1895-004 Chancery Causes: W. H Dick & W. R. Clements vs John C. Thomas,
Isle of Wight County W J. Thomas, Trustee & Karen happuch Thomas

other surnames: Gay,
Atkinsin

Dick & Clements

vs. { Bill
In Chancery
Thomas. et als

1st & 4th April Rules 1892.
Bill & exhts. filed, summs.
exhd. & ret. rissi as. defts.

2nd Apl rules. Bill taken
for confsd. and cause
set for hearing.

Oct term 1892
Re, demurrer

October 28th 1895
Final Decree

J. C. PARKER,
ATTORNEY-AT-LAW,
Main St., Franklin, Va.

allowed the attorneys for the plaintiffs in this cause; that proper process issue, and all proper accounts be taken, and decrees and orders be made, and that all such other further and general re-leif may be granted your complainants as the nature of their case may require, or to equity may seem meet and right. And your complainants will ever pray, etc. etc.

J. C. Parker)
W. S. Hazard) P.Q.

J.C.Thomas,as trustee in said deed in place of said J.W.Thomas deceased,a copy of which order of said court is herewith filed, marked exhibit''B'',and prayed to be read as part of this bill. That said Ida M.Dick,by writing dated March 28'th, 1892,has transf the debt due to her and all her interest in said bond to her husband,W.H.Dick one of the complainants in this bill,which papers is herewith filed,marked Exhibit''C'' and prayed to be read as a part of this bill.That said Nancy P.Clements,by papaer dated 28" day of March 1892,has transfered the remaining interest that she has in said bond to her son,W.R.Clements,the other complainant in this bill,which paper is herewith filed,marked Exhibit''D'' and prayed to be read as a part of this bill.that your complainants are now therefore the joint and sole owners of the twothirds of the said bond.That none of said bond has ever been paid.That the said W.J.Thomas,substituted trustee,has been requested by your complainants to sell said real estate conveyed in said deed,and pay said bond,in accordance with the directions of the said deed,but has refused to do so, without any reasonable excuse, but has assumed said control W.H. Dick that his father owned by such part of said bond as is due him

In consideration whereof,your complainants being remediless in the premises save in a court of equity,your complainants pray that the said J.C.Thomas,W.J.Thomas,substituted trustee,and Karenhappuch Thomas,in her own right and as wife of J.C.Thomas, be made parties defendant to this suit and required to answer the same,though your complainants waive an answer under oath. That the said substituted trustee be required to sell the real property conveyed in the said deed in order to satisfy this trust,or that a special commissioner be appointed to made the sale according to the terms of the deed:that proper fees be

To the Hon.C.W.Hill,Judge of the Circuit Court of the county of Isle of Wight,Virginia.

Your coplainants,W.H.Dick and W.R.Clements,humbly complaining showeth unto the court that on the 13'th day of April,1885,J.C. Thomas made his certain writing obligatory,commonly called a bond,whereby he promised to pay Mary Gay the sum of Forty-three Hundred & twenty Dollars,on demand,and then and there executed a deed of trust on certain real estate,to J.Walter Thomas Trustee, to secure the payment of said bond,which deed was recorded in the clerk's office of the County Court of the county of Isle of Wight,Va.,on the 20'th day of April,1885,all of which will more fully appear from said bond and a copy of said deed,which are a copy of both and endorsements thereon herewith filed,marked exhibit''A'',and prayed to be read as a part of this bill.That on the 6'th day of August 1885,the said Mary Gay assigned her interest in said bond to her two daughters Mrs.Nancy P.Clements and Mrs.Karenhappuch Thomas,the wife of said J.C.Thomas,twothirds to the former and one-third to the latter,which will more fully appear from the endorsement on the said bond which is prayed to be read as a part of this bill. That on the 23'rd day of April,1889,the said Nancy P.Clements transfered her interest in said bond to Ida M.Dick,as collateral security for the payment to her of the ~~same~~ sum of $1046.77, with interest from Jan.1'st,1889,as will more fully appear by an endorsement on the said bond which is prayedto be read as a part of this bill.That before the third day of June 1889,the said J.W.Thomas trustee died,and on the said 3'rd day of June 1889,the county court of Isle of Wight county,on motion and by consent of parties,substituted W.J.Thomas,the son of said

expendam.

J C Thomas

State of Nigh County to wit.

I. J. W. Stott a ~~Commissioner in Chancery for the Circuit~~ Justice of the Peace for ~~Court of the~~ County aforesaid in the ~~State~~ of Virginia do certify that J. C. Thomas personally appeared before me in my said County and made oath, that the statements contained in the foregoing answer, so far as made of his own knowledge are true, and so far as made on knowledge or information derived from others he believes to be true. Given under my hand this 31st day of Oct 1892.

