

1881-007 Chancery Causes: Frederick T. Vail
Isle of Wight County

Petition of A.

vs Thomas W. Simmons & Richard H. Randolph, Trustee
W. Ballard & al

Folder 1

F. T. Vail vs R. H. Randolph, T. W. Simmons & Ann H. Simmons

Other SURNAMES: Goodridge,
Graves, Young, Binford,
Charles, Latimer, Uguhart,
Pretlow, Summerell, Waddill,
Wilson, Thomas, Goodrich

F. J. Vail et al.

v.

In chq.

R. H. Randolph trustee et al.

An account of the loss on the resale of
the land sold by Commissioner R. H.
Randolph in these proceedings mentioned.

1871

Sept. 4	Nett sales of land	667 1 7
	Interest thereon from Sep. 4 th 1871 to the 11 th of Jan. 1875	133 4 9

1872

Jan. 4	Nett amt. on resale of land	800 96
	Loss on resale of land with interest from 11 th Jan. 1875	369 12
		\$131 8 4

A further account of the liens now existing upon the said lands of F. J. Vail, whether existing under the deed of trust executed by the said Vail, or by judgments.

Balance due on the debt
herebefore reported as due to
Thomas W. Simmons wife,
now held by George W. Wilson
assignee of said Simmons,
as shown by assignment &c.
herewith filed -

203 24

Int. thereon from 16 July 1873 to the
20th Octo. 1876.

39 75 242 99

Am't. of lien by the deed of trust. \$242 99

paid in
full

Series by judgment.

1 Judgment of Ro. Bieford adm.
of William Bieford as reported
by Ann. Atkinson by her rpt.
of 3^o Jan. 1873. 246.56

Pd. in full

Ant. paid thereon through

R. S. Thomas 214.71

3185

Int. from Apr. 19/73 to Oct. 20/76

6 68 38 53

judgment as shown by said report due

2 J. W. Simmons & Ann St. his wife
amounting to 238.29

less ant. paid by R. N.

Pd. in full

Randolph draft on

Geo. W. Wilson 148.00

9029

Int. from 19. Apr. /73.

18 96 109 25

2 Portion of said judgt. due Geo.

Pd. in full

W. Wilson, paid by him or above

148 00

Int. thereon from 19 Apr. /73

30 08 178 08

3 Judgment of A. W. Ballard spw: of
Gay reported as above 155.93

less ant. paid thro. R. S. Thomas 135.29

2064

10 11/77/3. 27/2

Int. thereon from 19. Apr. /73

4 33 24 97

3 A. P. (Gentry) judgt. reported as above

222 47

Int. on \$120.80 port. from 19. Apr. /73

25 36 247 83

7/10/77. Paid
by J. W. D. 203.25
" Educ. 38.00
Total 241.25

4 R. N. Randolph judgt. reported

3836 56

Int. on \$2999.21 from 19. Apr. /73

629 83 4466 39

\$5065 05

	Amt. brought on	5065 05		
1	C. D. Urquhart gov. of N. H.			
	Urquhart tax. reported as before	3763 42		
	Int. on \$1500.00 from 19 Apl. /73	315 00	3078	42
5	J. B. & S. Peltow Esq. of Danvers			
	Judgment. reported as before	555 15		
	Int. on \$300.00 from 19 Apl. /73	63 00	618	15
6	Levin S. Charles judge. rptd. &	377 28		
	Int. on \$291.00 from 19 Apl. /73	61 11	438	39
7	R. W. Saterius judge.	175 26		
	Int. on \$80.93 from 19. Apl. /73	17 00	192	26
			\$9392	27

Commissioners Office Isle of Wight Co. Va.
 September 1st. 1876.
 To the Circuit Court of Isle of Wight Co.
 Pursuant to a decree of said Court
 rendered on the 2d day of October
 1875 in a suit therein depending be-
 tween L. L. Vail et als. plaintiffs. and
 R. H. Randolph Trustee et als. defrs.
 directing a Commissioner of said
 Court to take settle and report first
 an account of the loss on the resale
 of the land sold by Commissioner
 R. H. Randolph in the proceedings
 mentioned. and second a further
 account of liens now existing upon
 the said land whether existing under
 the deed of trust executed by the said

F. T. Vail or by judgment, together with any matters specially stated deemed pertinent by himself or required by any of the parties to be so stated. Your Commissioner reports to the Court that on the 30th day of November 1875 he issued notices to the parties interested that he had fixed upon the 20th day of January 1876 to take and settle at his office the accounts so required, and requiring them to attend; which notices were duly acknowledged and returned to your Commissioner. That on the day so fixed upon the parties plaintiff appeared and laid before your Commissioner evidence touching said accounts and for reasons appearing the taking of said accounts was continued and remained continued until the date of this report at which time further evidence having been laid before your Commissioner, he made up and completed the foregoing accounts "A" and "B". Account "A" shows that the loss on the resale of the land amounts to \$431.84 with interest thereon from the 4th day of January 1875 till payment.

Account "B" shows the amount of liens upon the lands of F. T. Vail.

to be \$9392.27 of which the lien
by deed of trust is of first priority
and amounts to \$242.97 with in-
terest on \$203.24 part thereof, from
the 20th day of October 1876 till
payment - that the balance on the
judgment of Robert Binford admi-
or William Binford amounts to
\$38.53 with like interest on \$31.85
part thereof, and is of second
priority - that ^{the portion of} the judgment of
L. H. Simmons and wife now held by
the said Simmons amounts to \$107.25
with interest on \$90.29 part thereof
from the same time - that the portion
of the said judgment of Simmons
and wife now held by George W.
Wilson amounts to \$178.08 with
like interest on \$148. part thereof
and is of third priority - that the
judgment of R. H. Ballard a figure
amounts to a balance of \$24.97
with like interest on \$20.64, and
is of fourth priority - that the
judgment of H. P. Young amounts
to \$247.83 with like interest on
\$120.80 part thereof, and is also
of fourth priority - And that ^{the} judg-
ment of R. H. Randolph amounts
to \$4466.39 with like interest on
\$2999.21 part thereof - that the
judgment of C. F. Cleghast adu-

R. F. H. Uigahart et. als. amounts to
\$3078.42 with like interest on \$1500.
that the last two judgments are
of fifth priority - that the judg-
ment of J. B. and D. Pretoro v. vrs.
of Summell amounts to \$618.15
with like interest on \$300. part
thereof - that the judgment of
Lewis S. Charles amounts to \$438.39
with like interest on \$291. part thereof
and that the judgment of R. H.
Latimer amounts to \$192.36 with
like interest on \$80.93. the last three
judgments are of the sixth, seventh,
and eighth priority respectively.
At the request of R. F. Leaves
counsel for J. L. Vail and G. W. Wilson
your commissioner reports especially
from evidence before him, that all
interest held by J. H. Simmons under
the deed of Trust from said Vail
in the proceedings mentioned, has
been assigned to George W. Wilson
(see assignment "A" herewith filed)
and further that the judgments
now existing on the land of said
Vail were obtained subsequent to
the marriage of the said Vail
with M. J. his present wife -
At the request of R. S. Thomas who
represents parties interested, your

Commissaries further reports
speciaily that in order to secure
the balances due on the judgments
herein reported of Binford Adams
and Ballard assignee, George
F. Wilson has made an assign-
ment of his interest in the trust
fund under the deed of trust which
had been assigned to him by said
Debtors herein before mentioned.

Given under my hand as a
Commissary of the said Court
the day and year first aforesaid.

Deputy Commissary J. H. Kim.

A. J. Young Comm.

Comm. fee \$24.00

Shff. fee 1.50

\$25.50

Vail
v. ³/₃ In clif.

Randolph et al.

Report of Com. Gung
under De. of Octo./75.

Sept. 1st 1876 Filed

In the Circuit Court of Sec of High County
Oct 22nd 1875

J. J. Vaile &c. Plffs
vs. } In chancery
R. H. Randolph trustee J. H. Simmons & als. Defts

Extract of Decree

The Court doth adjudge order and decree that
one of the Commissioners of this Court do take
oath and report to Court the following ac-
counts

1st. An account of the loss on the resale of the
land sold by Commissioner R. H. Randolph
in these proceedings mentioned
2^d. A further account of the liens now exist-
ing upon the said land, whether existing
under the deed of trust executed by the said
J. J. Vaile or by judgment, together with
any matters specially stated deemed
pertinent by himself, or required by any of
the parties to be so stated

Wm

A. J. Young Cll

Extract of Dec 8
Copy

F. T. Vail & Co.

vs.

Randolph Bush & Co.
"

Oct. term 1875

Nov. 30 1875

within 30 days

Jan 1 76

Cont in Chap

Continued

Know all men by these presents that I, Thomas
W. Sumner in my own right and in right of my
wife Ann H. Sumner formerly Goodrich do by
these presents sell transfer and assign all of
my right, title and interest in and to a certain
deed of Trust (which ~~was~~ made by Dr. F. D. Vail
to Es. A. Graves Trustee to secure the payment
of three notes of about \$885 each for the purchase
of a certain tract of land in State of Wright County
Containing about 840 acres formerly owned by
Dr. W. Goodrich deceased) to Geo. W. Wilson who
has this day paid me the sum of \$203²⁴ with
Int. from July 16/73 the entire balance due on
said three notes for said purchase And I do further
by these presents grant unto the said Wilson all
of the rights to which I am entitled under said
deed with all powers accruing under the same
to me - Given under my hand this 24th day of Decr
1873 -

Thos. W. Sumner

State of Va. County of Isle of Wright tenth.

J. W. D. Fock

a Justice of the Peace in and for said County & State
do certify that Thos. W. Sumner whose name is signed
to the foregoing Deed of Sale appeared before me
in my County appeared and acknowledged the same
to be his act and deed - Given under my hand
this 24th day of Decr 1873

J. W. D. Fock. J.P.

Know all men by these presents that I, George
W. Wilson do hereby ^{assign} to ~~George W.~~ A. W. Ballant
assignee of J. P. Gay and to Robert Binford
all of my rights titles and interests in
and to this Debt of Trust together with all
of my rights at-law and equity - to enforce
the same as a collateral to secure the
payment of the sum of ~~Four~~ Hundred
and one dollar, with my hand
and seal this 29th day of December A.D. 1874

Geo. W. Wilson

Jan 4th 1875. By cash on the above assignment -
one hundred and fifty-five dollars

R. S. Thomas

Jan 13th 1875. By cash on the above fifty-five dol-
lars. R. S. Thomas

Jan 25th By cash on the above One hundred and one
dollar R. S. Thomas

Summers

To J. B. Ballant

Wilson

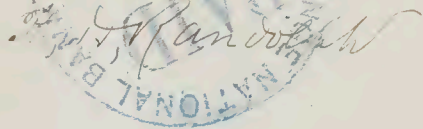
R. S.

Smithfield Feb 21, 1874

At Sig^{ts} pay to the order of Geo R. Atkins Cashier for. J. W.
Simmons One hundred and forty eight dollars and
oblige^d frnd friend

To

Mr Geo W Wilson
Norfolk Va



0

Pay to Geo. W. Bann J. Cashier
as Cashier's Collection for Account of
the Farmers & Merchants Bank
of New York

Geo. W. Bann J. Cashier

Received of George W Wilson Two
hundred and three 24/100 dollars in full
of my right title and interest in the deed
mentioned in a power of attorney and bill
of sale made with even date hereunto
by the said Geo W Wilson
Smithfield Decr 24/73 }

Thos H. Simmons

Thomas W. Simmons

To Receipt

George W. Wilson

\$203²⁷ Paid Dec
24th 1873

R. J. Turner has received from Ward to be distributed
to the judgment of Penford & Ballard \$350.⁰⁰
which has been paid to them as follows

To Penford on day of	18	\$190.18
+ Held for Ballard		119.82
do do		<u>15.47</u>
		<u>\$350.00</u>

To receive the balance of the trust of Penford
& Ballard they hold as of part of the trust
of trust which was assigned by Turner to Penford
& by bond to the same Penford & Ballard

Mr. Thomas Munn

Dear Sir

Rec^d of Geo^l Wilson fifty dollars in part payment
of my interest sold him this day by Bill of Sale
dated with a m date herewith in and to a certain
deed of trust now held by me against the land
of D. F. Vail in which R. A. Randolph is now
the substituted trustee in the place of Dr. A. Granger
deceased and I hereby authorize the said R.
A. Randolph to credit the same upon the
Trust. deed Bill of Sale
Smithfield Dec. 24/73.

3
mmmm

Thos W. Garrison

208 00

55 00

\$148.00

Report Specially at request of Prof. Vail &
Geo. W. Wilson My Term, 1884. that by reason
before came it appears that said person
is the son of George W. Spillinger
has been under the care of Dr. T. C. Anderson and
further that all physicians agree something
is wrong with said ^{subject} ~~person~~ to be
examined with the best of the wife.

See into the family, whether or not
Randolph is in any way connected with the

9029

21

18058

1896.09

148

21

148

286

30.08

2064

4128

4.3344

12080

24166

253686

$$\begin{array}{r} 299921 \\ 599842 \\ \hline 629.83.41 \end{array}$$

$$\begin{array}{r} 8098 \\ 16186 \\ \hline 1699.8-3 \end{array}$$

$$\begin{array}{r} 1500 \\ 3000 \\ \hline 315.00 \\ 3000 \\ 600 \\ \hline 63.00 \end{array}$$

$$\begin{array}{r} 291 \\ 582 \\ \hline 61.11 \end{array}$$

Know all men by these presents that I Tho^s
Simmons, in ~~my~~ own right and in right of ~~my~~
Wife Ann S. Simmons formerly Goodrich do
by these presents constitute and appoint R. F. Gung
my true and lawful Attorney to act for me
in my stead as if I were present and consenting
to make a Transfer to Geo. W. Wilson of all ^{of my} right
title and interest in and to a certain deed
of trust executed by D. F. Vail to Jos. A. Graves
Trustee (in whose place R. A. Randolph has been
substituted since Graves death) to secure the
payment of three notes \$885⁰⁰ each (or thereabouts)
the same being for the purchase of a certain tract
or parcel of land in the County of Isle of Wight
Containing 840 acres and formerly belonging to
Jno W Goodrich deceased ~~two of which~~ and
on which said Bonds there is a balance due
of \$20 3²⁴ with int from July 16th 1873 on the three
jointly and which said Amount was this day
paid me by the said Wilson the receipt of which
is hereby acknowledged and I do further by these
presents fully authorize and empower my said Attorney to
do any and every thing necessary in the premises to make
said transfer to the said Wilson of the said deed of Trust
above described fully by these presents ratifying and confirming
each and all of his acts in the premises - In testimony whereof
I have hereunto set my hand and seal This 24th Day of Decr. 1873
Tho^s W. Simmons

State of Virginia
County of Isle of Wight Dist

I W D Foltz

a Justice of the Peace in and for said County and
State do certify that Tho^s W Summors whose name
is Signed to the foregoing power of Attorney personally
appeared before me in my County aforesaid and
acknowledged the Same Given under my hand
this 24th day of Dec 1873.

Wm D Foltz J P

Wm D Foltz

that the bond of

the said sum by

Wm D Foltz do

in the sum of

one hundred

and no more

to the said

Wm D Foltz

for the sum of

one hundred

and no more

to the said

Wm D Foltz

for the sum of

one hundred

and no more

Wm D Foltz

for the sum of

one hundred

and no more

to the said

Wm D Foltz

for the sum of

one hundred

and no more

to the said

Wm D Foltz

for the sum of

one hundred

and no more

to the said

Wm D Foltz

for the sum of

50
203 24
25

65

318

148

444

444

444

444

444

444

444

To the Hon Geo. Blinn Judge of the Circuit
Court of the State of W. Va. in Chancery sitting

The
undersigned thro' ~~the~~ counsel R. T. Graves and
agents to a certain sale made by L. B. Edwards
Sheriff of said County in the suit of Vail vs. Randolph
^{on the 4th day of October 1875}
under a decree pronounced at the term of your
Hon. Court for the following reasons to wit:-

First That said sale was made without authority of
of the undersigned Geo. W. Wilson assignee of
Thomas. W. Simmons who held the first and
binding lien on the land of the said R. T. Vail
under a certain deed of trust executed by said
Vail to Jos. A. Graves Trustee to secure the
payment of certain bonds due to Dr. W. Goodrich
deceased for the purchase of the land in the
proceedings mentioned by the said Vail which
said ~~deed~~ ^{deed} was by the said Simmons transferred
and assigned to the said Geo. W. Wilson for a
valuable consideration as appears from the various
receipts given to the undersigned copies of which
are herewith filed as a part hereof and that after
the undersigned had purchased the interest of the
said Simmons, he became possessed of all the
legal rights and benefits held and possessed by the
said Simmons, and that if the sale was made in
obedience to a decree of your Hon. Court the same
in equity could only have been made so as not

to interfere with the rights held by the said Simmons
under the said deed of Trust (a copy of which is filed
in the proceedings mentioned) and which were so
assigned as aforesaid granting unto the undersigned
the control of the said land held by the substituted
Trustee R St Randolph after the death of the said
Graves and that as your undersigned never
ordered the sale to be so made nor did Simmons
whilst he possessed the legal right and if made
at all the sale should have been made for cash
enough to pay off and satisfy the deed of Trust
before the judgment creditors could have any rights
under the deed and that the sale so made by L B
Edward^{Sheriff} on the 21 day of October 1878 for cash enough
to pay costs and expenses of sale and the balance
in time for one two and three years is utterly
subversive of the rights of the undersigned as he
purchased of Simmons for cash and is entitled
to be reimbursed in cash as the said M
Simmons held the first and only title to the said
land he having married Ann St Goodrich the only
child of Mrs W Goodrich deceased for whose
sole benefit the deed was made to his Goodrich
personal representative to secure the bonds executed
by the said Dr F J Vail for the purchase money
of the said land, and the undersigned further
says that as he never empowered or authorized the
Trustee or any one else to make sale of the said
land that his rights ought to be respected in a
Court of equity to amount of his purchase, and as the
deed under which the sale so made was in
opposition to rights of M Simmons which were assigned

to the undersigned as aforesaid as by said sale
under said deed he will be obliged to wait
for the term of three years before he can receive
the ~~rights~~ amount due Simmons and thus to the
undersigned which is utterly ruinous to the
interest held by the undersigned, the said sale
having been made in opposition to his wishes
and contrary to his legal rights and therefore
the sale so made being oppressive to the rights
of the undersigned ought to be annulled and
set aside and that should your Hon Court order
a resale the cash payment should be enough
to pay off and satisfy your undersigned interest
in cash and not on a credit as the amount
due on the purchase has long since been due and
payable and by granting so long a time as one
two & three years the undersigned will be greatly
damaged and therefore he prays of your Hon Court
to interfere and not confirm the sale made by
L B Edward Sheriff as aforesaid, because he says
that should said sale be confirmed the undersigned
will be greatly hurt & damaged and having
thus fully set forth his petition prays to be dismissed
without costs &c

Oct 15/78

John W. Wilson
by R J Grant
his atty

Wilson

To { Exception to
Sale made of
land in the
Sect of Vail
vs Randolph
being confirmed

Vail re —

V. { Exceptions

Randolph Tr. re

Deco. 21st 1875 filed

To the Circuit Court of Isle of Wight County.

