

1890-011

Nansemond Co. (Suffolk) Chancery Causes: Commercial Bank of Suffolk for etc vs A. L. Nelms

Ellis

At a Court held for Nansemond County, the day of  
, 188 , this bond was executed and acknowledged in open Court by  
the obligor to the same, the securit justifying, and ordered to be recorded.

Teste:

*[Faint, illegible handwritten text, possibly a signature or date]*

Costs

Chk	\$10.00
Exp: Southwester	50
Att: May	16.50
Comm: in Ch. VII M	6.00
	<hr/>
	\$33.00

Jno R Kitchen R E Johns + A L Adams -

\$114.<sup>25</sup> 2 July 1885 -

Costs \$9.<sup>26</sup>

That certain lot of land on the West  
side of Grace Street in the Town of  
Suffolk Va, fronting forty feet on  
said street and running back  
West to the line of the Suffolk  
Lumber Co's Railroad and  
being forty one feet on the Western  
boundary, is bounded on the North  
by the lot of Lycurgus Rose,  
on the East by Grace Street on  
the South by the lot of Abner  
A R Jones and on the West  
by the line of the Suffolk  
Lumber Co's Railroad.

The Commercial Bank of Suffolk for the Plaintiff

vs  $\Sigma$  In Chy:

N. L. Melius.

Defendant

Statement of Costs.

Clerk.	\$10:00
Att: Fay	14.50
Shff: (Southampton)	50
Comm: in Chy (W. J. K.)	6.00
	<u>\$33:00</u>

Teste:

Peter B. Rentis. Clerk

Statement of Costs

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Statement of Costs

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CHANCERY SUMMONS.

**The Commonwealth of Virginia,**

*Southampton*  
TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *A. L. Nelson*.

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 *September* next to answer a

*Bill in Chancery, exhibited against him*  
in the said Court by *The Commercial Bank of Suffolk*  
(for the benefit of *Sydney T. Ellis Trustee*).

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this *26<sup>th</sup>* day of *August*, 188*6*, in the *111<sup>th</sup>* year of the Commonwealth.

Teste:

*Peter B. Prentis* Clerk.

Not finding the Defendant A L Nelson at his usual place of abode, the within summons was Executed by delivering to his wife a true copy of the within summons and explaining the Purport of the same. Sept 4<sup>th</sup> 1886.

W. H. Barrett Deputy  
For J. S. Barham Sheriff

Printed by  
The Commercial Bank &  
S. M. K. (for the benefit of  
George J. Ellis, Orator)  
at S. M. K.'s City  
A. L. Nelson  
To W. H. Barrett, 1886  
Morseman & Co. Co.

Fee 50<sup>cts</sup> Postage enclosed

No. 18 No. 1  
City Co.



Know All Men by These Presents, That we, *Robert R. Prentiss*  
and

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of *three hundred (300)* DOLLARS, to the payment whereof, well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our, and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. ~~Sealed with our seals, and dated this \_\_\_\_\_ day of \_\_\_\_\_ in the year one thousand eight hundred and eighty \_\_\_\_\_, and in the \_\_\_\_\_ year of the Commonwealth.~~ The obligors herein hereby waive all benefit of the homestead exemption as to the obligation of this bond, and also waive any claim, right or privilege to discharge any liability arising under said bond in any currency, funds, counter claims or offsets other than legal tender currency of the United States. *Sealed with our seals and dated this \_\_\_\_\_ day of \_\_\_\_\_ AD, 1887, and in the \_\_\_\_\_ year of the Commonwealth.*

THE CONDITION OF THIS OBLIGATION IS SUCH, That if the above bound

*Robert R. Prentiss,*

~~was, by a Decree of~~  
who ~~this day qualified before the~~ *Circuit* Court of Nansemond County, pronounced on the *10th* day of *April* 1887, in the Chancery Cause of *The Commercial Bank of Suffolk* (for the benefit of *Sydney J. Ellis, Trustee*), Plaintiff against *R. L. McLean* Defendant, appointed a Special Commissioner to sell certain Real Estate, in said Cause described shall faithfully discharge his duties as such Commissioner, under said Decree or any future Decree that may be entered in said Cause,

~~shall faithfully discharge the duties of his said trust,~~ then the above obligation to be void, or else to remain in full force and virtue.

Executed in presence }  
of the Court.

