

1898-017
Nansemond Co (Suffolk) Chancery Causes: B M. Bruce vs Jovan R. Franklin

Kilby

Note: exhibits were not with case when processed 3/02 mmc

B. M. Bruce R. H. Rawles Atty.

US Marshal

Jarvis R. Franklin

costs

A. P. Gomer Clerk ^{hd} \$2.04

Writ Tax ^{hd} 1.50 \$3.54

Sherriff A. H. Baker ^{hd} .50

Attorney 15.00

\$19.04

A. P. Gomer Clerk

354
50
4.04
1.50
5.79

Am R. H. Parley

Mr A. P. Gomer, Clerk of the Circuit Court, of Nansemond County .

B. M. Bruce

vs

Javan R. Franklin .

Plaintiff.

Defendant.

Issue summons for the plaintiff, against the defendant, to second May rules 1898 to answer the said plaintiff of a Bill in Chancery to be then filed against him..

Tax \$1.50

R. H. Rawles p.q.

Copy and put in the papers the following exhibits ;

Judgment of B.M. Bruce vs Javan R. Franklin for \$36;12

" " ~~vs~~ " " \$4;90 and costs

copy out the whole thing showing the officers return &

See Judgment Docket No I page 225

Copy of Deed from Wilbur J. Kilby, Trustee, to Javan R. Franklin

Deed Book No 16 page 317

copy of deed from Javan R. Franklin to Horace and Clara Franklin

D. B. NO 26 page 526 .

Memoranda for
Clerk

B M Bruce
W J Inland
Javan R Franklin

B. M. Bruce

vs

Javan R. Franklin .

This cause came on this day to be heard on the Bill and exhibits filed, and the defendant, on whom process appears to have been duly served failing to plead , answer, or demur, the bill was taken for confessed ; and was argued by counsel .

On consideration whereof the court doth order, adjudge, and decree that one of the commissioners of this court shall proceed to take and state the following accounts ;

First; an account of the real estate of which Javan R. Franklin is seized and possessed, together with its annual and fee simple values .

Second ; the liens thereon, together with their amounts, dignities, and priorities .

Third ; whether the said real estate will rent for enough, net, in five years to satisfy the judgment mentioned in the bill, and the other liens on said land , and the cost of this suit .

Fourth ; any other matter deemed pertinent by the said commissioner or which shall be required to be stated by any party in interest .

And the said commissioner is required to report all his actions under this decree to this court and this cause is continued .

Dear Mr
account.

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

Javan R Franklin

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 *May 1898*, to answer

a Bill in Chancery, exhibited against *him*

in the said Court by *B M Bruce*

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this *9th* day of *May*, 189*8*, in the 12*2nd* year of the Commonwealth.

A copy—Teste:

Teste:

, CLERK.

, CLERK.

A. P. Gomer

Executed this the 16th day of May 1898 by serving a
true copy of the within process on Javan R. Franklin
in person

R E Houghless Deft
For A H Baker Shff.

R N Rawles p. q.

B M Bruce

vs.

In Chancery.

Javan R Franklin
Dismissed
at Rules
1898

May Rules.

Third Monday.

Costs

Clerk 2.04

Shff 50

Nansemond Circuit Court 2.54

Law 1.50

Process Book No.

city 15.00
\$19.04

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To the Honorable Robert R. Prentiss Judge of the Circuit Court of Nansemond County :

Humbly complaining, sheweth unto your Honor, your orator, B. M. Bruce, of Nansemond county, the following case ;

That on the 19th day of August 1890 he obtained a judgement for \$36;12 and \$1:50 costs with interest thereon from the 18th day of February 1888, till paid, before F. W. Rawles, a justice of the peace, for the said county of Nansemond, against Javan R. Franklin, said judgement being on a home-stead waived bond, on which said Judgement a writ of fieri facias was duly issued, and directed to A. L. Harrell, a constable of said county, to be executed according to law, and placed in the hands of the said constable, and on the return day thereof, was returned by the said officer with the following return endorsed thereon to-wit; " I can find no property to satisfy the within execution or any part thereof .A. L. Harrell Constable," which will more fully appear from a copy of the said judgment, execution, and return, herewith filed marked Exhibit " A " and prayed to be read as a part of this bill .

Now your orator further states that the said Javan R. Franklin is seized and possessed in fee simple of a certain tract of land situated in Cypress district, in Nansemond county, Virginia, containing 300 acres and lying on the West side of the White Marsh county road, and bounded on the North by the lands formerly belonging to Anthony Chambers ; on the South by the lands of Laminia Jones, the wife of Joseph Jones ; on the East by the White Marsh county road ; and on the West by the lands of James Brittain, as will more fully appear from a copy of a deed from Wilbur J. Kilby trustee to the said Javan R. Franklin dated the 14th day of December 1885 and recorded in D. B. NO 16 page 317 in the clerk's office of the said county court, herewith filed marked Exhibit " B. " and prayed to be read as a part of this bill : but from this tract of 300 acres the said Javan R. Franklin has sold off to Horace Franklin and Clara Franklin a certain tract containing 100 ~~acres~~ and bounded on the North by the lands formerly belonging to Anthony Chambers ; South by the lands of James Brittain : East by the White Marsh county road ; and West by the other lands of Javan R. Franklin, which will more fully appear from a copy of a deed herewith filed marked Exhibit " C. " and prayed to be read as a part of this bill .

So that in fact the said Javan R. Franklin is now seized and possessed of the remaining part of the said first named tract of land which said remainder contains two hundred acres .

Now your orator is advised that his said judgment, no part of which has been paid, is a lien according to the laws of Virginia on the said real estate of 200 acres, and that the net rents and profits of the said real estate will not satisfy the said judgment in five years .

In tender consideration whereof and forasmuch as your orator is remediless in the premises save by the aid of a court of equity, where matters of this kind are alone and properly cognizable, your orator prays that the said Javan R. Franklin may be made a party defendant to this bill, and required to answer the same, though an answer on oath is hereby waived ;

that proper process may issue ; that all proper accounts may be taken ; and that the said real estate or so much thereof as may be necessary, may be sold to satisfy your orator's judgment and that your Honor will grant unto your orator all such other, further and general relief, as this case may require, or which to equity may seem ~~not~~ meet, and your orator will ever pray & .

B. M. Bruce

Virginia Nansemond County to-wit ;

I, R. H. Rawles a notary public for the county aforesaid in the State of Virginia do certify that B. M. Bruce whose name is signed to the above bill has this day appeared personally before me in my county aforesaid and made oath that all the facts stated in the above bill are true. Given under my hand this 7th day of May 1898 .

R. H. Rawles
N. P.

Bill .