Pursuant to a decree of the said court rendered on the 22^d of Octo. 1845, in the suit of Tail vs. Randolph trustee et al. a copy of which decree is herewith filed, The undersigned as commissioner has withdrawn from the clerk of the court the bonds of Isaac N. Jones & James A. Turner for \$123.⁰⁴ each and collected the amount due thereon which, with the interest included to 4th of Jan. 1846 amounts to the aggregate sum of \$391 26 out of which he has, as directed by the decree, paid to Geo. W. Atkinson att. fee

And to R. N. Randolph in part of the money advanced by the said Randolph to J. W. Simmons on his debt secured by the deed of

20 10. *Pro Atkinson*

\$391 26 \$391 26

Your commissioner reports further, that he has made to the said Isaac N. Jones a good & sufficient deed with special warranty, for the land sold as directed, also, by said decree.

Given under my hand as commissioner as aforesaid this 12th day of April, 1846.

R. N. Randolph

Vail
v. 3 Chap.

Randolph trusts that

Right of Collections &c
made under deed
of Octo. 1845. by
R. N. Randolph.

Tail sale.

v.

3 In Chancery.

Randolph, Ginnam vs.

Pursuant to a decree of the Circuit Court of Isle of Wight County rendered in the above cause on the 8th day of Octo. 1874, the undersigned commissioner reports to the said court that after duly advertising the time and place of sale as directed by the decree, he offered to sale at auction before the court house door of said county on the 7th day of December last, the land directed to be sold by him, being a portion of the lands of said T. T. Tail known as the "Warm Tract", containing by estimation 290 acres more or less. That at said sale or offer, there was bid for said land only three hundred dollars, which not being deemed by your commissioner equal to three fourths of the assessed value thereof, the sale was stopped and adjourned until the 4th day of January, 1875. That being court day, on which last day your commissioner again offered the said land for sale at auction at the same place, when Isaac N. Jones being the highest bidder, became the purchaser of said land at the price of \$400.00 that being three fourths of assessed value.

in the estimation of your commission,
as compared with the balance of said
bills paid and the value of its shipment
in the whole -

\$400.00

From which amt. shown
deducted the costs since
the first sale, To wit:

Clerks fee ----- \$7.32

Shuff. fee for seeing deems &c. 1.56 1/2
8.88

Expenses Spec. Enail:

Comm. on \$300.⁰⁰ @ 5% 15.00

Do. " \$100.⁰⁰ " 2% 2.00

Criers fees paid &c. &c. 5.00 \$1.88

Leaving net sales . . . \$369.12

For which I have taken the
three bonds of said Isaac & John
with J. A. Turner

security for \$123.04 each payable
in one, two or three years from the
4th of Jan. 1875, with interest from
date, making . . . \$369.12

Which said bonds are herewith filed
together with the receipts for costs paid.

Given under my hand this 8th day of
January, 1875.

W. H. Randolph Comr

To the Circuit Court of Isle of Wight County.

The undersigned Commissioner, respectfully submits the following report, supplemental to the foregoing Report made by him on the 8th of Jan'y, 1845. viz: That his opinion of the value of the land sold, as shown by said report, is based on the fact, that the said 290 acres were a part of the whole tract of 840 acres offered to S. S. Vail at \$1450.⁰⁰ but in that portion of said 840 acres upon which there are no buildings, and composed of old field, very poor, & barren land from which the prime timber has, nearly all, been cut and sold, whereas the remainder of the 840 acres, has upon it buildings, and is composed of the tillable land, and good orchards, and is in the estimation of your Council, worth per acre, at least twice as much as the 290 acres sold. The undersigned submits herewith, the affidavit of

and to sustain his
opinion of the value of said land, and which he asks to be considered as a part of this Report.

Respectfully submitted the day of
1848.

Received April 11th 1896, of A. J. May
Clerk of the Circuit Court of Lee of Wright
County, the three bonds of J. A. Jones &
James A. Turner for \$123.⁰⁴ each which
were filed in this report.

R. H. Randolph Comr

Vail
3 Rpts. of
resale
Randolph Co.

Feby. 8th 1895. filed

To the Circuit Court of St. Louis County.

Pursuant to a decree of the Court rendered on the 21st. day of April 1873, in a suit therein depending between T. J. Vail plff. and R. H. Randolph & Co. Simonson & Co. defrs. authorizing the undersigned Commissioner to receive from the Clerk of the said Court the two bonds of Henry Birdsong & Sidney Birdsong and Felix J. Ellis for \$222.19 each, payable on and two years from the 4th day of Sept. 1871, with interest from the date, and to collect the same & Your Commissioner reports to the Court that after strenuous efforts to collect said bonds, which he received from the Clerk. he has been unable to do so. That he has not instituted suit on said bonds because he was satisfied that the obligors had not estate sufficient to make the amount due thereon and it would only have increased an additional expense without availing any thing. He therefore, most respectfully suggests, a recall of the bonds. Given under my hand this 15th day of May 1874,
R. H. Randolph

Trail 2/3 Reporth
m. 3
Randolph 1st.

May 25th 1894
filed.

222. $\frac{49}{100}$

Three Years from date with Interest from date. We Henry Birdsong and Joseph H. Chapples as Principals and A. S. Birdsong and Felix J. Ellis as Sureties promise to pay to R. H. Randolph Trustee, Two Hundred and twenty Two Dollars and Forty nine Cents, We hereby waive the benefit of "our Homestead Exemption" as to this obligation.

Witness our hands and Seals, this 4th day of September 1871.

H Birdsong

Seal
Seal
Seal

A. S. Birdsong

Seal

Felix J. Ellis Seal

3^o Bond.

Vail

vs

Simmons

This cause this day came on to be again heard on the papers formerly read, on the report of Commissioner P. R. Atkinson under the decree herein of Oct- Term 1871, & the report of R. H. Randolph Commissioner of Sale under the decrees herein of May Term 1870 & April Term 1871. It was argued by counsel, on consideration whereof, the court doth adjudge order & decree that said reports to which no exceptions were filed be confirmed & that the clerk of this court deliver to R. H. Randolph, on his ^{Trustee under the deed of trust in these proceedings mentioned} filing his receipt therefor the two Bonds of Henry Birdsong & S. Birdsong, for \$222.49 each payable respectively one & two years from the 4th day of September 1871 with interest from that date, which bonds the said R. H. Randolph ^{is} hereby authorized & required to collect & after paying out of the proceeds thereof the unpaid costs of this suit including of an attorney's fees of \$50.00 to C. B. Hayden for his services in this cause, pay the balance thereof to T. W. Simmons in part satisfaction of the debt due him from F. T. Vail in these proceedings mentioned. Taken &

Rec^d. June 2nd 1873. of the Clerk of the Circuit
Court of Schofield County, the two bonds named
in the within decree, directed to be received and
Collected by me. R. H. Randolph, Trustee

Paul

10

~~Paul~~
Randolph &

Rough clearance

April Term 1873

To be entered

Dec 13 1873

Entered

his receipt therefor return the same
with his report to court of his proceedings
under this decree -

In Schofield Circuit Court, Octo. 21st 1871.

F. T. Vail

Plffs.

vs.

{ In Chancery

R. H. Randolph & T. W. Simmons & al. Defts.

This cause, in which it is suggested that Ann H. Simmons wife of T. W. Simmons is a party in interest in these proceedings, on her motion she is made a party defendant to this suit. Came on this day to be again heard on the papers formerly read, on the Report of Commr. G. R. Atkinson under the decree herein of April Term 1871. the Report of R. H. Randolph Comr. of sale under said decree, & on the petitions of A. W. Ballard, T. W. Simmons & wife, M. P. Young, R. Binford, R. H. Randolph Lewis S. Charles, Rich^d. H. Seaton, J. B. Urquhart guardian of Margaret W. Urquhart, J. D. Pretlow & S. D. Pretlow Executors of Wm. H. Sumnerell, & was argued by Counsel: on consideration where the Court confirming said Reports to which no exceptions were filed, doth adjudge & order & decree that unless within Sixty days from the date of this decree F. T. Vail pay the balance due under the deed of trust as shown by Comr. G. R. Atkinson's Report herein, the injunction be dissolved as to the remainder of the land conveyed by the Deed of Trust in these proceed-

ing mentioned, & that the said R. H. Randolph Trustee under said Deed of Trust, sell the remainder of said land conveyed by said Deed, at the Court House door of this County on some Court day, after having given at least twenty days notice of the time & place of sale by advertisement at the Courthouse door of this County on some Court day, and by advertisement once a week for four successive weeks in the "Norfolk Virginian" a newspaper published in the City of Norfolk, previous to the day of sale, & at other public places in ^{the} said County, on a credit of one, two and three years in equal payments, with interest from date, taking for the credit payments bonds with sufficient security payable to himself as trustee, return the same to Court with his Report of his proceedings under this Decree, And the Court doth further adjudge, order & decree that the petitioners aforesaid be made parties defendants to this suit, and that a Com^r of this Court take an account of the petitioners liens & all other liens on said land of the transactions of said R. H. Randolph as trustee under the Deed of Trust aforesaid, which accounts he shall take settle & report to Court, with any matters specially stated, deemed pertinent

by himself, or required by the parties to be so stated, But this Decree is to be suspended as to said Sale, until the said trustee shall execute in the Clerk's office of this Court a bond with sufficient security, in the penalty of \$1500.00 Conditioned for the faithful performance of this, or any future decree herein, payable to the Commonwealth of Virginia, and if such bond is not given within Sixty days from the date of this Decree, and a sale should be necessary, that the Sheriff of this County sell on the terms aforesaid,

Attest.

Teste,

A. S. Youngblood.

F. J. Vail

vs. { Copy of
Decree

Randolph v. -

Oct. Cir. Ct. 1871,

S. R. A.

T. W. A.

86881
8666
8048

Commonwealth of New Hampshire
November 27th 1871

H

H T Bail

Plaintiff

And

Richard W Randolph, Thomas W Simmons and Ann W his wife, A W Ballard
A P Young, Robert Benford, Lewis P Charles, Richard W Letimer, James B Wygant
guardians of Margaret A Wygant, and J B Patton and C W Patton executors of
William W Sumner

Defendants.

You are hereby notified that I have filed upon the 9th day of February, next of year, if not
upon the next fair day (except Sunday or legal holiday) to take and settle at my said office
1st An account of the petition now being and all other claims on the estate conveyed by the deed of
Trust in the proceedings mentioned, 2nd An account of the transactions of said A W Ballard
as trustee under the deed of Trust aforesaid, required to be taken by a decree of the Court
of said County rendered on the 21st day of October 1871 in a suit in Chancery
depending in said Court between H T Bail plaintiff and Richard W Randolph in his own
right and as trustee of said H T Bail, Thomas W Simmons and Ann W his wife, A W Ballard
A P Young, Robert Benford, Lewis P Charles, Richard W Letimer, James B Wygant guardians
of Margaret A Wygant, and J B Patton and C W Patton executors of William W Sumner
defendants, at which time and place you are required to attend,

Whereunder my hand is a certificate in Chancery of said Court the
day and year first aforesaid

Wm R. Peterson

I acknowledge service of the within title

Richard H. Randolph, Thomas H. Simmons
and wife, M. Ballard, A. P. Spring, Lewis S.
Charles, and Richard H. Randolph.

By C. B. Hayden their Attorney—
77 Vaile

Vaile

As

Randolph Vaile

Commissary of the

(A)

An account of the liens of the petitioners, Richard H Randolph, Thomas H Simmons and wife and others, and all other liens on the land which was conveyed by F T Wall to Joseph A Graves trustee, by this deed dated October 1st 1847.

Balance due Thomas H Simmons and wife on the lands secured by said deed, as shown by Commissioner's report of September 12th 1871. 818 48
Interest thereon from October 8th 1869 to April 19th 1873 173 38

991 86

Judgement Liens

	Date of Judgment		
1 Robert Bedford adms of H ^{on} Bedford.	May 30 th 1867	142 84	
Interest from December 17 th 1861 to April 19 th 1873		77 15	
Costs.		4 57	21, 4 56
2 Thomas H Simmons, Adm ^r of H ^{on} H ^{on} wife Balance due	Nov 4 th 1867	191 13	
Interest from October 8 th 1869 to April 19 th 1873		40 48	
Costs		4 68	238 29
3 A M Ballard assignee of Sarah May	March 4 th 1868	82 00	
Interest from July 4 th 1869 to April 19 th 1873		47 80	
Costs		6 08	155 93
3 A P Spring	March 4 th 1868	120 80	
Interest from March 11 th 1860 to April 19 th 1873		94 99	
Costs		4 68	222 47
4 Richard H Randolph	October 21 st 1868	279 21	
Interest from September 1 st 1868 to April 19 th 1873. Costs		837 35	3836 56
4 L F Wagoner guardian of F Wagoner and others	October 21 st 1868	1500 00	
Interest from May 4 th 1869 to April 19 th 1873		1206 20	
Costs		7 17	2763 42
			7463 23

Amount brought forward		7443 23	7463 23
5	W Bilton & D Bilton Executors of W H Sumner's estate.	May 18 1869	300 00
	Interest from July 4 th 1869 to April 19 th 1873		248 25
	Costs		6 90
			555 18
6	Leff Charles	August 6 1869	291 00
	Interest from May 10 th 1867 to April 19 th 1873		103 74
	Left this sum paid January 1 st 1858		24 20
	Costs		79 54
			6 74
			377 28
	Richard H Latimer	1871	80 93
	Interest from December 23 rd 1852 to April 19 th 1873		8 68
	Left this sum paid January 1 st 1858		4 35
	Costs		94 33
			178 26
			8871 82

(B)

F. T. Vail

1870

May 18 In account with Richard H. Randolph his trustee
 Hunt. due C. B. Hayden attorney for filing answer to bill 28 00

Commissioners of the Court
 January 3rd 1873

5th Circuit Court of the State of North Carolina

Pursuant to a decree of the said court rendered on the 21st day of October 1871 in a suit in chancery depending therein between F. T. Vail, plaintiff, and R. H. Randolph and J. W. Minniss and others, defendants, the undersigned one of the commissioners in chancery of said court to whom was referred for settlement by said decree, 1st An account of the petitioner's liens and all other liens on the land of the said F. T. Vail in the proceedings mentioned.

and I will account of the Transactions of said R. H. Randolph as trustee under the deed
of trust in the proceedings mentioned, before the court that on the 24th day of November 1871
he paid notices to the parties aforesaid requiring them to attend the settlement of said
accounts at his office & appeared on the 9th day of February next thereafter, while notices
were returned to your commission ~~with~~ an acknowledgment of service by the said par-
ties or by their attorney, that the said parties not appearing in obedience to said notices the
taking of the said accounts was continued from day to day and from time to time until
the date of this report when he stated the foregoing account, marked A, of the relations Lewis
and all other liens on the said which was conveyed by said F. T. Vail to Joseph A. Brown, by
deed dated October 4th 1847, and finds that there is due to Thomas H. Winslow and wife
on the 17th day of April 1873 a balance of \$791.86 of the debt secured by said deed, of which
balance \$818.48 is principal and \$173.38 is interest, and that the judgment liens on
said land with interest thereon to April 17th 1873 and each amount to \$3571.82. The
said judgment liens are numbered 1, 2, 3, 4, 5, 6, 7, according to their priority No 1 being the
oldest judgment and No 7 the latest. Your commission also stated account marked
B, of the transactions of Richard H. Randolph as the trustee of the said F. T. Vail and finds
a balance of \$25- due by the said F. T. Vail to the said Richard H. Randolph on the 18th day of
May 1871.

From and among hand an commission in charging of said court the day and year first
aforesaid

Geo. R. Sturges

I am employed in taking & reporting
the foregoing accounts to the court \$6.50

Tail

3 } Commencement
at } Report

Randolph & Co

Jan 3rd 1873

Jan 3rd 1873 - filed

To the Circuit Court of Isle of Wight
County, Your Commissioner reports
to the Court that pursuant to the
unreversed decree in the suit of Vail
vs. Simmons & others he has offered
the land in said decree mentioned
for sale at six different times
at the place mentioned in said
Decree, and only succeeded in ef-
fecting a sale on the 4th day of
September 1871, being Court day at
Isle of Wight Courthouse, after having
given notice required by said decree
when Henry Birdsong being the high-
est bidder became the purchaser for
the sum of \$750. of which amount
he has paid the sum of \$75. in part
of the Cash payment, but owing to
an accident of the breaking of his
leg he has been unable to further
comply with the terms of sale
but your Comm^r has no reason
to doubt but that he will do so as
soon as he is able to get out
all of which is respectfully submitted

R. H. Randolph Com^r

Lat
n. 3 Rept. of Sole
Randolph

Oct. 14. 1891
J. L. D.

Isle of Wight 20 June 1st 1869 -

Recd of R. N. Randolph Trustee Seven
Hundred & fifty dollars being the amt due this day
upon a Contract - between L. J. Vail. G. W. Waddell
& J. W. Simmons in which R. N. Randolph is Trustee
J. W. S. D. D.

J. W. Simmons

J. H. Simmons
Rect to
Randolph House

Oct 8th 1869 Recd of R. D. Randolph Trustee Five
Hundred dollars in part of the Sept paymt due
by G. M. Waddill as per contract - for Number
\$300.

Geo. W. Dorr

J W Simmons

to

Receipt

R H Randolph Trustee

An Account of the Amount due to the debt secured by the bond of bond from T. T. Bail
to Joseph A. Graves, Trustee, dated October 1st 1847.

