

1894-022
Nansemond Co. (Suffolk)

Chancery Causes: Sickel, Hellen & Co], asgn vs George W. Post et al

Crittenden, Knewstep

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Nansemond County—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON *George W. Post*

if *he* be found within your bailiwick, to appear at the Clerk's Office of our Circuit Court for our said County of Nansemond, at the Rules to be holden for the said Court, on the first Monday in *September 1885* next, to answer *J. H. Britenden of a plea of Debt on bond, for \$109. 62 with interest from 20 day of February 1877, till paid & Damages \$109.*

And have then and there this writ.

WITNESS, PETER B. PRENTIS, Clerk of our said Court, at the Office aforesaid, this *2nd* day of *September*, 1885, in the 110th year of our foundation.

a copy *Peter B. Prentis*

CLERK.

Peter B. Prentis, Clerk

Executed Sept 4th/85 and a Copy hereof delivered
to George W Post

J. T. Cox Deput for
J. L. Folsom Sheriff

a copy to be: Peter B. Pierce's Clerk

John L. Sickel and John F. Allen
merchants and partners trading as
Sickel Allen & Co., assignees of
J. M. Crittenden. -

George W. Post and Edward B. Newstep. -

This cause, ~~came on this day to~~
~~be heard upon the~~ which has
been regularly matured and set for
hearing at Rules according to law
came on this day to be heard on
the Bill, and the exhibits therewith
filed, taken for confessed as to the
defendants on whom process has been
duly served and they still failing to
appear and plead answer ~~or~~ answer,
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 judgment of the
plaintiffs against the defendants George
W. Post. -

2. An account of the ~~the~~ real estate upon
which the judgment aforesaid is
a lien, together with its annual
and fee simple value. -

3. Any other accounts deemed pertinent

by the Commissioner or required by
any of the parties to be so stated.
Notice of the time and place of taking
the said accounts need only be served
on Wilbur J. Kirby counsel for the defendants,
and Robert H. Prentiss counsel for the
complainants. —

And leave is given the defendants to
file their answers to the complainants'
bill within thirty days from this date to
have the same effect as if filed during
this term. —

Siegel, Kellum & Co. Agents

N.  Decree.

Gloss Post &c

Cut on 4 June 1887

C. H. Hill

Handed over to p 143

Suffolk W. 9. April 1886.

For value I hereby assign and transfer
unto Sichel, Nelson & Co. the judg-
ment rendered by the Circuit Court
of Hansemond County at October
Term 1885 in my favor against
George W. Post.

Witness

Robt. P. Prentiss.

Jas. H. Crutenden

Exhibit No. 2
with Bill of
Sickel, Miller & Co. Pigues

¹¹
Post 9.2

A judgment obtained in The Clerk's Office of the Circuit Court of Harrison County, and confirmed at a Court held and closed for the said County, on Saturday, the 17th day of October, 1885.

J. H. Grittenden

Plaintiff

Against $\frac{1}{2}$ In Debt.

George W. Post.

Defendant.

The judgment obtained at the Rules not having been set aside, and the Plaintiff, being now entitled to a final judgment: it is therefore considered that the Plaintiff recover against the defendant, One hundred and nine dollars and fifty-two cents, the debt in the declaration mentioned, with interest thereon, at the rate of six per centum per annum from the 20th day of February, 1877, till paid, and his costs by him about his suit, in this behalf expended. And the said defendant, in mercy &c.

A Copy

Teste:

Peter B. Pruit. Clerk

Costs,

Clerk \$ 3.60

attor & for 3.50

Shff 50

\$ 7.60

filed Octo 22nd 1885

Docketed

Oct 22nd 1885

Xnd
J. H. Crillenden
vs Copy Indgt.
George W. Post

Exhibit it. 1. filed with Bill
vs Sickel, Hollett & Co. Assignees
of J. H. Crillenden
vs George W. Post and Edward
B. Knewsteh

Sickle Helen Leo

vs

Geo^W Post and Edward B Newslep

It appearing that there has been
no order or proceeding for five years in
this cause, it is ordered that it be struck
from the docket with leave to re-instate
with good cause within one year
from this date.

