

1895-003

Nansemond Co (Suffolk)

Chancery Causes: C. W. Atkinson vs J. F. Uzzell

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

J. F. Wzzell

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 1889* ~~next~~, to answer

a Bill in Chancery, exhibited against *him*

in the said Court by

J. C. W. Atkins

and have then and there this summons.

Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this *27th* day of

February

1889 in the *113* th year of the Commonwealth.

Teste :

Peter B. Prentis Clerk.

I have executed this process by delivering a copy in
person to the within named J. F. Mizzell. March 16th 1889

Wm. H. Howell

Shff-

W. S. Holland pg.

C. W. Atkins

vs { Sum in Chy

J. F. Mizzell

To March Rules (First
Monday) 1889.

Pro. Bk No. p 10
Cir. 6 k.

To C. W. Atkins Complainant

and John F. Mzzell Defendant.

You are hereby notified that on the 26th, day of August 1889 at my office, in Suffolk, Va., (at which time and place you are required to attend), I shall take, state and settle the following accounts which are to be taken, stated and settled and reported to Court in pursuance of the decree of the Circuit Court of Hansemond County, Va., rendered the 11th day of April 1889 in the suit in chancery pending in said Court to which you are parties plaintiff and defendant, to wit:

1. An Account of the amount of money contributed by each of the partners of the firm of J. F. Mzzell & Co. to the capital of said firm.

2. An Account of the claims due to said firm by note, bond, open account or otherwise not collected.

3. An Account showing the amount collected by each partner on account of the firm since the dissolution thereof.

4. An Account of the property still on hand belonging to said firm and stating where the property now is and in whose possession.

Given under my hand, as Commissioner in Chancery of said Court, this 2nd, day of August 1889

WILBUR F. KILBY,
Commissioner in Chancery.

I have executed and served this notice by delivering a copy thereof in writing to the within named C. W. Atkins in person on the 12th day of August 1889 and by leaving a copy for the within named John F. Mizzell posted at the front door of his usual place of abode on the 20th day of August 1889, - being unable to find him in person or at his usual place of abode, or his wife or any person there a member of his family and above the age of sixteen years

Wm H Howell
Shff of Nausimund County

C. W. Atkins
vs. } In Chy.
John F. Mizzell

The within accounts have never been taken owing to the inability of the Comr. to obtain and the failure of the parties to furnish the necessary evidence.

W. J. Kilby Comr.
12 July 1895

Service of this notice is hereby acknowledged and accepted by the plaintiff. Aug. 12th 1889
W. S. Steward
att'y for C. W. Atkins

Atkins

255

Myzell

This case came on this day to be heard on the bill of complaint taken for compulsion the defendant being duly summoned to answer, he failing to answer claim or plead and was argued by counsel on consideration whereof the court doth order and judge and decree that one of the ~~com~~ ^{commissioners} of this court take and report to court the following accounts:

Account of the amount of money contributed by each of the partners of the firm of J. F. Myzell & Co. to the capital of said firm of J. F. Myzell & Co:

An account of the claims due to said firm by note, bond open account or otherwise not collected.

An account showing the amount collected by each partner on account of the firm since the dissolution thereof

L. W. Atkins

vs

J. F. Fuggele

Apr. 11th 1889

Order of Sale
This decree —

CP, 1889

Also an account of the property
still on hand belonging to
said firm and stating ~~whether~~
where the property now is and
in his own possession;

Entered Chancery
Order Book No 21 p. 2nd
256

C. W. Atkins

vs

Jos F. Lyzelle

On motion of plain-
tiff and defendant this case
is dismissed from the docket
without prejudice to either
party

b. w. Atkins
77
Ans. F. Zell

Secum

To be entered
Robert D. Harris
April 11, 1895

Entered in Chancery
Order Book No. 2.
Page 629. —

To The Hon. C. W. Hill judge of the circuit
court of Nausemond County:

I am complainant b. w.
Atkinson humbly complaining sheweth to
honor:

That on or about the 13th day of
November 1886 he and J. F. Byzell entered
into a copartnership for the purpose of
conducting a merchantile business at
Exchange Nausemond County Va.
I am complainant put six hundred & fifty
dollars capital in the business and
said J. F. Byzell put twenty one dollars
and sixty cents in the business. The
partners were to share equally in any
profits that might be made. On
the 11th day of January 1888 the firm dis-
continued business and sold the stock of
goods to Robert W. Atkinson he paying
to said J. F. Byzell the purchase price
excepting about "twenty dollars". The
firm name was "J. F. Byzell & Co". The
firm bought and sold during the copartner-
ship more than seven thousand dollars
worth of goods, wares and merchan-
dize. When the firm sold out its stock
of goods it had \$1271.74 due it by
bonds, notes, books and accounts

a part of which your complainant is informed and here alleges has been collected by said J. H. Myzelle. Your complainant says that said J. H. Myzelle has the books papers and accounts of said firm and has collected all that he could collect and refuses to settle with him. He says that he has again and again applied to said J. H. Myzelle for a settlement of the copartnership affairs, but as yet said J. H. Myzelle hath refused and still doth refuse.

Your complainant says that a receiver ought to be appointed to collect the debts due the firm and report to court:

For as much as your complainant is remediless now in this Honorable court of equity when such matters are alone and properly cognizable he prays that J. H. Myzelle be made a party defendant to this bill and required to answer the same, an answer on oath is hereby waived, that the affairs of the firm of J. H. Myzelle & Co be closed up, that a receiver may be appointed to collect the debts due the firm and report to court, that said J. H. Myzelle be required to

Surrender all evidences of debt due
to said firm, and also render an
account showing how much he has
collected from R. W. Atkinson the purchase
of the stock also what he has collected
from the subscribers of the firm, that
all accounts be taken, all engines
directed, all orders and decrees be
made and entered, all commissions
appointed, and all other steps be taken
as the nature of this lower my regime,
and that said J. F. Myzelle be required
pay over to you complainant any such
sum as may be due him, that you
complainant may be duly credited
with all capital furnished in excess
of the amount furnished by said J. F.
Myzelle with interest thereon, that
all such other and further general
relief may afforded you complainant
as to equity and good conscience may
seem meet. And he will every pray &c,
W. S. Halcum p. 8.

B. W. Atkinson

Virginia:

I, W. S. Halcum a Notary Public in and for the County of Isle of Wight
in the State of Virginia do certify that B. W. Atkinson
whose name is signed to the above written bill in Chancery
made oath before me in my said county that the statements in
said bill are true to the best of his knowledge
in formation and belief, he made my hand this 4th day of March, 1889
W. S. Halcum N. P.

C. W. Atkinson
vs { In Chancery
J. F. Myzell

Bills in Chancery

C. W. Athrin

Plaintiff

vs Chy notes

J. H. Wyzell

Defendant

1889. February 27. Summ issued to 1st March Rule

1889. March 4th Bill filed and decue nisi vs defendant

" April 1st Decue nisi Confirmed + Cause set for
Hearing

Gly notes

W. S. Holladay.

C. W. Atkins

153 In Chancery

J. F. Uzzell.

1895
April 11th
Dismissed from
Docket

W. S. Holladay
J. F. Uzzell

Costs
C. H. Causey Clerk \$2.34
A. P. Gomer " 1.19
Howell Shff 50
Atty 15.00
Tax 1.50
\$20.53