

1908 - 20

Santhampton County Chancery

Vassar, Jas H. vs. Vick, W.P.

To make judgment
before said, and
make satisfied

To the Honorable Jas. L. McLeMore, Judge of the Circuit Court of Southampton County,
Virginia:

Your orator, Jas. H. Vassar respectfully shows unto the court the following case:

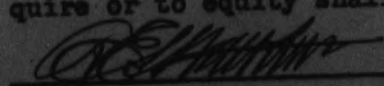
That your orator is a citizen of Southampton County, Virginia, and that on the 3d. day of May 1894, that F. P. Pulley, sitting as a Justice of the Peace in Southampton County, Virginia, arbitrarily, without warrant of law, entered a judgement against your orator in favor of W. P. Vick for the sum of Forty six dollars and fifty cents, and costs of one dollar and thirty cents, as will appear from a copy of said judgement hereto annexed, marked exhibit "A" and prayed to be read as a part of this bill.

Your petitioner further says that at the time of entering said judgement against your orator by the said F. P. Pulley, Justice of the Peace aforesaid, that your orator had no notice of any trial or hearing before the said F. P. Pulley with reference to the case of the said W. P. Vick and for this reason, your orator is advised, that said judgement is or ought to be void.

Your orator further says that the said judgement was entered upon a certain bond purporting to have been executed by Mills Vassar and Frank Vassar and that your orator was neither one of the makers or an endorser thereof and had no connection with the existence of the debt or obligation, as will appear from a copy thereof hereto annexed, marked exhibit "B" and prayed to be read as a part of this bill.

Your orator further says that on the 3d. day of May 1894 an execution was issued against your orator in favor of the said W. P. Vick upon the judgement aforesaid, as will appear from a copy thereof hereto annexed, marked exhibit "C" and prayed to be read as part of this bill, and that ten years have elapsed and there is no return by any officer marked on said execution.

In tender consideration whereof and far as much as your orator is remedless save in a court of equity where matters of this character are alone cognizable he prays that the said W. P. Vick may be made a party defendant to this bill and required to answer the same, though answer on oath is expressly waived, that the said judgement may be declared void and the same marked satisfied upon the records, that proper process may issue, that all proper decrees may be entered and that such other further and general relief may be afforded your orator as the nature of his case shall require or to equity shall seem meet. And your orator will ever pray &c.



P. Q.

Mr. Vassar
Syracuse

Jas. H. Vassar

State of Virginia,

Southampton County, to wit: This day personally appeared before me, J. W. Johnson.
a Notary Public. in and for the County aforesaid, Jas. H. Vassar, who being
duly sworn declared that the facts set forth in the annexed bill were true.

Given under my hand this 8th day of July 1908.

J. W. Johnson. N.P.

My Commission Expires Dec. 21, 1908.

EXHIBIT "A"

State of Virginia -Southampton County, TO wit:

To A.J.Branch, Constable of Said County:

YOU ARE HEREBY COMMANDED TO SUMMON James H.Vassar, if to be found in your district, to appear at Berlin, Virginia, at 3 O'clock P.M. in said County, on the 3 day of May 1894, before me, or such other Justice as may be there to try this warrant, to answer the complaint of W.P.Vick, upon a claim for money, for the sum of forty six 50/100 Dollars, due by bond. And then and there make return of this warrant.
Given under my hand this 27 day of April 1894.

(Signed) F.P.Pulley J.P. (seal)

W.P.Vick, Plaintiff

VS

IN DEBT.

Jas.H.Vassar, Defendant

Berlin, Va. May 5 1894.

Judgement: That the plaintiff recover of the defendant Forty six 50/100 Dollars, with interest thereon from the 2nd day of January 1893, till paid, and One dollar and thirty cents for his costs.

(Signed) F.P.Pulley

J.P. (seal)

EXHIBIT "C"

To A.J.Branch, Constable of said County:

I command you in the name of the Commonwealth of Virginia, that of the goods and chattels of Jas.H.Vassar that you caused to be made the sum of Forty six 50/100 Dollars with interest thereon from the 2nd day of January 1893, till paid, which W.P.Vick has recovered before me, on a warrant in debt; also, the sum of one 50/100 dollars, which has been adjudged to the said W.P.Vick for costs in prosecuting this warrant.

Given under my hand, this 3rd day of May 1894?

(Signed) F.P.Pulley, J.P. (seal)

Costs taxed:

Justice	\$	50
Clerk of Court	\$	
Constable	\$	80
Witnesses	\$	

Total. \$1.50

EXHIBIT "B"

\$462⁵⁰ One day after date, with interest from date I promise to pay to we W.P.Vick, of Berlin, Va., Forty six 50/100 Dollars, for value received I hereby waive ^{any} Homestead Exemption as to this debt.

Witness our hands and seals this 2nd day of January 1893.

(Signed) Milley Vassar (seal)

Witness
Rosa Vick

Frank Vassar (seal)

Copy Test:

B. F. McLeod b.f.

\$46.50

One day after date with interest from date, we promise to pay W. P. Vick, of Berlin, Va., Forty Six & 50/100 Dollars for value received. We hereby waive our homestead exemption as to this debt.

Witness our hands and seals this 2nd day of January, 1893.

Milley Vasser (seal)

Frank Vasser (seal)

Witness, Rosa Vick.

