

1900-010 Chancery Causes, I.

W. Duck vs John Shepherd & Jane R. Shepherd

Isle of Wight County

other SURNAMES: Edwards

J. H. Guich,

vs.

John Shepherd.

Bill of Complaint.

2^d sept. rules 1898. bill
and exhibits filed ~~same~~ ^{same} ~~exh.~~
de nisi

1st oct. rules 1898
Bill taken for confessed
& same set for hearing

Oct 24th 1898
De. setting aside des. col. & pray out

April 1900 Final

And he will ever pray, etc.

I. W. Duck

VIRGINIA:

County of Isle of Wight, to wit:

I, Wm. S. Holland, a commissioner in Chancery of the Circuit court of Isle of Wight County in the state of Virginia, do certify that I. W. Duck, whose name is signed below the above bill of complaint, made solemn affirmation in due form of law that the statements contained in the foregoing bill of complaint are true to the best of his knowledge, information and belief.

Given under my hand this day of September, 1898.

Comm. in Chancery.

Your orator says that a writ of fieri facias has been issued on said judgment, and the sheriff of Isle of Wight County, to whom it was directed, has returned the same and endorsed thereon as follows: "I can find no property to satisfy this execution, or any part thereof. Sept. 10th 1898.

R. A. Edwards, Sheriff."

Your orator charges and alleges that no part of the consideration named in said deed from John Shepherd to his wife, Jane R. Shepherd, was ever paid; that no consideration whatever passed from the said wife to the said husband, and that the said conveyance is wholly voluntary. Your orator here charges and alleges that the said deed from said John Shepherd to his said wife, Jane R. Shepherd, was made with intent to hinder, delay and defraud his creditors, and especially your orator. Your orator is advised and believes that said land will rent for enough in five years to pay his debts and the costs of this suit, and said renting and the costs of his judgment.

For as much as your orator is remediless save in this honorable court, where matters of this sort are alone and properly cognizable, he prays that said John Shepherd and Jane R. Shepherd may be made parties defendant to this bill, and required to answer the same, but answer on oath is hereby expressly waived, as provided by the statute in such cases made and provided, and that said deed be set aside as voluntary, fraudulent and void; that the said land may be rented out or sold, according as it may be shown whether or not said land will rent for enough in five years to pay the debt claimed and all costs of said judgment and this suit; that the proceeds of said sale, if made, or the rents and profits arising therefrom may be applied to the payment of your orator's debt; that all such orders, decrees and enquiries may be made and entered, and such accounts taken and stated as the nature of this case may require; that all such other and further general relief may be afforded your orator as to equity and good conscience may seem meet.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA:

To the Hon. Robert R. Prentis,

Judge of the Circuit Court of Isle of Wight County, Virginia:

Your orator, I. W. Duck, humbly complaining, shows to the court:

That for several years John Shepherd has been indebted to him; that after repeated demands he placed his note, evidencing the said debt, in the hands of an attorney, requesting said attorney to make a polite demand, and if it availed nothing, then to bring suit, and to so inform said debtor. That said John Shepherd soon after said demand last aforesaid was made and a suit threatened in the event the debt was not paid, to wit: January 13, 1898, by his pretended deed, dated the day and year last aforesaid, attempted to convey all his property, except a few articles of personal property exempt ^{from levy} by the poor debtor's law, to his wife, Jane R. Shepherd, for the sum of twelve hundred dollars (\$1200.00), a certified copy of which deed is herewith filed as an exhibit marked "A", and is prayed to be taken and read as a part of this bill. *That prior to said conveyance said wife listed no property for taxation, nor did she own any.*

Your orator says that he instituted an action at law, and at the April 1898 term of this Court he recovered a judgment against the said John Shepherd, which has been duly docketed, an abstract of which from the records is herewith filed as an exhibit marked "B", and is prayed to be taken and read as a part of this bill of complaint. And your orator says the note on which said judgment is founded contains a waiver of the Homestead Exemption.

C. H. Deak

vs.

SUBPOENA

IN CHANCERY.