Suckle Helen Leo
vs
Geo Post & others
X

Oct-12th, 94

John entered
CMB

Entered in Chancery
Order Book No. 2
Page 592.-

In the Circuit Court of Chau-
semond County, Va.

George W. Post and Edward
B. Knewstep, - - - Defendants

Ads. } In Chancery

John L. Sickel and John F. Hellen
merchants and partners trading
as Sickel, Hellen & Co. assignees of
Jas. H. Crittenden, - - Complainants

The joint and several answers
of George W. Post and Edward B.
Knewstep to the Bill of Complaint
exhibited against them in the Cir-
cuit Court of Chausemond County
by John L. Sickel and John F. Hellen
merchants and partners trading
as Sickel, Hellen & Co. assignees of
James H. Crittenden;

These Respondents reserving to
themselves the benefit of all just
exceptions to the said Bill, for
answer thereto, say,

That it appears from said
Bill and the Exhibits therewith
filed that the said James H. Critten-
den recovered against said George

W. Post the judgment mentioned in said Bill, but these Respondents say that they had no knowledge whatever of such judgment, or any suit or other proceedings to recover the same until the 13th day of May 1886, long after said alleged judgment had been recovered.

That it is true as alleged in said Bill that at the time said alleged judgment was rendered the said Geo. W. Post was the owner in fee simple of the tract of land described in said Bill and that he afterwards, to wit on the 13th day of May 1886, sold and conveyed the same to said Edward B. Knewstep.

That the assignment of said judgment by said Jas. H. Crittenden to said Sichel, Hellen & Co. may have been made as alleged in said Bill, but these Respondents know nothing of the assignment, except what said Bill states and the exhibit, therewith filed, shows, and therefore neither deny nor admit the said assignment.

That these Respondents admit that no part of said judgment has

been paid, but deny that the rents and profits of said land will not pay the same in full in five years.

That the said George W. Post went to West Point in the State of Virginia beyond the limits of Fauquier County on the 31st. day of August 1885 and did not return to said County until the 27th. day of April 1886.

That in his absence, namely on the 2nd. day of September 1885. it appears, the suit for the purpose of obtaining said judgment was instituted and the return of the Sheriff upon the process which issued to give said Geo. W. Post notice of said suit is as follows;

"Executed Sept. 4th. /85 and a copy hereof delivered to George W. Post."

"J. T. Cox. Deft. for
J. L. Fulgham, Sheriff."

as will appear by a copy of said process herewith filed as part of this answer and marked "Exhibit A".

These Respondents say that said return is absolutely false; that said process was never executed by delivering a copy of it to said George W. Post, or in any other manner as the law requires.

That said Geo. W. Post was at West Point in the State of Virginia at the time of the institution of said suit and the alleged service of said process and remained there without returning to Chausemand County or within the reach of ~~said~~ the sheriff of said County, from the 31st. day of August 1885 until the 13th. day of May 1886.

That the said George W. Post had no knowledge whatever of said judgment or of the institution of the suit to obtain it until the 13th. day of May 1886.

These Respondents, therefore, say that the Court had no jurisdiction to render said judgment; that the said judgment is, therefore, null and void and does not constitute a lien upon said land; and that said Complainants have no lien by reason of said judgment or otherwise, upon said land, which they have the right to enforce as claimed in their Bill.

These Respondents believe

that the entire return on said process, including the signature thereto subscribed, is wholly in the hand-writing of one John F. Hoffman, who has never been the deputy of the sheriff, nor an officer of any kind, in said County, and, therefore, had no authority to serve said process or to make a return thereof.

And these Respondents deny that the said Edward B. Knewstep had actual and personal notice of the said judgment before, or at, the time of the execution of said deed.

And having answered the Bill of the Complainants, these Respondents now pray to be hence dismissed with their reasonable costs by them in this behalf expended and they will ever pray etc.

George W. Post
Edward B. Knewstep

Wilbur J. Kilby p. d.
31 August 1887

State of Virginia
Kaufermond County } to wit

This day Geo. W. Post and Edward B. Knewstep, appeared in person before me, Wilbur J. Kilby a Notary Public in and for said County and State and made oath that the matters in the above answers stated as of their own knowledge are true and those stated upon the information of others they believe to be true.

