1895-005
Nansemond Co. (Suffolk)

Chancery Causes: T.E. Trotman vs Elisha L. Ballard

Wise

Oversized
Box 5
Plat

I. B Pinner p.q.

S. E. Trotman

vs } In Chancery

Elisha L Ballard

1895

April 13th

Final Decree.

Nansemond

Circuit Court.

1892 Nov 7th.

Process No. 2. Page 75.

Costs.

Clerk	4.77
Sheff	5.00
Atty	15.00
Tax	1.50
	$21.77

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Elisha L. Ballard

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 Third Monday in November 1892, to answer a Bill in Chancery, exhibited against him in the said Court by T. E. Boatman

and have then and there this summons.

WITNESS, A. P. GOMER, Clerk of our said Court, at his office, this 7th day of November 1892, in the 117th year of the Commonwealth.

Teste:

A. P. Gomer Clerk.

Memo.

On motion of the plaintiff by Counsel and for good cause shown, a writ of injunction is awarded him to restrain the defendant his agents, workmen and all others concerned from committing any manner of waste injury or destruction on the land or wood or timber thereon situated or growing, or removing therefrom any timber already cut lying and being in the County of Nansemond and being the same land which was conveyed to the Complainant by W^m Wise and W^L Wise and others by deed bearing date on the 8th day of April 1892.

But the Complainant is not to have the benefit of this order until he shall enter into bond with sufficient security in the Clerks Office of the Circuit Court of Nansemond County in the penalty of $300.^{00} with Condition to indemnify the defendant against all such Costs and damages as he may incur or as may be awarded against him in consequence of this injunction in case the same shall be dissolved.

A. S. Watts Joyce
of the Court of Hastings for
the City of Portsmouth.

To the Clerk of the Circuit Court
of Nansemond County.

October 28th 1892.

A Copy Teste: A. P. Gomer clerk

I Certify that the above bond has given with security deemed sufficient by me. A. P. Gomer clerk.

Executed this the 7th day of November 1892 by serving a true copy of the within summons and Injunction on Elisha L. Ballard the defendant herein named at his home in Suffolk.

R. E. Whitfield
Sh'ff Nansemond Co.

Nansemond
Circuit Court
Pro Cons Book No 2, Pg 75

Elisha L. Ballard

S. E. Shannon
Att'y for Complainant

Nansemond
November
3rd Monday.
1892

Ha Pinner Atty

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON. R. P. Philhower and D. F. Parker

to appear before the Judge of the Circuit Court of Nansemond County, at the Courthouse of said County, on the 10th day of October 1894, to testify and the truth to say on behalf of T. E. Trotman

in a certain matter of controversy in our said Court depending and undetermined between Said

T. E. Trotman Plaintiff...,

and

Elisha L. Ballard ...Defendant...,

And this the witness S. shall in no wise omit, under the penalty of $100 each. And have then and there this summons.

WITNESS, A. P. GOMER, Clerk of our said Court, at his office, this 17th day of September, 189 4, in the 11.....th year of the Commonwealth.

A. P. Gomer, CLERK.

Executed this 3rd of Oct 1844
by delivering a true ~~copy~~
of the ~~Within Summons to~~
each of the within named
Defendants in person

A J Bates
Sheriff

Dallas Co
Filed
Oct 10th
1844

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON James G Pruden Junius Faulk, Abram P Norfleet, Allo F Holladay J T Norfleet and Junius Winborne

to appear before the Judge of the Circuit Court of Nansemond County, at the Courthouse of said County, on the 10th day of October 1894 to testify and the truth to say on behalf of

Elisha L Ballard

in a certain matter of controversy in our said Court depending and undetermined between

P E Footman Plaintiff...,

and Said

Elisha L Ballard Defendant...,

And this the witness shall in no wise omit, under the penalty of $100 each. And have then and there this summons.

WITNESS, A. P. GOMER, Clerk of our said Court, at his office, this 17th day of September, 1894, in the 119th year of the Commonwealth.

A P Gomer, CLERK.

Executed this 2 day of Oct 1894
by Acknowledging a true copy
of the within Summons to
each of the within named
Witness in person

A. H. Bufen
Sheriff

E. & Pleas Pd. 60

Elisha L. Ballard
Asst Spr
P. & Station

1894
Oct 10 75

Memorandum

T. E. Trotman

vs

Elisha L Ballard

Summons in Chancery to November

Rules Third Monday 1892

Novr 7th 1892

J. B. Penner Pr g

Tax $1,50

Memorandum

Know All Men by These Presents, That we, J. E. Trotman and R. A. Hysloop

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of Three 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 Commonwealth.