A Copy - Test to:

B. F. McLenore & Co

THE COMMONWEALTH OF VIRGINIA,

R. B. Brough, Constable
To the Sheriff of Southampton County, Greeting:

WE COMMAND YOU that of the Goods and Chattels of *Jas H Vassar*

late of your bailiwick, you cause to be made *Forty six + 50/100 Dollars*
with interest thereon from the 2nd day of January
1893 also paid which W. P. Vick

~~lately in our~~ Court of Southampton county has recovered against *before me*
~~as well for a certain debt as for interest thereon, also the sum of~~ *one* Dollars and
30 Cents, which to the said *W. P. Vick*

in the said Court were adjudged for *his* costs in that suit expended, whereof
the said *Jas H Vassar* is convict, as appears to us of record; and how
~~you shall have executed this writ make known at the Clerk's office of our Circuit Court, at the rules to~~
~~be holden for said Court on the~~ *Monday in* ~~and have then this writ.~~

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this *2nd* day
of *May* 1894, in the *1894* year of the Commonwealth.

TESTE:

F. P. Pullen Jr c.c.

Exhibit

"6"

vs.

Fl. FA.

"No Effects"

W. H. Joyner, Court.

19.....

Rules.

P. Q.

Clerk..... \$.....

Sheriff.....

Law, etc.....

\$.....

Came to hand.....day

of.....19.....at.....o'clock.....M.

Sheriff.

No.....

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

WE COMMAND YOU that of the Goods and Chattels of *Jas H. Vassar*

late of your bailiwick, you cause to be made *Forty Six + 50/100 Dollars*
Homestead Waived with interest thereon from the 2nd
day of Jan'y 1893 till paid - which H. F. Vick

lately in our *Justice* Court of Southampton county has recovered against *him*
as well for a certain debt as for interest thereon; also the sum of *One* Dollars and
88 Cents, which to the said *H. F. Vick*
in the said Court were adjudged for *his* costs in that suit expended, whereof
the said *Jas H. Vassar is* convict, as appears to us of record; and how
you shall have executed this writ make known at the Clerk's office of our Circuit Court, at the rules to
be holden for said Court on the *1st* Monday in *Jan'y 1893*, and have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this *15th* day
of *Octon* 19*02*, in the year of the Commonwealth.

TESTE:

B. F. McLemore, C. C.

A Copy - B. F. McLemore

COMMONWEALTH OF VIRGINIA,

In Southampton ^{Justice} ~~Circuit~~ Court,

May 3rd 1894 ~~Term~~, 189

M. P. Vick

Against

Plaintiff.....

In.....

Defendant.....

Judgment for the Plaintiff.....against the Defendant.....for.....

Forty Six

100 DOLLARS,

Homestead waived, with legal interest thereon from *2nd* day of *January* 189*3*....

till paid, and costs \$ *1.30*.....

A Extract—Teste:

B. F. McLenore

C. C.

Jas H. Vassar

25

M. P. Heath

Sum 25 - Copy 13 Reel 18 - atty 10
Book 18 Rules 100

Enter return 55 - filing Bied 15
Filing Exhibits - 15 - Copy Exhibits 1.25
Deor 36 - Lay Costs 40 Filing away
papers - 25

to Clerk 4.50

Shff .50

Lawyer = 7.50

Vassar. Jas. H.

iv } Stat: Rules

Vick. N. F.

James H. Vassar - Peiff
for } Stat. Rules
H. J. Vick - Deft

1908. July 3." Process issued to 1" July Rules.

1908. 1st July Rules: Process returned Executed.

Bill & Exhibits filed Decree in

1908- 2nd July Rules: Bill taken for Confessed
and Cause set for hearing

Vassar

Spa in Chq

Vick

1908-1st July Rules

Executed in
Southampton Co
this 4th day of July
1908 by delivering a
true copy of the
rules in duplicate
to H. P. Vick in
writing.

Jno D Turner Sheriff
By J. A. Turner Deputy

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon *W. P. Vick*

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules
to be holden for the said Court on the *1st* Monday in *July* *1908*, ~~next~~, to
answer a Bill in Chancery exhibited against *him* in our said Court by.....

James H. Tassar

And this *he* shall in no wise omit under penalty of law. And have then there
this writ. *B. F. McLernord*

WITNESS, ~~L. A. GAY~~ Clerk of our said Court, at the Courthouse, this *3rd* day of
July, 1908, in the *19th* year of the Commonwealth.

Teste: *B. F. McLernord* C. C.

✓ Passar } -1908-
vs }
Vict } Disce

Enter This
July 30th 1908
James L. L. Moore

Entered C. O. B.
Page 462.

Jas. H. Vassar, Plaintiff
vs. } In Chancery
W. P. Vick } Defendant

This day this cause came on to be heard upon the bill of Complainant and Exhibits therewith filed, the Defendant, upon process which has been duly served, still failing to appear and plead, answer or demur to the said bill, and was argued by Counsel: On consideration whereof the Court doth adjudge, order and decree that the judgment heretofore rendered on the 3^d day of May 1894 by F. P. Pulley a Justice of the Peace of Southampton County, Virginia, against Jas. H. Vassar in favor of W. P. Vick, for the sum of forty eight dollars and fifty cents and costs one dollar and thirty cents, and upon which an execution was issued on the 3^d day of ^{May} 1894, is void and of no effect and the said judgment, the Clerk of this Court is ordered ^{unless same is paid by the said W. P. Vick} to Mark Satisfied. And it appearing that there is nothing further to be done in this cause, it is ordered that the same be removed from the docket.