

1933-167

Nansemond County (Suffolk)

Chancery Causes: Robert J. Purvis

vs

John Charles Taylor

195

* All old chancery cases dismissed in this year

CHANCERY SUMMONS

The Commonwealth of Virginia.

Sergeant of the City of Suffolk, Va.
TO THE SHERIFF OF NANSEMOND COUNTY--GREETING:

You are Hereby Commanded to Summon

John Charles Taylor

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 ^{1st} ~~Third~~ Monday in ^{Nov.} ~~October~~, 1917, to answer

Bill in Chancery, exhibited against him

in the said Court by Robert J. Purvis

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 23rd day of
October, 1917, in the 132nd year of the Commonwealth.

A Copy--Teste:

Clerk

Teste:

Clerk

ORIGINAL

R.H.Rawles & S.E.Everett p. q.

Robert J.Purvis,

vs. } In Chancery

John Charles Taylor

19. 17

October Rules

Third Monday.

NANSEMOND COUNTY COURT,

Process Book, No. 3

Page

Executed this 7th day of October, 1917, by delivering a true copy of the within process to the within named John Charles Taylor in person in the city of Suffolk State of Virginia

W.E. Drinkley City Sergeant
By A.J. Powell Deputy City Sergeant
Sheriff

CHANCERY SUMMONS

The Commonwealth of Virginia.

Sergeant of the City of Suffolk Va.
TO THE ~~SHERIFF OF NANSEMOND COUNTY~~ GREETING:

You are Hereby Commanded to Summon

John Charles Taylor

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 *November*, ¹⁹¹⁷ to answer

Bill in Chancery, exhibited against *him*

in the said Court by *Robert J. Purvis*

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this *23rd* day of
October, 19*17*, in the *1924th* year of the Commonwealth.

A Copy---Teste:

Teste:

G. E. Bunting Clerk
By Ruly V. Bunting

G. E. Bunting Clerk
By Ruly V. Bunting D.C.

Executed this 23 day of Oct, 1917 by delivering a true copy of the with-
in process to John Charles Bayler

in person, in the County of Nansemond, State of Virginia.

Wm. Charles Sheriff

R. H. Rauler & S. E. Everett, q.

Robert J. Purvis

vs. } In Chancery

John Charles Bayler

1917

November Rules

1st Monday.

NANSEMOND COUNTY COURT,

Process Book, No. 3

Page _____

Copy of Costs

Taxed in the Suit of:

R. H. Hawkes & S. E. Ernet p. q.

Robert J. Davis
vs.

John Charles Taylor

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA

Writ Tax

Clerk

(including his pendens recorded)

Sheriff

Attorney

Commissioner

Printer, for Order of Publication, etc.

1 50

51 53

1 30

151 00

23 53

Date of Judgment or Final Decree

191

Paid

Jan. 24

191

S. E. Ernet

Clerk

Jan 24 1719 DB.

\$ 8.53

Hon. Geo. E. Bunting Clerk of the Circuit
Court of Lawrence County:

Robert J. Purvis

~~Atty~~

^{to}
John Charles Taylor

Left.

Do some Ala's summary in
plaintiff against defendant &
1st Nov. Rule 1917 to answer
a Bill in chancery.

Atty Cedar

S. E. Everett

1917

Memo for Clark

CIRCUIT COURT

SECOND MONDAY IN JANUARY, MAY,
JULY, AND OCTOBER

HON. JAMES L. MCLEMORE, JUDGE
GEO. E. BUNTING, CLERK
S. E. EVERETT, COMMONWEALTHS' ATTORNEY
E. E. WAGNER, SHERIFF
C. R. FULGHAM, COUNTY TREASURER
LEE BRITT, COMMISSIONER OF ACCOUNTS

Nansemond County Clerk's Office

SUFFOLK, VA.,

Ricks Notes:

Robert J. Webb's
18 Chimney.

John Charles Taylor

Oct. 9, 1817 - Process issued, returnable to Thine
Monday, October Ricks.

Oct. 23, 1817. Alias Sum. issued, returnable to Gen. Ricks
1st, Monday, 1817.