*Peter B. Prentiss, Clerk*



Robert R. Prentiss, Sll  
Commr:

To: S Bond  
Commonwealth

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*[Faint, illegible handwritten text]*

*[Faint, illegible handwritten text]*

To  
The Commercial Bank of Suffolk  
(for the benefit of Sydney J. Ellis Trust-  
tee). . . . . Complainant

and  
A. L. Kelms. . . . . Defendant

You are hereby notified that on the 16th day of February 1887  
at my office, in Suffolk, Va., (at which time and place you are required to attend), I shall take, state and  
settle the following accounts which are to be taken, stated and settled and reported to Court in pursuance of the  
decree of the Circuit Court of Hanseman County, Va., rendered the 11th  
day of October 1886 in the suit in chancery pending in said Court to which you  
are parties plaintiff and defendant, to wit:

1. An Account of the amount of the  
Complainant's judgment and all other  
liens upon the real estate in the Bill  
in said suit described with their  
priorities

2. An Account of the annual and  
fee-simple value of said real estate.

Given under my hand, as Commissioner in Chancery of said Court, this 5th day of  
February 1887

WILBUR J. KILBY,  
Commissioner in Chancery.

Legal and sufficient service of the within  
notice is hereby acknowledged. -

8 Feby. 1887

Robt. M. Curtis,  
Counsel for complainant

16 July 1887.

To the Circuit Court of Chauce-  
mond County, Va.

In pursuance of the decree  
of said Court pronounced on the  
11th. day of October 1886 in the  
suit in Chancery in said Court  
depending between The Commercial  
Bank of Suffolk (for the benefit  
of Sydney J. Ellis, Trustee), Com-  
plainant and A. L. Kelms, De-  
fendant; the undersigned, Wil-  
bur J. Kilby, one of the Commis-  
sioners in Chancery of said  
Court, respectfully reports to  
Court that after the papers  
in said suit had been re-  
ferred to him for the purposes  
stated in said decree, he  
gave the parties to said suit  
notice that on the 16th. day  
of February 1887 at his office  
in Suffolk, Va. he would pro-  
ceed to take, state and settle  
the accounts required by said  
decree to be taken, stated and  
reported to Court, a copy of which  
notice is hereto annexed.

In pursuance of said notice

the said Commissioner has taken and stated said accounts and submits the result as follows:

Account No. 1

An Account of the real estate in the Bill in said suit mentioned and described showing its fee-simple and annual value:

The said real estate consists of a lot of land situated on the west side of Grace Street in the Town of Suffolk in said County fronting on said Street forty (40) feet and bounded on the North by the lot of Lycurgus Rose, on the East by Grace Street, on the South by the lot of Alice A. R. Jones and West by the Railroad of Suffolk Lumber Company, its fee-simple value being = \$ 150 00 and its annual value nothing. It is a vacant lot consisting largely of hill-side, and was sold and conveyed by A. L. Telus and wife to Adolphus S. Eley by deed dated 25 Sept. 1886 and recorded 2 Octo. 1886.

Account do. 2

An Account of the Judgment of said Complainant against said A. L. Kelms and of all other liens upon the above-described lot of land showing their priorities;

The only lien upon said lot of land is that in favor of said Complainant by virtue of said Judgment which was obtained against said A. L. Kelms prior to the sale of said lot of land by him to said Adolphus S. Eley as stated above.

The said Judgment was obtained in the Circuit Court of Chaussemond County on the 15th. day of April 1886 against J. R. Kitchen, Rob. E. Kelms and said A. L. Kelms jointly and was docketed in the Clerk's office of the County Court of said County on the 17th. day of April<sup>1886</sup>; the principal sum thereof being =

Interest from 2 July 1885 to 2 March 1887, - 1y. 8m.

Costs of suit at Law

Total

\$	114	25
	11	43
	9	20
	134	88

Respectfully submitted this 16th. day of February 1887  
 Fee \$6.<sup>00</sup>  
 Wilbur J. Kilby, Counr.

The Commercial Bank  
of Suffolk for etc.

vs. } In Chy.

A. L. Kelms

Report of Liens on  
the real estate of  
A. L. Kelms etc.

16 Feby. 1887

1887. March 31. Filed  
dk



INSURE WITH  
The Mutual Life of New York.

RICHARD A. McCURDY,  
President.