One bond payable January 1st 1856, on which interest has been paid
to February 2nd 1847. 885 86 ²/₃

One bond payable January 1st 1851 on which interest has been
paid to February 2nd 1849. 885 66 ²/₃

1771 33

Interest thereon from Feb^y 2nd 1847 to June 1st 1849. 33 13

1816 1, 6

Cash paid by R. T. Randolph Trustee under agreement of Feb^y 1st 1849 the
trustee G. W. Marshall and T. T. Bail, on June 1st 1849 of \$500, on each bond 608 00

Balance due June 1st 1849. 1198 46

Interest from June 1st 1849 to October 8th 1849. 25 36

1223 82

Paid by R. T. Randolph Trustee under agreement referred to October 8th
1849 being \$200, 47 on each bond. 405 34

Balance due October 8th 1849. 818 1, 8

Interest to October 19th 1849 99 72

918 20

(B)

An account of the sums of money received by Richard H. Randolph trustee under the agreement between Fth Pail and George W. Waddell, and paid to Thomas W. Simmons, and the payable amounts thereof applied to the bonds secured by the deed of trust, and the judgment of said Pail to said Simmons.

Cash received of Geo. W. Waddell and paid to Thos^W Simmons June 1st 1869 750 00
Do " " Do " " " Do October 8th 1869 500 00

1250 00

One bond payable January 1st 1850.

885 11 $\frac{1}{2}$

Interest on same from February 2nd 1869 to June 1st 1869.

17 56 $\frac{1}{2}$ 903 23 304 00

One bond payable January 1st 1851

885 11 $\frac{1}{2}$

Int from February 2nd 1869 to June 1st 1869

17 56 903 23 304 00

Judgment in County Court of Ill. of Wight

413 67

Interest from February 2nd 1869 to June 1st 1869.

8 20 421 87 142 00

2228 33 750 00

Balance of bond payable January 1st 1850, on June 1st 1869

599 23

Interest to October 8th 1869.

12 68 611 91 202 67

Balance of bond payable January 1st 1851, on June 1st 1869

599 23

Interest to October 8th 1869.

12 68 611 91 202 67

Balance of Judgment on June 1st 1869.

279 87

Interest to October 8th 1869.

5 92 285 79 94 66

1509 61 500 00

Balance of Bond payable Jan^y 1st 1850 on Oct^{ber} 8th 1869

409 24

" " Do " Jan^y 1st 1851 " " " "

409 24 818 48

" Judgment. " " " "

191 13

Interest on judgment to Oct^{ber} 19th 1871

23 28

214 41

Rebilled amount
paid during
33 $\frac{1}{8}$ percent

Rebilled amount
paid during 33 $\frac{1}{8}$
percent

Commissaries Office, Springfield
Sept 12th 1871

To the Circuit Court of Sec of Wright County

Pursuant to a decree of the said Court rendered on the 19th day of April 1871 in a suit in chancery depending therein between Frederick A. Wall plaintiff and Richard H. Randolph and Thomas W. Simmons, defendants. The undersigned one of the commissaries in chancery of the said Court who was required by said decree to ascertain the amount due from the said F. A. Wall to the debt secured by the deed of trust in the proceedings mentioned, reports to Court that on the 1st day of August 1871 he issued notices to the parties interested for a day of the 1st day of September 1871 at his office as the time and place for carrying the said accounts & accounts, notice of which notice was acknowledged by the said parties or by their attorneys; and that in pursuance of this report your commissaries stated and completed the foregoing account marked A. of the amount due on the debt secured by the said deed of trust and find that the said debt amounts to the sum of \$918.²⁰ on the 19th day of October 1871. of which \$818.⁴⁵ is principal and \$99.⁷² is interest. In stating this account your commissaries have taken the bonds, the endorsements thereon and the receipts of the defendant Simmons to the defendant Randolph for money paid under the agreement between George W. Haddell and the parties to this suit of February 2nd 1869. as the basis of calculation. The defendant Thomas W. Simmons having, by his answer, and by endorsements on the said bonds, admitted the payment of the interest thereon up to February 2nd 1869. your commissaries have deemed it proper to announce the calculation of the said debt from that date. because the said ^{endorsements and} acknowledgements are for a larger amount than the receipts of the said Simmons for interest paid by the said Wall up to that date which are filed as exhibits with the said Wall's bill, should have been paid by him, and the said receipts for interest filed as of record, with the exception of the sum of one hundred and forty nine dollars and ten cents paid that day of February 1869. are of date prior to that said February 2nd 1869, and the consideration of the said bond is shown on its face to have been interest. This last fact taken in connection with the above agreement of February 2nd 1869 comes to your commissaries to prove that the said note was given

for the balance of interest due as well on the judgment referred to in said agreement as the interest
on the said bonds up to that day. Your commissioner has allowed as credits to the debt incurred by
the said deed of trust, a payment of \$608.⁰⁰ being \$304 on each bond made as of the 1st day of June
1869, and one of \$405.³⁴ being \$202.⁶⁷ on each bond made on the 8th day of October 1869, which
credits are endorsed on said bonds. In order to ascertain whether the said indebtedness was for the
correct sums and of the true date, your commissioner has stated an account marked B. of
the sums of money received by the said Richard H. Randolph as trustee under the agreement
between F. B. Bail and George W. Waddell, and paid to Thomas W. Simmons and the dateable
amount thereof applied to the bonds secured by the deed of trust and the judgment debt of
said Bail to said Simmons, and finds from exhibits filed with the plaintiffs bill, that the
said Randolph received from the said Waddell at various times the sum of \$750.⁰⁰ being the
first payment required by said agreement, which sum was paid by the said Randolph to the
said Simmons as of the 1st day of June 1869, and that the dateable amount of said sum to be ap-
plied to the payment of said debt secured by the said deed of trust was \$304.⁰⁰ on each bond and
one hundred and forty dollars to the said judgment, and that the said Randolph received
from the said Waddell on the 8th day of October 1869 the sum of \$500.⁰⁰ being the payment due by
said agreement on Sept 1st 1869, which sum was paid by the said Randolph to the said Simmons on
the same day, and that the dateable amount of said sum to be applied to each of said bonds
was \$202.⁶⁷ and \$94.⁶⁶ to the said judgment, having been each bond on the 8th day of October
1869, \$405.³⁴ making \$818.⁴⁸ ^{as shown by agreement &c.} on the said judgment, and that the interest on the
latter to October 19th 1871 is \$23.²⁸ making the amount due on the said judgment on the last named
date \$841.⁷⁶

Given under my hand as Commissioner of said court the day and year first above said

Geo. C. Schenck

Some employees not left there 11 hours 1/2

Paul

3 Commis. & short.

Randolph & Simmons

Octo. 2^d 1841. filed.

==

Oct. 2^d 1841. filed.
by the court.
as to the
of land by the court.

In Isle of Wight Circuit Court, April 19th 1841.

F. T. Vail

Plff.

vs.

{ In Chy.

J. W. Simmons & Rich^d. H. Randolph Defts.

This cause this day came on to be again heard on the papers formerly read, & on the report of R. H. Randolph Trustee under the decree herein of October term 1840, & by consent of parties so much of the said decree as directs the land therein mentioned to be sold for cash, is set aside, & that the said R. H. Randolph Trustee sell the said land at the Court House ^{door} of this County on some Court day after having advertised the same at the said Courthouse door on some Court day previous to the day of Sale, & at other public places in said County & by advertisement once a week for four successive weeks in the "Norfolk Virginian" a newspaper published in the City of Norfolk, on a credit of one two & three years in three equal payments, with interest from the day of Sale, except so much for cash as will pay the Costs of Suit & Sale, taking for the deferred payments three Bonds in equal amounts, payable to himself as Trustee, one two & three years from day of Sale, with interest from date, with sufficient security, & return the same with his report to Court of his proceedings under this Decree, And the Court doth further adjudge, order & decree that a Commissioner of this Court ascertain

and report to court the amount due from
H. J. Vail on the debt secured by the deed
of Trust in these proceedings men-
tioned,

Attest
J. P. Young, Clerk

H. J. Vail -

vs. { Copy of
Decree

Simmons et al -

Appl. Cir. Ct. - 1871.

Fee, 40¢

F. T. Wall

Commissioner's Office Southfield
August 1st 1871

Fredrick T Wall
against
Thomas W Summers and Richard H Randolph
In Chancery.
Plaintiff
Defendants

In the Circuit Court of Isle of Wight County
By a decree rendered in this cause on the 19th day of April 1871 the court doth order
that one of its commissioners do execute and report to court the amount due from
F. T. Wall on the debt secured by the deed of trust on the proceedings mentioned.

The parties interested are hereby notified that I have fixed upon the 1st day of September
next at my office in Southfield as the time and place for carrying the said de-
cree into execution.

Given under my hand as a commissioner of the said court the day and
year first aforesaid

Gro R. Thomson

The acknowledgment service of the within notice

A. H. Randolph

Le Mail

C. B. Haydens

Att for J. W. Simmons

J. J. Laie

17.

J. W. Simmons, & Co.

Exchequer

To The Circuit Court of Isle of Wight County

The undersigned Commissioner of accounts
in this cause under decree of May Term 1870 reports
that after due notice of the time & place of sale he
offering the lands directed to be sold, for sale at
October, November, Decr Jan'y & February Terms of
The County Court last, & that for want of bids
has been unable to sell said lands.

Given under my hand this 14th day of
April 1871.
Richard H. Hancock
Comr.

Vail
v. $\frac{2}{3}$ Report of
no sale.
Randolph sales.

In Blof Wright Circuit Court, May 17th 1840.

F. J. Vail

Plffs:

vs.

John Chancery

E. W. Simmons & R. H. Randolph

Defts:

This Cause came on this day to be heard on the bill of the Complainant & the answer of the defendant, & exhibits filed; and by Consent of the parties, it is adjudged and decreed that so much of the Duplication in this case as relates to that part of the real estate mentioned & embraced in the proceedings in this suit, contained in the following boundaries, namely: The tract of land known as the "Wrenn" tract containing two hundred & ninety acres, more or less, and bounded as follows, viz: on the South by the lands lately purchased by John W. Goodrich of Benja. Jones; on the North by the Cooper shop branch, running the North fork of that branch to the corner of Hickory Neck field, to a small Red oak, then ceasing a line of marked trees to the line of Geo. F. Wrenn to a pine a marked tree thence along said Wrenn's line to the Saw Yard Road. to the line of Geo. W. Carroll till it strikes the Jones' line, being a part of the land bought of Joel Hollenman Exor. of Gray Carroll, by deed dated the 12th of December 1843, & find-

duly recorded in the Clerk's office of Essexfright
County be dissolved. And that Richard H.
Randolph, trustee by substitution, at such
time as he may elect, shall on or after
the first Monday in September 1870, having
given due notice of the time of Sale
by advertisement in some newspaper
published in Norfolk & in such other
manner as he may deem proper, pro-
ceed to sell at public sale, before the Court
House door of Essexfright County, on some
Court day of said County, the above mentioned
& described tract of land, upon the following
terms, so much of the purchase money
as may be required to pay the costs and
charges attending the said Sale, and one
third of the net amount of the purchase
money in cash, which cash payment
the said Trustee shall pay to said Thos. W.
Simmons on account of his said trust
debt, the balance upon a credit of
Six & Twelve Months, in two bonds
with good & approved security, with interest
from the date thereof, and said Trustee
shall return the said bonds with his
proceedings under this decree to the
Court, and the Court, doth further or-
der that a Committee of this Court ascertain

Acres
100. Acres cleared
Canton

Sold forest -
adjoining to a house
Canton

Adjoining to house
Canton

and report to board the amount due on
said trust debt after crediting the cash
payment above

A. P. Young
Attorney,

A. P. Young, Clerk.

Ms. 30.

Vail
vs. } Copy of Decree
Simmons et als

May Cir. Ct. 1870,

James Baum Hope Edr.
The Virginian, a newspaper printed in the
City of Norfolk, in the State of Virginia, do
hereby certify that the order hereto annexed
has been published once a week for four suc-
cessive weeks in the newspaper aforesaid.

Given under my hand this 8th
day of Sept 1870 A. D. 187

James Baum Hope Edr.
187.

Cost of executing the said order, paid by the
above-named plaintiff, \$ 13.50

Advertising Rates, per square (10 lines nonpareil,) first insertion
75 cts, each subsequent insertion 37½ cts, or 50 cents when ordered on
alternate days.

PUBLIC SALE OF LAND!—

By virtue of the decree of the Circuit Court of
Isle of Wight, of May term, 1870, in the suit of F.
T. Vail vs. R. W. Simmons and R. H. Randolph,
I shall sell at public auction, at Isle of Wight
Courthouse, on

MONDAY, THE 5TH OF SEPTEMBER, 1870,
(being court day) the land in said decree mention-
ed, consisting of the tract of Land known as the

WREN TRACT!"

containing 200 (two hundred and ninety) acres,
more or less bounded on the south by the lands
purchased by John W. Goodrich of Benjamin
Jones, on the north by the 'Cooper Shop Branch,'
running thence north fork of that branch to the cor-
ner of 'Hickory Neck Field' to a small red oak,
thence along a line of marked trees to the line of
Jos. H. Wren to a pine, a marked tree, thence
along said Wren's line to the 'Saw Yard Road,'
to the place of George W. Carroll, till it strikes the
Jones line, being a part of the land bought of
Joel Holliman, executor of George Carroll, by deed
of the 12th of December, 1843.

Eighty acres of the above tract is open and has
been heavily matted and produces Grains Corn,
Wheat, Oats, and all the usual crops in com-
try. The land is well watered and abounds in
timber of good quality.

250,000 feet of Heart Pine and Oak Lumber, and
1,000 cords of Wood may be cut from the land,
leaving a sufficient quantity for building, fencing
and other purposes.

There is a small Apple Orchard on the place,
that will make four or five barrels of brandy, and
the soil is well adapted to Fruit Trees.

The land lies about two miles from "Burwell's
Bay," a public landing on James river, with
which it is connected by a first-rate, level county
road.

TERMS: Cash for the costs and charges of said
sale, and one-third of the net amount of the pur-
chase money. For the balance, two bonds in
equal amount, with good and approved security,
payable in six and twelve months from day of
sale, with interest from date.

No buildings will be sold with the place, but
there are on the place a small Dwelling, Stable,
and out buildings, which the owner has the right
of removing, and which he will sell very low.

R. H. RANDOLPH, Trustee.
For further particulars, enquire of R. H. RAN-
DOLPH, or Dr. F. T. VAIL, Smithfield, Isle of
Wight county, Va. au1-law4w

GLENNAN, RUFFIN & CO.

VIRGINIAN NEWSPAPER & JOB PRINTING OFFICE.

JOB PRINTING NEATLY AND
PROMPTLY EXECUTED.

Norfolk, Va., Aug 2nd 1870

Mr C. B. Stayden

To NORFOLK VIRGINIAN, Dr.

For Adz Sale of Land, Randolph Ins Co \$
6 cys 1 amt archs. 1350

Received Payment,

I, *James Bann Hoffe*

The Virginian, a newspaper printed in the City of Norfolk, in the State of Virginia, do hereby certify that the order hereto annexed has been published once a week, for four successive weeks in the newspaper aforesaid.

Given under my hand this *11th* day of *October* A. D. 1870

James Bann Hoffe
Dr.

Cost of executing the said order, paid by the above-named plaintiff, \$ *1350*

Advertising Rates, per square (10 lines nonpareil,) first insertion 75 cts, each subsequent insertion 37½ cts, or 50 cents when ordered on alternate days.

SALE POSTPONED TO MONDAY, OCTOBER 3d, 1870. ISLE OF WIGHT COUNTY COURT DAY.—By virtue of the decree of the Circuit Court of Isle of Wight, of May term, 1870, in the suit of F. T. Vail vs. F. W. Simmons and R. H. Randolph, I shall sell at public auction, at Isle of Wight Courthouse, on

MONDAY, THE 3D DAY OF OCTOBER, 1870.

(being court day) the land in said decree mentioned, consisting of the Tract of Land known as the

"WREN TRACT!"

containing 290 (two hundred and ninety) acres, more or less, bounded on the south by the lands purchased by John W. Goodrich of Benjamin Jones, on the north by the 'Cooper Shop Branch,' running the north fork of that branch to the corner of "Hickory Neck Field," to a small red oak, thence along a line of marked trees to the line of Jos. F. Wren to a pine, a marked tree, thence along said Wren's line to the "Saw Yard Road," to the line of George W. Carroll, till it strikes the Jones line, being a part of the land bought of Joel Holleman, executor of Gray Carroll, by deed of the 12th of December, 1843.

Eighty acres of the above tract is open and has been heavily manured and produces finely, Corn, Wheat, Oats and all the usual crops of the country. The land is well watered and abounds in marl of a good quality.

250,000 feet of Heart Pine and Oak Lumber, and 1,000 cords of Wood may be cut from the land, leaving a sufficient quantity for building, fencing and other purposes.

There is a small Apple Orchard on the place, that will make four or five barrels of brandy, and the soil is well adapted to Fruit Trees.

The land lies about two miles from "Burwell's Bay," a public landing on James river, with which it is connected by a first-rate, level county road.

TERMS: Cash for the costs and charges of said sale, and one-third of the net amount of the purchase money. For the balance, two bonds in equal amount, with good and approved security, payable in six and twelve months from day of sale, with interest from date.

No buildings will be sold with the place, but there are on the place a small Dwelling, Stable and outbuildings, which the owner has the right of removing, and which he will sell very low.

R. H. RANDOLPH, Trustee.
For further particulars, enquire of R. H. RANDOLPH, or Dr. F. T. VAIL, Smithfield, Isle of Wight county, Va.

se10-law4w

GLENNAN, RUFFIN & CO.

VIRGINIAN NEWSPAPER & JOB PRINTING OFFICE.

JOB PRINTING NEATLY AND PROMPTLY EXECUTED.

Norfolk, Va., Sept 15th 1870

Mr C. B. Hayden

TO NORFOLK VIRGINIAN, Dr.

For *Arg Postponed Sale of Wren*
Tract Randolph Master, 6 yrs interest, 13.50

Received Payment,

Glennan, Ruffin & Co., Prop'r's.

Virginian Newspaper and Job Printing Office.

Norfolk, Va., July 29th 1871

M^r C. B. Hayden

TO NORFOLK VIRGINIAN, Dr.

For Printing 50 Bills, Sea Land
Randolph Master.

\$

2.50

Received Payment,

Glennan, Ruffin & Co.

Glennan, Ruffin & Co., Prop'r's.

Virginian Newspaper and Job Printing Office.

Norfolk, Va., July 25th 1871

Mr C. B. Hayden

To NORFOLK VIRGINIAN, Dr.

For Ad Sale of the Greenback Co's
1 Cent Wchs. \$ 13.50

Received Payment,

Glennan, Ruffin & Co.

Norfolk, Va.,

18

Mr C. B. Hayden

To NORFOLK VIRGINIAN, Dr.
Newspaper and Job Printing Office,

Every Description of JOB PRINTING Neatly Executed
and Satisfaction Guaranteed.

6 and 8 ROANOKE AVENUE.

