

1883-010 Chancery Causes. Irvin W. Duck vs Josiah Thomas & al
Isle of Wight County

other surnames: Young,
Babb, Wrenn, Shivers, Adams
[Thomas, Adams & Company],
Hargrave, Southall, Womble,
Pastuer, Casey, Edwards,
Hall, Scott, Crocker,
Hayden [Thomas & Adams],
Bourne, Whitehead

Kilby p. 9

May 18th 4. R. H.

Irvin W. Duck

1883

as } chg.

Archie Thomas, Sal.

1870.

Jan. Rules - Bill filed
sum. & Ed. Thomas & Co.

Feb. Rules - Bill taken
confessed & cause set for
hearing.

May 1870 - Deqn for a

Sept. 18. 1870. Rpt. filed.

Oct. 1870 - ^{to exhibit & adjust} ~~for settlement~~

Cir. Ct. J. of Ct.

apl. & Oct. 1871 - cond

apl. 1872 - Deqn to null

Acto. in cond. apl. 73. &

Apr. 1873. R. & collect

Killy p. 4.

Imm. w. Duck

h } Bice

Isial Thomas tal

Cir. ex. S. of us

proceeds of such sale, because the exact
amount due each creditor cannot be ascertained
from the deed. Your Complainant therefore
invokes the aid of a Court of Equity, & prays
that the said Nathl. P. Young as trustee
as aforesaid may be required to settle his
account as such Trustee - That the debt
secured by said deed may be correctly as-
certained (and the proceeds of said
sale, in the said Trustee's hands, may be
distributed (and paid to those entitled -

In consideration whereof (and as this Court
can grant adequate relief: To the End Your
Complainant prays That the said Miriam
Thomas, Nathl. P. Young, Trustee: Winnefied
Bobb; C. H. Wrenn guardian,
James Thomas; Thomas Adams, H^o; Lemuel
Hargrave; J. H. Suttall; John Womble;
D. Boykin Partner; W^m H. Casey; John Edwards; &
Geo. H. Hall, may be made defendants
hereto & be required to answer all allegations
herein, (and that the prayer of your Com-
plainant may be granted, and that all
other further relief consistent with Equity
may be granted. (And your Com-
plainant will &c.

John R. Kilby P. Y.

To the Hon. E. P. Pills, Judge of the Circuit
Court of Isle of Wight County.

Complaining shew unto the Court
your Complainant Irvin W. Duck —

Your complainant respectfully represents
to the Court and says, that Josiah Thomas of
the County of Isle of Wight, by his Deed of Trust
dated the 28th day of September 1866 and
duly recorded, conveyed unto Nathl. P.
Young, the Trustee therein named certain
real and personal estate as is therein specified
to secure certain debts to Winifred Babb;
C. H. Wren, guardian; James Thomas assignee;
Thomas Adam He^r; Lemmie Hargrave; J. H.
Smithall; John W. Womble; W. Boykin Pastner;
Wm. H. Leary; John Edwards; Geo. H. Hall;
and to — scott of Baltimore (meaning George
Scott) the sum of \$275. and all Interest thereon;

That the said George Scott's claim is due by Bond
dated 12th of April 1861 & due 12th Aug. 1861
& which Bond has been assigned over to your Com-
plainant — is filed herewith & marked "A"

That a copy of said Deed of Trust is also
filed herewith & marked "B" —

That the said Nathl. P. Young as
Trustee aforesaid has made sale of the real
& personal estate conveyed by said Deed
but refuses to make any distribution of the

Executed by delivering a true copy of the within
Josiah Thayer N P Young Winifred Bable
Charles F Wynn James Thayer Jno E Adams
Linnel Haysom & B Hayden Jno G Wamble
D B Pastors Mrs H Leary Jno Edwards and
Geo F Hall Decr 29th 1869 E S Ely Esq
for Town Clerk

Back

My dear Sir,

Thomas Dale,

To Henry. Decr 1870.

Sci. Ct.

W. H. H. H.

The Commonwealth of Virginia,

TO THE SHERIFF OF ISLE OF WIGHT COUNTY, Greeting:

We command you to summon Josiah Thomas, N. P. Young trustee, Benjamin Babb, C. F. Wynn guardian James Thomas, Thomas Adams, Geo. Samuel Hargrave, C. B. Hayden assign in bankruptcy of J. H. Southall, Jm. G. Wm. D. B. Paston, W. H. Leary, Jno. Edwards & G. F. Hall

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 January next to answer the Bill in chancery of Jm. W. Duck

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 9th day of Decr 18 69, in the 94th year of the Commonwealth.

C. H. Hart clrk

A. P. Thompson

A report of Receipts & disbursements by N. P. Young
trustee in a deed of Trust from Josiah Thomas, dated
and recorded 28th Sept: 1866.

To paid for Drawing deed & Stamp & }			
Tax & recording }	11	35	
" Comm: on \$3068.58 Sales at 5 per cent	153	43	
" paid for recdg: act: sales & rept: &c	21	00	
" Balance in Trustees hands in			
for bonds due 30 th June 1869 for			
personally as per act: sales }	302	80	
" Bal: in Trustees hands in bonds for			
sale of real estate due in 1, 2 & 3			
years from 30 th Dec: 1868. with Int: 2500	00		
" " By amt: Sales of personal property			
" " on 6 mos: credit with Int: from sale			548 58
" " " Do Do real estate on credit of			
1, 2 & 3 years with Int: from sale			2500 00
	\$3048 58	\$3048 58	

True report.

