

1876-021

Chancery Causes. E.

J. Buffelt assignee of E. W. Moore, Son & Company vs

Dale of Wight County

Benjamin F. Chapman & W. R. S. Thomas, Trustee

Other SURNAMES: Moore,
[E. P. Tabb & Company], Tabb

This deed made this 20th day of April
A.D. 1873, between Benjamin F. Chap-
man and Annie C. his wife of the one
part, and R. S. Thomas of the other part,
witnesseth: that the said Benjamin F.
Chapman and Annie C. his wife do
grant unto the said R. S. Thomas the
following property: all that certain piece
or parcel of land (saving and except-
ing that which has heretofore by Archi-
bald Atkinson Executor of A. Atkinson
been sold to M. F. Day home, and is now
used by him as a store) which is shown
and designated upon the plot of said
town as lot No. 3, inclusive of the
land attached to the said lot, and is
the same that was conveyed by the said
A. Atkinson Executor as aforesaid to the
said B. F. Chapman, by his deed of
April 8, 1873, In Trust to secure to the
said A. Atkinson the payment of two
bonds of even date herewith, one for
the sum of \$333.33, and the other for the
sum of \$333.34, payable October 1st 1874
and October 1st 1875, with interest upon
each from the 1st day of May A.D. 1873,
and it is covenanted and agreed that in
the event of a sale the trustee shall

shall pay all costs and charges, and receive a commission of five per cent out of the trust fund
witness the following signature and seal.

B. F. Chapman Seal

Annie C. Chapman Seal

Virginia

The County of Ishofwight } To wit:

R. S. Thomas

Notary Public for the County aforesaid in the State of Virginia do certify that B. F. Chapman whose name is signed to the writing above bearing date on the 21st day of April in the year 1873 has acknowledged the same before me in my Corporation aforesaid

Given under my hand this 1st day of January in the year 1874

R. S. Thomas

Notary Public -

State of Virginia

County of Ishofwight } To wit:

R. S. Thomas a Notary

Public for the County of Ishofwight in the State of Virginia, do certify that Annie C. Chapman the wife of B. F. Chapman whose names are

signed to the writing above bearing date on the 21st day of April in the year 1873, personally appeared before me, in the County aforesaid, and being examined by me privily and apart from her husband and having the writing aforesaid fully explained to her, she the said Annie C. Chapman acknowledged the said writing to be her act, and declared that she had willingly executed the same and does not wish to retract it.

Given under my hand this 1st day of January in the year 1874.

R. S. Thomas

Notary Public -

Virginia:

In the Clerk's Office of the County Court of Ishofwight County, February the 24th 1874, This Deed of Trust from B. F. Chapman wife to R. S. Thomas Trustee was received and being duly certified according to Law, is thereupon admitted to record.

Teste

Wm. H. Hart Deputy for
H. P. Young Clerk.

A Copy. Teste, W. H. Young att.

Griffith ofew. sor.

v. ³ In Clay.

B. F. Chapman &

or.

/

Copy Deed of trust
from Chapman & wife
to Thomas, later

//

\$34.61

On demand I promise to pay to E. P. Tabbles.
Thirty Four Dollars and fifty one cents with interest
thereon from February 12th 1869.

Witness my hand and seal this 1st. day of November
1869.

B. F. Chapman *Dea*

A copy of bond in suit of Tabbles
v. B. F. Chapman on which judgment was rendered
at May Circuit Court, 1870, Sec. of High County
State.

A. P. Young *clerk*

Griffiths apes. tal.

n. $\frac{5}{3}$ Chy.

B. H. Chapman tal.

Chy Bond. on which
jact. was obtained

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, May 1st 1870.
E. W. Moore & E. J. Griffith merchants Partners
under the name & style of E. P. Tabb & Co. _____, Plaintiffs,
against

Benjamin F. Chapman _____ Defendants.

Judgment was granted the Plaintiff against the Defendant for the sum of
Thirty Four _____ Dollars and fifty one cents,
with interest thereon, to be computed after the rate of 8 per centum per annum,
from the 12th day of February, 1869, till payment,
and the costs.

Plaintiff's costs, \$7.05

An Extract.

Teste:

J. P. Youngblood

Clerk.

Griffith ap. tal.

or $\frac{3}{4}$ Chy.

Chapman tal.

Chy paid just & est.
of doct. of
Sabb Co. v. Chapman
//

I, A. P. Young, Clerk of Isle of Wight County
Court, do certify that the within paid just
was doct. in the paid just docket
of said County on 30th May 1848.

Teste

A. P. Young Clk

Griffith Affidavit

vs

Chapman & wife

This cause this day
came on to be heard on the Complaints bill
taken for confessed as to the defendants -
B F Chapman & Anna C his wife & R S Thomas
Treasurer on whom process has been duly
served they still failing to appear filed
an answer a demurrer & exhibits filed & was
argued by counsel, on consideration
whereof & consent of parties it is
ordered that this suit be dismissed
each part paying his own costs -

Griffin Spence
Lm - 18
Chapman Spence

Field Notes
Oct Term 1874

To be entered

Geo. F. G. W.

Entered 7/5

The Commonwealth of Virginia,

To the Sheriff of Isle of Wight County, Greeting:

WE COMMAND YOU TO SUMMON

E. S. Griffith
B. F. Chapman and *Amos O. Griffin*
B. F. Chapman

to appear at the Clerk's Office of the Circuit Court of Isle of Wight County, at Rules to be holden for the said

Court, on the first Monday in

March 1876 next to answer

the Bill in Chancery of
E. S. Griffith, assignee of E. W. Moore, P. F. Moore, W. S. Moore
late merchants & partners trading under the name &
partnership style of E. W. Moore, Jones & Co, who were assignees
of E. W. Moore & E. S. Griffith late partners under the
style of A. P. Tate & Co. saying on their own belief & that
of all other creditors of said S. B. F. Chapman having
judgment lien on his real estate.

of a plea of

for \$

Damages \$

And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court, at the Court House, the *4th* day of

March 187*6*, in the *100th* year of the Commonwealth.