1890

Aug 1	Acq Sale of Land Randolph Hester, 6 square (acres & more).	13 50
Sept 3	Acq Postponed Sale of the Same Land, 6 sq (acres & more).	13 50
Nov 5	Printing 50 bills of sale of the above.	2 50
		29 50

Rec Payment

from C. B. Hayden

by
Leman Ruffin Co.

R. A. Randolpht. En Comm.
1871. T. J. Clements Dr.
Capt. To selling Dr Vail Lane \$500
Redford.
T. J. Clements
C.C.

In Sale of Wright Circuit Court, April 19th 1874.

J. T. Vail.

Pltffs:

vs:

{ In Lhy.

J. W. Simmons & R. H. Randolph Defts.

This Cause this day came on this day to be again heard on the papers formerly read, & on the Report of R. H. Randolph Trustee under the decree herein of October Term 1870. & by Consent of parties, so much of the said Decree as directs the land therein mentioned to be sold for cash, is set aside, & that the said R. H. Randolph Trustee sell the said land at the courthouse door of this County on some Court day, after having advertised the same at the said Court House, on some Court day previous to the day of sale & at other public places in said County & by advertisement once a week for four successive weeks in the Norfolk Virginian a newspaper published in the City of Norfolk, on credit of one, two and three years, in three equal payments with from the day of sale, except so much for cash as will pay the costs of suit & sale taking for the deferred payments three Bonds in equal amounts payable to himself as Trustee 1, 2 & 3. years from day of sale, with interest from date, with sufficient security & return the same with his report to Court of his proceedings under this decree, & the Court doth further adjudge, order & decree that a Commissioner of this Court, ascertain & report to Court the amount due from J. T. Vail on the Debt secured by the deed of Trust in these proceedings mentioned. A Copy.

Teste W. J. Young Clerk.

70 The Honorable George Blow Judge of this
Circuit Court of Law & Chancery for the Co
of Lee of Wight in Chancery sitting

The undersigned special Commissioner under
The Annayed decree of said Court of May
term 1870 in the suit of F. J. Vail vs Thos
W Simman, do hereby report to this Court that
pursuant to said decree he advertised the
(Warrant Tract) in said decree mentioned for
sale at Public Auction at Lee of Wight
Court House on Monday the 3rd Sept 1870
as directed by said decree but your Comm^r
being sick was unable to attend the sale on that
day & the same was postponed & re-advertized
for sale at the same place on Monday the 3rd
day of Oct 1870 when the same was offered
for sale but a sufficient amount not being
offered the said sale was postponed for several
successive days with the same result.

Your Comm^r being of opinion that the
failure to sell was owing to the cash
payment required by said decree and that a
sale could not be made upon the terms of said
decree & so reported to the Court, at the April
Term of 1871 of said Court - a decree was entered
in said cause a copy of which decree is herewith
annayed directing the sale of said land on
a credit of one, two, & three years in three
equal payments, with interest from day of sale

Except so much for Cash as would pay the cost of
 Suit & Sale, Your Comm^r therefore
 advertised the said land for sale in accord-
 ance with the terms of sd decree on Monday
 the day of 1871, ^(being of day) When a
 sale was not affecting for want of bidders
 & your Comm^r was not able to make sale
 of said land until Monday the 4th day of
 Sept 1871 being County Court day when
 H. Birasong, being the highest bidder became
 the purchaser of said tract of lands for
 seven hundred & fifty dollars of which he
 paid \$82.53 in cash & for the balance gave
 with A. S. Birasong & Felix J. Ellis as sure-
 ties three bonds for \$222.49 each payable
 respectively one two & three years from the day
 of sale with interest from that date
 which bonds are herewith returned

The cash payment of \$82.53 may apply
 to the payment of the cost of suit & sale as per

Statement A

Clerk, fees \$.03, Shiff Lee & Wight .30	\$7.53
Retained to pay shiff Prince Geo Co	50
Auctioneer	5.00
Printer for advertising 1 st sale tract & handbills	29.30
" " " 2 nd " " handbills	16.00
Com ^r at 5¢ cent on \$300 -	15.00
" " 2 " 4.50,	9.00
	\$82.53
Carried Over	

Am't of cash payment bro't up
Bond at one year for 222,49.

\$82,33

do 21 " 222,49

" 3 " 222,49

667,47
\$750,00

Am't of sale of Land

The receipts of said parties for 1st payments -
are herewith filed,

All of which is respectfully submitted

Signed R. H. Randolph, Trustee

Vail
vs

~~Simmons vs~~
Randolph vs

Report of
R. H. Randolph under
decrees of May Term 1870
& April Term 1871

Apr. 21. 1871 filed

1st Two bonds delivered to
R. H. Randolph per
his receipt, on copy
decrees filed herein.
W. P. G. May cl

On the 2nd day of October 1875 before me George Robinson a com-
missioner in chancery of the Circuit Court of Ill. of Wright County
personally appeared William A. Noble who being duly sworn
deposed and said that he is the agent of lands in the County of Ill.
of Wright and that he has recently offered the tract of land of 290 ^{acres}
sold by R. A. Randolph Commissioner in the Court of said or Randolph Co.
in said court, for the purpose of Taxation for \$235- And the sum of
\$400- ~~for which the said~~ land was sold was more than three
fourths of its appraised Value W. A. Noble Agent

Subscribed before me on the day and year aforesaid
Geo. Robinson

667.47²⁰
135.19.50

The Commonwealth of Virginia,

Prince George

TO THE SHERIFF OF ISLE OF WIGHT COUNTY, Greeting:

We command you to summon J. W. Simmons & Richard A.

Randolph —

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 April
next to answer the Bill of infraction of F. T. Vail

a plea of _____ for \$ _____ Damages, \$ _____ And have
then there this writ.

Witness, CHARLES H. HART, Clerk of our said Circuit Court, at the
Courthouse, the 23rd day of March 1870, in the 99th
year of the Commonwealth.

C. H. Hart, Clerk.

F. T. Vail

vs: { Summons to answer
Bill of injunction

J. W. Simmons

Loa Apl: Rules 1870

Civ. Court.

Cooper p. q.

Executed by delivering
a copy of the within
Summons to defendant
this 31st day of March 1870

Mo Therman
Loft Shaffer

David W Therman
Sheriff

The object of this writ is to injoin the defendant A. H.
Kandolph from selling the said tract of land under
the said advertisement or any other in the proceedings
mentioned until the further order of the Court, and
for the purposes in the bill mentioned.

Teste

W. H. Stark Clerk

The Commonwealth of Virginia,

TO THE SHERIFF OF ISLE OF WIGHT COUNTY, Greeting:

We command you to summon *J. W. Simmons and Richard
H. Randolph*

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 *April*
next to answer *the Bill of injunction of F. T. Vail*

a plea of _____ for \$ _____ Damages, \$ _____ And have
then there this writ.

Witness, CHARLES H. HART, Clerk of our said *Circuit* Court, at the
Courthouse, the *23^d* day of *March* 187*0*, in the
year of the Commonwealth.

C. H. Hart clk.

The object of this suit is to enjoin the defendant
 R. D. Randolph from selling the said tract of land
 under the said advertisement or any other in the
 proceedings mentioned until the further order of
 the court, and for other purposes in the bill mentioned.

Teste
 C. H. Hart clerk

J. S. Vail

3 copies to
 J. Am. Pic. of
 Wm. W. W. W.

J. W. W. W. W. W.

To Capt. W. W. W. 1870

circ. et.

Chapman for

John S. Vail
 For 7 Dec 1870

Specified by Return a true copy of the
 within seen to R. H. W. W. W. on the 23rd
 day of March 1870

To the Honorable George Blount Judge for the Circuit
Court of Law & Chancery for Isle of Wight in
Chancery sitting)

The Answers of Thomas W.
Simmons & Robt. Randolph Trustees to the Bill of
Complaint, in said Court exhibited by F. J. Vail against
them;

These defendants saving & reserving all right of
exception, to the many errors & imperfections
in said Bill contained, for answer thereto
or to so much thereof as they are advised it is
material or necessary for them to answer
jointly & severally) answering say, that
they admit to be true the general allegations of
said Bill, of the execution of the Deed of Trust
therein mentioned by said F. J. Vail conveying
the land therein described to secure the
Bonds given for the purchase of the same
that Joseph A. Graves the original Trustee under
said Deed has departed this life & that Robt.
Randolph has been appointed Trustee in
his stead, & that the aforesaid Thomas W.
Simmons holds ^{two of said bonds} as Assignee thereof as charged in
said Bill. That besides the said two Bonds,
the said T. W. Simmons as Assignee thereof is
also the owner of a Bond given by said F. J.
Vail on the 1st day of January 1860 for
\$413⁶⁷/₁₀₀, on which Judgment has been
obtained in the County Court of Isle of Wight

County against the said F. T. Vail & R. H. Randolph the Surety to said Bond, which Bond was given to complete payment of the interest to that date on the Bonds secured by said Deed of Trust. That on the 2nd of February 1869, a settlement was had between the said F. T. Vail, & the said T. W. Simmons, in which settlement the said F. T. Vail paid all the interest, ^{then} due to that date on the two Bonds of \$885 ⁶⁶/₁₀₀ each mentioned in said Deed of Trust & the Bond aforesaid of \$413 ⁴⁷/₁₀₀, with the exception of the sum of \$149.10, for which amount the said F. T. Vail on the 6th of February 1869, gave to the said T. W. Simmons his Bond to complete the payment of the interest due on said three Bonds to the 2nd of February 1869, as aforesaid. That all the payments for which receipts are filed as exhibits with the Complainant's Bill prior to the 2nd of February 1869, are on account of interest on said three debts prior to that date, & the Bond for \$149 ¹⁰/₁₀₀ of the 6th of February 1869, paid off by said F. T. Vail, & filed as an exhibit with his Bill, is the Bond of the same date & amount aforesaid given to complete the payment of the interest due on said Bonds to the 2nd of February 1869 as aforesaid. That on the latter date there was due from the said F. T. Vail to the said T. W. Simmons

Exhibit
A

The whole principal money of said two Bonds
of \$885⁶⁶/₁₀₀ each & the Third Bond aforesaid of
\$413⁶⁷/₁₀₀, making the whole dool of principal money
on that date due your complainant \$2185.00.
On the 2nd of February 1869 the said Com-
plainant made an agreement with one
George McVaddill, with the consent of
these defendants as evidenced by their
signing said agreement (so such agree-
ment marked "A" with certificate of Record-
ation annexed is herewith filed & prayed to be taken
as a part of this Answer) by which the said
McVaddill was to cut from ^{the} land conveyed by said
Deed of Trust timber, & saw the same into lumber
at the rates in said Agreement specified, & the
proceeds of such sale of lumber were to be
applied to the payment of the three debts afo-
said amounting to \$2185.00, on the dates
& in the amounts set forth in said Agreement,
to wit \$750⁰⁰/₁₀₀, on the 1st day of June 1869, & then
payments of \$575⁷⁵/₁₀₀ each to be made respectively
on the 1st day of September & the 1st day of December
1869, & on the 1st day of March 1870; which four
payments amount to the sum of \$2295⁷⁵/₁₀₀,
being the aforesaid sum of \$2185⁰⁰/₁₀₀ with
interest. These Defendants aver that the
three Receipts filed as exhibits with said
Bill for \$200⁰⁰/₁₀₀ on May 3rd 1869, for \$500⁰⁰/₁₀₀ on
July 27th 1869 & for \$50⁰⁰/₁₀₀ on 2nd day of June

1869, signed R. H. Randolph Trustee were not made as erroneously charged in said Bill to said R. H. Randolph on account of said Two Bonds secured by said Deed of Trust but on account of the three debts aforesaid named in said Agreement, and in completion of the payment of \$75,000 required to be made under said Agreement on the 1st day of June 1869, & were made to said R. H. Randolph as Trustee or Receiver under said Agreement (as ⁱⁿ the said receipt is specially stated) and not on account of the two Bonds mentioned in said Deed of Trust, The said R. H. Randolph not having been appointed Trustee under said Deed until the 7th day of February 1870 as appears by said Complainant's Bill. The other receipt filed as an exhibit with said Bill of October 8th 1869 for \$500⁰⁰, also signed by R. H. Randolph Trustee was also made to him under said Agreement & was in part satisfaction of the payment due under said contract on September the 1st 1869, as expressed in said receipt & not as alleged in said Bill wholly on account of the Two Bonds secured by said Trust Deed

These Defendants allege as appears by said Agreement signed by the said F. J. Vail the aforesaid payments should be credited pro rata on the three debts aforesaid, to wit the three sums of \$500.00 paid June 2nd 1869 & of \$200.00 on May 3rd 1869 & of \$500.00 on July 29th 1869 the Receipts for which are filed with Complainant's Bill as aforesaid, being made on account & in discharge of the payment of \$750.00 due under said Agreement on June 1st 1869, though not promptly paid on that date, the said Thomas W. Simmons was willing to accept as a discharge of that payment, & has accordingly credited the two Bonds secured by said Deed of Trust with \$304.00 each on that date that being the pro rata share of the said Bonds of the said payment of \$750.00, the pro rata share of the other Bonds of \$413.00 being \$142.00, The pro rata share of the said Trust Bonds of the aforesaid payment on account of the September payment 1869, is \$202.66 each & said Bonds are accordingly credited therewith & the pro rata share of the third Bond of \$413.00 is \$94.66. The said Trust Bonds, with credits endorsed as above are herewith filed & prayed to be taken as a part of this Answer. These Defendants ~~do~~ deny that any

payments, have been made on account of said Trust Debt except as herein above alleged & admitted, & these Defendants therefore entirely & utterly deny the allegations of said Bill that only a small sum (less than \$500⁰⁰) is only due on said Trust Debt, but these Defendants allege that the true amount due on said Trust Debt, is the principal sum of \$885⁶⁶/₁₀₀ of each of said Bonds, with interest thereon from February the 2nd 1869 subject to the credits of or said on each of said Bonds of \$304⁰⁰/₁₀₀ on June 1st 1869 & of \$202.51 on the 8th day of October - 1869, leaving a balance due on each of said Bonds of \$402.54, on the latter date.

These Defendants further aver that no other payments have been made on said Bonds either by said Vail or by said Waddill, & the latter has ceased his operations under said Agreement & by so doing & by his failure to make the payments agreed upon & the prohibition of the said J. W. Simmons, has forfeited his right to resume the same, These Defendants deny that any of the reasons alleged in said Bill, are sufficient to enjoin said Sale & there is no reason why the said J. W. Simmons should not have the said Deed of

Trust enforced by the sale of the
property thereunder according to the
provisions of said Decree of Trust; wherefore
the said Defendant prays that the Injunction
granted in this cause be dissolved.
And These Defendants having answered
prayer to be dismissed with their
costs in this behalf expended, & they
will ever pray &c.

Thos. W. Simmons
(Signed) R. N. Randolph

County of Isle of Wight

This day personally appeared
before me Dixon W. Kitchen a justice for
the County aforesaid. Robt Randolph & Thos. W. Simmons,
whose answer is above written & made
oath that the statements contained in said
answer, so far as made of their own knowl-
edge, are true & that such statements as
are made therein from knowledge or infor-
mation derived from others they believe to
be true

Given under my hand this 16th day
of May 1870.

Dixon W. Kitchen J. P.

Vail.

v

Randolph Trustees

Answers
of
Rt. Randolph W. Simmons

Tail

^{vs.}
Randolph &c.

To the Circuit Court of Sale of Wright
County

Your Petitioners A. W.
Ballard, Thomas H. Simmons Ann H.
Suswife N. P. Young, Robert Binford, Rich^d
H. Randolph, Lewis S. Charles, Rich^d H. Latimer,
J. B. Urquhart-Adm. of Margaret A.
Urquhart & J. D. Psetlow & J. D. Psetlow
Executors of William H. Summrell
humbly represent to the Court
that they are Judgment Creditors
of the said F. T. Tail having judgment
liens on the land in these pro-
ceedings mentioned, subject to
the Deed of Trust thereon, certified
copies of which Judgments are
herewith filed that your Judgments
are wholly due & unpaid. Your Petitioners
therefore pray that they may be
made parties to the proceedings
of this suit, that an account may
be directed of their several
Judgment liens aforesaid, & of the
order of the same, & that in the
order in which they were obtained,
they may be paid out of any
surplus fund arising from the
sale of the land in this suit

mentioned, after satisfying the
debt secured by the deed of Trust on
said land,, And your Petitioners
will ever pray &c

