

1894-058
Nansemond Co. (Suffolk)

Chancery Causes: Allen Banks vs Admx of Joseph H. Tomlin et al

Received of Allen Banks sixty dollars
Amt. decreed by the Circuit Court of
Hanover County Va. to be due
the estate of Joseph H. Tomlin deceased
in the Chancery cause there pending
entitled Allen Banks vs. Mary L.
Tomlin et als.

Supper Va.
April 10. 1894.

Mary L. Tomlin.

Attest of Jos.
H. Tomlin recd.

60.
2286

37.14

Allen Danks
vs In Chancery
Mary L Jamlin & others
Costs.

Clerk paid
Shff Paid
Atty Fees

536
102
1650
\$ 2286

Costs

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

Mary L Somlin
Admx of Joseph H. Somlin decd
and in her own right and Joseph
Somlin an infant

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 *Tues* Monday in *February 1894*, to answer

a Bill in Chancery, exhibited against
them in the said Court by *Allen Banks*

and have then and there this summons.

WITNESS, A. P. GOMER, Clerk of our said Court, at his office, this *17th* day of
January 189*4*, in the *118th* year of the Commonwealth.

Teste:

A. P. Gomer Clerk.

Executed this the 2nd day of Feb'y 1894 by delivering a true Copy
of the within process to Mary L. Tomlin Admx of a Copy to
Mary L. Tomlin in her own right & leaving a Copy with
Mary L. Tomlin for Joseph Tomlin in default

R. E. Wray lch Depon
For at Boston 24th

Rawles & Briggs, p. g.
Allen Banks
vs. In Chancery
Mary L. Tomlin
Admx &c

1894
February Rules
First Monday

Nausetown
Circuit Court
Process Book no 2 Page 90

Allen Danks

^{vs}
Jos. H. Imbier's Administrators.

On motion of the plaintiffs
attorneys, E. E. Holland, an
attorney at law is hereby
assigned as guardian ad
litem for Joseph Imbier
an infant defendant in the
above suit and agrees to
protect his interests therein.

E. E. Holland

Clark Circuit Court of
Nevada County

Order,

Appointing Clerk
and Tithe

To the Clerk of the Circuit Court of
Kauaunuu County.

Allen Banks

Pltff

^v
Mary L. Tomlin Adm'x of
Joseph H. Tomlin dec'd,
and in her own right, } In ch'g.
and Joseph Tomlin, an
infant. } Adm'rs.

Issue summons for plaintiff v
defendant to first February 1884
to answer said plaintiff of a
Bill in Chancery to be then filed
against them.

Pay \$1.50

Raeber & Briggs
A.S.

memo for clerk.

Allen Baines

vs.

Mary L. Poulter & Others

This cause came on this day to be heard upon the bill answers and exhibits and was argued by counsel, on consideration whereof the court doth adjudge, order and decree that upon the payment of the balance of the purchase money, ^{\$60} by Allen Baines to Mary L. Poulter Administratrix of Joseph Poulter deceased, that Meriah Briggs is hereby appointed special Commissioner to make said Allen Baines a deed for the land in the proceedings mentioned. And the costs in this case shall be paid by said Mary L. Poulter Administratrix of Joseph Poulter deceased out of the Sixty dollars which she receives from said Allen Baines

To be entered

To be entered
Cwt
April 10, 1894

Entered in Chancery
Order Book
No. 2, Page 545

Allen Banks

vs.

Mary L. Tomlin et al

This cause
came on again this day upon the
papers formerly read in this case and
was argued by counsel and it appearing
to the court, that the sixty dollars due
by Allen Banks to the estate of Joseph
H. Tomlin deceased has been paid to Mary
L. Tomlin executrix of said Tomlin, as per
her receipt herein filed, and that the costs in this
cause has also been paid, and that Minnie Briggs
who was appointed Special Commissioner by decree
of April 10. 1894 to make and to send Allen
Banks for the land in these proceedings mentioned,
has executed and delivered a deed to said Allen
Banks for same and whereas there is nothing
more to be done in this cause, the court doth
order, adjudge and decree that it be
dismissed from the docket.

Allen Banks

vs.

Mary L. Tomlin et al

Final decree

To be entered -

Cost

Apr 10. 1854.

