

1433-064 Chancery Cause: B. P. Chapman & ut VS James Key & ut & W. R. Cox 271

Dale of Wight County

→ ut

other SURNAMES: Thompson,
Howle, Wilson

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT.

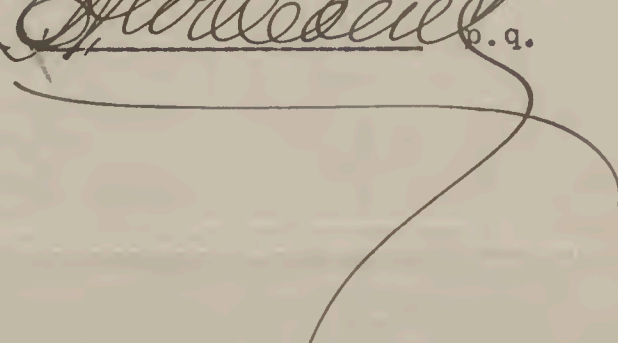
B. P. Chapman, and
Florence O. Chapman, his wife,.....Plaintiffs,

Vs) In Chancery,

James Key, and _____ Key, his
wife, W. R. Cox, and
~~James~~ Cox, his
wife,.....Defendants.

TO THE CLERK OF THE SAID COURT:

Please issue summons in chancery to Second September
rules, 1917, against the said defendants to answer the said
plaintiffs a bill in chancery.

Floris p.q.


B. P. Chapman et ux
n of Cy No 271
James Key et al.

Memo

Filed
9/11/1917

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT
APRIL 26TH 1933.

Chapman et al.
vs: # 271
Key et al.

It appearing, pursuant to a decree entered herein on the 6th day of March, 1933, that the parties, or their Counsel, have been notified by the Clerk of this Court of the terms of said decree, and no good cause having been shown, it is ordered that this cause be removed from the docket, with leave to rene state the same as provided in Section 6172 of the Code as Amended.

Chapman & Co.

271

Key et al.

March TERM 1933 Filed

CLK

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT
MARCH 6th 1933.

Chapman et als

vs: # 271

Key et als

IT APPEARING that this cause has been on the docket of this Court for more than two years, and that no order has within said period been entered herein, it is therefore ordered, pursuant to the provisions of Section 6172 of the Code of Virginia, as amended, the Clerk of this Court be directed to notify the parties to this cause, if known, or their counsel of record, at his or their last known address, in writing, at least fifteen days before the 25th day of April, 1933, so that on said day all parties named have an opportunity to be heard, and that, except for good cause to then be shown, this cause will be removed from the docket for failure to prosecute the same to a final decree.

Chapman Stals

no # 271

Key Stals

C.O.B # 9

Page 79.



VIRGINIA: IN THE CIRCUIT COURT FOR THE COUNTY OF
ISLE OF WIGHT.

B. P. CHAPMAN, ET UX.,.....PLAINTIFFS,
VS) IN CHANCERY,
JAMES KEY, ET ALS,,.....DEFENDANTS.

This cause, which has matured at rules, came on this day to be heard upon the complainants' bill, taken for confessed by the said defendants, upon whom process has been duly served, they still failing to appear, answer, plead or demur, and was argued by counsel.

On consideration whereof, the court doth adjudge, order and decree that this cause be referred to A. S. Johnson, one of the Commissioners of this court who is directed to inquire into, and report to court,

1-- An account of the real estate of which Edwin Thompson died seized and possessed, together with the annual and fee simple values thereof, a description of the said land, and whether or not the said Edwin Thompson died intestate;

2-- An account of the real estate of which Elizabeth Thompson died seized and possessed, if any, together with the annual and fee simple values thereof, a description of the said land, and whether or not she died intestate;

3-- Who were the heirs at law of the said Edwin Thompson and Elizabeth Thompson, and what parties are now entitled to share in the said land of the said Edwin Thompson and Elizabeth Thompson, together with their respective shares therein, and whether or not any of the heirs of the said parties have con-

veyed their interest in the said real estate to other parties; the liens of record, if any, against the interest of the said heirs at law, or against the interest of any other parties who have any interest in the said land;

4- Whether or not there are any liens against the said *Real* estate by delinquent taxes or otherwise;

5-- Whether or not all the parties in interest and all necessary parties are properly before the court; *their respective interests and how acquired.*

6-- Whether or not the property mentioned in the bill can be conveniently divided between the parties entitled to share therein; whether any party will take the entire property and pay therefor to the other parties such sums of money as their interest may entitle them to;

7-- And if the same cannot be conveniently divided between the parties entitled to share therein, and if no party will take the entire property, and pay the others such sums of money as their interest therein may entitle them to, whether the interest of those entitled to share in the said property, will be promoted by a sale of the entire property; or, by an allotment of part, and sale of the residue of the said land;