A. W. Ballard

J. W. Simmons & wife

2. A. P. Young

Robert Binford

Richard H. Randolph

Lewis J. Charles

Richard H. Letimen

J. B. Unguhart

J. D. P. Setlow

S. D. P. Setlow

per C. B. Hayden

John Good & Jr

Geo. E. Lunsden

Their Attorneys

Vail
}

Randolph

Petition

of

A. W. Ballard & c

Filed October 1891

1891

Virginia

To the Hon E. P. Pitts judge of the Circuit Court of Law and Chancery for Salisburgh County. Humbley Complaining shew unto your honor your complainant
J. S. Vail of the said County, that before the 4 day of October 1847 he was seized
in fee simple of a very valuable tract of land in the said County of Salisburgh
with valuable improvements thereon, containing eight hundred and fifty seven
acres more or less, that being indebted to one Charles Goodridge Executor of
the last will and testament of John Goodridge decd, in the sum of two
thousand six hundred and fifty seven dollars; he your complainant gave
his three notes or bonds under seal to the said Charles Goodridge Executor as afore
said in payment of the said sum of money, one of said notes or bonds was for the
sum eight hundred and eighty five dollars and 66 2/3 Cents dated on the said
4 day of Oct 1847 with interest from date payable on the 1 day of Jan 1849, one of
said notes or bonds for the like sum of eight hundred and eighty five dollars
and 66 2/3 Cents with like interest payable on the 1 day of January 1850 and one other
note or bond under seal in the like sum of eight hundred and eighty five
dollars and 66 2/3 Cents with interest from date and payable on the 1 day of Jan
1851, That to secure the true and faithful payment of the said three notes which
was the said debt of (\$2657.) unto the said Charles Goodridge as Executor as afore said
your complainant on the 4 day of Oct 1847 made and executed a deed of trust
which ^{was duly} recorded in the Clerks office of said County on the 5 day of June 1848 by
which he conveyed in trust to one Joseph A. Graves as trustee the said valuable
tract of land above mentioned, lying and being in the County of Salisburgh, recd
an office copy of the said deed herewith filed marked A and prayed to be taken
as a part of this bill, That since the execution of the said deed of trust to the said
Jos A Graves as trustee, he the said Jos A Graves has departed this life leaving the said trust
deed in full force and effect; That by an order of the Court of Salisburgh County made
on the 7 day of Feb 1870 one Reck H. Randolph of said County was substituted as trustee
in the place of the said Jos A Graves and with all the rights and powers vested by the said
in the said Jos A Graves, see an office copy of said order herewith filed marked B and
prayed to be taken as a part of this bill, your complainant further shew unto your
honor that since the making and the execution of the said three notes or bonds as

above mentioned, the said Charles Goodridge Esq has assigned and transferred all
his legal title and interest in and to the said three notes or bonds so secured
as aforesaid, to one J. W. Simmons of said County, that since the said assignment
and transfer of the said notes or bonds to the said J. W. Simmons your complainant
has paid large sums in account of the said notes both to the said J. W. Sim-
mons and to the said Richd. H. Randolph as trustee by substitution for the said
J. W. Simmons both ~~on~~ account of principal and interest, in liquidation of the
said notes, leaving as your orator believes only a small balance, probably less
than five hundred dollars due now in account of the said notes, see receipts
of said Simmons and Randolph as trustee here with filed marked C and
he says to be taken as part of this bill, your complainant further shews unto
your honor that notwithstanding the large payments made as aforesaid
unto the said J. W. Simmons and Richd. H. Randolph as trustee of principal and inter-
est in account of his said indebtedness, that the said Richd. H. Randolph as trustee
as aforesaid under the orders and directions of the said J. W. Simmons has advertised
the said Real Estate tract of land, conveyed as aforesaid, to be sold, on the premises,
on the 24 day of March 1870, to satisfy and to pay off & discharge the amt, due &
payable upon the said Bonds, secured by said deed of Trust, and the balance of such
Credit, and to be secured in such manner, as shall be determined, on, at the
time of the sale, meaning the balance due the said J. W. Simmons, as agent
J. W. Simmons and the said Richd. H. Randolph as
see a copy of said advertisement here with filed signed by said trustee, marked
D, and he says to be taken as a part of this bill, your complainant, represents
to your honor, and begs your attention to the terms of the said advertisement,
in cash ^{in cash} as and upon the said indebtedness of your orator
no amount is advertised to be paid, No specific notice is given as to

what security or upon what terms the security intended to be demanded
your orator appears to your honor that who enters into contracts with responsible parties to cultivate
this very case mentioned to your honor in year 1870 upon certain terms they the said parties have a part of
of the said security upon the said sale, will be required to comply, Your
Complainant represents to your honor, that if the said sale shall take place
as advertised, his rights and interests must be greatly ^{injured & sacrificed} because ^{particular} of this time, lands
are selling at a more nominal value & price in this section, and under the
terms of the said advertisement a total sacrifice of the said real estate is

so far as the interest of your complainant is concerned must be the consequence
of any such sale, but especially under the terms doubtful and uncertain,
as contained in said advertisement. In tender consideration whereof and
for as much as your orator can only have adequate relief in the premises in a
Court of Equity where matters of this sort are properly cognizable and redressable. To
the End therefore that justice may be done in the premises and the rights and
interest of your complainant be adequately protected, your orator prays that
the said J. W. Simmons and Richd. H. Randolph as trustee as aforesaid may be made
parties defendants to this bill, that they may upon their several corporal oaths
to the best and utmost of their and each of their knowledge remembrance and
belief direct, full and proper answer make to all and singular the matters
and charges herein before made and thus as fully and particularly as if the
same were here again repeated and they and each of them interrogated thereunto
that if an order of this Court, a commission of the Court, may be directed to
take and state a just and true account growing out of the transactions herein
before stated, between the said J. H. Vail, and J. W. Simmons and Richd. H. Randolph
as trustee, and shew the correct and true amount to this Court, actually
due to the said J. W. Simmons, as agent as aforesaid from your complainant
that the said Richd. H. Randolph trustee as aforesaid, may be enjoined from
selling the said tract of land under the said advertisement, or any other
and your orator prays for in of other and further relief in the premises as may be due to his
Carriage and furniture and to a just & proper ^{of the} unless some future act of this Court, and your ~~honor~~ as in and
bounds will ever pray &c

Virginia
City of Norfolk Is wit

on this 18th day of March 1870 personally appeared before me A. L.
Hill a Justice of the peace in and for the City of aforesaid the above named J. H. Vail
and made oath in due form of Law that the facts and matters charged
in the above bill are true and correct to the best of his knowledge and
belief. Given under my hand this day and date above written.

A. L. Hill J. P.

Apl. 1876 - de. confirm.
Rept. of collector for

Dec 76. covered
April 77, de. to collect
deposit, and pay out

Nov. 1877. ap. and
November 1878. Ant.

Apl. 1879. de. for
a further acct.

Dec. ct. 1879. Rept. Ant.
de. for over. pay
over re.

Type. ct. 1881
Final scene

Fail

Bill of
Injunction

Wardolph Bank for.

March 23. 1870 filed
+ Bank Expt.

Apl. Rules - Sum. Expt. and
de. over.

May 1871 - Re. to the for conf.
+ act for hearing.

May 1871 - Decree for
sale & for act.

Apl. 1871 - Decree for sale

Dec. 1871 - Decree for further
sale & for act.

Apl. 1873. Rept. of sale
to decree to collect for

Dec. 1874 - Rept. of no
collection & de. for no sale.

July 1875. Rept. of sale by
Dec. 1875. Rept. of sale by
July 1876. confirm. & for act.

Norfolk City to city

An injunction is awarded according to the
prayer of the bill, but it shall not take ef-
fect until the Plaintiff or some one for
him shall enter into bond with sufficient
security in the sum of \$200. before the Clerk
in his office, conditioned to pay all such costs
as may be awarded and all such damages as shall
be incurred in case this injunction shall be
dissolved.

To the Clerk of the Cir-
cuit Court for the
Wight County

E. J. Pitts
March 18th 1870

Commissioner's Office,

Isle of Wight Co. H., Va., June 7th 1879.

To T. T. Vail

Plaintiffs,

and to T. W. Simmons, and to L. H. Randolph
trustees & to S. B. Edwards who
sold the land of T. T. Vail

Defendants :

You are hereby notified that I have fixed upon the 7th day
of August, 1879, to take and settle, at my office aforesaid,
the following accounts, to wit: An account of all over-
standing claims on the proceeds of
sale of T. T. Vail's land sold by order
of this Court under decree of
October term 1874.

Required to be taken by a decree of the Circuit Court of Isle of Wight County, ren-
dered on the 23rd day of April, 1879, in a suit in
Chancery depending in the said Court, in which you are parties, plaintiffs and
defendants; at which time and place you are required to attend.

Given under my hand, as a Commissioner in Chancery of said Court, the day
and year first aforesaid.

J. H. Young

Commissioner.

Vail

3/4 Cont.
noted.

Randolph

To 15th of Augt. 1879.

Received on H. Vail
and Geo. D. Peterson
for R. A. Randolph
June 20th 1879.

J. B. Edwards
Shff.

L. B. E. has made
no acct: of payments
made Dec. of apt 1879.
This must be done
before they de. are
in 1879.

We accept legal notice of this notice.

Wm. Peterson Alfred R. A. and others

Commissioner's Office,

ISLE OF WIGHT COURT HOUSE.

To *J. T. Vail, and* Nov. 30th 1875. 186

George W. Wilson

Plaintiffs.

and to *J. W. Ginnons,*
R. H. Randolph, and
George W. Wilson against
J. T. Vail

Defendants.

You are hereby notified, that I have fixed upon the 20th day of January
1876 186, to take and settle the following accounts, at my office, to wit:

First,

An account of the loss on the resale of the land
sold by Commissioner R. H. Randolph in the
proceedings mentioned.

Second. A further account of the lands now
existing upon the said land, whether
existing under the deed of trust executed
by J. T. Vail or by judgment.

required to be taken by a Decree of the Circuit Court of Isle of Wight County, rendered on
the 22^d day of October 1875 186, in a suit in Chancery depending
in the said Court, in which you are parties, Plaintiffs and Defendants; at which time and place you are
required to attend. Given under my hand, as Commissioner in Chancery of said Court the day and year
aforesaid.

A. J. Gray Comm.

Witness my hand and seal this 1st day of January 1876

Vail R.

3 Com. P. Nelson
H 3
v.

Randolph sale.

to Jan. 20th 1876.

Executed on R. V.
J. P. Vail
Randolph, and
R. H. Gray Dec.
19th 1875 -
X. to Edward
W. H. H.

Know all Men by these Presents, That we *N. P. Young and R. H. Randolph*

are held and firmly bound unto the Commonwealth of Virginia in the sum of *Six Hundred Dollars* — to the payment whereof, well and truly to be made, we bind ourselves, our Heirs, Executors and Administrators, jointly and severally, firmly by these presents. As witness our Hands and Seals, this *28th* day of *October* in the year of our Lord, one thousand eight hundred and *Seventy four*

The Condition of the above Obligation is such, That whereas, by a Decree of the Circuit Court of Isle of Wight County, pronounced on the *6th* day of *October 1874* in a cause depending in the said Court, in which *Thomas Hall's Executors &c*

Plaintiff and

Nathan Hall's rep: & als.

Defendant, the

above bound *N. P. Young* was appointed a special Commissioner to *sell the real estate of Nathan Hall decd.*

Now, if the above bound *N. P. Young* shall faithfully discharge his duties as Commissioner under the said Decree, or any future Decree in said cause, then the above Obligation to be void, otherwise to remain in full force and virtue.

Signed, Sealed and Delivered }
in the presence of }

N. P. Young [SEAL.]
R. H. Randolph [SEAL.]

[SEAL.]

Mail &c

or } Louis's bond

A. H. Randolph & als,
Dec. 28th 1874. Released
Filed —.

Know all men by these presents, that we F. J. Vail
and William W. Wamble are held and firmly bound un-
to the Commonwealth of Virginia in the sum
of Two hundred dollars to the payment whereof
well and truly to be made to the said Commonwealth
we bind ourselves our heirs, Executors & administra-
tors, jointly & severally, firmly, by these presents,
Sealed with our seals, and dated this 23^d day of March
1870.

The Condition of the above obligation is such that
whereas F. J. Vail

having obtained an injunction from
E. P. Pitts Judge of the Circuit Court of Isle of Wight
County to stay and prohibit until the further
order of the Court, The defendant Rich^d. H.
Randolph from selling ^{the said tract of land} ~~or conveying~~ ~~or conveying~~ ~~or conveying~~
~~in the Bill and proceedings~~ ~~or any other~~
~~privately~~ ~~under the deed of trust~~ ~~in the~~
bill referred to, the property or portions of real estate
therein referred to, or any part thereof, now if the
said F. J. Vail

Shall pay all such costs as may
be awarded against the plaintiffs in said suit
or injunction, and all such damages as shall
be incurred, in case the said injunction
shall be dissolved, then the above obligation
to be void, else to remain in full force.

F. J. Vail
W. W. Wamble

In the District Court of the United States for the Eastern
District of Virginia

In the matter of F. J. Vail

Bankrupt

In Bankruptcy

Upon the petition of A. W. Ballard assignee of Josiah
P. Gay to F. Urquhart Guardian of F. N. Urquhart
and of J. D. & S. D. Pretlow, executor of W. H. Summrell
deceased and for cause shown it is ordered that the
order heretofore granted by this Court in this cause restrain-
ing on the 26th day of February 1873 E. J. Chapman &
B. Edwards their agents and attorneys from selling the
real estate of the aforesaid bankrupt under the decree
of the Circuit Court of Deale wright County, be and the
same is hereby set aside and annulled (2) The
Assignment if any made the bankrupt aforesaid by
A. D. B. Foulke his alleged assignee, of the real estate
of the said F. J. Vail, encumbered by liens of the
judgments of the aforesaid petitioners and others
to & the same is hereby annulled and set aside (3)
That the said F. J. Vail shall within three months from
the date of this order, appear and answer the petition
of the aforesaid A. W. Ballard assignee of the said E.
J. Urquhart guardian as aforesaid & J. D. & S. D. Pretlow
executors as aforesaid and show cause if any he
can why the discharge in bankruptcy heretofore
granted him the said F. J. Vail should not be set
aside and annulled and it appearing to the Court
that the judgments of the aforesaid petitioners against
the said F. J. Vail bankrupt have been obtained

prior to the filing of the petition of the said F. D. Vail
in bankruptcy and that they had likewise prior to the
said petition resorted to the Circuit Court of Isle of
Wight county to enforce the liens of their said
Judgments and this court declines to assume any
jurisdiction in control of the said real estate of
suit pending as aforesaid in the said Circuit Court
of Isle of Wight county and the said petitioners
are remitted there for the further prosecution
of their rights and that a copy of the said Specification
of Objections to discharge of the said bankrupt
be served upon the said F. D. Vail within thirty
days from the date of this order and this cause
as to the discharge of the said bankrupt be con-
tinued till the next term of this Court

John C. Underwood
Circuit Judge

A Copy Teste
Wm. T. Barry
Clerk

In the matter of

F. D. Vail
of
Bankruptcy

Order about term 1870

In Case of Wright County Court,

1871

Richard S. Latimer

Plff.

vs. { In

F. T. Vail

Deft.

This day came the parties by their attorneys, and the defendant by his attorney pleaded payment to the plaintiff's demand, to which the plaintiff by attorney replied generally, and the said defendant filed off sets to the plaintiff's demand, and thereupon came a jury to wit: J. C. Goodrich, N. C. Roberts, F. C. Roberts junr, R. Edwards, Henry Jones, Jas. J. Lynes, F. C. Johnson, W. P. Powell, R. G. Butler, J. H. Daniel, Elias Britt and Augustus Bunkley, who being selected by ballot and sworn the truth to speak upon the issue joined, upon their oath returned the following verdict: We the jury find for the plaintiff \$80.93 with interest from the 23rd of December 1852, the date of the bond, subject to a credit of \$4.35 as of the 1st of January 1858. Therefore it is considered by the Court that the plaintiff recover against the defendant the debt aforesaid, with interest aforesaid, subject to the credit

advanced, and his costs in this behalf
expended ~

at Hooby

Wheeler

Eastman, D.C.

Rich^d A. Latimer

vs. { Copy of
Indigent,

H. T. Vail ~

1871

1893 Oct term D.C. 1892

Case

Adopted record of L.S. of 1871

Fee, 30¢

In Schofield County Court Augt. 6th 1869.

Lewis S. Charles

Pliff:

vs.

} In

H. T. Vail

Def.

The judgment at rules not having been set aside, & the plaintiff being now entitled to a final judgment, it is considered that he recover against the defendant, Two hundred and ninety-one dollars, with interest from the 10th day of May 1867, till paid, and his costs in this behalf expended —, Costs \$6.74

Attest

Teste

J. H. Hart, D.C.

So, S. Charles
vs. { copy of.
fragment
J. T. Vail

Aug 6. 67

Sept - sent from New York (1887)
Gauls 46.75

Dec. 30 4

In Case of Wright Circuit Court, May 18th 1869

J. D. Pellow & S. D. Pellow Exors: of W^m H. Sumnerell dec^d,
who sue for the benefit of Jas. Goode jr & W^m H. Pellow
Receivers

Pliffs.

vs.

H. T. Vail co obligor with J. H. P. Pellow - Deft.

The judgment obtained at rules, not having
been set aside, and the plaintiff being now
entitled to a final judgment, it is consid-
ered that the plaintiff recover against the
defendant the sum of three hundred
dollars, the debt in the declaration men-
tioned, with interest thereon from the
4th day of July 1859. till payment, and
his costs in this behalf expended &
costs. \$6.90

Attest

N. P. Young, Clerk.

Sumner & Co. Exors.

Copy of
Judg mt.

H. L. Nail &c

Fee. 30¢

In Isle of Wight Circuit Court, Octo. 21st 1868,

L. H. Urquhart formerly Guardian of Fanny N, and
Margaret N. Urquhart, who sues for the benefit of
James B. Urquhart guardian of Margaret N. Urquhart. p^lts.
vs. { In Debt

Thomas H. P. P. Cowper and Frederick T. Vail, surviving
obligors of themselves & Thomas Hall & Nelson D. Hall
deceased — Defs.

The judgment obtained at rules not having been
set aside, and the plaintiff being now entitled
to a final judgment, it is considered that the
plaintiff recover against the defendants
Fifteen Hundred dollars, the debt in the
declaration mentioned, with compound
interest thereon from the 4th day of May
1859. till paid, and his costs in this behalf
expended,

Costs, \$4.17

Attest
Teste

M. J. W. W. W. W.

Urgent Love

vs. { Copy of
Judgment,

Leopold, Tail &als,

=

Oct 21, 68

1578-2168 - May 4 1869

Oct 21, 68

Fee 30¢

In Isle of Wight Circuit Court, Octo.

1868

Rich^d. H. Randolph

Plff.

vs.

H. S. Vail

Def.

The judgment obtained at rules not having been set aside, and the plaintiff being now entitled to a final judgment: it is considered that the plaintiff recover against the defendant Two Thousand Nine hundred and ninety nine dollars and twenty-one cents, the debt in the declaration mentioned, with interest thereon from the 6th day of September 1868, till paid, and his costs in this behalf expended

Costs \$6.07

A Copy
Teste

A. J. Sprague

Rich^d H. Randolph

vs. { copy of
Judgment.

H. T. Vail ~

=

Oct. 1897

1897

July - Sept. 1897

Nov. 1897

Fee, 30¢.

In Schofield Wright County Court, March
4th 1868.

Augustus W. Ballard a/c: of Josiah
J. Gay ————— Plff: vs,

H. J. Vail } In Debt,

The judgment entered at rules not
having been set aside, & the plaintiff
being now entitled to a final judgment
it is considered that the plaintiff recover
against the defendant the sum of Eighty
two Dollars, with interest thereon from the
4th day of July 1859, till paid, and his costs
expended,
Costs \$6.08

Attest

C. H. Hart, D. C.

Ballard agree:

vs. { Copy of
Judgment,

Vail, H. L.

March 4, 1868

1882-

Subscribed July 189

Cost \$4.50

Fee, 30¢

In Isle of Wight County Court, March. 4th 1868

N. S. Young

Plff.

vs.

Geo. J. Barlow & Frederick T. Vail, surviving obligors
of themselves & Shadrach Barlow decd. Deft.

The judgment obtained at rules not having
been set aside, & the plaintiff being now
entitled to a final judgment, it is
considered that the plaintiff recover
against the defendant, the sum of
One hundred and twenty dollars and
eighty Cents - balance with interest
thereon from the 11th day of March
1860, till paid, and his costs expended,
costs \$6.68.