N. P. Young

Ile of Wight County, to wit: I C B Hayden a Notary Public for the
 County aforesaid in the State of Virginia do certify that B P King, senior
 this day personally appeared before me in my said County & made oath
 that he did on the 4th day of March 1876 - deliver a true copy of this
 notice to the within named R S Shaver, B F Chapman & Anna
 C Chapman wife of said B F Chapman -
 Given under my hand this 4th day of March 1876
 C B Hayden

C. J. Griffiths appt.
 1876

James. in
 alleg.
 1876

B. D. Chapman wife
 et al.

1876 March 1876

To the Honorable George B. Low Judge of the
Circuit Court of Isle of Wight County in
Chancery sitting

Humbly complaining
sheweth to the court that your complain-
ant E. J. Griffith assignee of E. H. Moore
P. T. Moore & S. Moore late merchants and
partners trading under the name partner-
ship style of E. H. Moore, Son & Co who were
assignees of E. H. Moore & E. J. Griffith late
partners under the style of E. P. Tabb & Co
suing on his own behalf & that of all other
creditors of B. F. Chapman having judg-
ment lien on his real estate that on the
17th day of May 1870 the said E. P. Tabb & Co
obtained a judgment against said B. F.
Chapman in the Circuit Court of Isle
of Wight County for \$34.61 with interest from
the 12th day of Feb 1869 & \$7.05 costs; that said
judgment was docketed in said County
of Isle of Wight on the 30th day of May 1870.
A certified copy of said judgment with
certificate of docketing annexed, marked
A is herewith filed & prayed to be taken as
a part of this bill. The said judgment
was obtained on the bond of said B. F.
Chapman for \$34.61 payable to E. P. Tabb
& Co bearing date on the 1st day of Nov 1869.

Exhibit
B.

Exhibit
C.

with interest from Feb 12 1869. The consideration of said bond being Merchandise sold by E. P. Taber & Co to said B. F. Chapman prior to Feb 12 1869. A certified copy of said bond marked B is herewith filed & prayed to be taken as a part of this bill. That execution was sued out on said judgment & returned unsatisfied, as will appear from a certified copy of said execution & return marked C, herewith filed & prayed to be taken as a part of this bill. That said judgment was assigned by said E. P. Taber & Co to the said E. H. Moore Son & Co who were the successors in business & assignees of all the assets of the said E. P. Taber & Co. That the said E. H. Moore Son & Co assigned the said judgment to your aforesaid complainant who has acquired by said assignment the right to enforce the said judgment in equity. That after obtaining said judgment, to wit on April 8th 1873 the said B. F. Chapman bought of A. Atkinson Executor of Archibald Atkinson a certain House & Lot in the town of Smithfield in said County being lot no 13 on the plot of said town, except that part of said lot conveyed by said Executor to Wm F Langhorn being the same lot on which the said B. F. Chapman now

resides in said town of Smithfield.
That said Executor conveyed the said lot
in fee simple to the said B. F. Chapman
by deed of April 8th 1873 but which deed the
said B. F. Chapman never had recorded, to
prevent the said House & Lot from being
liable to the lien of your complainant's
said judgment & another judgment
subsequently obtained. That to secure
the payment of the credit portion of the
purchase money of the said House & Lot
conveyed by the Executor to the said B. F.
Chapman, the said B. F. Chapman &
Anna O. his wife by their deed of the 30th
of April 1873 duly recorded in the Clerk's
Office of the County Court of said county
conveyed the said House & Lot in trust to
R. S. Thomas. A certified copy of said deed
of trust with certificate of recordation
annexed marked D. herewith filed & prayed
to be taken as a part of this bill. That
said deed of trust acknowledges the con-
veyance by said Executor of said property to
said B. F. Chapman by a deed of [unclear] date
to said deed of trust. That the debt secured
by said deed of trust has been fully paid off
& discharged & the Release Deed for the same
executed & delivered to the said B. F. Chapman
who has never had the same recorded with

Exhibit
D.

intent thereby to avoid the lien of your
complainants said judgment of all
other judgments on said land. That your
complainants said judgment he is inform-
ed & so charges is a lien on said House & Lot
& he is entitled to subject the same to
satisfaction of said judgment. In tender
consideration whereof & for as much as he
is without remedy at law & can only be
relieved by the aid of this Honorable Court
of Chancery where matters of this sort
are cognizable to this end your com-
plainant prays that the said B. F.
Chapman & Anna his wife & R. S. Tho-
mas as trustee under said deed of trust
from said B. F. Chapman & wife of April
20th / 873. may be made parties defen-
dant to this bill & be required to answer
the same & that said B. F. Chapman
be required to have the deed aforesaid from
said Executor recorded & that an account
may be taken of your plaintiffs judgment
aforesaid & of all other judgments of cre-
ditors of the said B. F. Chapman who
may choose to contribute to the costs of
this suit & that said House & Lot may
be subjected to satisfaction of said judgment^{to}
in the order of their priority & that such

other further relief may be granted in
the premises as to the Court may seem
meet & the nature of the case may require
your complainant will ever pray &c.

Hayden pr.

Griffith

Hay, daughter

18th June 1844
10 1/2 In cluf.

Chapman 1844

Compliments Bill

18th 6.

March Rules - Bill
filed, stand. 14th &
decree nisi

Apr. Rules - Bill
taken for confs. &
set for hearing.