Entered in Chancery
Order Book
No. 2 Page 543.

The answer of Mary L. Foulke in her own
right and as administratrix of Joseph H.
Foulke deceased, to a bill of complaint
against her in the Circuit Court of Hannum
County by Allen Banes. This defendant
answering said. That she knows the allegations
in the bill to be true in every respect -
And now having fully answered the complainant's
bill, this respondent prays to be her
dismission with her reasonable costs in
this behalf expended and she will ever
pray.

Hannum County West;

This day personally
appeared before me the undersigned a Notary Public
for the County of Hannum Mary L. Foulke in her own
right and as Adm^x of Joseph Foulke dec^d. and
made oath that the statements made in the foregoing
answer are true -

Given under my hand this 3^d day of April 1884

Miner Briggs

N. P.

Museum of
Mary L. Bender -
in her own right
& as adm.

Allen Banks

¹¹
vs
Mary L. Trumbull, Advers of Jos.
H. Trumbull dec'd et al.

The answer of Joseph Trumbull the
infant defendant in the above
cause of Ed. Holland his guar-
dian ad litem;

This defendant by his guardian ad
litem, answer and says, that he is
an infant under the age of twenty
one years, and that by reason of
his infancy and tender years
he does not know what his in-
tents are in this matter and
he therefore confides himself
and his intents to the care
and protection of the court
and prays that no decree
may be made that will be
disadvantageous to him,
and having fully answered the
prayer to be here dismissed
with his reasonable costs in
this behalf expended and
he will ever pray &c.

E. E. Harewood
Guardian ad litem for Joseph Trumbull

Answer of infant
by his guardian
all items

1 March 3rd 1891

I recd of Allen Banks
\$ 15 on part payment for a certain
piece of land

Joseph. H. Farmlin

~~\$ 40~~ May 24th 1891.

I recd \$ 40. July 9th 1891 recd \$ 12. Recd
~~to~~ Oct 20th 1891. \$ 6. now 14th 1891 recd \$ 17.
dollars First pay ment.

1
Receipt of Allan Banks Forty Dollars
in land which he purchased of my
late husband

Suffolk Co.

Mary L. Foulie
Admrx. of Joseph H Foulie
decd.

Virginia:

At a County Court held for
the County of Nausemond at
the Courthouse in the Town
of Suffolk on Monday the
11th day of December AD 1893.

On the motion of Mary L Somlin
who made oath as the law directs and
together with William B Hurdle and Thaddaus
S Hurdle her sureties (who justified on
oath as to their sufficiency) entered into
and acknowledged a bond in the penalty
of one hundred dollars with condition
according to law, certificate is granted
her the said Mary L Somlin for
obtaining letters of Administration
on the estate of Joseph H Somlin deceased
in due form.

And it is ordered that said bond
be recorded as prescribed by law.

Teste;

Mary L Tomlin
Admrs
Order
a
Copy

46 C

25 C

This

This a Agreement made & entered in to
 in to on this 34 Day of ~~Nov~~ November - 1891
 Between Joseph H. Tarmblin of the County
 of Hancock the State of N.A. of the
 first part and Allen Banks of the second
 part witness that the said Joseph H. Tarmblin
 agrees to and with the said Allen Banks
 to sell the said Allen Banks all of the
 & certain piece of land Pond to be Bounded
 By the A. D. Railroad and on the another
 side by E. J. Drivers line in the said
 County Hancock N.A. the said
 Allen Banks agrees that he will purchase
 the said land on terms and pay to
 the said Joseph H. Tarmblin his price
 \$150 Dollars the said Allen Banks
 paid to the said Joseph H. Tarmblin
 \$50 Dollars Cash and the said
 Joseph H. Tarmblin agrees to and with
 the said Allen Banks that he will
 give the said Allen Banks 3 years
 to pay for the land and the said
 Joseph H. Tarmblin agrees to and with
 the said Allen Banks that when
 he make the last payment he will
 give the said Allen Banks a Deed for it
 Seven Acres more or less,

Joseph H. Tarmblin
 Witness Annie E. Hurdles

To the Honorable C. W. Hill, Judge of
the Circuit Court of Nausemunt
County:

Humbly Complaining sheweth
unto your Honor, your orator
Allen Banks of Nausemunt
County Va, the following case;
That on the 14th day of November
1891 Joseph H. Tomlin a citizen
of said County was seized and
possessed in fee simple of a
certain tract of land in the
County and State of Virginia
containing seven acres more
or less, ~~(and that being so seized~~
~~and)~~ lying in Sleepy Hole Dis-
trict and being bounded by the
line of the Atlantic & Danville
Railway Company and the
lands of E. J. Driver and others
and situate near Drivers post
office in said district, and
that being so seized and
possessed, the said Joseph H.
Tomlin entered into a written
agreement on the said 14th
day of November 1891, with your
orator, said agreement being
in writing, by which he agreed

to sell the rail sum acres of land
to gun cotton for the price and
sum of \$150.⁰⁰ That gun cotton
took possession of said land,
and paid cash when the rail
agreement was signed and
delivered to him the sum of
\$50: ~~that he afterwards made the~~
~~following payments to the said~~
~~Franklin to wit: March 3rd 1891 \$15;~~
~~May 29th 1891 \$10; July 9th 1891~~
~~\$12; October 20th 1891 \$6 and~~
~~November 14th 1891 \$7, making in~~
~~all the sum of \$100 which was~~
~~paid to the said Franklin in full;~~
and he herewith ~~the~~ files the
rail agreement marked Ex "A"
~~and receipts marked Ex "B"~~ which
he prays may be taken as a part
of this bill. That during the
year 1892 the said Joseph H.
Franklin departed this life, leaving
on his heirs at law his widow
Mary L. Franklin and one child
named Joseph who is now about
2 years of age. That at the Dec-
ember term of the County Court
of Lawrence County 1893

the said Mary L. Fumlin qualified as the Administratrix of the said Joseph H. Fumlin deceased a copy of which order of qualification is herewith filed marked Ex "C" and prayed to be taken as a part of this bill. That your creditor has since paid to the said Administratrix the sum of \$40 and herewith files his receipt for same marked Ex "D" and asks to be taken as a part hereof. And your creditor asserts that he only owes now the sum of \$60⁰⁰/₁₀₀ or a balance for said purchase money which he is ready and anxious to pay. By the terms of said agreement your creditor was to have three years to pay for said land, and when payment was completed in full the said Fumlin agreed to make him a deed for the same. Now your creditor alleges that since the death of the said Jos. H. Fumlin there is no one authorized to make to your creditor a deed for said

land. In tender consideration
whereof and for as much as your
order is remediless in the prem-
ises save by the aid of a Court
of equity where all such matters
are alone and properly cogni-
zable; to the end therefore that
justice may be done in the
premises, your order prays
that the said Mary L. Finkbein
in her own right and as such
administratrix, and the said
infant Joseph Finkbein may
be made parties defendant to
this bill and required to
assure the same, tho' our
assurances are such is heavily
worn; that a guardian
ad litem may assign the
infant defendant to defend
his ~~own~~ interest in this
suit; that all proper accounts
may be taken; that proper process
may issue and that a special
Commission may be appointed
by this Court to convey the
said land to your order
of debt, and to receive the

balance of the said purchase
money and pay the same over
to them entitled thereto, after
paying the expenses of this
suit, and for such other
further and general relief
as this Court may require
and to equity may seem
meet and give satisfaction
ever pray &c.

Allen Banks
By Counsel.
Rawls & Briggs p. q.

Virginia:-

Nauvoo and County Court:

This day personally appeared before
my court of record Allen Banks and
swore that the statements con-
tained in said Bill are true
on true faith and belief
this 8th day of January
1894.

R. H. Rawls Notary Public

Rawls - Briggs h.s.

Allen Banks

^{or}
Tomlin's Alutic
et al.

Bill

Allen Banks
Against In Chancery
Mary L Simlin & others.
Chancery Notes.

1894 Jan 17th. Process issued returnable to
February Rules first Monday.

" Feb. 5th. Process returned executed on
Mary L Simlin Admox & on said
Mary L Simlin in her own right
Bill filed and decree nisi
is her.

E E Holland appointed Guardian
ad litem

" " 19th Answer of Guardian ad litem
and Cause set for hearing

Chaucery Notes