8-- Whether or not any of the heirs at law of the said Edwin Thompson, or Elizabeth Thompson are deceased, and if now deceased, whether intestate or not, and if intestate, who are their heirs at law;

9-- Whether Cornelius Thompson died intestate, and seized of one-third interest in the lands of Edwin Thompson, or Elizabeth Thompson; and, if he died intestate, who are his heirs at law, and whether or not the said Cornelius Thompson, during his life time, made any conveyance of his interest in the said land to W. R. Cox;

10-- That if it be found that no conveyance of the interest of the said Cornelius Thompson in the said land was made to the said W.R.Cox, that the Commissioner take an account of the value of all piling, timber ^{or other things} and wood removed from, or sold off of the said land by the said W. R. Cox; and, and whether or not the said W.R.Cox has made an account ^{ing} to any of the parties in interest for the value of the said piling, timber and wood.

11-- That an accounting be taken of the value of any piling, timber or wood ^{or other things} gotten from, or sold off the said land by James Key, and whether the said James Key has accounted to the other parties in interest for their shares of the value of such piling, timber and wood;

12-- That an accounting be taken of the value of any of the said land conveyed to the district school board of Hardy District of the County of Isle of Wight, by James Key, together with the consideration received therefor, if any, and whether or not the said James Key has accounted to the said parties in interest for their respective shares in the proceeds of the sale of the said land;

13-- Any other matter ^{determined} ~~determined~~ pertinent by the Commissioner, or required to be taken and stated by any party in interest. And the said Commissioner shall return with his said report, any evidence taken by him in support thereof.

B.P.CHAPMAN, ET UX.,
VS) IN CHANCERY,
JAMES KEY, ET ALS.

D E C R E E

1917
Oct. 23.
Entered this
J. H. W.

C. O. B. #7

Page - 428.

ERNEST H. WILLIAMS
Attorney-at-Law
SMITHFIELD, VIRGINIA

COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF THE COUNTY OF ISLE OF WIGHT, GREETING:

We command you that you summon James Key and Bertha
Key, his wife, W. R. Cox and Inez Cox, his wife, to
appear at the Clerk's Office of the Circuit Court of the
County of Isle of Wight, at the rules to be holden on
the third Monday in September, 1917, to answer a bill
in chancery filed against them by B. P. Chapman, and
wife, and have then and there this writ.

Witness, A. S. Johnson, Clerk of said Court,
at the Courthouse, this 11th. day of September, 1917.

Teste,

A. S. Johnson Clerk.

E. H. Williams, p.q.

The above process was executed by delivering to the de-
fendants James Key, Bertha Key, W. R. Cox and Inez Cog,
true copies thereof, at their respective places of abode,
in Isle of Wight County, on this 17th. day of Septem-
ber, 1917.

P. A. Edwards, Sheriff,

By

P. L. Cooper

Deputy Sheriff.

B. P. Chapman & wife
25 Cy
James Key et al

Seelpoema

September 18/1917
Returned & filed
Dated [Signature]

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ISLE OF WIGHT.

B. P. Chapman, and,
Florence O. Chapman, his wife,.....Plaintiffs.

vs) In Chancery,

James Key, and _____ Key,
his wife, W. R. Cox, and
_____ Cox, his wife,.....Defendants.

TO THE HON. B. D. WHITE, JUDGE OF THE SAID COURT:

Humbly complaining, your complainants, B. P. Chapman,
and Florence O. Chapman, his wife, sheweth unto the Court,
the following case:

That Edwin Thompson, in the year, 1843, was seized and
possessed, according to the land books of that year, of thirty
acres of land, near what was then known as Davis' Shop, in
the County of Isle of Wight, Virginia, and being so seized and
possessed, some time between the years 1843 and 1853, he de-
parted this life, intestate, leaving surviving him, a widow,
Elizabeth Thompson, and three children, Arthur Thompson, Nancy
Anne Thompson and Cornelius Thompson, as his only heirs at
law;

That on the land books for this county, for the year,
1853, the said land appears in the name of Elizabeth Thompson,
with notation on the margin of the book, that she received
the said land by the death of her husband; but, a careful
search of the will books fails to show that the said Edwin
Thompson died testate;

That the said Elizabeth Thompson departed this life some forty years ago, intestate, leaving surviving her, Arthur and Nancy Anne Thompson, Thompson and Cornelius Thompson, /as her only children and heirs at law;

That Arthur Thompson, some twenty-five or thirty years ago, departed this life, intestate, and seized and possessed of a one-third interest in the lands of Edwin Thompson, or Elizabeth Thompson; and, left surviving him, two children, namely: John William Thompson and Mary Elizabeth Thompson; the said Mary Elizabeth Thompson, married a Howle, and upon his death, married a Wilson;

That John William Thompson, left the County of Isle of Wight, in the year, 1888, and has never since been heard from, and is supposed to have been lost at sea;