Given under my hand this 15th day
of January 1869,

N. P. Young trustee

A copy

N. P. Young D.C.

To Secy. War

[Faint handwritten text at the bottom of the page]

1893-1894

1890. 1891. 1892. 1893. 1894. 1895. 1896. 1897. 1898. 1899. 1900. 1901. 1902. 1903. 1904. 1905. 1906. 1907. 1908. 1909. 1910. 1911. 1912. 1913. 1914. 1915. 1916. 1917. 1918. 1919. 1920. 1921. 1922. 1923. 1924. 1925. 1926. 1927. 1928. 1929. 1930. 1931. 1932. 1933. 1934. 1935. 1936. 1937. 1938. 1939. 1940. 1941. 1942. 1943. 1944. 1945. 1946. 1947. 1948. 1949. 1950. 1951. 1952. 1953. 1954. 1955. 1956. 1957. 1958. 1959. 1960. 1961. 1962. 1963. 1964. 1965. 1966. 1967. 1968. 1969. 1970. 1971. 1972. 1973. 1974. 1975. 1976. 1977. 1978. 1979. 1980. 1981. 1982. 1983. 1984. 1985. 1986. 1987. 1988. 1989. 1990. 1991. 1992. 1993. 1994. 1995. 1996. 1997. 1998. 1999. 2000. 2001. 2002. 2003. 2004. 2005. 2006. 2007. 2008. 2009. 2010. 2011. 2012. 2013. 2014. 2015. 2016. 2017. 2018. 2019. 2020. 2021. 2022. 2023. 2024. 2025. 2026. 2027. 2028. 2029. 2030. 2031. 2032. 2033. 2034. 2035. 2036. 2037. 2038. 2039. 2040. 2041. 2042. 2043. 2044. 2045. 2046. 2047. 2048. 2049. 2050. 2051. 2052. 2053. 2054. 2055. 2056. 2057. 2058. 2059. 2060. 2061. 2062. 2063. 2064. 2065. 2066. 2067. 2068. 2069. 2070. 2071. 2072. 2073. 2074. 2075. 2076. 2077. 2078. 2079. 2080. 2081. 2082. 2083. 2084. 2085. 2086. 2087. 2088. 2089. 2090. 2091. 2092. 2093. 2094. 2095. 2096. 2097. 2098. 2099. 2100. 2101. 2102. 2103. 2104. 2105. 2106. 2107. 2108. 2109. 2110. 2111. 2112. 2113. 2114. 2115. 2116. 2117. 2118. 2119. 2120. 2121. 2122. 2123. 2124. 2125. 2126. 2127. 2128. 2129. 2130. 2131. 2132. 2133. 2134. 2135. 2136. 2137. 2138. 2139. 2140. 2141. 2142. 2143. 2144. 2145. 2146. 2147. 2148. 2149. 2150. 2151. 2152. 2153. 2154. 2155. 2156. 2157. 2158. 2159. 2160. 2161. 2162. 2163. 2164. 2165. 2166. 2167. 2168. 2169. 2170. 2171. 2172. 2173. 2174. 2175. 2176. 2177. 2178. 2179. 2180. 2181. 2182. 2183. 2184. 2185. 2186. 2187. 2188. 2189. 2190. 2191. 2192. 2193. 2194. 2195. 2196. 2197. 2198. 2199. 2200. 2201. 2202. 2203. 2204. 2205. 2206. 2207. 2208. 2209. 2210. 2211. 2212. 2213. 2214. 2215. 2216. 2217. 2218. 2219. 2220. 2221. 2222. 2223. 2224. 2225. 2226. 2227. 2228. 2229. 2230. 2231. 2232. 2233. 2234. 2235. 2236. 2237. 2238. 2239. 2240. 2241. 2242. 2243. 2244. 2245. 2246. 2247. 2248. 2249. 2250. 2251. 2252. 2253. 2254. 2255. 2256. 2257. 2258. 2259. 2260. 2261. 2262. 2263. 2264. 2265. 2266. 2267. 2268. 2269. 2270. 2271. 2272. 2273. 2274. 2275. 2276. 2277. 2278. 2279. 2280. 2281. 2282. 2283. 2284. 2285. 2286. 2287. 2288. 2289. 2290. 2291. 2292. 2293. 2294. 2295. 2296. 2297. 2298. 2299. 2300. 2301. 2302. 2303. 2304. 2305. 2306. 2307. 2308. 2309. 2310. 2311. 2312. 2313. 2314. 2315. 2316. 2317. 2318. 2319. 2320. 2321. 2322. 2323. 2324. 2325. 2326. 2327. 2328. 2329. 2330. 2331. 2332. 2333. 2334. 2335. 2336. 2337. 2338. 2339. 2340. 2341. 2342. 2343. 2344. 2345. 2346. 2347. 2348. 2349. 2350. 2351. 2352. 2353. 2354. 2355. 2356. 2357. 2358. 2359. 2360. 2361. 2362. 2363. 2364. 2365. 2366. 2367. 2368. 2369. 2370. 2371. 2372. 2373. 2374. 2375. 2376. 2377. 2378. 2379. 2380. 2381. 2382. 2383. 2384. 2385. 2386. 2387. 2388. 2389. 2390. 2391. 2392. 2393. 2394. 2395. 2396. 2397. 2398. 2399. 2400. 2401. 2402. 2403. 2404. 2405. 2406. 2407. 2408. 2409. 2410. 2411. 2412. 2413. 2414. 2415. 2416. 2417. 2418. 2419. 2420. 2421. 2422. 2423. 2424. 2425. 2426. 2427. 2428. 2429. 2430. 2431. 2432. 2433. 2434. 2435. 2436. 2437. 2438. 2439. 2440. 2441. 2442. 2443. 2444. 2445. 2446. 2447. 2448. 2449. 2450. 2451. 2452. 2453. 2454. 2455. 2456. 2457. 2458. 2459. 2460. 2461. 2462. 2463. 2464. 2465. 2466. 2467. 2468. 2469. 2470. 2471. 2472. 2473. 2474. 2475. 2476. 2477. 2478. 2479. 2480. 2481. 2482. 2483. 2484. 2485. 2486. 2487. 2488. 2489. 2490. 2491. 2492. 2493. 2494. 2495. 2496. 2497. 2498. 2499. 2500. 2501. 2502. 2503. 2504. 2505. 2506. 2507. 2508. 2509. 2510. 2511. 2512. 2513. 2514. 2515. 2516. 2517. 2518. 2519. 2520. 2521. 2522. 2523. 2524. 2525. 2526. 2527. 2528. 2529. 2530. 2531. 2532. 2533. 2534. 2535. 2536. 2537. 2538. 2539. 2540. 2541. 2542. 2543. 2544. 2545. 2546. 2547. 2548. 2549. 2550. 2551. 2552. 2553. 2554. 2555. 2556. 2557. 2558. 2559. 2560. 2561. 2562. 2563. 2564. 2565. 2566. 2567. 2568. 2569. 2570. 2571. 25