11. 15

114.25-  
5-1/2

5-7.12  
5-7.25-  
28.56

65-6.93

11.43

114.25-

132.24  
780

1204.44  
19

124.63

INSURE WITH  
**The Mutual Life of New York.**

RICHARD A. McCURDY,  
 President.

50. 33.20  
 42.20 9.20  
42.20  
87.80.

114.25-  
 15-1/2

57.12  
 57.125-  
 114.25-  
 28.5-6

1799.43

114.25-

132.24  
 7.80

124.44

124.44  
 19  
124.63

The Commercial Bank of Suffolk for &c.

v.  
A. L. Nelms. -

This cause came on this day to be further heard upon the papers formerly read, and upon the report of Commissioner Wilbur J. Kilby, made in pursuance of the decree pronounced in this cause at the October Term, 1886, which report is dated the 16. day of February 1887 and was filed the 31. day of March 1887, to which no exceptions have been taken, and was argued by counsel.

On consideration whereof the Court doth in all respects ratify, approve and confirm the said report, and doth adjudge, order and decree that Robert R. Huntis, who is hereby appointed a Special Commissioner for the purpose, do proceed to sell the real estate in these proceedings described, at public auction, after having first advertised the time place and terms of such sale for two weeks successively in some newspaper published in Suffolk, Virginia, or in such other manner as may be deemed expedient, upon the

following terms, to wit: ~~Cash~~ ~~and~~ ~~the~~ ~~residue~~ in  
one third cash and the residue in  
two equal instalments payable in  
three and six months from the day  
of sale - the purchaser to give bonds  
~~beginning interest~~ for the deferred payments - the title to  
be retained until the further order of the  
Court, or if the purchaser elect to  
do so the whole of the purchase money  
may be paid in cash. - The said Special  
Commissioner is directed to deposit the  
money received by him, after first paying  
the costs of this suit and sale, in the  
Farmers Bank of Havermond and  
he shall make report to Court. -  
But before the said Robert T. Prentiss,  
Special Commissioner shall advertise the  
said land for sale he is directed to  
execute a proper <sup>with good personal security</sup> bond before the Clerk  
of this Court in the penalty of \$300<sup>00</sup>  
conditioned for the faithful discharge  
of his duties under this or any future  
decrees that may be entered in this  
cause, and a copy of the certificate of  
the Clerk showing that the said bond  
has been executed shall be appended to  
the advertisement of the sale of directed  
by this decree.

Commercial Bank of  
Suffolk for 70

11 Dec 1884  
for Sale.

A. L. Nelson. —

Entered 11 April 1884  
C. W. Hill.

Entered 013 for 123

The Commercial Bank of Suffolk (for the  
benefit of Sydney J. Ellis, Trustee)

A. L. Holmes -

This cause which has been  
regularly matured and set for hearing  
at rules according to law, came on this  
day to be heard upon the Bill (and the  
Exhibit therewith filed) taken for confessed  
as to the defendant on whom process has  
been duly served, he 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 this cause  
be referred to one of the Commissioners  
of this Court who is directed to take,  
state and report to the Court:

1. The amount of the ~~plaintiff's~~ complainant's  
judgment and all other liens upon  
the real estate in the bill described  
with their priorities. -
2. The annual and fee simple value of  
the said real estate;

Together with any other matters specially  
stated deemed pertinent by the Commissioner  
or required by any party interested to be  
so stated. -

Commercial Bank of Suffolk

for \$

11  DECEMBER

A. L. Adams -

Entered 11. Octo. 1886.

Geo. Brown

Trasq.

Entered 675 No 2 p. 97  
Oct 11 1886

Circuit Court of Nansemond County.

The Commercial Bank of Suffolk for &c.

vs.

A. L. Nelms -

On the motion of the complainant this cause is dismissed  
and ordered to be stricken from the docket.



Commercial Bank for &c.

vs. Order of dismissal

A. L. Neams

Enter April 11th. 1890.

*Entered Chancery  
Order Book  
No. 321*

A judgment obtained in the Clerk's Office of  
the Circuit Court of Nansemond County, and confirmed  
at a Court held and closed for the said County, on  
Thursday, the 15th day of April, 1886.

The Commercial Bank of Suffolk

(For the benefit of Sydney J. Ellis, Trustee) Plaintiff.

Against  $\frac{2}{3}$  In Debt on protested negotiable note.

John R. Kitchen, R. E. Nelson and A. L. Nelson. Defendants.

