.
Clerk of the Circuit
Court of Nansemond County.

To the Clerk of the ~~Chancery~~ Circuit Court of Nansemond County.

David Shriver

v.

Effie M. Russell and William A. Russell her husband. -

Foreign Attachment in Equity. -

Summons in Chancery. -

Endorse:

The plaintiff David Shriver having made the proper affidavit, the officer who executes this Summons is hereby directed to attach the interest of the defendant Effie M. Russell in all those certain parcels of land lying in Sleepy Hole Magisterial District Nansemond County, Virginia known as "Hinton Hall" including "Dumplin Island"; and 100 acres of Swamp land - Which lands are bounded by the lands of Richard A. Beamon, Nansemond River and Joses Creek. -

Issue Order of Publication when the attachment is returned executed. -

The object of this suit is to recover of the defendant Effie M. Russell $800. - with interest at the rate of

six per cent per annum on $600 - part thereof from the 19th. day of June 1886, and on $200. - the residue thereof from the 4th. day of October 1886 and to subject the real estate of the said Effie M. Russell in the County of Sandusky to the payment of the same. -

Rob. R. Peters P.J.

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Effie M. Russell and William H. Russell her husband

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 March *next, to answer a Bill in Chancery, exhibited against* them *in the said Court by* David Shriver

and have then and there this summons.

Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this 14th *day of* February *1889, in the 113 th year of the Commonwealth.*

Teste:

Peter B. Prentis *Clerk.*

Memorandum: The plaintiff David Shriver having made the proper affidavit, the officer who executes this Summons is hereby directed to attach the interest of the defendant Effie M. Russell in all those certain parcels of land lying in Sleepy Hole Magisterial district Nansemond County Virginia known as "Mintonsville" including "Dumplin Island", and 100 acres of Swamp land - Which lands are bounded by the lands of Richard H. Beamon, Nansemond River and Joses Creek.-

Teste:

Peter B. Curtis Clerk

Levied on the following real estate of the defendant Effie M. Russell, to wit: her interest in & those certain parcels of land lying & in Sleepy Hole Magisterial District Nansemond County Virginia known as "Mintonsville" including "Dumplin Island" and 100 acres of Swamp land - which lands are bounded by the lands of Richard H. Beamon, Nansemond River and Joses Creek. t is the 19th: day of February 1889

Wm. H. Howell Shff-

David Shriver

v.

Effie M. Russell and others.

By consent of parties here entered of record it is ordered that this cause may be submitted to the judge of this Court for decree or decision in vacation. —

David Shriver

v. Order

Russell

Entered Oct. 16. 1889.

C. H. Hall

Entered Chancery
Order Book No. 2
Page 297

David Shriver

vs

Effie M. Russell and William A. Russell, her husband. —

This cause ~~coming on this day to be~~, which has been regularly matured and set for hearing at rules, according to law, came on this day to be heard upon the bill, taken for confessed as to the defendants, and was argued by counsel:

On consideration whereof the Court doth adjudge, order and decree that this cause be referred to one of the Commissioners of this Court, who is directed to take, state and report to Court the following accounts:

1. An account of the debt due by the defendant Effie M. Russell to the complainant. —
2. An account showing the interest if any, of the defendant Effie M. Russell in the real estate in the bill described, with the annual and fee simple value of such interest. —

Together with any other matter,

specially stated, deemed pertinent by the Commissioner or required by any party interested to be so stated.-
Notice of the time and place of taking such accounts need only to be given to W. W. Osby Jr. and to Robert R. Prentis, Counsel in this cause.-
On the motion of the defendants leave is given them to file their Answer to the bill within ninety days from this date to have the same force and effect as if filed at this term of the Court.-

Decree
for Accounts.
Office M. Circuit Ct.

Entered 15th April 1869

Entered Chancery
Order Book No. 2
P. 264.

David Spencer

Deed Book No 3. Page 176

This deed made this fifteenth day of January A.D. 1871 between Jacob S. Schriver and Eliza A. H. his wife of the one part and David Schriver and Pamma L. Schriver of the other part.