770. *Phlox pilularis* (L.) Muhl.

325. 10. 2000

1891

1875

1847. 1848.

1841. 1842. 1843. 1844.

1885

Col. Josiah Thomas

1859

G. Geo. H. Hall

Dr.,

Oct. 24th To Jug, & Whiskey 140 f (27) 100^{lb} Whiskey \$14.

15-40

" Interest on \$15.40 to Jan 1st 1862

1 84

1860 June 4 " Jug & Whiskey 150 f (Nov. 5) Shows 10 f 50 "

3 25

Nov. 16 " Amt of Bill paid 56.77 f

5677

56 77

" Interest on 600² to Jan. 1862

3 40

1861 Apr. 27 " 1 East patron & Linings 13.7 f

1 07

" Calico 6 f 9? Job. 3 f 9?

1 75

June 19 " Jug & Whiskey 9 f-

1 50

Nov. 1 " Bal. on soap 1 f 6? B. Whet 6 f-

1 25

due Jan. 1st 1862

86.23

2
G. W. Hall,

Chairman,

V

30th August 1866

Mr. N. P. Yarnall Sir.

I saw G. H. Hall
+ small note, ^{37.81} which I forgot to mention
in my schedule this morning, so Mr
The favor to insert it - in the deed and

Oblige Yours
Friend

Asaiah Thomas

4

✓

1 Bond. Recd. J. G. Merrill by Isaac Thomas.
For 425. $\frac{47}{100}$ Recd. 9th Oct. 1861.

Statement of Bond: of
L. J. Hargrave ex. p. Thomas.

5

✓

✓ Bond of L. J. Langrave vs. Josiah Thomas for \$75.53 dated 20th May 1861 &
payable on demand.

" " " " vs. " " for \$111.76 dated 23rd Dec^r 80 &
in Gold or Silver
payable on demand

" " " " vs. " " for \$27.50 dated 10th Sept. 1864 &
payable on demand in Gold

J. Bourne vs. Thomas - Rept. the judge's as
prior.

6
Hayden spec. of
T. H. South.

Bond of Josiah Thomas for \$175.00
due Sept 18th 1844 - Not paid to Sept 18th 41
held by C B Hayden Assignee in Bankruptcy
of J. H. Southall -

Commissioner A P Jones will please
~~allow~~ above claim in the Ac now before him
in Suit of Buck vs Thomas Trustee.
A H

Pace

T. J. C.

2000. A. P. Green. Trustees
1868 To H. J. Clements & Co. -
Acct. Dr. To selling the same & profits
being 1000.00, 20 00

no. 13.
A. W. Duck
vs: } copy of
Thomas. Young et als.

May Cir: Ct: 1870,
July 18th 1870 notice
of. To 15. Sept. 1870

In 1870

act.

In Schofield's Circuit Court. May 17th 1870.

Erwin W. Duck

Plffs:

vs: } In Chancery

for Thomas N. P. Young et als:

Defts.

This cause came on this day to be heard on the Bill of the Complainant taken for confessed as to all the defendants, process having been executed on them & they still failing to appear & make defence, & on the exhibits filed with the said bill, & was argued by Counsel: On Consideration whereof, the Court doth adjudge, order & decree that a Comr. of this Court proceed to take & settle the following accounts.

1st " An account of all demands secured in the deed of trust executed by Josiah Thomas to N. P. Young trustee on the 28th of Sept., 1866, and their priorities

2nd " An account of the transactions of said N. P. Young trustee under said deed & to make Report to Court, and it is further ordered that the proceeds of the sale made by said N. P. Young trustee as aforesaid be by him collected, & held ready for the further order of this Court,

Attest,

N. P. Young Clk.

of the personally amounting to \$362.88, payable six months from the said 30th Decr. 1868, and bond for the sale of the realty under said deed, amounting to \$2500: or, payable in one, two & three years from said 30. Decr. 1868. The Creditor secured by the deed failing to appear, your Comm^r. continued the account of their demands until the date of this report, when he made the foregoing account of such demands as were presented showing the amount to be \$6691.96 Your Commissioner reports further, that ~~John Edwards~~ John Edwards, ~~one~~ of the creditors named in the deed, had presented no claim or demand. Your Commissioner reports specially, that the debt reported in the foregoing account as due to J. B. Bourne, is not secured by the trust deed, but is evidenced by judgment obtained prior to the date of the deed & has priority over all others. This debt amounts to \$135.70 including interest and costs. All the other debts are of same dignity & priority. Given under my hand & Commissioner's seal the day & year first aforesaid.