That the said Mary Elizabeth Thomspen, nee Howle, presuming that her said brother, John William Thompson, was dead, and without heirs, save herself, did, by her deed, bearing date of August 27th, 1904, and of record in the Clerk's Office of the Court, in deed book No. 71, page 98, conveyed to James Key, with general warranty, for the consideration of two hundred dollars, all her right, title and interest, the same being an undivided one-third interest in the lands of Elizabeth Thompson; conveying, according to said deed, thirty-eight acres, more or less, and bounded by the lands of Emanuel Baptist Church, colored, B. P. Chapman; the Tynes tract, and Benjamin Bowman, et als., as will more fully appear by a copy of the said deed, hereto attached, and made a part of this bill;

That Nancy Anne Thompson, who was seized of one-third interest in the above described land, departed this life, intestate, in the year, 1897, leaving surviving her, no children and no neices nor nephews; sisters, nor brothers, except the said Mary Elizabeth Thompson, nee Howle, nee Wilson, as her

only heir at law;

That the said Cornelius Thompson,, who was in his life time, seized and possessed of a one-third interest in the above mentioned tract of land, departed this life, intestate, about thirty years ago, leaving, surviving him, no wife, nor children; one sister, the said Nancy Anne Thompson, now deceased, and the said John William Thompson, a nephew, now deceased, son of the said Arthur Thompson, and Mary Elizabeth Thompson, nee Howle, nee Wilson, daughter of the said Arthur Thompson, as his only heirs at law;

That since the death of the said Cornelius Thompson, who died intestate, as above stated, and seized or a one-third interest in the lands of Edwin Thompson, or Elizabeth Thompson, the said W. R. Cox, claiming that the said Cornelius Thompson, was indebted to him, seized upon twelve acres of the said land, more or less, and claimed ownership thereof, by virtue of the said indebedness of the said Cornelius Thompson to him, and has sold something like four or five hundred dollars worth of piling, timber and wood there from, and has made no accounting thereof to the said Nancy Anne Thompson, now deceased, nor to the said Mary Elizabeth Thompson, nee Howle, nee Wilson, nor to the said John William Thompson, or to any person claiming through, by, or under them;

That the said Elizabeth Wilson, andher busband, did, by their deed bearing date of August 14th, 1917, and of record in the said Clerk's Office, in deed book No. 86, page _____, convey to the said B. P. Chapman, a two-thirds interest in all the lands of Edwin Thompson, or Elizabeth Thompson, and also her right of recovery to waste done upon the said lands, by any person whatsoever, as will more fully appear from a sopy of the said deed herewith filed, and made a part of this bill;

That the said James Key has conveyed to the district school board, of Hardy District, of the County of Isle of Wight one acre of the said land, more or less, for the consideration of one hundred dollars, and has failed to account to your said complainants, or to the said Mary Elizabeth Wilson, nee for their proportionate shares in the said one hundred dollars;

That the said James Key has also sold timber off the said land to the value of four hundred dollars, and has failed to pay to your said complainants, or to those under whom they claim.

Your complainants allege, and so charge that the said property is susceptible of division in kind; but, that if the same cannot be divided in kind, that the interest of all parties entitled to share in the said land will be promoted by a sale of the whole and division of the proceeds.

In tender consideration whereof, and for as much as your complainants are remediless in the premises, save in a court of equity, they pray that the said James Key and _____ Key, his wife, and W. R. Cox, and Inez Cox, his wife, may be parties defendant to this bill, and required to answer the same; answer under oath being hereby expressly waived, as by the statute in such cases, made and provided; that the said W. R. Cox be compelled to make an accounting for any waste done to the said land, and especially for any piling, timber or wood re-moved from the said land; that the said James Key be compelled to account to your said plaintiffs for two-thirds of the one hundred dollars received from the sale of the acre of land, more or less, conveyed to the District School Board of Hardy District, Isle of Wight County; and that he also be compelled to account to your said plaintiffs for two-thirds of all monies received from the sale of any piling, timber or wood from the said land; that a survey

be made of the said tract of land, including the said twelve acres now claimed to be owned by the said W. R. Cox; that all proper decrees and orders may be entered, and inquiries directed; that proper process issue; that a reasonable fee be allowed your complainants' attorney for his services in this cause, and that all such other, further and general relief may be granted your complainants as the nature of their cause may require, or to equity, shall seem meet.

And your complainants will ever pray.

B. P. Chapman
Complainant,

Florence D. Chapman
Complainant.

By Lawrence

E.H.Williams, p.q.

B. P. CHAPMAN, ET UX.,

VS) IN CHANCERY,

JAMES KEY, ET ALS.

B I L L

2nd September Rules 1917
Proas returned & ordered
Continued for Dec

3rd September Rules 1917
Proas found down in

2nd October Rules 1917
Defendants not
appearing. Cause
set down for hearing

ERNEST H. WILLIAMS
Attorney-at-Law
SMITHFIELD, VIRGINIA