Attest

Teste

C. H. Hart, D. C.

Young N.S.

vs. { Copy of
Judgment

Barlow & Vail,
=

July 4th 1868

150th March 11th to Dec 1st 1867

Barlow & Vail

Dec. 30th.

In Isaac Wright Circuit Court, May 30th 1867.

Robt. Binford adm^r of W^m Binford

Plff.

vs.

}

H. T. Vail

Def.

The judgment obtained at rules not having been set aside, and the plaintiff being now entitled to a final judgment, it is considered that the plaintiff recover against the defendant the sum of one hundred and forty two dollars, and eighty four cents, the debt in the declaration, mentioned, with interest thereon from the 17th day of December 1861, till paid, and the costs in this behalf expended,

Costs \$6.57

a copy
Teste

A. J. Wm. J. Wm.

Bingford's admⁿ

vs. { Copy of
Judgment

H. J. Vail —

==

May 26, 1867

\$142.⁵⁰ before Dec 7/61
and 200

Clarke

Dec 30 4.

\$885.66 + 2/3

On or before the first day of January one thousand eight hundred and fifty, with interest thereon from the first day of January One thousand eight hundred and forty eight. We promise to pay or cause to be paid to Charles Goodrich executor of John W Goodrich deceased the just and full sum of Eight hundred and eighty five dollars and sixty six and two third cents for value received: for the payment whereof well and truly to be made we bind ourselves, our heirs, executors and administrators jointly and severally finally by these presents sealed with our seals and dated this 4th day of October One thousand eight hundred and forty seven.

Witness

Oct Gray

Shred's Mail 





Jan 1st 861 The interest on this
Bond has been paid to date
by H. H. Haman & Co. as per receipt to him

July 1st 1837. Received the sum of one hundred and fifty nine dollars & 41/2 cents (\$159.41/2) It being the interest on this bond to this date.

Charles Goodrich

July 1st 1832 Received the sum of fifty three dollars, and 13 cts, the interest on this bond to date (\$53.13)

C. F. Warren

1837 have paid the interest on this bond to
this date \$159.41 1/2
C. F. Warren

5000
L. J. Bond
Goodrich and
\$885.66 2/3
Dec 1st 1838
payable 1st Jan 1839

The Bond is entitled to a credit of \$202.67 on 68-8-11/1849 -
Wm. H. Stinson

The Bond is entitled to a credit of \$304.00 on 1st Jan 1st 1849.
Wm. H. Stinson

The Bond is entitled to a credit of \$1574.21 1/2 on 1st Jan 1st 1849.
Wm. H. Stinson

Jan 1st 1837 Received the interest on this bond to this date - being \$53.13
C. F. Warren
Jan 1st 1838 Received the interest on this bond to this date - being \$53.13
C. F. Warren
Jan 1st 1839 Received the interest on this bond to this date - being \$53.13
C. F. Warren

\$885.11 1/2

On or before the first day of January one thousand eight hundred and eighty one with interest thereon from the first day of January One thousand, eight hundred and forty eight. We promise to pay or cause to be paid to Charles Goodrich, executor of John W. Goodrich deceased, the just and full sum of Eight hundred and eighty five dollars and sixty six and two third cents for value received. for the payment whereof well and truly to be made we bind ourselves, our heirs, executors and administrators, jointly and severally firmly by these presents sealed with our seals, and dated this 4th day of October, One thousand, eight hundred and forty seven.

which

Wm. Gray

Charles W. Goodrich

Seal

Seal

Jan 1st 1861. the interest on the
above balance has been paid to
by Robt. W. Appleton as agent

Jan. 1st 1851. Recd the sum of one hundred and fifty nine
 dollars. & 41 1/4 cents (\$159.41 1/4) it being the interest
 on this bond to this date Charles Goodrich

Jan. 1st 1852. Recd the sum of fifty three
 dollars and 13 cents the interest on
 this bond to this date (\$53.13/100)

C. F. Wason

Jan. 1st 1853. Recd the sum of ...
 the interest on this bond to
 this date ... C. F. Wason

1857 Jan. 1st Recd the sum of ...
 the interest on this bond to ...
 this date ... C. F. Wason

Let paid on the
 1857 Jan. 1st
 \$42.20 1849

Wm. H. Wason

this bond ...
 to a credit of
 \$304.00 on 1st
 Jan. 1st 1846 9d
 of \$202.47 on
 1st Oct 8th 1849 -

Wm. H. Wason

1851 Jan. 1st
 Payable Jan 1851

\$292.00 1849

Goodrich and
 Co. Bond
 1851 Jan. 1st

Jan. 1st 1854 Recd the sum of ...
 the interest on this bond
 to date ... \$53.13
 C. F. Wason
 Jan. 1st 1855 Recd the sum of ...
 the interest on this bond
 to date ... \$53.13
 C. F. Wason
 Jan. 1st 1856 Recd the sum of ...
 the interest on this bond
 to date ... \$53.13
 C. F. Wason

Trustee Sale of Valuable real Estate

By Virtue of a deed of Trust executed by F. J. Vail & wife dated the 4th day of October 1847 & duly recorded in the Clerk's office of Isle of Wight Co. To secure the Payment of Three Notes therein described, default having been made in the Payment of a portion of ^{s^d} Notes & at the request of The beneficiary in ^{s^d} deed I will proceed to sell at Public Auction on the 24th day of March next on the premises, all that Tract of Land described in said deed & known as Long Meadow, on which the said F. J. Vail now resides containing (847) Eight Hundred & Forty seven acres more or less & adjoining the Land of Geo. W. Canale and others The Building are somewhat out of repair but with a small outlay it will be a very desirable Farm the Land produces well all the Crops of this section Corn, Wheat Potatoes, peanuty of it hay on it (3) Three apple Orchards, an abundance of wood & Timber (pine & Oak) within 4 miles of Newwells Bay 6 miles of Rock Wharf on James River & eight from Smithfield.

I am Cash sufficient to defray the Expenses of executing ^{s^d} Trust & to pay off & discharge the amt due & payable upon the said Bonds secured by ^{s^d} deed of Trust & The Ballance at such order & to be secured in such manner as shall be determined on at the time of the sale, I shall convey such title only as is vested in me as Trustee

Feb 22nd 1848

R. N. Randolph Trustee

exhibet
D.

\$500. July 29th 1869- Recd of George M
Waddile a certificate of deposit at Citizens
Bank Norfolk for five Hundred dollar
given in place of a draft on Hickman &
Cottingham Phila about the 1st June last
for same amt, which draft having been ⁵protes
-tea R. N. Randolph, Trustee



Recd May 3rd 1869 of Perry M. Washell Ten hundred Dollars in
part payment of lumber sent and shipped as per contract between the
said Geo M Washell Frederick T Paul Thomas & Company and myself
dated February 2nd 1869.

R. A. Randolph Master



R H Randolph
for Dr. Smith

Recd Oct 8- 1869 of Major Geo M Waddell five
Hundred dollars in back of his Sept payment
for lumber as per Contract between J^d Waddell
of Vaile & J^r W. Simmons

R. A. Randolph Trustee

Recd of Geo. M. Waddell Fifty dollars being the Balance due
upon the 1st payment under the contract between F. T. Vail
G. M. Waddell & J. W. Simmons due 1st June 1869 —
June 2^d 1869 —

R. St. Randolph Trustee

Paid of Handk 7 bail ninety
dollars in part payment of
interest on bonds for one year
Oct 8th 1867

H. L. V. S. W. W. W. W. W.

101.24
 91.00

 15.24 - 5.88
 101.24 - 5.88

106.26
 24.82

 131.08
 202.82

 885.66
 19814

 396

 106.26

101.10
 26.22

 94.88
 176.20

 66.12

Ammonia
 $11.90.00$

172.11
 100.00

 72.11
 94.88

 172.11

Do hereby warrant & bind myself my heirs or assigns to pay to
J. A. Simons the sum of one hundred and forty nine dollars
and ten cents being for and due them under my hand and seal
this the 8 day of February 1869.

And so I do seal
And so I do seal

Paul
W

Recd of F F Vart Society members.
in first payment of \$100 on 12 mo.
and 100 Summer.

This the 1st day of Feb 1887

John
L. R. Thompson

Wm W. Thompson

1868 March the 31st - Recd of F J Vail
one hundred & ninety **Eight** dollars
& 63 cts in full of three Executions as said
Vail in favour Thomas W Simmons

E. L. Eley Aff

J. W. Linn
wings up

Receipts
(Exhibit)
C-

In Isle of Wight County Court February 7th 1830

On motion of J. W. Simmons, the present holder
of a bond secured by a deed of Trust executed
by H. T. Vail to Joseph A. Graves, dated on the 4th
day of Oct^r 1827, and the said Trustee having died
it is by consent of said Simmons and H. T. Vail
ordered that Richard A. Candolph, ^{as trustee} be, and he is
hereby substituted, in said deed in place of
said J. A. Graves dec^d, with all the powers vested
in said Trustee by said deed,

A Copy
Teste

C. A. Hart, clk.

R. H. Randolph, Trustee.

Copy of Order app'g:

(Exhibit)
B

Vail & als

vs

Randolph & als

This cause came on this day to be again heard on the papers formerly read and on the report of my friend L. B. Edwards under decree herein of October term 1879 and was argued by counsel On consideration whereof the court doth confirm said report to which exceptions are filed and it appearing that there is nothing further to be done herein it is ordered that this cause be removed from the docket.

Vail + als

20

Randolph + als

Deer

April term 1881

To be entered

Geo P. Shaw.

Amount 38

Vail & Als

Plaintiffs

2-8

Randolph & Als

Defendants

This cause came on to be again heard on the papers formerly read and on the report of commissioner L. B. Edwards under decree herein of October term of 1876 and April term of 1877 and of commissioner Young under decree herein of April term of 1879 and was argued by counsel. On consideration whereof ^{confirm said report to which no exceptions are filed and doth} the court doth accord that the clerk of this court on his filing his receipt therefor do deliver to the said L. B. Edwards commissioner the certificate of deposit of the Farmers and Merchants Savings Bank for \$1163.97 cents returned with his said report which he shall proceed to collect and after paying the unpaid costs of this suit shall pay the debts of F. J. Vail reported by commissioner Young in his said report in the order of priority as shown by said report and make report to court of his proceedings under this decree

Vail & also

25

Randolph & also

Deer

October Term 1879

To be entered

Geo. Bloss.

Entered 34

11

d

X.

In the Circuit Court of Chief-
Justice Leventy - Dec. 23^d 1879

F. P. Vail et al

Plffs

vs J. B. Ches

R. H. Randolph et al.

Def

This cause came on this day
when again heard on the papers
formerly made, and was argued
by counsel, on consideration
whereof the Court doth advise,
order, and decree that a Comm.
of this Court do take, soon report
to Court an account of all out-
standing ^{liens} on the premises at sale
of F. P. Vail's land sold by order
of this Court under decree herein
of October term 1877. Together with
any matters specially deemed
pertinent by him-self, or re-
quired by any of the parties
where as stated. Hearty Test.

W. A. Edwards De

Vail et al.

to { In Chief.
Copy Deem

Randolph et al

1

April 5th. 1849

June 7th 1849

Notice to 15th Decr.

#

Cons Act

What

as

hundred dollars

This cause came on this day to be again heard on the paper formerly
read and was argued by counsel. On consideration thereof the
court both Judge, order & decree that a commission of this court
do take bills and report to court an account of all outstanding
liens on the premises of sale of 30 acres land sold by order of
under decree herein. ^{October Term 1899}
This court, together with any matters specially stated deemed for
insert by himself or that may be required by any of the cases to be
so stated

Mail

W

Randolph - als

Barre

April 1st 1879

1879

To be entered

W. C. P. S. C. S. S.

W. C. P. S. C. S. S.

Entered 43

Delaware Circuit Court, April 21st 1877.

F. T. Vail &c, et al

Pliffs.

Against J. B. Chance

J. B. Chance & Co. Trustees, et al.

Defts.

This cause this day, came on to be again heard on the papers formerly read, and on the reports of Com. Young and Com. Randolph under the decree herein of October term 1875; and of Com. L. B. Edwards under decree herein of October term 1876, and was argued by Counsel, on consideration whereof the court doth confirm said reports to which no exceptions are filed, and doth adjudge order and decree that L. B. Edwards who is hereby appointed special Com. for that purpose, do receive from the Clerk of this Court, on his filing his receipt therefor, a certificate of deposit of the Farmers & Merchants Savings Bank for \$547.⁵⁶ filed with the said report, and proceed to collect the same, and after paying the unpaid costs of this suit apply the balance to the payment of the notes of F. T. Vail, reported by Com. Young under decree herein of October term 1875 in the order of their priority, as shown by said report; and make report to

Conch of his proceedings under this
Decree.

A copy
Teste,

Costs since Octo 1874.

up to which time the costs

were retained to be paid by

Comm. Randolph.

H. A. Garwood Secy for
N. S. Young etc.

Clerk's fees \$5.19 Paid N. S. Young

Stiff. " 2.50

Comm. Young's fee ~~29.00~~ Paid N. S. Young

\$ 36.69

Vail

For clerical copy Dec.
or. 24 Jan 1874

Randolph et al

2nd

by

Randolph

This case came on this day ~~as the~~ ^{again} to be heard on the papers formerly
read and on the reports of Commissioner Young and Commissioner
Randolph under the decree herein of October term 1878, and of Com-
missioner L B Edwards under decree herein of October 1876
and was argued by counsel. On consideration whereof the court shall
confirm said reports to which no exceptions are filed, and do this
adjudge order and decree that L B Edwards ~~who~~ who is hereby appointed
a special commissioner for the purpose do ~~and~~ receive from the
Clerk of this court ~~for~~ his filing his receipt therefor, the certificate of
deposit of the Farmers & Merchants Savings Bank for \$342⁵⁶ filed with
his said report and proceed to collect the same and after paying
the unpaid costs of this suit, apply the balance to the payment
of the debt of S J Hall reported by Commissioner Young under de-
cree herein of October term 1878 in the order of their priority as
shown by said report, and make report to court of his pro-
ceedings under this decree

Met { Dec. to collect
As { deposit & pay
out re

Randolph Trade & Co.

Bought the new
Upstart
1877

He entered

Geo. B. Brown

(Entered 26)

Went { Decree to
x { collect +
deficit r.

Randolph Lab

October Term 1876

He entered

Geo. T. Brown.

Case
(31)

3^d day

In the Circuit Court of the District of Columbia, 1875

1875

March 1875

1875

U. S. Circuit Court

March 1875

This cause came on this day to be argued and on that day
Counsel for the defendant, report of Commissioner Randolph
under date here of October term 1875, and was argued by counsel
for the plaintiff, and the court doth render a verdict
that the said defendant is liable to the plaintiff in the sum of
\$1000.00 and that this cause be continued.

To
Land

By

Randolph Trustees

Appl Term 1876

Land

To be entered

Year 1876

Entered (20)

In the Circuit Court of Isle of Wight County

October 22^d 1875

F. T. Vaile

Plffs

vs.

R. H. Randolph Trustee of F. T. Simmons et al. Defts

This cause came on this day to be again heard on the papers formerly read and on the report of R. H. Randolph Commissioner of Sale under the decree herein of October term 1874. On the report of L. B. Edwards Sheriff of Isle of Wight County under decree herein of October term 1871 and on the exceptions filed to said L. B. Edwards' report F. T. Vaile and George W. Wilson and was argued by Counsel. On consideration whereof the Court doth ~~overrule~~ the said exceptions and doth confirm the said reports and doth adjudge order and decree that one of the Commissioners of this Court do take settle and report to Court the following accounts

1st An account of the loss on the resale of the land sold by Commissioner R. H. Randolph in these proceedings mentioned.

2^d A further account of the liens now existing upon the said land, whether existing under the deed of trust executed by the said F. T. Vaile or by judgement, together with any matter specially stated deemed pertinent by himself

or required by any of the parties to be so stated
And the Court doth further adjudge order and
decree that the said L B Edwards sheriff do
withdraw from the papers in this suit upon
leaving his receipt for the same with the clerk
of this Court the bonds for the purchase money
returned with his report and proceed to collect
the same as they fall due respectively and
make report to Court.

And it being suggested to the Court that Isaac
H Jones the purchaser at the sale of the land
sold by said R. St Randolph Commissioner
is desirous of paying the credit portion of
said purchase money the Court doth further
adjudge order and decree that the clerk of Court
do deliver to the said Randolph Commissioner
the bonds of the said Isaac H Jones and James
A Turner his surety returned with his report
on his giving his receipt therefor which bonds
the said Randolph is hereby authorized to collect
and after paying a fee of \$20⁰⁰ to George R.
Atkinson for his services in this cause apply
the balance or so much thereof as may be neces-
sary to the payment of the money advanced by
the said R St Randolph to J. H. Simmons on
his debt secured by the deed of trust in these
proceedings mentioned and make report to
Court of his proceedings under this decree

And the Court doth further adjudge order
and decree that upon the payment of the
said bonds by the said Isaac H Jones the said
Richard St Randolph do execute and deliver
to the said Isaac H Jones a good and sufficient
deed with special warranty for the land
sold as aforesaid by the said R St Randolph
Commissioner.

Copy, attested

J. S. Purdie before
H. P. Young Clerk

Copy Decree

F. L. Vail,

vs.

R. H. Randolph Trustee.

et al.

"

Dec. term 1875

State of North Carolina Court October 2nd 1878

J. J. Vail

Plaintiff

vs

In Chancery

R. H. Randolph Trustee &c

Defendants

This cause came on this day to be again heard on the papers formerly read and on the report of R. H. Randolph Com. in favor of sale under the decree herein of October term 1874, on the report of L. B. Edwards Sheriff of Sale of North Carolina under decree herein of October term 1871, and on the exceptions filed to said L. B. Edwards report by J. J. Vail and Henry W. Wilson, and was argued by counsel. On consideration whereof the court doth confirm the said report overule the said exceptions, and doth confirm the said reports and doth also ord that one of the commissioners of this court do take said land and report to court the following account: 1st An account of the loss in the sale of the land sold by Commissioner R. H. Randolph in the proceedings mentioned. 2nd A further account of the lands now existing upon the said land whether existing under the deed of trust executed by the said J. J. Vail or by judgment, together with any matters specially stated deemed pertinent by himself or required by any of the parties to be so stated. And the court doth further ord that the said L. B. Edwards Sheriff do withdraw from the papers in this suit upon leaving his receipt for the same with the Clerk of this court his bonds for the purchase money returned with his report, and proceed to collect the same as they fall due respectively and make report to court.