Comm^r. fees... \$10. 00
 Stff " " 6. 00
 \$16. 00

A. P. May Comm.

Ruehl &

W. S. J. Remond, Sept.
 under seal
 of May 1870.

Thomas Del.

Sept. 18th 1870 - filed

Commissioner's Office, Isle of Wight
Courthouse, Sept. 8th 1868.

To the Circuit Court of said county.

Pursuant to a decree of the said, rendered on the 17th day of May, 1866, in a suit in chancery therein depending between John A. Drake Plaintiff and Josiah Thomas, N. P. Young trustees &c. defendants. directing a commissioner of said court to take first, An account of all demands secured in the deed of Trust executed by Josiah Thomas to N. P. Young, trustee, on the 28th of Sept., 1866, and their priorities. and Second - An account of the transactions of said N. P. Young as trustee under said deed. Your commissioner reports to the court that on the 13th day of July last. he issued notices to the parties interested informing them that he had appointed the 15th day of August, 1868, to take and settle his said office, the said accounts, requiring them to attend, which notices were executed & returned to your commissioner. That on the day so appointed, N. P. Young laid before your commissioner a statement of his account as such trustee, together with the vouchers for the disbursements therein contained, from which your commissioner has made up and completed the foregoing account of said trustee's transactions, which shows that on the 30th day of December, ¹⁸⁶⁸ there was in the hands of said trustee, interest bearing bonds for the sale

4011 87

531 66

353 81 88547

542 86

361 27 904 13

142 81

253 50 696 31

4649778

91 | 50

35 68

8 | 52413570

39 92

18 56 58 48

69196

Total.

1868

11 35

21 00

157 1.3

362 80

2500 00

2500 00

548 58

2500 00

2500 00

~~304858~~ ~~304858~~

An account of all demands secured in the deed
of trust executed by Josiah Thomas to H. P. Young,
trustee, on the 28th of September 1866. and their priority.

| | | | |
|--|--------|------------|--|
| Winifred Babb - Bond due 9 th May 1859 | 695 00 | | |
| Interest thereon to the 18 th of Octo. 1870 | 477 23 | 1172 23 | |
| George J. Hall - Bond due 5 th Octo. 1859 | 37 81 | | |
| Int. to 18. Octo. 1870 | 25 04 | 62 85 | |
| Same - acct. due 1st. Jan'y. 1862 | 86 23 | | |
| Int. to 18. Octo. 1870. | 45 48 | 131 66 | |
| John G. Mumble - Bond due 9 th Octo. 1861 | 425 47 | | |
| Int. to 18. Octo. 1870. | 230 46 | 655 93 | |
| Samuel J. Hargrave - Bond due 20. May 1861 | 73 33 | | |
| Int. to 18. Octo. 1870. | 41 40 | 114 73 | |
| Same - Bond due 23 ^d Dec. 1863 (Ohio) | 111 76 | | |
| Int. to 18. Octo. 1870. | 45 80 | 157 56 | |
| Same - Bond due 10. Apl. 1864 (Ohio) | 27 50 | | |
| Int. to 18. Octo. 1870. | 10 76 | 38 26 | |
| C. B. May due assigned in Bankruptcy
of Turner & H. Southall Bond for . . . | 175 00 | | |
| Int. to 18. Octo. 1870 from 18. Sept. 1861 | 85 37 | 260 37 | |
| Alberta E. Wrenn spec. of C. F. Wrenn
gov. &c. Bal. on bond 1 st day of Jan'y. 1864. | 790 07 | | |
| Int. to 18. Octo. 1870 (less 120.92 paid) | 201 69 | 991 76 | |
| Irwin W. Duck spec. of Scott of Baltimore
Bond due 12 th day of Augt. 1861 | 275 00 | | |
| Int. to 18. Octo. 1870. | 157 52 | 426 52 | |
| amt. carried forward | | \$ 4011 87 | |

St.

Duck &

u. $\frac{1}{2}$ Report

Thomas R.

Apr. 18. 1872

Filed.

John W. Duck Esq.

In Chancery.

A. P. Young Trustee for Josiah Thomas &c.

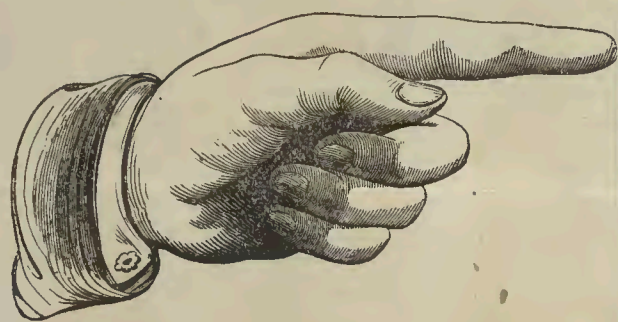
Pursuant to a decree of the Circuit Court of Lee
County rendered in this cause rendered
at the Octo. term 1840, directing your Commissioner
to collect the bond of Thomas B. Henderson &c.
filed in the cause, reports to the court that
after strenuous efforts to collect said bond, he
has been unable to do so. That the said T. B.
Henderson has left the State of Virginia, and
your Commissioner would respectfully suggest
a resale of the bond in the proceedings
mentioned.