Sealed with our seals, and dated this 7th day of November in the year of our Lord one thousand eight hundred and Ninety two, and in the 117th year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas J. E. Trotman has sued out an injunction against Elisha L. Ballard in the Circuit Court of Nansemond County to enjoin prohibit and restrain the defendant and his attorney from proceeding to remove or to take off lumber, wood or any material belonging to the tract of land conveyed by Wm. F. Wise, W. L. Wise and Lucy Wise to said J. E. Trotman by deed from said Wm. F. Wise, W. L. Wise and Lucy Wise Dated the 8th day of April 1892 and recorded in the Clerk's Office of Nansemond County Court the 28th day of April 1892, or by any other ways or means whatsoever until the further order of the Circuit Court of Nansemond County. But before the Complainant shall have the benefit of this order he or some one for him must execute a bond before the Clerk of the Circuit Court in the penalty of $300. conditioned to pay all such costs and damages as may be awarded in case this injunction shall be dissolved.

SEAL

J. E. Trotman SEAL

R. A. Hysloop SEAL

SEAL

In the office of the Clerk of the Circuit Court of Nansemond County, on the 7th day of November 1892.

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

Teste: A. P. Gomey CLERK.

A Copy.

Teste; A. P. Gomey Clerk

S. E. Trotman
To
Injunction Bond
The Commonwealth

1892
November 7th "

A Copy

Recorded in Official
Bond Book No 1 Page 43
Circuit Court

E E A

In the Circuit Court of Nansemond County:

Trotman vs Ballard

On the motion of the plaintiff,by his attorney,it is ordered that this cause be dismissed at the plaintiff's costs.

T. E. Trotman

v. Final order

E. L. Ballard &c.

Entered Apl. 13, 1895

Robert H. Lewis

Entered in Chancery
Order Book No. 2
Page 634.-

I consent to the entry of
W B Bowers
Atty for Pltff

This Deed made the eighth day of April in the year 1892 between Wm. F. Wise, Wm L. Wise & Lucy his wife parties of the first part and T. E. Portman party of the second part all of the County of Norfolk & State of Va Witnesseth; That in consideration of $1318.00 the said parties of the first part, viz, Wm F. Wise, Wm L Wise & Lucy his wife do grant with general warranty unto the said T. E. Portman the following property, First, all that Tract of land situated in Nansemond County about five miles west of Suffolk and lying on both sides of the Seaboard and Roanoke Railroad containing by estimation 320 acres and which was a part of the real estate owned by Robt. M. Ballard, deceased, & was heired at law by his daughter Lucy A Ballard alias Mrs Wm. F. Wise also deceased & who was the mother of the above Wm. F. Wise who holds the fee simple title subject to life estate of his father, the aforesaid Wm F Wise, Second, all that tract of land adjoining the above & was also a part of the said estate of Robt. M. Ballard deceased, but was a part of the widow's dower and after the death of said widow

of Robt M. Ballard deceased descended to Wm L. Wise as sole issue and heir of his mother as shown by a decree of Nansemond County Court February Term 1871 part of said decree stating as fol: "All the land on the North side of the Seaboard & Roanoke Rail-road and a piece of woodland containing about 35 acres on the South side of the said Rail-road & the next Branch west of the Inn Mine branch adjoining the lands of Thos Parker & Aaron Archer altogether about one hundred and thirty-five acres" The two above parcels or tracts of land adjoining and containing jointly by estimation as above stated 455 acres but upon a survey completed by Wm. R Grimes a Norfolk Co. Surveyor Feb 1892 who endeavored to be accurate both as to the proper lines of the land and the correct calculation of the area he reports as the net area 527.8 acres after deducting 13 acres belonging to the Seaboard & Roanoke Rail-road which said plat is identified by the signatures of Wm F. Wise and Wm L. Wise is hereby made a part

of this Deed and is to be recorded therewith. The said parties of the first part viz:- Wm J Wise, Wm L. Wise and Lucy his wife covenant that they have the right to convey the said land to the grantee, that the grantee shall have quiet possession of the said land free from all incumbrances: that they will execute such further assurances of the said land as may be requisite & that they have done no act to encumber the same. Witness the following signatures & seals.

Wm J. Wise (Seal)
W. L. Wise (Seal)
Lucy Wise (Seal)

County of Norfolk, to-wit:-

I, R. P. Williams a Notary Public for the County aforesaid in the State of Virginia do certify that Wm J Wise and Wm L. Wise & Lucy Wise whose names are signed to the writing above bearing date 8th day of April 1892 have acknowledged the same before me in my County aforesaid. Given under my hand this 9th day of April 1892

R. P. Williams Notary Public

In the Clerk's Office of Nansemond County Court the 28th day of April 1892

This Deed was presented with the certificate and plat annexed and admitted to record.

Teste

R R Smith Clerk
by A P Gomer. D.C.

A Copy.

Teste: of the Deed exclusive of the Plat.