John Shepherd et al

W. S. Hallam p. q.

To

28 Feb

Rules.

1

Orion

Court.

Executed by delivering to the within
 named John Shepherd & Jane
 R Shepherd each a true copy
 of the within Summons.
 Sept. 16th 1898. Ro. A. Edwards

Sheff

The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight Greeting;

WE COMMAND YOU, That you summon John Shepherd and Jane R. Shepherd

to appear at the Clerk's office of the Circuit Court of the County of Isle of Wight at the rules to be held for the said court on the Third Monday in September 1898, to answer a bill in chancery exhibited against them in our said court by J. W. Duck

And have then there this writ. Witness, N. F. Young, Clerk of our said Court, at the court-house, the 13th day of September 1898, and in the 123 year of the Commonwealth.

N. F. Young ec.

Duck,
vs.
Shepherd.

D E C R E E.

October 24, 1898.

To be entered.

Robert R. Phillips

Entered

I. W. Duck,

vs.

John Shepherd and Jane Shepherd.

This cause came on this day to be heard on the bill and exhibits therewith filed, taken for confessed as to all the defendants on whom process has been duly served, they still failing to appear, plead, answer or demur, and was argued by counsel.

On consideration whereof the Court doth adjudge, order and decree that the deed from John Shepherd to his wife, Jane R. Shepherd, dated January 15th, 1898, be, and the same is, hereby set aside and annulled as to the plaintiff's debt evidenced by the judgment, an abstract of which is filed with the bill of complaint, it appearing to the Court that said deed is upon consideration deemed voluntary, and therefore fraudulent and void.

And the Court doth further adjudge, order and decree that unless said debt and the costs of this suit are all paid within sixty days from the rising of this Court, then Wm. S. Holland, who is hereby appointed a special commissioner for that purpose, after first having advertised the time, terms and place of renting, proceed to rent the lands in the bill and proceedings mentioned at public auction, to the highest bidder, for the year 1899, taking from such renter a bond for the rent, payable December 1, 1899, to the said Wm. S. Holland, special commissioner, with good personal security, and shall file said bond with his report in this cause, but before the said special commissioner shall proceed to act under this decree he shall enter into a bond in the penalty of \$ 250. — before the Clerk of this Court, with surety by the said Clerk deemed sufficient, and conditioned for the faithful performance of his duties under this and all subsequent decrees entered in this cause, and the said special commissioner shall make report to Court.

I.W.Duck

vs.

John & Jane R. Shepherd

D E C R E E .

To be entered April 23rd 1900.

Robert M. Tuttle

Entered

✓

I.W.Duck

vs.

John & Jane R.Shepherd.

This cause came on this day to be again heard on the papers formerly read, and was argued by counsel.

On consideration whereof, it appearing to the Court by the statement of the plaintiff in open Court that the defendants have paid the debt sought to be collected together with interest and costs, and nothing further appearing to be done the Court doth adjudge, order and decree that this cause be removed from the docket.

I.W.Duck

vs.

John and Jane R.Shepherd.

D E C R E E.

To be entered April th 1900.

I.W.Duck

vs.

John and Jane R.Shepherd.

This cause came on this day to be again heard on the papers formerly read and was argued by counsel.

On consideration whereof, it appearing to the court that the defendants have paid to the plaintiff all the money claimed in said cause, and all costs which the said plaintiff is entitled to recover of the defendants on the motion of the plaintiff by his attorney, the court doth adjudge, order and decree that this cause be stricken from the docket.

John S. Shepherd
To B & S

James R. S. Shepherd

I. W. Duck

vs.

John Shepherd, et als.

Exhibit "A" filed with the bill.

Hearing date on the 13th day
of January 1898. Has acknowl-
edged the same before me in
my County aforesaid.

Given under my hand this 13th
day of January 1898.

James S. Davis J.P.

In the Office of the Clerk of
the County Court for the County
of Isb. & Bright this 14th day
of January 1898, this deed
was presented and with the
Certificate annexed admitted
to record.

Test N. F. Mauney Clerk
By J. R. Latham D.C.