GIVEN under my hand this 18th day of
April, 1842.

A. P. Young Comr.

James Thomas \$2100.

VALUABLE REAL



ESTATE

IN ISLE OF WIGHT COUNTY

FOR SALE.

Pursuant to a decree of the Circuit Court of Isle of Wight county, rendered in the suit of Duck et als. vs. Thomas' trustee, et als., as Commissioner therein named, I shall sell at auction before the Courthouse door of Isle of Wight county, on

7th *Octo.*
MONDAY the 2nd day of September, 1872

the farm recently owned by Col. Josiah Thomas, deceased, containing by estimation 283 acres, lying within 2½ miles of Smithfield, adjacent to the lands of Thomas and Adams' "Atkinson Place," George Simpson, deceased, and others. The land is of good quality and has on it an excellent two story dwelling and all other necessary houses, also, an excellent apple orchard and an abundance of wood.

TERMS:

A credit of one, two and three years, with interest from day of sale, will be allowed the purchaser on the amount of sales except for so much in cash as may be required to pay costs and expenses. The purchaser to give bonds for the deferred payments with good security and the title retained until the last bond is paid.

N. P. Young,

COMMISSIONER.

Virginian Print.

Luck et als,

Report of
the non-com-
pliance by
James Thomas
with terms of
bail —

Thomas et als

August 11th 1873
Filed —

To the Circuit Court of the County of
Harris,

Pursuant to a decree
of said Court, rendered at April
term 1872, in the suit of Buck
also, vs, Thomas also, Your
Commissioner reports to the
Court, that on the 6th of October
1872, he exposed to sale at
Auction before the C. H. Door of
said County, the land in the decree
and proceedings mentioned at
which sale James Thomas, be-
ing the highest bidder became
the purchaser thereof for the sum
of \$100,00, that the said Thomas
having failed to comply with the
terms of said sale, and being
totally unable to do so, Your
Commissioner has advertised
the same to be resold the second
time on the 6th day of October
1873, before said C. H. Door,
Given under my hand this 18th
day of August, 1873,

J. P. Young, Comr.

Deed
n.
3 Sept. of
3. 3. 1843
Harris' Creek R.

Octo. 21. 1843 filed

a deed for said land.

Given under my hand this 21st
Octo. 1843.

A. J. Young Esq.

To the Circuit Court of Isle of Wight County.

The undersigned special Commissioner acting under decree of the said Court of Apts. Term, 1877, in the suit of Bank v. Thomas' trustee &c. which decree ordered a resale of the land in the proceedings mentioned, reports to the Court that on the 2^d day of Sept. 1877, he sold the said land at auction before the Court house door of the County, at which sale, James Thomas being the highest bidder became the purchaser at the price of \$2100.⁰⁰ That said James Thomas failed to comply with the terms of sale totally, and on the 6th day of Oct. 1877, after duly advertising the time & place of sale, he again exposed the said land to sale at auction, at the same place, on credit of one, two & three years, with interest from day of sale on the amt. of sale except for costs sufficient to pay costs & expenses. That said land was purchased by A. Travis at the price of \$1750.⁰⁰ That the said Travis proposes to pay the whole of said purchase money in cash, and your Commissioner respectfully, that he be allowed to receive said purchase money and make to the said purchaser

Duck I. Co.

3 Rept. of collection
3 of payments by
N. P. Conny

Thomas Trust Sale.

Jan. 1st. 1844 filed

To the Circuit Court of the County of Wright

Your Commissioner reports to the court, that pursuant to a decree of the circuit court aforesaid, rendered on the 22^d day of Octo. 1843, in the suit therein pending between L. W. Dusk v. Plaintiff and N. P. Young trustee for Josiah Thomas &c. defendants: he has received from A. Travis, the purchaser of the land of said Thomas in the proceedings mentioned, the sum of \$1730.00, the sum of purchase money. That after deducting therefrom the unpaid oil, &c. expenses, he has distributed the balance in his hands, to wit: the sum of \$1627.52 among the creditors of said Thomas as directed by the decree, which will be seen by Statement & Surmount filed and the receipts thereunder written.

Your Commissioner reports, further, that he has made to the said Travis, a deed for the said land as directed by the decree. And all the matters having been finally settled there is no necessity for a further act of my commission as trustee.

Given under my hand this 1st day of Jan. 1844.

J. P. Young Com.

of the transactions of said M. P. Young
trustee under the deed of trust from
Josiah Thomas as aforesaid.

A copy, Teste,

Geo. H. Hart, D.C.

J

A. W. Duck Sale,

Copy deed

Vol. 2, Act. 6, 1872

1872

Josiah Thomas

In Sale of Wight Circuit Court, October 22nd 1873,

Irvin W. Duck & others

Pliffs.

vs,

3 Exchancery

Josiah Thomas, N.P. Young Trustee, Winnefred
Kubb, C. F. Whem guardian & others Defts.