R R Smith Clerk
By A P Gomer D.C

W. F. Wise Vouchers
Sol Deed
F. C. Southward

"Exhibit A"

In the Circuit Court of Nansemond County Virginia

In Vacation

To the Hon. C. W. Hill Judge of the Circuit Court of said County.

J. E. Trotman

vs.

Elisha L. Ballard,

Humbly complaining showeth to your Honor J. E. Trotman of Norfolk County, Virginia the following statement of facts,

That on the eighth day of April 1892 he bought a certain Tract of land in Nansemond County, Virginia hereinafter referred to from W. F. Wise and W. L. Wise and others and by them conveyed unto the said J. E. Trotman by deed dated 8th April 1892 and duly recorded on the 28th day of April 1892 in the Clerks Office of the Nansemond County Court. A copy of the said deed is herewith filed and your complainant asks that it be made a part of this bill. Said copy is marked "Exhibit A".* That one Elisha L. Ballard the owner of an adjoining Tract of land has entered upon a part of the said land owned as aforesaid by the said complainant and is committing waste injury and destruction by cutting down timber and wood

* A copy of the plat of said land is herewith presented for the information of your Honor.

upon the said land and removing the same therefrom and disposing of the same to his private benefit and to the injury of your complainant. That such waste and injury has been continued at divers times since the ownership of the said land by your complainant and is to say so continuing much to the detriment of your complainant. That the said Ballard has been at numerous times requested to desist from such waste and destruction disputing the ownership of said land with your complainant, That your complainant is advt to enter suit to eject the said Ballard from entry upon said land which he unlawfully withholds from your complainant - Your complainant believes that the said Ballard is insolvent and that a suit for damages would be unavailing if judgment were obtained -

Forasmuch therefore as your complainant is without remedy save in a court of equity where such matters are properly cognizable and relievable he prays that the said Elisha L. Ballard be made a party defendant to this bill and be required to answer the same (but answers under oath are hereby waived) that an injunction may be awarded to prohibit and restrain the defendant, his agents

workmen laborers and all others ancom-
ed from committing any manner of waste
injury or destruction on the said land,
from removing therefrom any timber or
wood from said land and that all other further
and general relief as the nature of the
case may require or to equity may seem
fit. and your complainant will ever pray.
Let a summons go &c

Sign here J. E. Ivorman

State of Virginia
Corporation of Portsmouth, to-wit:-

I, G.F. Edwards, a Commissioner in Chancery of the Court of Hustings ~~for the Notary Public~~
in and for the Corporation aforesaid in the
State of Virginia hereby certify that
J. E. Ivorman personally appeared before
me in my Corporation aforesaid and made
oath that the allegations contained in
the foregoing bill which she makes of her
own knowledge are true and that all other
matters therein stated she believes to be true
Given under my hand this 28th day of
October 1892.

G.F. Edwards, Com'r in Chy.

~~In the Hustings Court of the City of Portsmouth.~~

J. E. Ivorman vs. Elisha L. Ballard

On motion of the plaintiff by counsel

and for good cause shown, a writ of injunction is awarded him to restrain the Defendant his agents, workmen and all others concerned from committing any manner of waste injury or destruction on the land, or wood or timber thereon situated or removing therefrom any timber already cut or growing, lying and being in the County of Nansemond and being the same land which was conveyed to the complainant by W. F. Wise and W. L. Wise and others by deed bearing date on the 8th day of April 1892.

But the complainant is not to have the benefit of this order until he shall enter into bond with sufficient security in the Clerks Office of the Circuit Court of Nansemond County in the penalty of $200.00 with condition to indemnify the Defendant against all such cost and damage as he may incur or as may be awarded against him in consequence of this injunction in case the same shall be dissolved.

*Let damages secured and penalty of bond so given

A. S. Watts

Judge of the Court of Hustings for the City of Portsmouth

To the Clerk of the Circuit Court of Nansemond County. October 28. 1892.

T E Trohman

vs

In Chancery

Elisha L Ballard

Bill with
Exhibits

T E Trotman
vs } In Chancery
Elisha L Ballard

1892. Nov 7th. Process issued returnable to November Rules third Monday.

" " 21st. Process returned executed Bill with exhibit filed and decree nise vs defendant.

" Dec 5th. Decree Nisi confirmed and cause set for hearing

Trotman

W. J. Chauncey Nolas

Ballad

North

Binford's

Meridian

Pine

No 3
133 A

Binford's

Pine

Pine

Pine

Smith

Taylor

Duke

Pine

Pine

Pine

Lionel

No 2
69. 44/100 A

S. B. & R. R. R.

Station

Station

Station

Williamsburg

Dead Pine

Pine

Pine

Land

No 4
289 A Net

Dead Pine

Captain Hill's

Land

Pine

Pine

Pine