- * And the court doth further ord that the Clerk of this court do deliver to the said R. H. Randolph Commissioner the bonds of the said Isaac A. Jones and James A. Turner his surety returned with his report, on his giving his receipt therefor which bonds the said Randolph is hereby authorized to collect and after paying of the same a fee of \$20 to Henry R. A. Kinn for his services in this cause, apply the balance to the payment of the money advanced by the said R. H. Randolph to J. W. Simmons on his

* And it being suggested to the court that since it bears the purchase of the sale of the land sold by said R. H. Randolph Commissioner is known of paying the entire price of said purchase money.

Beit secured by the deed of trust in these proceedings mentioned, and make report
to court of his proceedings under this decree.

And the court doth further order that upon the payment of the said bonds by the said
Seave Jones, the said Richard A Randolph do execute and deliver to the said Seave
Jones a good and sufficient deed with special warranty for the land sold as aforesaid
by the said R A Randolph Commissioner.

Filed.

07

Randolph

Brough Seave
October Term 1878
To be entered

George S. S. S.

Entered 38

In Case of Wright Circuit Court, October 7th 1874,

H. F. Vail

Plff.

Against } Subdancery

J. H. Randolph, J. W. Simmons & Co. Defts.
This Cause came on this day to be again heard
on the papers formerly read, And on the Report of
J. H. Randolph of the 15th day of May 1874, made under
a decretal order rendered herein on the 21st day of
April 1873, And was argued by Counsel; On con-
sideration whereof the Court, Confirming said
Report, doth ad judge, order and decree that the
said J. H. Randolph shall unless the said H. Birdsong
& S. Birdsong & Helix J. Ellis, or some one for
them shall pay the bonds due by them in the said Re-
port mentioned, within 60 days, resell the real
estate mentioned and described in the decretal
order rendered herein on the 17th day of May
1870, Upon the terms and Conditions therein
mentioned, after he shall have advertised
the sale of the said land as in the said decree
directed. And that a copy of this decree be
served on the said H. Birdsong, A. S. Birdsong
& Helix J. Ellis.

A copy

Teste

Wm. H. Hart, Secy for
N. P. Young, Ck.

Copy delivered to John J. Ellis and to Henry
Dickson on the 16th day of November 1894

W. S. Thornton Det
of W. S. Thornton Sheriff
Suffolk

J. L. Tail

vs. } copy of decree

R. H. Randolph et al.,
Octo: Circuit Court 1894,

Returnable to the
Circuit Court of
Isle of Wight County,
on the 8th of July. 1895.

For Service on

For suit for serving notice -

In Isle of Wight Circuit Court, October 8th 1874,

H. T. Vail

Plff.

Against

} In Chy;

R. H. Randolph, T. W. Simmons & als. Defts.

This Cause Came on this day to be again heard on the papers formerly read, and on the report of R. H. Randolph of the 15th of May 1874, made under a decretal order rendered herein on the 21st day of April 1873, And was argued by counsel: On consideration whereof the Court Confirming said report, doth adjudge order and decree that the said R. H. Randolph shall unless the said H. Birdsong, A. S. Birdsong & Felix J. Ellis, or some one for them, shall pay the bonds due by them in the said report mentioned, within sixty days, resell the real estate mentioned and described in the decretal order rendered herein on the 17th day of May 1870, Upon the terms and conditions therein mentioned, after he shall have advertised the sale of the said land as in the said decree directed, And that a copy of this decree be served on the said H. Birdsong, A. S. Birdsong and Felix J. Ellis,

A copy

Teste,

W. H. Hart, D. C. for
N. P. Young clk.

H. T. Tail

vs. } copy of dec.

C. St. Randolph also —
Octo. Cir. Ct. 1874

Executed by delivering
to the within named
A. S. Burdough a true
copy of the within
decree Oct. 29.

1874

R. A. Edwards D. J. for
for J. S. Edwards Shff

Vail

v 3 Decm
Randolph, Missu

To be entered
October Term 1874.

Geo. T. Blair.

Entered
(34)

Paul

Randolph & Simmons

This cause, ~~the~~
which it is suggested that Ann
H. Simmons wife of J. M. Simmons
is a party in interest in these
proceedings, on her motion she
is made a party Defendant to this
suit, came on this day to be again
heard on the papers formerly read, on
the Report of Commissioner G. R. Atkinson
under the Decree herein of
April Term 1871, the Report of R. H.
Randolph Commissioner of Sale under
said Decree, on the Petition of
A. W. Ballard, J. M. Simmons wife
A. P. Young Robert Binford Richd
H. Randolph Lewis L. Chas. Richd
H. Latimer J. B. Wrenthorpe Jan of
Margaret H. Wrenthorpe J. D. Prettow
& S. D. Prettow Executors of William
H. Summerell, & was argued by counsel
on consideration whereof the Court
confirming said Reports, to which
no exceptions were filed doth
adjudge, order & decree that ^{the} Injunction
be dissolved as to the remainder of
the land conveyed by the said
Trust in these proceedings

My advertisement once a week for four successive weeks in the Norfolk Virginian a newspaper published in the city of Norfolk

shall, take, settle & report to court
with any matters specially
stated deemed pertinent by himself
or required by the court to be so
stated; *

Vail

^W
Randolph }
Simmons }

Rugby

October Term
1871

To be entered

Geo. T. Blod.

Entered 39.

But by Law, Concord, in Deed, and the Trustee to
Proceed to Sell these Tracts on the usual Terms -
& make report to Court -

Trustee, as Commt. To give Security for the
fulfillment of his Duty - &c

Petitioner, To be made families dependant on their
Wife, and becoming liable to take an Oath of Debts
due them & any other Creditors.

On the basis that Plffs should give within Sixty
days from date of Decree, to pay the full due
under Decree of Trust as found by Court. That
the Defendant to stand dissolved as to the

Vail & Randolph Trustee &c

This came. This day came on this day
to be again heard on the papers James
Read & on the Report of R & Randolph
Trustee under the Decree herein of
October Term 1870, & by consent of parties
so much of the said Decree as directs
the land therein mentioned to be
sold ~~for cash~~ ^{Cash} ~~by~~ ^{at} ~~the~~ ^{the} said
R & Randolph Trustee ~~see the said~~
the said Land ~~to be sold~~ at the
C H Son of this County on some
Court day, after having advertised the
same at the ^{land} C H Son on some court
day previous to the day of sale & at other
public places in said County & by
advertisement once a week for four
successive weeks in the Norfolk Virginia
a News Paper published in the city of
Norfolk, on a credit of one, two & three
years, in three equal payments with interest
from the day of sale, except so much for
Cash as will pay the costs of suit & sale
taking for the deferred payments three Bonds in
equal amounts payable to himself as Trustee
1, 2 & 3 years from day of sale with interest from
date with sufficient security & return
the same with his report to court of his
proceedings under this decree - & the court

6.23
 5.87
 1.16
 7.03

att. 1 day 16.00
 staff. C. Kemp .50
 staff. S. O. W. (clerk) .50
 cost to apl. 27/71-8 24.03

Paid

11
 Paid of ph Trust
 1871

Pough Keenan
 April Term 1871
 To be entered

Geo. B. Shaw.

End " 14.

To be Entered by Comant
 20 11 count for ph 11/1871
 C B H 2 den
 1871 for exp. dts -

doth further adjudge order & decree that -
 a commissioner of this court ascertain
 report to court the amount due
 from F T Vail on the debt secured
 by the deed of Trust in these proceedings
 mentioned -

Nail

vs

S In Chancery.

Randolph Trustees &c

This cause came on this day to be heard ^{and exhibits filed} on the bill of the Complainant and the answer of the defendant and by consent of the parties it is adjudged and decreed that so much of the injunction in this case as relates to that part of the real Estate mentioned and embraced in the proceedings of this suit contained in the following boundaries namely, the tract of land known as the Wrenn tract, containing two hundred and ninety acres more or less, and bounded as follows that is to say, on the South by the land lately purchased by John M Goddard of Benja fines, On the North by the Cooper Shop branch running the North fork of that branch ~~thence~~ to the Corner of Hickory Neck field to a small red oak, thence along a line of marked trees to the line of Jos F Wrenn to a pine a marked tree, thence along said Wrenn's line to the Sawyard Road to the line of George W Carroll, till it strikes the fines line, being a part of the land bought of Joel Hollerman & per of Gray Carroll by deed dated 12 Decr 1843 and duly recorded in the Clerk's Office of Isle of Wight County, he ^{deceased} ~~deceased~~ and that R. H. Randolph the trustee of substitution at such time as he may elect ^{on or} ~~shall~~ ^{the first Monday} after the ~~15th~~ ^{1st} day of Sept 1870 having given due notice of the time of sale by advertisement in some newspaper published in Norfolk and in such other manner as he may deem proper proceed to sell at public sale before the Court House door of Isle of Wight County on some Court day of said County the above mentioned and described tract of land upon the following terms, so much of the purchase money as

May be required to pay cost and charges attending said
sail and one third of the net amount of purchase
money ^{which cash payment - The said trustee shall} ~~costs~~ the balance upon a credit ^{part} ~~of~~ ^{said} ~~trustee~~ ^{shall} ~~be~~ ^{pay to said} ~~trustee~~ ^{debtors on account of his said debt -}
and twelve months in two bonds with good and
approved security ^{with interest from date thereof} and said trustee shall return
the said bond with his proceedings under this decree to the
Court. And the court doth further order that a com-
missioner of this court ascertain & report to court the
amount due on said trust debt after deducting
the cash payment above -

Deil
apt S. Hyatt Deane
Randoall trustee
To be entered May
Term 1870 -

Geo: B. Jones Jr.

111 30

Geo: B. Jones Jr.

In the Circuit Court of the State of Wright County.

F. T. Vail et. als.

Plffs.

vs.

$\frac{1}{2}$ In Chancery.

R. H. Randolph Trustee et als.

Defts.

A statement of the collections and payments made by L. B. Edwards, commissioner, under a decree of the circuit court in this cause, rendered on the 21st. day of October, 1879.

1879.

Nov. 26th

By aut. of certificate of deposit in Farmers & Merchants S. Bank which was received and collected - - - Principal -

\$1163 97

" " " interest on same from 26th of Sept. 1879, when deposited -

11 69

To comm. on \$11.69 int. recd.

58

" paid clerks fees - do.

5 84

" " Comm. in clay. for profit. -

10 00

" " Sheriff - - -

1 50

" " Comm. for this statement

2 50

" " " Balance for distribution

1155 24.

\$1175 66 \$1175 66

" "

Balance brought down

1155 24

1st. priority

To paid judgment of A. W. Ballard

res. \$30.72 with int. on \$24.97 from 20th Oct. 79 - in full -

30 84

" " judgt. of St. P. Yarnes off \$7.43 with

do. do.

int. on \$6.48 do. in full

7 46

do. do.

Judgments paid in full, amt. to

\$38 30

Bal. to apply to debts of 2nd priority

\$1116 94

1849

Nov. 26

By Bal: to apply to debts of the
2nd. priority

1116 94

2nd priority

To paid to R. H. Randolph the
pro rata due his debt of
\$5967.28, of the said balance

650 25

do. do.

To paid on the debt of \$4279.81
due C. F. Ungewant gov: of T. H.
tell, H. Ungewant, the pro rata
due same, of said balance

466 69

\$1116 94 \$1116 94

Received, Nov. 26th 1849, of S. B. Edwards
shff. and commission the amount due us,
respectively, as shown by the foregoing state-
ment of collections, payments made by him
under the deed in the case mentioned
in the caption.

T. J. Chambers Esq.	Att. Pallard for Debt	\$ 30	84
A. P. H. H. H.	" do. "	\$ 7	46
A. J. Young	for Clerk & com. fees	\$ 18	34
S. B. Edwards	shff. " "	\$ 1	50
R. H. Randolph	for Debt	\$ 650	25
John Goode. Atty	" do.	\$ 466	69

To the Honl: Circuit Court of Isle of Wight
County.

Your Commissioner reports to the court
that, pursuant to a decree in the suit
of Nail et. als. vs. Randolph et. als: rendered
on the 21st day of Octo. 1849, he received
from the clerk of said court the certificate
of deposit for \$1163.97 and collected the
same with the accrued interest shown
as shown by the foregoing statement.
That out of the said collected he first
paid the unpaid costs and then
paid off in full, the debts of the
first priority against J. T. Nail, and
applied the balance to the payment
to the debts of second priority against
said Nail, as directed by the said
decree, which is shown by said state-
ment and the receipts thereunder
written of the parties entitled to
receive same.

Given under my hand this 26th
day of Nov. 1849.

L. B. Edwards Shff &
Clerk.

Veil et. als.

or. ⁷/₁₀ de chf.

Randolph et als.

Report of A. B. Edwards
Stff. Com. of collection
of fragments under the
draw of Oct. 1879.

Filed Sept. 1 - 1880.

1879.

Suit of Tail vs. Randolph et al. D.
(L.B. Edwards Com. & pay-)

Sept.

To H.P. Young Com. in Chy. Cir. Ct.

For making trully. act. under
decree of April. 1879.

\$ 8.00

H.P. Young Com.

Vail F. F.

A. B. Edwards
Cont. to pay

\$8.00

J. S. Vail, L. B. Canvass chff. to pay. Dr

To the clerk of Isle of Wight Lewis. let.

cont. & Accts. 180. 4. Randolph to 4

.25-

W. P. Young let -

Mail F. J.

Camden N. J.

To pay

25-

F. T. Gail, R. B. Edwards Sheriff court to pay Dr
1879 To the Clerk of Isle of Wright Cic. Let.
Octo. Filg. two repts. Bo. of Edwards Bo. 1 of Court Young 15- Decree
+ copy bo. Lagg. costs + copy 5-0 } 1.55-
For bal. of fees estimated by request to and
including final decree to be made herein } 2.50
N. P. Young Clerk. \$4.05-

Vail D. J. & als
Lios-

L. B. Edwards
Shiff to home

To the Circuit Court of Cal. of Hight County
 The undersigned Commissioner appointed by order of said court
 do hereby certify that on 1877 in a suit in Chancery depending therein
 styled *Wm. Randolph* vs *Randolph* to make collection of deposits of deposit
 of the Farmers & Merchants Savings Bank for \$58⁵⁶ and also the in-
 said suit apply the balance to the payment of the payment of
 the debt of *Wm. Randolph* reported by Court Officer under decree herein
 of Oct. term 1875 in the order of their property as shown by said report
 upon which that he collected said certificate of deposit and ap-
 pears the proceeds of the same as directed by said decree as is shown
 by statement of his cash account with the Farmers & Merchants
 in full of execution of the decree herein of Oct. term 1876.

Now Commissioner further reports that he has collected the 2nd and
 3rd ^{thereby ordered to be collected by him} ~~and~~ ^{as follows} -

Principal of 2 nd bond	575 1/2
Interest on same	48 1/2
Principal of 3 rd bond	100 00
Interest on same	5 02
	172 53

Left Commissioner \$172 53

Leaving the balance of \$163 97
 which he has deposited in Farmers & Merchants Savings
 Bank in San Francisco to the credit of said suit
 as shown by the certificate of the cashier
 of said Bank herein with filed.

Respectfully submitted this 26th day
 of Sept. 1879.

L^d B. Edwards
 Comm.

Nov. 25th 1879. Received of N. P. Young clerk of
 the of Wright circuit court the certificate of
 the cashier of the Farmers & Merchants Savings
 Bank at Springfield for \$1163.97 which was
 filed with this report & declined to run under
 decree of Dec. term 1879 in this case.

J. B. Edwards Court.

Filed

3 In ch.

Grand right state.

Received of N. P. Young clerk of
 the circuit court of
 the Eastern District of
 Missouri. Cash of
 \$1163.97
 and deposit of pro-
 ceeds.

Sept. 26th 1879 -

Filed.

Statement of receipts & disbursements made by A. B. official Commissioner under a decree of Circuit Court in suit of Vail, vs. Randolph, rendered at April term, 1844.

1847 May 10

Amount collected from Farmers Sellers Bank, on the certificate of the deposit with drawn from the cause, in the decree mentioned

of principal & interest
 To paid the unpaid costs 36 69 550 41
 To paid Geo. W. Wilson on his

debt secured by deed of trust as shown by Cert. Grang. report

to be, \$342. 99, with int. on the prin. 249 66

2^d priority To paid Ro. Bingham col. of his

debt of \$38. 53 with int. on the prin. 39 54

3^d " To paid Geo. W. Wilson judgment

debt of \$178. 08 with int. on the prin. 182 52

Balance to pay pro rata to other debts reported.

41 94
 \$550 41 \$550 41

By bal. brought down

to distribute pro rata

41 94

To paid to Judgt. of A. B. Grang 38 00

" " " of A. W. Ballard

open. of Geo 94

\$41 94 \$41 94

Received of A. B. Edwards apl. Commr. the amounts due us respectively as shown by the above statement.

Leath Wilson \$249. 66
 John Henry 182. 52
 R. B. Bingham 39. 54
 Augustus W. Ballard \$38. 00
 \$39. 54

Back
p. 14
Randolph

To be filled
with Edward
Capt. of Col. 1st
Regt. Sept. 1869

J. J. Vail et als.

Plffs.

vs.

In chancery.

R. M. Randolph trustee for said Vail & et al. Defs.

An account of all outstanding liens
on the proceeds of sale of J. J. Vail's
lands sold by order of the Circuit Court
of Isle of Wight County, by decree in this
cause of October term, 1877.

1st priority

Judgment in favor of

A. W. Ballard shw:

21, 97

Int. thereon from 19th of April 73

to the 10th May, 1877 of

\$3.97, paid by Court. Edwards

2 10

Int. on \$24.97 from 10. May

1877, to 20. Oct. 1879

3 65

Due 20. Oct. 1879

30 72

1st priority

Judgment in favor of J. H. Young

21, 783

Paid thereon by Edwards, \$38.00

" Do. by C. B. Hayden 203.35

241 35

6 48

Int. on \$6.48 from 10. May, 77 to Do.

95

Bal. 20. Oct. 1879

7 43

2nd priority

Judgment in favor of R. St.

Randolph with int. incl. 8

to 19. Apr. 1873

4466 39

Int. on \$3836.80 incl. of debt

from 19. Apr. 73 to 20. Oct. 79

1496 89

Due 20. Oct. 1879

5963 28

Carried forward

6560 43

Am't brought forward

\$6001 43

2^d priority

Judgment in favor of C. F.

Ugurbert & Co. of St. N.