Description of Property

Attach of land lying and being in the Town Parish of Nansemond County, State of Virginia and known as Mintbrook including Dumplin Island "Containing nine hundred (900) acres more or less, bounded as follows, Viz On the West by Nansemond River, South by the lands of and North East by the lands of Rich. H. Bannon, and a Creek known as Creek thence down said Creek to Nansemond River, also one hundred (100) acres of Swamp land to the same more or less adjoining the lands of on the East and Richard H Bannon on the North (the family burying ground on said premises being re-

Juciably reserved and excepted forever) To have and to hold the above tract of land with all the tenements and appurtenances thereto belonging together with all the horses, mules, cattle, sheep, hogs, waggons, carts, plows and all other implements and stock of any kind whatsoever now upon the said tract of land unto the said David and Samuel S. Schwein their heirs and assigns forever.

In the Office of Drummond County Court March 23rd 1872_

Suffolk Va. February 15th. 1890.

W. W. Cosby Jr. Esq., Atty.

Room 13 Shafers Building

Richmond Va.,

Dear Sir:- I have just been able to see my client Mr. David Shriver with reference to your letter of January 17th. 1890. He has consented to accept from Mrs. Russell a deed for her interest in the real estate in Nansemond County in full settlement of all his claims against her, with the understandingthat this is to be a complete mutual settlement to date of his claims against her and of all of her claims against him individually or as the Personal Representative of J. S. Shriver and Samuel S. Shriver. All pending suits involving these claims are to be dismissed by the respective plaintiffs.

I herewith enclose the deed which I have prepared. You will please have it executed and acknowledged and returned to me.

Very truly yours,

Rob. R. Prentis.

Mailed Feby. 15. 1890

David Shriver

v.

Effie M. Russell and William M. Russell, her husband.

On the motion of the complainant this cause is dismissed and ordered to be stricken from the docket.

David Shriver

v. Order of dismissal

Russell Td

Entered April 10. 1890

C W Ks

Entered Chancery Order Book No: 2 p. 214

David Shriver Complainant

against

Effie M. Russell and William A. Russell
her husband. Defendants.

To the Honorable Chandler M. Sill Judge of the Circuit Court of Nansemond County

The Complainant David Shriver of Nansemond County, Virginia, represents to the Court:

1. That Effie M. Russell the wife of William A. Russell, is justly indebted to him in the sum of Eight Hundred Dollars, with interest at the rate of six per cent per annum on $600. - part thereof from the 19th. day of June 1886, and on $200. - the residue thereof from the 4th. day of October 1886 until paid, for money advanced to her by the complainant at her special instance and request, which debt the said Effie M. Russell fails and refuses to pay.

2. That the said Effie M. Russell and William A. Russell are not residents of the State of Virginia but she has an interest as one of the devisees of Samuel D. Shriver

deceased in all those certain parcels of land lying in Sleepy Hole Magisterial District, Nansemond County Virginia known as "Wintonsville" including "Dumplin Island, and 100 acres of Swamp land - Which lands are bounded by the lands of Richard H. Beamon, Nansemond River and Jones Creek).

The complainant is advised and alleges that by virtue of the 2964th. section of Chapter 141, of the Code of Virginia, Edition of 1887, he is entitled by attachment to subject the interest of the said Effie M. Russell in the said real estate to the payment of the said debt; and he alleges that he has attached the said interest in the said real estate, and he prays that that the same or so much thereof as may be necessary may be sold to satisfy the said debt.

To this end therefore the complainant prays that the said Effie M. Russell and William H. Russell her husband may be made parties defendant to this bill and required to answer the same (but answers under oath are hereby waived);

that all necessary accounts may be taken. that payment and satisfaction of the complainants debt may be decreed, that the said interest in said Real estate may be subjected as aforesaid, and for all such other further and general relief as to equity shall seem meet.— And the Complainant will &c pray &c

Let Summons go &c

Rob. R. Prentis P.q.

David Shriver

v. Bill

Effie M. Russell
William A. Russell