The judgment obtained at the Rules not having been  
set aside, and the Plaintiff being now entitled to a  
final judgment: it is therefore considered, that the  
plaintiff recovers against the defendants, One  
hundred and fourteen dollars and twenty five cents,  
The debt and charges of protest, in the declaration

mentioned, with interest thereon at the rate of  
six per centum per annum, from the 2nd day of  
July, 1885, till paid, and its costs, by it, about its  
suit, in this behalf expended.

And the said Defendants, in Mery de.

A Copy

Teste:

Peter B. Prentiss, Clerk

Costs  
Clerk \$4.20  
attor's 3.50  
shff. bond 50  
" of wt. 50  
" Touchamp 50  
\$9.20

Fi. Fa. April 17th  
1886.

Do. do.  
April 17th  
1886.

The Commercial Bank  
of Suffolk for the  
vs E Exhibits  
A. L. Nelson

The Commercial Bank of Suffolk (for  
the benefit of Sydney J. Ellis Trustee)

A. L. Helms -

To the Honorable George Blow,  
Judge of the Circuit Court of  
Hansemond County:

Complaining sheweth to the Court  
your complainant The Commercial  
Bank of Suffolk (for the benefit of  
Sydney J. Ellis Trustee) that ~~he~~ it recov-  
ered a judgment for \$114.<sup>25</sup> with  
legal interest thereon from 2 July 1885  
and \$9.<sup>25</sup> costs against John R. Kitchen  
R. E. Helms and A. L. Helms in the  
Circuit Court of Hansemond County at  
the April Term 1886. - An extract of said  
judgment marked Exhibit is herewith  
filed and the complainant prays that it  
may be read as a part of this bill. -  
Of this judgment no part has been paid.  
The said A. L. Helms owns a certain  
lot of land on the West side of  
Grace street in the town of Suffolk Va.  
fronting forty feet on said street and  
running back West to the line of the  
Suffolk Lumber Company's railroad and  
forty-one feet on the Western boundary

bounded North by the lot of Lycurgus Rose,  
East by Grace street, South by the lot of  
Alice A. R. Jones and West by the land  
of the said Railroad Company. -

Your complainant avers that the rents  
and profits of the said land will not  
in five years satisfy your complainant's  
judgment, and that it is entitled to  
enforce the lien of the same by a sale  
of the said property. -

In tender consideration whereof your  
complainant prays that the said A. L.  
Helms may be made a defendant to  
this bill and required to answer the  
same, that proper process issue, that  
all proper decrees may be made and  
enquiries directed, that if it shall  
appear that the rents and profits of said  
real estate will not in five years satisfy  
the said judgment that the said real estate  
be sold and the proceeds thereof applied  
in satisfaction of the said judgment; -  
and that all such other, further and general  
relief may be given your complainant as the  
nature of the case may require or to  
equity shall seem meet. - And your complainant  
will ever pray &c.

Robt. H. Dentis  
P. q.

The Commercial Bank of Suffolk  
(on the behalf of Sydney J. Ellis, Trustee)  
by Counsel.

C. G. Chy.  
Museum

Pentis

Commercial Bank of

Suffolk for 70

11 Bill &  
Exhibit -

A. L. Nelson -

The Commercial Bank of Suffolk, Inc. &c

20<sup>th</sup> } Chy. Notes

A. L. Nelson

1886. August 26<sup>th</sup>: Summ<sup>d</sup> in Chy: issued to Septo: Ruled. 1886

" Sept: 15<sup>th</sup>: Bill de filed - & Decree nisi 20<sup>th</sup> defendant

" Octo: 4<sup>th</sup>: Decree nisi: confirmed & cause set for hearing on 20<sup>th</sup> of Pl<sup>ff</sup>: Counsel

" " 11<sup>th</sup>: Decree for Acco<sup>s</sup>

1887. March 31<sup>st</sup>: Report filed

" April 11<sup>th</sup>: Decree for sale

Chy Notes

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*[Faint, illegible handwritten notes on the right page]*



Provis. p 9

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Chancery Papers

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The Commercial Bank  
of Suffolk, for &c  
Against

A. L. Nelsons  
1890

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April Term  
Final Decree

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Wm. S. ... Co.

Cost

Oil	\$10.00
Wax	16.50
Soft	50
Wax	6.00
	<hr/>
	\$38.00