

1893-016  
Nansemond Co. (Suffolk)

Chancery Causes: Texanna Capps & husband vs Christian H. Hostetter

# Costs

Aphonia Club 4.32

Supt. Haystack 50

Atty. & Clerk 16.50

\$ 21.32

CHANCERY SUMMONS.

The Commonwealth of Virginia,  
Sergeant *the City of Norfolk*  
TO THE SHERIFF OF ~~NANSEMOND COUNTY~~—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *Christian A. Hostetter*

to appear at the Clerk's Office of the Circuit Court of Nansemonnd County, at the Rules to be held  
for the said Court, on the *Third*, Monday in *May 1893*, to answer  
a Bill in Chancery, exhibited against  
*him* in the said Court by *Devannas*  
*Capps and John J. Capps her husband*

and have then and there this summons.

WITNESS, A. P. GOMER, Clerk of our said Court, at his office, this *13th* day of  
*April* 189*3*, in the 11*7*th year of the Commonwealth.

Teste:

*A. P. Gomer* Clerk.

# Memorandum.

An injunction is granted in pursuance of the prayer of the bill in this cause to restrain and prohibit Christian H. Hostetter the defendant, his agents, servants, latiorers, attorneys and all other persons from trespassing upon the land mentioned and described in the bill aforesaid as a parcel of land situated in Sleepy Hole Magisterial District in Hanssmond County Virginia containing ninety acres more or less known as the Grimes land belonging to the within named complainants and bounded on the North by Knotts Creek, on the east by the land of James Wagner and on the South and West by the land of Wright P. Carney and from in any manner occupying and using the same and from using the tram-road or logy track built by said Christian H. Hostetter in so far as said road or track crosses or runs upon said land, and from cutting and using in any manner any of the timber upon said land and from trespassing upon said land in any manner. The bond required of said complainants before said injunction shall take effect has been duly executed by them.

W.S. Kilby p. 91.  
 Desanna Capps and  
 John I. Capps her  
 husband  
 vs. In Chancery  
 Christian H. Hostetter

1893

April 13<sup>th</sup>

Executed this 20<sup>th</sup>  
 day of April A.D. 1893

by serving a copy here  
 of with like copy of  
 injunction there

on enclosed on

Christian H. Hostetter

Signed for said party

Ed. Quinn Deputy

for J. L. Quinn Deputy

County of Sleepy

Teste:

A. P. Gomer Clerk

Circuit-Court of  
 Hanssmond County  
 Process Book  
 No 2. Page 81.

Know All Men by These Presents, That we Texanna Copp  
John I Copp L. A. Deans and John G  
Eberwein

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full  
sum of Five hundred DOLLARS,  
to the payment whereof, well and truly to be made to the said Commonwealth, we bind ourselves,  
and each of us, our and each of our heirs, executors and administrators, jointly and severally,  
firmly by these presents.

And we waive the benefit of our exemption as to this obligation, and also waive any claim  
or right to discharge any liability to the said Commonwealth arising under this bond, or by virtue  
of the office, post or trust herein mentioned, with coupons detached from bonds of said Common-  
wealth.

Sealed with our seals, and dated this 13th day of April in the year  
of our Lord one thousand eight hundred and ninety three, and in the 117th year  
of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas the  
above bound Texanna Copp and John I Copp her  
have obtained from the judge of the Circuit Court for the  
County of Nansemond an injunction to restrain and prohibit  
Christian Hostetter the defendant to a bill in Chancery this  
day exhibited against him in said Court by said Texanna  
Copp and John I Copp her husband his agents servants laborers  
attorneys and all other persons from trespassing upon the land men-  
tioned and described in said bill as a parcel of land lying situated  
in Sleepy Hole Magisterial District in said County containing  
more or less known as the Grimes land belonging to  
said ~~Texanna Copp~~ complainant and bounded on the north  
by Knotts Creek on the East by the land of Wright & Blaney James  
Wagner and on the South and West by the land of Wright & Blaney  
and from in any manner occupying and using the same  
and from using the tram road or boggy track built by said  
Christian Hostetter in so far as said road or track crosses or  
runs upon said land and from cutting and using in any  
manner any of the timber upon said land and from trespassing  
upon said land in any manner. Now therefore if the said Texanna  
Copp and John I Copp her husband shall well and truly pay  
all such costs and damages as shall be awarded against  
them in case the said injunction shall be dissolved then this  
obligation is to be void or else it is to remain in full  
force and effect.

Texanna Copp

John I Copp

L. A. Deans

John G Eberwein



In the office of the Clerk of the Circuit Court of Nansemond County, on  
the 13th day of April 1893

The above bond was executed and acknowledged by the obligors (the sureties justifying  
on oath as to their sufficiency) and recorded.

Teste:

A. Cops  
Teste

A. Cops

CLERK.

A. Cops  
Teste

Seyanna Leapps and  
John Leapps her husband  
To { Injunctive Bond  
The Commonwealth

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1893  
April 13th

Recorded in Official  
Bond Book No 1 page 49

A copy

Circuit Court

Lexama Capps & husband  
vs.

Christian H. Hostetter

On the motion of the Complain-  
ants by their Counsel this cause  
is dismissed.

Capps & al,

vs.

Hostetter

Order to be  
entered 10  
Octo. 1893

C. W. J.

Entered in Chancery  
Order Book  
No 2 Page 508.

In the Circuit Court of the  
County of Chaussemond in the  
State of Virginia

Texanna Capps and  
John J. Capps, her husband }  
Against } In Chancery  
Christian H. Hostetter }

To the Honorable Chandler W.  
Hill, Circuit Court Judge for the  
County of Chaussemond, Va.