Ugurbert & Co. interest

included to 19th Apl. 1843

3078 42

Int. on \$1500.00, pred: from

19th Apl. 1843 to 20. Octo. 1849

1201 39

Due 20. Octo. 1849

\$4279 81

3rd priority

Judgment in favor of Patton

Esq. of Sumner

618 00

Int. on \$300.00 from 19. Apl. 1843

117 05

Due 20. Octo. 1849

\$735 05

4th priority

Judgment in favor of Lewis

S. Charles & Co. of St. N.

438 39

Int. on \$291.00 from 19. Apl. 1843

113 54

Due 20. Octo. 1849

\$551 93

5th priority

Judgment in favor of R. H. National

192 96

Int. on \$80.00 from 19. Apl. 1843

31 58

223 84

Total liens outstanding

\$11792 06

Commissioners office, Isle of Wight

Court House, Sept. 15th 1849.

To the Circuit Court of said county.

Pursuant to a decree of the said court, rendered at the April term 1849, in the case of Neil et al. vs. Randolph et al.

therein finding, requiring a commissioner
of the court to take and settle and report
to the court, an account of all outstand-
ing liens on the several shares of the
lands of T. S. Vail, which was sold by
order in said court of Octo: term, 1849.
Your commissioner reports to the court that on
the 9th day of June, 1849, he issued notice to
the parties that he had filed upon the 18th
day of Sept. 1849, to take said account at
his office, that said notice was duly served
returning. That the parties failed to appear
on the day so fixed upon, & your commissioner
continued the taking of said account until
the date of this report, on which day, from
the evidence before him, he made the
following account, showing the aggregate
amount of outstanding liens on said
sales to be \$11,402. No - Objection, the
judgments in favor of A. W. Ballard, and
A. B. Young are of first priority; the judgments
in favor of R. H. Rand & D. F. Vignier
guardians, are of the second priority; the
judgments in favor of Samuel & S. E. Evers
is of the third priority; the judgment in
favor of Lewis S. Charles is of the fourth
priority, and the judgment in favor of R. H.
Stetson is of the fifth priority.
All the other liens heretofore reported on
and found, having been paid off and
discharged.

Your obedient servant as commissioner

Tail of a h.
 ss. $\frac{3}{4}$ Chy.
 Randolph

Report of Com^y Town
of fees outstanding
under their fepl.
1849.

Filed Sept. 15th
1879.

of word derived from the same root
near first persons and etc.

Dec. 10. 1850
1. 50

100.

11.00

• H. J. Langford

Ipswich Circuit Court, October 23rd 1846

J. T. Vail et al

Pltffs.

Against, 3 In Chancery

R. H. Randolph Luse et al

Defts.

This cause came on this day to be again heard on the papers formerly read, & on the report of Commr. Young under decree herein of October term 1845, & was argued by counsel. On consideration whereof the court without confirming said report, with a judge, order, & decree, that the Clerk of this court shall deliver to L. B. Edwards who is hereby appointed a special Commissioner for the purpose, on his filing his receipt therefor, the three bonds of Frank R. Gwaltney, John S. Gwaltney, S. W. Jones, & John H. Scott for \$505.41 with interest thereon from date bearing date on the 4th day of Oct. 1845, & payable respectively, one, two, & three years after date which bonds the said Commr. shall proceed to collect & deposit the proceeds in the Farmers & Merchants Savings Bank in Smithfield to the credit of this cause, taking the receipt of ^{the} Cashier of said bank therefor, & return the same, with report of his proceedings under this decree, & on the payment of said bonds, the said Court shall make

To the said Frank R. Swatney a good and
sufficient deed for said land with
special warranty and make report to court
of his proceedings under this decree.

A copy Teste,

W. A. Edwards D.C. for
N. P. Young clerk.

Mail

25 3

copy Mr. d-
order 1/18

Ex 1

Handwritten

must be made Feb. 17/95

2nd note \$571.60

see 48

note add for 1895

note add for 1895

note add for 1895

note add for 1895

note add for 1895

note add for 1895

note add for 1895

\$432 ¹⁸/₁₀₀



No. 2578

(THE) **Hemples National Bank of Norfolk**

Pay to the order of *St. A. H. Kinslow Cash*
Four Hundred and thirty two ¹⁸/₁₀₀ **DOLLARS**



To *L. B. Edwards*
Special Commissioner
Greenwichfield & *Leah Wilson*

G. H. Catkinson

To the Circuit Court of Isle of Wight County.

Pursuant to a decree of the said Court, rendered at Octo. Term, 1846, in the Chancery cause of Nail & Co. v. Randolph Trustees, directing the undersigned as Special Commissioners to withdraw from the Clerk's office the Bonds of Frank P. Gwaltney, John S. Gwaltney J. St. Jones & John T. Scott for \$500. 41 each, with int. from their date or the 4th. day of Octo. 1845 & payable respectively in one, two and three years from date, and to collect the same & deposit the proceeds in the Farmers & Merchants Savings Bank in Smithfield. The undersigned reports that he has received said Bonds and collected on the first one, due on the 4th. Octo. 1846 the sum of \$542.56, being the principal & interest on said bond when paid, and that he has deposited the same in the said Bank to the credit of this cause, as shown by the Certificate of the Cashier herewith filed. The other two bonds are not yet due.

Given under my hand this 30th day of January 1847.

L. B. Edward Special Comr.

May 13th 1877. Received of N. P. Young, Clerk of the Cir. Court, Certificate of Deposit for \$542.56 bearing date of Oct. 4th 1846, which was filed in this report, and delivered to me under Decree of April term 1877.

L. B. Edward Comr.

Vail & als.

v.  Aug.

Randolph & als.

Rept. of L. B. Edwards
spl. cont. of collection
of 1st Bond & deposit.
ye.

Filed 30th Jan.
1847.

Norfolk Virginia
Bill 11 for

Adventuring Land
sold by 1677 F.

In the within and the
which are now in the
hand of the same person

I, *McGlennan Pub*
The Virginian, a newspaper printed in the City of Norfolk, in the State of Virginia, do hereby certify that the order hereto annexed has been published once a week for four successive weeks in the Newspaper aforesaid.

Given under my hand this *March 2*
day of *March* A. D. 1875

*McGlennan
Pub*

Cost of executing the said order, paid by the above-named plaintiff, \$ *6.75*

Advertising Rates, per square (10 lines nonpareil), first insertion 75 cts, each subsequent insertion 37½ cts, or 50 cents when ordered on alternate days.

BY VIRTUE OF A DECREE OF
the Circuit Court of Isle of Wight county,
rendered in the suit of Vait against Randolph,
Trustee, I shall on the FOURTH DAY OF
JANUARY, 1875, before the Courthouse door
of Isle of Wight county, at public auction, sell
all that certain

TRACT OF LAND

conveyed to F. T. Vail by Charles Goodrich,
Executor of John W. Goodrich, by his deed of
October 4th, 1874, (save and except that certain
portion of the said tract known as the Wrenn
tract), containing about 550 acres, bounded on
the north by the Wrenn tract, on the south by
the land of Mrs. Garrison, on the east by the
lands of Mrs. Turner, and that portion of the
Carroll estate recently sold to C. B. Turner,
and on the west by the swamp dividing it from
the land of Carroll's estate.

TERMS—So much cash as is required to pay
unpaid costs of suit and expenses of sale, the
balance on a credit of one, two and three years,
for which bond and approved security bearing
six per cent interest from day of sale, with a
waiver of the homestead will be required, and
a lien retained until further order of the court.

L. B. EDWARDS,

de9-law1w

Sheriff.

GLENNAN, RUFFIN & CO.

VIRGINIAN NEWSPAPER & JOB PRINTING OFFICE.

JOB PRINTING NEATLY AND
PROMPTLY EXECUTED.

Norfolk, Va., DEC 1875

M. R. S. Thomas

To NORFOLK VIRGINIAN, Dr.

For *Ad Sale of land 3 acres,* \$ *6.75*
1 ac 4 Mar,

Received Payment.

Glennan & Adkisson, Proprietors.

Virginian Newspaper and Job Printing Office.

Norfolk, Va., May 5th 1873

Mr E. J. Chapman

To NORFOLK VIRGINIAN, Dr

For Adv Sale of Land 35¢ 4 weeks 6.75
printing 25 bills sale 2.50

Received Payment,

9.25
Glennan & Adkisson

~~Worcester~~ Virginia
Vail —
vs { In chy
Randolph —

Memo.
E. Chapman wants
the within acct. refused
-ed to him by the Comm.
who sold the land. af-
-ter he was removed
He could not sell same
10 —

Norfolk, Va., May 1876

Mr. R. S. Thomas, Smithfield Va

THE NORFOLK VIRGINIAN, Dr.

NEWSPAPER AND JOB PRINTING OFFICE,

Every description of JOB PRINTING Neatly Executed
and Satisfaction Guaranteed.

56 and 58 Roanoke Avenue.

Dec. 9

A N Adv. Sheriff's Sale
of Tract of Land in
Isle of Wigthe Co Va Conveyed
to F. T. Vail by Charles Goodrich
Executor of John W. Goodrich
Containing about 1500 Acres
bounded on the North by the
Wrenn tract, on the South
by the land of Mrs. Garrison,
on the East by the lands of
Mrs. Turner & the portion of
the Carroll Est. sold to O. B. Turner
and on the West by the Swamp di-
viding it from the land of
Carroll's Est.

30¢ per 100 words

4 weeks

645

To the Hon Geo B Low Judge of the Circuit Court
of Jefferson Wight Co. Va in Chancery sitting

The undersigned F. Wailer comes in his own
proper person and excepts to the sale made
of a certain tract or parcel of land in the County of
Jefferson Wight ^{on the 4th day of October 1875} by S. V. Edwards Sheriff of said
County under a decree of the Circuit Court of said
County pronounced at its term in the suit of Vail vs
Randolph the same land being fully described
in the said Cause for the following reasons -

That
is to say that after the undersigned purchased of
the legal representative of Jno W Goodrich deceased
the land in the proceedings mentioned he executed
bonds for the deferred payments and gave a
deed of trust to secure the payment of the same
all of which said bonds were paid off except
the last one which was transferred by Chas Wren
to one Thomas W Simmons as the legal representative
of Jno W Goodrich the said Simmons having married
Ann St Goodrich the only child of the said Jno W Goodrich
and there remained a balance of \$466 ²⁴/₁₀₀ due on said
bond which was owned by the said Simmons and
who as if the undersigned is advised and believing
sold his entire right title and interest to one
Geo W Wilson of Norfolk Va for the sum & price of
\$ and substituted the said Wilson in his place

to have and hold all of the rights and benefits to
which he the said Simmons was under the deed
executed by the undersigned ^{was} entitled and that
before said sale was made by Simmons & Wilson
the undersigned availed himself of the benefits of the
bankrupt act ^{on the 24 July 1873} now in force in the United States and
claimed as a part of the interest or sum to which
he was entitled under the Bankrupt act and
the Homestead law now in force in Virginia an
interest equal to the sum of \$800 in said land
which was in accordance with the said law duly
assigned to him by his assignee in Bankruptcy L B Edw
on the 15 July 1873 which said interest has been
in the possession of the undersigned undisturbed and
that since said assignment made by my assignee
the undersigned was granted his discharge in
Bankruptcy on the 14 day of August 1873 which
said discharge together with all of the acts of the
assignee in Bankruptcy were confirmed and
ratified by the Dist Court of the U.S. on the 30 Decr
1874 at Norfolk without opposition from any
one the same having been withdrawn and the
undersigned put in full possession of the land mentioned
or of his interest claimed by his assignee and
the undersigned further says that he having been
discharged from all of his debts by the discharge
so granted him for the space of more than two

years that the interest set aside to him in his said
land became a valid and bona fide one upon
the confirmation of his discharge by the U S Court
and the assignment of his assignee to the same - The
undersigned further says for exception to the confirmation
of the sale that after he availed himself of the Bank-
rupt act that the proceedings in the State Courts were
were at once ended and that any proceeding
against him or any decree rendered in the same
were null and void and that the only and proper
tribunal was in the Dist Court of the United States
at Norfolk - The undersigned further says that the
sale made by L B Edwards Sheriff under a pretended
decree of the Circuit Court of Isle of Wight was in
direct opposition to the wishes and desires of the
undersigned as his legal protector in his assignee
and if a sale ought to have been made it should have
been at least made jointly with his assignee which
in this case was not done but on the contrary the
sale was made solely under an order of a
State Court whilst the whole rights of the undersigned
were in the U S Court and thereby powerless to defend
himself before a State Court except thru his assignee -
The undersigned further comes and excepts to the confirmation
of the sale of said land because he says that long
before the granting of the assumed decree in the Cir Ct of
Isle of Wight he intermarried with Mary Wilson -

who thereby became entitled to her dower in whatever
interest the undersigned held at the date of his said marriage
to wit on the 27 day of Decr 1865 in the said land which
said interest was considerable as all of the purchase
money had been paid out of \$2643. to \$462 the interest
purchased by Geo W Wilson and held by him to this day
and that the sale made by L B Sumner was in utter
disregard of the dower interest of his said wife Mary
Bail and that should said sale be confirmed by your
Hon Court that then his said wife will be deprived of her
legal rights in the interest held by the undersigned at
the time of his marriage and says further that before
the said land can be sold that the amount due
to Geo W Wilson as the assignee of L B Sumner must
first be paid the interest set apart to the undersigned
by his assignee in Bankruptcy ascertained and set apart -
as well as the dower of his said wife and thus fully
set forth his petition prays your Hon Court not to
confirm said sale but on the contrary annul & set
aside the same and let the parties claiming to be judgment
creditors apail his rights in the premises in US Court where
where this Cause now since the discharge of the undersigned
and the assignment by his assignee properly belongs and having
thus full excepted prays to be dismissed without fees

J. J. Bail

October 14 1875

Vail &c

V. } Exceptions

Randolph Tr. &c

Octo. 21st 1875 - filed

Public Court Court of Ch. of High Court
of the City of the County of Norfolk
do hereby certify that the said Court at the October Term 1875 of said Court in the
Suit of B. T. Wail vs. A. H. Randolph Trustee others to sell the remainder
of the land in said proceedings mentioned, since A. H. Randolph
who was appointed as receiver for that purpose shall fail for 60
days to execute a deed conditioned for the performance of the duties
as such receiver, reports to Court that the said A. H. Randolph having
failed to give such deed as required by law done the undersigned after
first having advertised the time place and terms of sale at the Court
House door of said County on September Court Day 1875 and at other
places in said County and in the Norfolk Virginian a news
paper published in the City of Norfolk did on the 4th day of October 1875
that being Court Day, upon to sale at public auction such remain-
ing term of said land to wit all the tract of land conveyed to the
said B. T. Wail by Charles Lord and executor of John W. Goodrich by his
deed of October 1st 1847 and which was then in possession of the said tract
known as the Thomas tract at which sale John K. Covall having
been the owner of the same and that being the highest bid therefor was
by the undersigned, and the sum paid in cash the sum of \$83²² and
executed three bonds each for the sum of \$50⁰⁰ with interest thereon
from date, payable respectively one two and three years after date and bearing
date on the 4th day of October 1875, with John K. Covall, J. St. Jones and
John B. Scott as his sureties.

The undersigned further reports that he has expended the
cash payment as follows

Paid Suffolk Herald for Hand bill.

\$41-

4 Suffolk Virginian

9-

Amount carried forward

Tail & al. Rept. of S. B.
" 3 Edward ship.
of 4000 lb.
Randolph & al.

Oct. 20. 1895 filed

Nov. 15th 1876. Record
of N. P. Young. Clerk
of the Circuit Court
Three bonds of F. R.
Givatt. No. 1. Quarterly
D. W. L. and No. 7.
Sec'd for \$305.41 each
payable one two & three
years from 4th day
Oct. 1878 -

S 3 Canvas
Stiff

L. P. Edwards Sept. 1.

ELAM & CAMPBELL, Editors and Proprietors.

Suffolk, Va., Sept 1st 1878

Mr L B Edwards

To "Suffolk Herald" Dr.

Newspaper and Job Printing Establishment,

WASHINGTON SQUARE, OVER COMMERCIAL BANK.

50 Hand Bills for sale of Vails Property

2 00

Recd Paym't
Elam & Campbell

A. C. C. C. C.
Sole of Year

...

Glennan & Adisson, Proprietors.

Virginian Newspaper and Job Printing Office.

Norfolk, Va., Sept 29 1875

M. R. S. Thuman, Smithfield,

Dec 9 1874 ^{To} NORFOLK VIRGINIAN, ^{Dr.}

For Cash Sale of tract of land sent F. J. Vaile \$
by Chas. Endrich Esq, 30 1/2 acres land & arch, 6.75-

Received Payment,

1, *M. S. S. Pub Co*
The Virginian, a newspaper printed in the City of Norfolk, in the State of Virginia, do hereby certify that the order hereto annexed has been published once a week for four successive weeks in the Newspaper aforesaid.

Given under my hand this *12th*
day of *October* A. D. 1875

M. S. S. Pub Co
Pub Virg

Cost of executing the said order, paid by the above-named plaintiff, \$ *9.00*

Advertising Rates, per square (10 lines nonpareil), first insertion 75 cts, each subsequent insertion 37½ cts, or 50 cents when ordered on alternate days.

N O T I C E

SHERIFF'S SALE OF
VALUABLE LAND
IN ISLE OF WIGHT COUNTY, VA.

By virtue of a decree of the Circuit Court of Isle of Wight county, rendered in the suit of Vail against Randolph, Trustee, I shall on the 4th DAY OF OCTOBER, 1875, at 12 o'clock M., before the Courthouse door of Isle of Wight county, at public auction, sell all that certain tract of land conveyed to F. T. Vail by Charles Goodrich, executor of John W. Goodrich, by his deed of October 4th, 1847, (save and except that certain portion of the said tract known as as the Wrenn Tract), containing about 550 acres, bounded on the north by the Wrenn Tract, on the south by the lands of Mrs. Garrison; on the east by the lands of Mrs. Martha Turner, and that portion of the Carroll estate recently sold to C. B. Turner, Esq., and on the west by the swamp dividing it from the lands of the Carroll estate.

TERMS—So much cash as is required to pay unpaid costs of suit and expenses of sale, the balance on a credit of one, two and three years, with interest from day of sale. Bonds with approved security will be required with a waiver of the homestead and a lien retained until further order of the court.

L. B. EDWARDS.
Sheriff.

608-1a74w

GLENNAN, RUFFIN & CO.

VIRGINIAN NEWSPAPER & JOB PRINTING OFFICE.

JOB PRINTING NEATLY AND
PROMPTLY EXECUTED.

Norfolk, Va., Sept 27th 1875
Mr L B Edwards Sheriff Isle of Wight Co
To NORFOLK VIRGINIAN, Dr.

Sept 8
For *Advertising Sale of Land in Isle of Wight Co* \$ *9.00*
4 exp once a week 4 weeks

Received Payment.