A Copy Teste

N. F. Mauney Clerk
By J. R. Latham D.C.

James Griffin.

3rd. all of a certain piece or
parcel of land together with the
mill site thereon being and all
appurtenances thereto belonging
situated and being in said County
and contains two Acres (2) more or
less. And known as S. Rivers Mill.
the said grantor Covenants that
he has a right to convey the
said land to the grantee that
the grantee shall have quiet
possession of said land free
from all incumbrances and
that he the said party of the
first part will execute such
further assurances of said land
as may be requisite. that he
has done no act to incumber
the said land.

Witness the following signature
and seal.

John. Shepherd Seal

Virginia

Isle of Wight Co. Va.

I James S. Davis A Justice of the
Peace for the County aforesaid in
the State of Virginia do Certify
that John Shepherd whose name
is signed to the writing above

This Deed made this 13th day of
January 1898. Between John Shepherd
of the County of Isle of Wight State of
Virginia Party of the first part.
and Jane R. Shepherd of the said
County and State party of the second
part. Witnesseth: That for and in
consideration of the sum of Twelve
hundreded dollars the said party
of the first part doth grant unto
the said party of the second part.
the following property to wit:
set all of a certain tract or parcel
of land situated in ~~Texas~~ Neck
Isle of Wight County containing
by estimation fifty nine acres and
a half (59 1/2) be the same more or
less and bounded as follows viz on
the north by the land of Henry
Matthews on the west by Bowers
Creek South by Chickatuck Creek
East by land of W. W. Gilliam the
said land is known as the
Nelson Hall tract.

2nd All of a certain tract or
parcel of land situated in said
County containing by estimation
Sixty Acres (60) be the same more or
less and adjoining the land
of Henry Pouden it abt being
the land conveyed to the said
John Shepherd by deed from

J. W. Duck

vs. }

EXTRACT
JUDGMENT.

John Shepherd

Wm. S. Halloran p. q.

Duck
vs.

Shepherd.

Exhibit "B" filed with the
bill.

Virginia: In the Circuit Court of the County of *Richmond*
the *26th* day of *April* 1898.

J. W. Duck

Against

John Shephard

Plaintiff

Defendant

Docketed
April 26th 1898

Judgment in favor of the plaintiff against the defendant for the sum of
Seventy Five dollars and _____ cents,
with interest thereon, to be computed after the rate of six per centum per annum, from the *4th* day
of *July* 189*1*,

till payment, and the costs. Plaintiff's costs \$ *7.50*

An extract—Teste.

A. J. Young

Clerk.

Wm. S. Halland

Plaintiff's Attorney.

Wm S. Holland spl commr.

Duck v. Shepherd

to }

COMMISSIONER'S
BOND.

Commonwealth.

a copy

Know all Men by these Presents, That we Wm S. Holland
and Calvin Baker

are held and firmly bound unto the Commonwealth of Virginia, in the sum of

Two Hundred and Fifty Dollars,

to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligation, and any claim or right to discharge any liability to the Commonwealth arising under this bond, or by virtue of said office, post or trust, with coupons detached from the bonds of this State. Sealed with our seals, and dated this 2^d day of August, one thousand

eight hundred and ninety nine.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound Wm S.
Holland

shall faithfully perform the duties of his office or trust, as Commissioner To sell
the land in the bill & proceedings mentioned
under decree of the Circuit Court of the County of Isle of Wight
pronounced on the 24th day of October, 1898, in the suit therein

depending under the name and style of J. W. Duck against John Shepherd
and Jane Shepherd

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in
in the presence of

Wm S. Holland
Calvin Baker



In the Clerk's Office of the Circuit Court of the County of Isle of Wight

This day Calvin Baker

surety on the above bond, made oath before me, N. F. Young, Clerk
of the Circuit Court of the County of Isle of Wight
that his estate, after the payment of all his just debts, and those for which he is bound
as security for others and expect to have to pay, is worth the sum of Two Hundred
and Fifty dollars.

Given under my hand, this 2^d day of August, 1899.

A Copy. True.

N. F. Young Clerk.