Given under my hand this 31st. day of August 1887.

Wilbur J. Kilby
Notary Public

Sickel, Helen Ho:
vs S. J. Chy:
George W. Post & al

Answers of George W. Post
and Edward B. Knapp
~~~~~

1887. Sept. 1st: filed  
CH:

1

John L. Sickel and John F. Hellen mer-  
chants and partners trading as Sickel  
Hellen & Co. assignees of J. H. Crittenden. -

George W. Post and Edward B. Knewstep. -

To the Honorable Chandler W. Hill Judge  
of the Circuit Court of Newsumond  
County:

The complainants John L. Sickel  
and John F. Hellen merchants and partners  
trading as Sickel Hellen & Co. assignees  
of J. H. Crittenden, respectfully represent to  
the Court that at the October Term 1885  
~~J. H. Crittenden~~ of the Circuit Court of New-  
sumond County, J. H. Crittenden recovered a  
judgment against George W. Post for  
\$109.<sup>52</sup> with interest thereon from the 20.  
day of February 1872 until paid and \$  
\$7.<sup>60</sup> costs, - an extract of which judgment  
is herewith filed marked Exhibit No. 1,  
and your complainants pray that it may  
be read as a part of this bill. -

That the said judgment has been assigned  
by the said Crittenden to the complainants  
for a valuable consideration. - The said assign-  
ment in writing is herewith filed marked  
Exhibit No. 2. and complainants pray that

it may be read as a part of this bill. -  
That no part of the said judgment had  
been paid. -

That at the time when the said judgment  
was rendered and docketed on the judgment  
docket of Hanesmond County, the said George  
M. Post was the owner, in fee simple abso-  
lute, of a tract of land lying in Barretts  
Neck, Hanesmond County, containing one  
acre more or less bounded on the East  
by the lands of J. B. Corson, South and  
North by J. J. Lewis' land, and on the West  
by land formerly owned by J. A. Crittenden. -  
That on the 13th day of May 1886 the said  
George M. Post with Wm. E. Post his wife  
conveyed the said land by deed of bargain  
and sale to one Edward B. Newstep,  
who had actual and personal notice  
of the said judgment. -

The complainant avers that the rents and  
profits of the said land will not in  
five years satisfy the said judgment and  
that they are entitled to enforce the law  
of the same by a sale of the said property. -

It is assumed therefore as the complainants are  
without remedy save in a Court of equity  
where such matters are properly cogni-

zable and reversible, they pray that the said George M. Post and Edward B. Knudsen may be made parties defendant to this bill and required to answer the same, but answers under oath are waived; ~~that~~ ~~pro~~ that all proper orders and decrees may be made and enquiries be directed; that if it shall appear that the said rents and profits of said real estate will not in five years satisfy the said judgment that the said land be sold and the proceeds thereof applied in satisfaction of the same; that if such rents and profits will so suffice, that the said land be rented out and the rents and profits be applied to the said judgment until the same is fully satisfied; and that all such other, further and general relief may be given your complainant as the nature of the case may require or to equity shall seem meet. -

And complainants will ever pray &c.  
Let a summons go &c. -

Siegel, Nelson & C. Attorneys  
by Counsel.  
Robt. R. Prentiss, J. G.

Ci. Ct. Cheq. Prentis.

Siegel, Helen H. Gignee,

Bill &  
Exhibits.

Geo. W. Post

Edward B. Knewstep. —

Siegel, Helen Ho: Assignees of James H. Croftenden

25 { Chy. Notes

George W. Park and Edward B. Knewstap

1887. Feb: Sum: in Chy: issued to March Rules, 1887.

" March 7th: Bill de. filia; and Decree nisi vs Defendants -

" April 4th Decree nisi confirmed - and cause set for hearing  
in one of Campbell's Court

Chy. Notes

Chancery Papers.

Sickel, Hellen & Co.  
Assignees of J. H. Cuthbertson

Agaveash

George W. Posh and Edward  
B. Knewstap.

1894  
October 12th  
Removed from  
Docket

Nausomond Tex: Co:

Cnt  
 Ch  
 Mr. [unclear]  
 [unclear]  
 3.00  
 16.50  
 1.00  
 1.00

1957  
 1958  
 1959