This Cause came on this day to be again heard on the papers formerly read, and on the report of resale this day made by N.P. Young the Com^r of Sale. On consideration whereof the Court doth confirm said report, and doth adjudge, order and decree that N.P. Young the Commissioner of Sale aforesaid do receive from A. Travis the purchaser of the land in the proceedings mentioned, the sum of \$1730.⁰⁰ the purchase money for said land, and pay the same out as directed by the decree in this Cause of October Term 1871. And that upon the payment of the said sum of \$1730.⁰⁰ by the said Travis, the said N.P. Young the Commissioner ~~appointed for the purpose~~ ^{aforesaid} do make to the said A. Travis a good & sufficient deed with special warranty for the land in these proceedings mentioned being the land conveyed by said Josiah Thomas to N.P. Young by his deed of trust of the 28th of September 1866, Consisting of a tract of 283 acres more or less, adjoining G. R. Atkinson the Estate of George Simpson and others in the County of Essex & Wight, ^{& make report to Court} and the Court doth further adjudge, order and decree that a Commissioner of this Court take and report to Court a further account

Revised of A. P. Young, Ammifium, the pro rata amounts due as respects
as shown by the foregoing Statement N.

| | | |
|--------------|--|-----------------|
| | Geo. F. Hall | 48 26 |
| Wm. L. Hart, | L. J. ^{his} Stark Hazgrave | 97 10 |
| | John R. Kelly atty for J. W. Duck | 105 93 |
| C B Hayden | Attorney for H. S. Southwick | 64 63 |
| | Geo. F. Wemble for C B Hayden | 167 83 |
| | Wm. A. Cassey | 14 50 |
| | A. P. Young, Adm. of | |
| | Wm. L. Hart | 172 74 |
| | A. E. Wrenn | 246 28 |
| | Wm. L. Hart | 237 90 |
| | N. P. Young, Attor. for | |
| | Thomson & Adams | 224 48 / 224 48 |

Duck
N.
2d Statement of
Receipts & Payments
Nov 1 to 1873.
Geo. F. Wrenn, Clerk.

2.

W.

A Statement of collections and
disbursements made by N. P. Young
commissioner of sale & in the course
of E. W. Duck & n. Josiah Thomas & n.

1843

| | | | | |
|-----------|--|-----------|-----------|---------|
| Nov. 1st. | Ant. received from A. Train for
land under decm of Oct. 1843. | | | 1730 00 |
| | To paid out costs & expenses, to wit: | | | |
| | Comm. on \$300.00 @ 5% | 15 00 | | |
| | Do. on \$1430.50 @ 2% | 28 60 | | |
| | Paid coier | 5 00 | | |
| | Drawing paid to purchaser | 5 00 | | |
| | Notary, Chapman, fee | 50 | | |
| | Attos. fees & tax | 16 00 | | |
| | Clerk, \$9.88 Cont. fees \$10.00 | 19 88 | | |
| | Shff. Eley fee | 12 50 | 102 48 | |
| | Nett amt. for distribution to creditors | \$1627 52 | | |
| | and paid as follows. | | | |
| c | To Christopher Babb's debts, for sale, | 290 90 | | |
| c | " Geo. D. Hall's debts " " | 48 26 | | |
| c | " Mrs. M. Wamble, debt " " | 162 83 | | |
| c | " Saml. J. Hargrave debts " " | 77 10 | | |
| c | " C. B. Hayden akw. in Bankruptcy
of J. H. Smithall " " " | 64 63 | | |
| c | " Alberta B. Wren akw. " " " | 24 6 28 | | |
| c | " Irvin W. Duck " " " | 105 93 | | |
| c | " James Thomas " " " | 219 87 | | |
| c | " Thomas & Adams " " " | 224 48 | | |
| c | " N. P. Young add. W. M. Crocker " " " | 172 74 | | |
| c | " W. H. Caswell " " " | 14 50 | | |
| | | \$1627 52 | \$1627 52 | |

Duck

7

Themasfel

1890

May 24.

Deer

To be entered

Geo. Blow. Jr.

Entered

No. 13

Duck v. Thomas, &c.

This cause came on this day to be heard on the Bill of the Complainant taken for confessed as to all of the Defendants, process having been executed on them & they failing to appear (and make defence, & on the Exhibits filed with the said Bill &c., argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that a Commissioner of this Court, pro^{ce} to take and settle the following accounts -

1st an account of all demands ~~secured~~ ^{secured} in the Deed of Trust executed by Isaiah Thomas, to A. P. Young Trustee, on the 28th Sep^r 1866, and their priorities -

2^d. an account of the transactions of said A. P. Young Trustee under said Deed. & make report to Court.

And it is further ordered that the proceeds of the sale made by said A. P. Young Trustee as aforesaid, be by him collected & held ready for the further order of this Court.

Duck &

or

Memorial

1870

Oct. Ct. Decree

to be entered

Geo. T. Brown, Jr.

Cont. 25.

as reported by Towns. Young's
and Report, and make
report to Court.

Duck & N. Thomas &

This cause came on this day to be again heard on the papers formerly read & on the Report of Comr Young made pursuant to the decree of 17th of May 1870. - to which report there is no exception; and was argued by Counsel; on consideration whereof the Court doth confirm the said Report, and doth adjudge order and decree that A. P. Young the "Trustee" in the Decree of Trust referred to in the proceedings, proceed without delay to collect the Sales Bonds referred to in his account as Trustee, reported in Comr Young's Report, and when collected pay the City of this said (including an Attorneys' fee to the Plaintiff's attorney of thirty dollars, and all expenses yet due, if any, and then pay to Thomas B. Bourne the sum of \$135.70 with interest on \$91.50 part thereof from the 18th Oct. 1864 then paid, being a debt of prior date, as reported in said Comr. Young's Report, and the Balance pay ratably to the several creditors of said Estate Thomas, according to their respective demands,

4.68
 .71
 1.55
 .71
 2.50
 cl. . . 10.51

Shift. . . 6.00
 Cont. . . 10.00
 atk. Hay 16.00
 42.51

25

1.37
 .25
 1.62

Duck Is

11

Thomas

1872

ape land.