Humbly complaining respect-  
fully represents and shows unto  
Your Honor, Your Complainants,  
Texanna Capps and John J. Capps,  
her husband, that your Com-  
plainant, said Texanna Capps,  
is, and has been for some time,  
seised and possessed of a parcel  
of land situated in Sleepy Hole  
Magisterial District in said  
County and State containing ninety  
(90) acres, more or less, known as  
the "Grimes Land", and bounded  
on the North by Knott's Creek, on  
the east by the land of James Wag-  
ner, and on the South and west  
by the land of Wright B. Barney;  
That without permission from

Your Complainants or either of them in any manner, shape or form, and without permission from any other person or persons having any right to grant such permission, Christian H. Hostetter of the City of Norfolk has entered upon said land with his servants, laborers, and others and with his and their teams, tools and other implements necessary for the purpose, has built and constructed a tram-road or bogy-track across over and upon said land from one side of it ~~place~~ to the other side, a distance of one-half or three-fourths of a mile:

That in the construction of said tram-road or bogy-track the said Christian H. Hostetter, with his servants, and laborers, has cut down and destroyed at least twenty-five cords of excellent pine timber, valuable at the time of its destruction, and rapidly growing more valuable;

That the timber cut down

and destroyed as aforesaid, has been largely used by the said Christian H. Hostetter, his laborers and agents in the construction of said tram-road or logy-track;

That the said Christian H. Hostetter in the construction of said road or track has dug up said land in sundry places, graded ~~it~~ and leveled it at other ~~se~~ and in sundry other ways has used, occupied and undertook to do with it as he has felt disposed, treating the land as his own and using it for his own private purposes without any right or authority whatsoever to do so.

That the said road or track on said land constitutes a part of a tram-road or logy-track, which the said Christian H. Hostetter has built to enable him to transport, for an indefinite time, certain timber which he has purchased, or proposes to cut upon the land, of William F. Wise in Norfolk County, to a wharf on the land of Wright B.

Carney on Knott's Creek in said  
Chauvenud County.

Your Complainants charge  
that the said Christian H. Hos-  
tetter has not only boldly and  
defiantly trespassed upon their  
said land as aforesaid, but  
has continued his trespasses  
now already several weeks  
and when warned to dis-  
continue his trespasses, (as he  
has been by Your Complain-  
ants), he intimates that he will  
continue to trespass and in  
fact does continue to tres-  
pass on <sup>their</sup> said land to the  
great annoyance, damage  
and injury of Your Complain-  
ants and without any per-  
mission from them, or any other  
person, or right or authority so  
to do.

Your Complainants further  
charge that it is the purpose  
of said Christian H. Hostetter  
to trespass upon their said  
land and to use said road  
or track thereon, so long as it

may be necessary to enable him to cut and transport to said creek all the timber <sup>he may cut</sup> on the land of said Wm. F. Wise, - an indefinite time, but certainly several months and perhaps several years.

In consideration whereof, Your Complainants, being without remedy save in a Court of Equity, pray that the said Christian H. Hostetter may be made a party defendant to this Bill and be required to answer the same, but answer under oath is hereby waived: that the said Christian H. Hostetter his agents, servants, laborers, attorneys and all other persons be enjoined and restrained from trespassing upon the said land of Your Complainants, <sup>and</sup> ~~or~~ in any manner occupying and using the same and from using said tram-road or logy-track upon their said land, and from ~~otherwise~~ cutting and using in any manner any of the timber <sup>and from trespassing upon said land in any manner;</sup> upon their said land, and that all proper orders and decrees

may be made and all such  
other, further and general relief  
may be afforded Your Com-  
plainants as the nature of their  
case may require, or to Equity  
shall seem meet. And Your  
Complainants will ever pray  
etc.

Texanna Capps  
Jno T Capps

Wilbur J. Kilby, p. q.

Virginia

County of Nausmond to wit:

This day Texanna Capps and  
John T. Capps her husband, appeared in  
person before me, the undersigned, ~~a~~ Clerk  
of the Circuit <sup>Court</sup> for the County aforesaid in the  
State of Virginia and made oath that the  
matters in the foregoing Bill stated as of their  
own knowledge are true and those stated up-  
on the information of others they believe  
to be true.

Given under my hand this 13th.  
day of April 1893.

J. P. Gomer Clerk  
of the Circuit Court of Nausmond County.

An injunction is granted in pursuance of the prayer of the ~~foregoing~~ <sup>in this cause</sup> Bill to restrain and prohibit Christian H. Hostetter, the defendant to said Bill, his agents, servants, laborers, attorneys and all other persons from trespassing upon the land mentioned and described in said Bill belonging to ~~Saxanna~~ <sup>Saxanna</sup> Capps and John T. Capps her husband the Complainants to said Bill and in any manner occupying and using the same and from using the tram-road or logy track built by said defendant in so far as said road or track crosses or runs upon said land and from cutting and using in any manner any of the timber upon said land and from trespassing upon said land in any manner.

But said injunction shall not take effect until a bond be given by the said Saxanna Capps and John T. Capps, or some one for them, with good security in the Clerk's office of the Circuit Court of Chautauque County, before

the Clerk of said Court, in the pen-  
alty of ~~one~~<sup>75</sup> hundred dollars pay-  
able as the law directs and con-  
ditioned to pay <sup>all such</sup> costs and dam-  
ages that shall be awarded  
against them in case the said  
injunction shall be dissolved.

To the Clerk of the  
Circuit Court for  
the County of Chan-  
semond, Va. }

C. M. H. i

To be entered

C. M. H.  
April 13, 1893

W. J. Kilby p. 91

18  
Seyanna Capps  
Husband  
vs. In Chancery  
Christian H. Hostetter

Injunction granted  
April 13th 1893 and

Entered in Chancery  
Order Book  
No. 2. Page 492.