Hon. Geo. E. Bunting Clerk of the Circuit
Court of Newsumond County:

Robert J. Purvis

Def.

John Charles Taylor

Plt.

Joan summons in plaintiff against
defendant to 2nd October 1917, third
Monday in October 1917, to answer a
Bill in chancery.

W. C. Lewis
S. E. Smith per

Suffolk, Va. Oct. 23d, 1917.

TO JOHN CHARLES TAYLOR:

Take notice that I shall proceed on Thursday, the 8th of November, 1917, between the hours of 8 A. M. and 6 P. M. of that day, at Lake View Hospital or Sanitarium, in Suffolk, Virginia, to take the depositions of myself and others, to be read as evidence in my behalf in a certain suit in equity pending in the Circuit Court of Nansemond County, wherein I am plaintiff and you are defendant; and if from any cause the taking of the said depositions be not commenced on that day, or, if commenced be not concluded, the taking of the same will be adjourned and continued from day to day or from time to time, at the same place, and between the same hours until the same shall have been concluded.

Respectfully yours,

Robert J. Purvis
by R. H. Rooley Counsel
J. E. Everett

Executed on the 23rd Day Oct 1847
by delivering a true copy to John
Chas Taylor in person in the
City of New York.

J. D. Smith
clerk

Notice & Take
depositions

TO THE HONORABLE JAMES L. MCLEMORE,
JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY:

Humbly complaining sheweth unto the Court
your orator Robert J. Purvis, of Nansemond County,
Virginia, the following case:

Your orator says that he is now an old man of
the age of _____ years, very infirm, almost totally
blind and entirely helpless, and that he has been so
for the past twelve months; that he is a bachelor with-
out family and with no person to whom he can look to for
help or support; that on the first day of January, 1917,
he was seized and possessed in fee simple of a small
tract of land containing about forty-two (42) acres,
more or less, situated in Holy Neck District, in Nanse-
mond County, Virginia, near old Howell's Mill Pond, and
bounded by the lands of William Holland known as "Billy"
Holland and the old Howell Mill Pond, now belonging to
Wilbur Rountree, and by the Public Road leading from
Holy Neck to Factory Hill in said County; that such be-
ing his physical condition, he did, on the 25th day of
January, 1917, make a deed for said tract of land to one
John Charles Taylor, which said deed is recorded in D. B.
No. 86 page 75, in the Clerk's Office of Nansemond Coun-
ty, a copy of which is herewith filed and marked Exhibit
"A" and prayed to be read as a part of this bill; that
the consideration for said deed was that the said John
Charles Taylor should take good care of the said Robert
J. Purvis all the remainder of his natural life; that he
should give him his board, clothes and all the necessaries
of life, and pay all his medical bills and see that he
was decently buried at his death; said deed containing
the express proviso - that in the event the said John
Charles Taylor should fail to carry out and perform all
said conditions on his part in good faith, then and in

that event all the said real estate was to immediately revert to and become the absolute property in fee simple of the said Robert J. Purvis; your orator further says that after this contract and agreement the said John Charles Taylor took possession of said real estate and also took in charge your orator making him a member of his family; that at first the said John Charles Taylor seemed to be willing to carry out his said contract in good faith, but that he soon showed evidence of weariness in carrying out said contract and a disposition to do as little as possible for your orator; that he was very cross to your orator, treating him with but little consideration and giving him the poorest kind of food to eat and little or no clothing to wear. But your orator, being in this blind and helpless condition could do nothing to better his circumstances, but continued to live with the said John Charles Taylor for some time; that some time during the year 1917 ^{or} yearsaid John Charles Taylor became involved in some difficulty in regard to the sale of some personal property and it became necessary that he the said John Charles Taylor should raise certain money, in order to extricate himself from said difficulty; that he approached your orator and asked him to sign and endorse a note for said John Charles Taylor, which your orator refused to do, whereupon the said John Charles Taylor became very angry with your orator and abused him; that things went on in this way until the _____ day of October, 1917, when the said John Charles Taylor made a violent assault upon your orator under the following circumstances:

On One Sunday on the _____ day of October, 1917, when no one was present at the residence of said John Charles Taylor, except himself, his wife and your orator, the said John Charles Taylor built a fire in the chimney or

fire-place of the said residence, under the pretense of keeping your orator warm and comfortable; that the said John Charles Taylor and his wife then started off in a conveyance, ostensibly to go to church, leaving your orator sitting by the fire in said residence; that in a few minutes after he had left the said John Charles Taylor, who had driven a short distance up the road, left his said wife in the conveyance, returned swiftly to the said residence, entered the room where your orator was sitting and demanded of your orator that he give him money; that your orator told him he had no money, whereupon the said John Charles Taylor set upon your orator furiously with a large stick or some other instrument, knocked your orator out of the chair, beat him into insensibility and until the said John Charles Taylor believed your orator was dead; that he then dragged your orator to said fire which he had built in said residence and thrust your orator's head, face and hands in said fire, in order to burn him up and destroy him; that all of this was done swiftly and quickly and that the said John Charles Taylor then left the room; your orator says he had the presence of mind to feign death, well knowing that if he showed signs of life the said John Charles Taylor would certainly kill him; and that after the said John Charles Taylor left the room your orator dragged himself from the fire and succeeded in obtaining help from some of the neighbors; that he was so badly hurt his life was despaired of and he is still in great danger of death; that he was removed to the house of a neighbor, went under the care of Dr. Holland, the neighborhood physician, who dressed his wounds, and that he was finally removed to Lakeview Sanitarium, in Suffolk, Va., for treatment, and that he is still at the said Sanitarium at great expense.

Your orator says that the said John Charles Taylor having failed and refused to carry out in good faith the terms of the contract mentioned in said deed, and having on the contrary, endeavored to take the life of your orator, in order to relieve himself of the burden of taking care of him any longer, and the consideration mentioned in said deed having wholly and entirely failed, your orator desires that said deed shall be cancelled, declared null and void, and that this said real estate be restored to him as it was before the making of said deed. Your orator says that this real estate is all the property he owns in the world and that unless it is restored to him he becomes a pauper and a public charge on the County of Nansemond; that owing to the said assault and the attention and advice required he was compelled to and did contract bills of one neighbor Zachariah T. Howell, in the sum of \$43.25, for services which it was absolutely necessary that your orator should have, and that he is now under great expense at said Sanitarium, with nothing whatever to pay same, unless this land should be restored to him; that said John Charles Taylor has been arrested for said assault upon him and is now in the public jail of Nansemond County, on a charge of attempting to kill your orator; that justice and good faith require that the said John Charles Taylor should give up said land and not hold the same; that under no circumstances, can or would your orator ever consent to put himself again in the hands of the said John Charles Taylor to be cared for and supported, because he would be in daily fear of his life, even if the said John Charles Taylor were now in a position to offer to support him.

IN TENDER CONSIDERATION WHEREOF, And forasmuch as your orator is remediless in the premises save by the aid of a Court of equity where such matters are alone and properly cognizable, your orator prays that the said John Charles Taylor may be made a party defendant to this suit and required to answer this bill, though an answer under oath is hereby waived; that proper process may issue; that all proper accounts and depositions may be taken, and that the Court will completely annul and set aside the said deed made by your orator to the said John Charles Taylor for the said tract of land and declare said deed null and void, and that the title to the said tract of land shall be by order of Court vested in your orator in fee simple; and for all such other, further and general relief as this case may require, or which to equity may seem meet, and your orator will every pray, etc

Robert J. Purvis
R. H. Rawles

VIRGINIA:

City of Suffolk, to-wit:

I, R. H. Rawles, a Notary Public for the city afore said, in the State of Virginia, whose term of office expires on the 20th day of January, 1919, do certify that Robert J. Purvis, whose name is signed to the foregoing bill has this day personally appeared before me in my said city, and being duly sworn made oath that the statements contained in said bill as coming of his own knowledge are true, and that all other statements therein contained as coming from knowledge or information derived from others he believes to be true.

Given under my hand this 2d day of November, 1917.

R. H. Rawles

Notary Public.

Bill.

Filed Nov. 5, 1917
H. B. Bromberg
Clerk