Deuce for resale
of land

To be entered.

Yours truly,

Entered,
 20,

Duck Jr.

N.

Thomas Jr.

This cause came on this day & be again heard on the papers formerly read in the report of A. P. Young made pursuant to the decree of the Oct. Term 1870 of this Court - to which report there is no exception, and was argued by Counsel.

On consideration whereof the Court doth adjudge, order and decree that, the said A. P. Young Court as aforesaid, proceed to resell the said sold under proceedings heretofore had herein, (the purchaser Thomas B. Henderson having failed to pay for the same), having first advertised the time and place of sale at least thirty days by advertisement at the Court house door of this County and by printed handbill, in some newspaper in Norfolk, twice a week for three weeks; the said sale to be made on a ~~credit~~ ^{credit} Court day & before the Court house door of said County in a credit of one, two & three years.

with Interest from date (except for a sum sufficient to pay ^{costs &} expenses, ^{including an attorney's fee of \$20} which he will require in cash & pay to those entitled), taking from the purchaser Bond & good security to retain ^{title & the said land} the ~~land~~ ^{title} till the purchase money is paid, and make report to Court.

28th of Sept. 1866. Creating of a tract
of 28th acres (more or less, adj. G. Pittman
the estate of Geo. Simpson) &c. in the County
of Isl. of Wight, and make report to court
adj. order & deem that a com. of this court
take and report to court a further act.
of the transactions of said N. P. Young
or trustee under the deed from Joseph Thomas
or otherwise.

Book to
Mr. Thomas
Dec. 3

To be entered
Oct. 22nd 1864.

Geo. B. Brown

Entered (28)

Duck &

31

1/2 Mch

Thomas' Trust &c.

This cause came on this day to be again heard on the papers formerly read, and on the report of Resole this day made by N. P. Young the Commr. of sale. On consideration whereof the court doth confirm said report, and doth adjudge, order and decree that N. P. Young, the Commissioner of sale aforesaid, do receive from A. Davis the purchase of the land in the proceedings mentioned, the sum of \$1730.⁰⁰ the purchase money for said land, and deposit the same in the Treasurer's hands and pay the same out as directed by the decree in this cause of the Oct. term, 1878. And that upon the payment of the said sum of \$1730.⁰⁰ by the said Davis, the said N. P. Young the Commr. aforesaid ~~do make~~ do make to the said A. Davis a good & sufficient deed, with special warranty for the land in the proceedings mentioned, being the land conveyed by said ^{John} Thomas to N. P. Young by his deed of trust of the

Duck Lake

N

Thomas, Minter

1874

Alleg. Cir. Ct.
Final Decree

To be entered

Geor. Sloan

Entered

22,

Duck Sr.

on

Thomas' Trustee Sr.

This cause came on this day to be again heard on the papers formerly read & on the Report of payments made by A. P. Young under the Decree of the 22^d day of Oct. 1873, herein, - to which report there is no exception, & was argued by Counsel; On consideration whereof the Court doth confirm the said Report, & doth adjudge, order and decree that the proceedings had in this cause be confirmed, & made final and binding between the parties to the same, and nothing more remaining to be done in this cause it is ordered that the same be removed from the docket.

Deak & Thomas

After final dinner
was rendered
in this city at May
1874 - I collected
the balance due
on Anderson's bond
of \$500.00. I then
threw & paid out
the same, as will
be seen by report
& statement recorded
in the county court
in March 1883.

J. P. Young Jr.

2 Exhibits
Filed with Rec'd
I. W. Duck

7

Arch Roman, Inc
Care of J. O. F. M.,

Isiah Thomas
"A"

George Scott

Mr. Ballou
J. W. Duck

(575)

In Seed of Trust
at 10 George

\$ 275.00--

Orderd and The 12th day of
August 1861. I promise to
pay to George Plott or order
Two hundred and Twenty five
dollars for a pair of horses
purchased of him, payable
at The Suffolk Savings Bank
of Virginia, Given Under
My Hand and Seal This
12th day of April 1861.-

J. N. Thomas (S)

Teste

J N Thomas

225-
45-

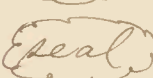
270

Thomas
6 { Spent Dead

Young trunks
"B"

aforesaid to said Scott shall be secured pro-rata with the debts of the other creditors herein before mentioned. And it is further covenanted, that this deed is not to be foreclosed as to the whole or any part of the property named & conveyed herein during the existence of the present law, passed by the Legislature at its last session to stay the collection of debts for a limited term, or any subsequent act that may be so passed in extension of the said first named act; In other words, that the said foreclosure shall not take place during the existence of any law of a similar character intended to stay the collection of debts, unless the sale shall be ordered by the grantor, And it is further covenanted that the said grantor, during the existence of this trust, may have the right to cut and dispose of for his own use, from the lands herein conveyed, a quantity of wood not exceeding one hundred cords in any one year,

Witness the following signatures & seals,

Josiah Thomas 
N. P. Young, 

In the Clerk's office of Isle of Wight County Court, September 28th 1866. this deed of trust from Josiah Thomas to N. P. Young trustee, was acknowledged by the parties thereto and admitted to record.

Teste,

N. P. Young clk:

A Copy

Teste,

amount not recollected; one bond due to John G. Womble
date & amt: not recollected; one bond due to D. Boykin
Pastor, date & amt: not recollected; one bond due to Wm
H. Long, date & amt: not recollected; one bond due to Geo.
Edwards, date & amt: not recollected; one bond due to
Geo. F. Hall, dated 5th day of Oct: 1859 & payable on demand
for fifty seven dollars & eighty-one cents, and one acct:
due to Geo. F. Hall, due Jan: 1st 1862, for eighty six dollars &
twenty three cents.

It is expressly understood & agreed that the said N. P. Young
trustee, is not to be responsible for any loss of the said
property herein before named, during the time it may
remain in the possession of the said grantor, and that
the same shall so remain until a sale thereof is made
as directed by law. The creditors mentioned in this deed,
(the dates & amts: of whose bonds are not named) are
intended by the grantor to be secured as effectually, as
if the dates & amounts of their respective bonds, were herein
particularly described: it being his intention to secure all
herein mentioned pro-rata. And it is covenanted &
agreed that upon all sales made under this deed of
trust, the Trustee shall be entitled to a commission of
five per cent. It being recollected by the said grantor:
after the debts mentioned in this deed heretofore, were
inserted, that he, the said grantor is indebted to one
Scott of the City of Baltimore in the sum of two hun-
dred and seventy five dollars, due by bond, the date of
which is not recollected, And it being the intention of the
grantor to secure all his creditors that can be recollect-
ed by this deed, it is hereby directed that the debt due as

This Deed, made, this 28th day of September in the year 1866.
between Josiah Thomas of the one part, and Nathl. P. Young
of the other part, both of Isle of Wight County, Virginia,
Witnesseth: That the said Josiah Thomas doth grant, with
general warranty, unto the said Nathl. P. Young the fol-
-lowing property, To wit: Two horses, one yoke of Oxen,
Six cows, twelve sheep, thirty hogs, one Cart, two horse
Carts, & gear, one Carriage & harness, one buggy & harness,
Sixty empty barrels, two stands, one Still & fixtures, 4, 1/2
mill & press, four beds, two dining tables, three half round
Tables, one Sofa, one Sideboard, two Bureaus, one book
case, two dozen chairs, lot plates & dishes, cups & saucers,
Knives & forks, And also a tract of land whereon said
Thomas now resides, in the said County of Isle of Wight.
Containing two hundred & eighty three acres, more or
less, And adjoining the lands of Geo. R. Atkinson, the estate
of George Simpson & others. In trust to secure the fol-
-lowing debts due by the said Josiah Thomas, To wit: one
bond due to Mr. Winfred Babb, amount & date not
recollected; one bond payable to C. F. Wrenn guardian
of _____ and assigned by him to Albert E. Wrenn
for seven hundred & ninety dollars & sixty seven cents.
dated _____ day of _____ 18____, one bond payable to James
Thomas afooe: for the sum of \$531.66 dated on the 15th day of
Sept: 1857, one bond due to Thomas, Adams & Co. for the
sum of \$42.86 payable on the 15th day of Sept: 1857;
Three bonds due to Samuel Hargrave dates & amounts not
recollected; one bond due to James Turner, date & amt:
not recollected; one bond due to J. H. Southall, date &

Whitehead a few.

v. 3 Copy Judgmt.

Thomas

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

William B. Whitehead for. of Geo. W. Shivers. . . Plff.

vs.

$\frac{2}{3}$ In Debt.

Josiah Thomas surviving of J. A. B. Thomas himself. 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 one hundred and seventy dollars and seventy five cents, the debt in the declaration, with interest thereon from the 3^d day of May 1859 till paid, and his costs in this behalf expended.

Costs \$6.50

A copy. To wit

A. P. Young, Clk.

Executed on by delivering a true copy of the
 within to J^W Duck Jasiah Thomas A P Young
 Charles F Bacon Jacob Wamble Geo F Hale John
 Edward James Thomson Thos Adams Abner Sumner
 Haysman D B Pastors, Wm H Casey August
 1870

E D Ely Dr
 for J Smith Shiff

Black tal.

N.
 by Court Order

Thomas doer.

26 13th Augt. 1870.

J^W Duck
 J^W Duck
 by Court Order
 be as within part
 of Report filed
 for

1870.

To *Irvin W. Duck* Plaintiff. and to *Joseph Thomas*,
J. P. Young, trustee, *Winifred Babb*, *C. F. Brown* gods:
James Thomas, *Thomas Adams* & Co., *Lancel* *Plaintiffs*,
~~and~~ *Harz* *vs* *C. B. Hayden* *Ch. in Bankruptcy of*
T. H. Southall, *Jos. L. Coombe*, *D. B. Pastur*, *Wm. H.*
Carey, *John Edwards* and *Geo. F. Hall*

Defendants.

You are hereby notified that I have fixed upon the *18th* day of
August next, if fair, if not, the next fair day thereafter (Sunday
 excepted), to take and settle, at my office aforesaid, the following accounts:

- 1st. An account of all demands secured in the*
deed of trust executed by Joseph Thomas to
N. P. Young, trustee, on the 28th of Sept. 1866, and
their priorities.
- 2nd. An account of the transactions of said N. P.*
Young trustee under said deed.

required to be taken by decree of Isle of Wight *Circuit* Court, ren-
 dered on the *14th* day of *May*, 1870, in a suit in chancery
 depending in said Court, between *the said Parties Plffs.*
and Dfts.

at which time and place you are required to attend.

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

N. P. Young Com'r.