J. W. Stott J. P.

Answer of J. C. Thomas

Filed November 1892

Dick and Clements
vs
Thomas et als

and of no force and effect.
This defendant does not admit, but
denies that the said Mary Gay assigned
the said bond to the said Nancy P. Clements
and Karenhappuch Thomas, as in said bill
alleged, and if the same has any legal ex-
istence, which this defendant denies, it is
a part and portion of the estate of the said
Mary Gay and at her death passed to
her heirs. This defendant calls for strict
proof of this allegation in said bill.
And further answering this defendant says
that he has no knowledge of the assign-
ment of the alleged interest of the said
N. P. Clements in the said bond to the said
to the said Ida M Dick and W. R. Clements,
nor of the assignment by the said Ida M.
Dick to the said M A Dick. as in said bill
alleged, and this defendant avers that
even if so assigned the said assignments
vested no interest and possess no title
to the said assignees.
This defendant prays the benefit of so
much of this answer as goes in bar, as
if the same had been specially pleaded.
And having answered this defendant
prays hence to be dismissed with his
costs in this behalf most unreasonably

incapable of performing any valid binding or legal act.

This defendant denies that at the time of the execution of the said bond and deed of trust, or at any time, before or after, he was indebted to the said Mary Gay in the sum of $4320.00 the amount of said bond, and this defendant avers that if he had been of sound mind, or capable of understanding the transaction and comprehending the same, he would not have signed the said bond or executed the said deed of trust, and that his signature thereto was improperly obtained, without the intelligent and conscious assent of his will.

This defendant does not admit but denies, that the said deed of trust is a valid and subsisting lien on the lands therein mentioned, or that the same should be subjected to the payment of the said bond or any part thereof. But on the contrary this defendant avers, that never having given his conscious assent to the execution of the said bond, and said deed of trust, they are nullities and void. That the said bond should be delivered up and cancelled and the said deed of trust declared to be null and void

Dick and Clements

P } In the Circuit Court of Ike of Wyles County
Thomas et als

The answer of D.C. Thomas to the Bill of complaint in said Court exhibited by W.A. Dick and W.R Clements against him et als.

This defendant saving and reserving all right of exception to the many errors and imperfections in said Bill contained. For answer thereto, or to so much thereof as he is advised it is material or necessary for him to answer, answering says: That on the 13th day of April 1885 this date of the bond and oath of trust in the complainants bill mentioned, and for a long period prior thereto and thereafter, this defendant was seriously and dangerously ill, prostrated in mind and body, wholly irresponsible and totally incapacitated for the intelligent and sensible transaction of any business, of any character and description whatsoever. This defendant has been since informed that he signed the said bond and executed the said deed, but he avers that he has no knowledge and recollection of so doing. That at the time of signing and executing the same he was wholly and totally irresponsible, was non compos mentis and

FORM NO. 300

Nick Clements

vs. | SUBPŒNA IN CHANCERY.

Thomas J.C. et ux. et als.

J.C. Parker & W.S. Holland p.q.

To Sat. April Rules.

1892 Circuit Court

Executed by delivering to the within named C. Thomas, Executrix, and Thomas C. Thomas, Executor, and Thomas C. Thomas as the within named Executor & Executrix & C. Edwards Sh'ff.

Everett Waddey,
Stationer and Printer,
Richmond, Va.
Form No. 300.

The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight, Greeting:

WE COMMAND YOU, that you summon John C. Thomas and Kerenhappuck Thomas his wife, and in her own right, and W. J. Thomas substituted trustee

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight, at the rules to be held for the said Court on the first Monday in April, 1897, to answer a bill in Chancery, exhibited against them in our said court by W. H. Dick and W. R. Clements

And have then there this writ. Witness, N. P. YOUNG, Clerk of our said Court, at the court-house, the 29th day of March 1897, and in the 116th year of the Commonwealth.

N. P. Young clk

Thomas J. Clarke

ads. { WITNESS' SUBPŒNA.

Dick & Clements

To 17. July. 1893

before Comd. Young

"

Expenses paid

within July 6/93

[illegible]

[illegible]

[illegible]

Everett Waddey, Stationer and Printer, Richmond, Va. } Form No. 401.

The Commonwealth of Virginia,

To the Sheriff *of the* County *of* Isle of Wight, *Greeting:*

You are hereby commanded to summon E. E. Edwards, J. W. Scott and Turner S. Reynolds

personally to appear before the undersigned, one of the commissioners in chancery of the Circuit Court of the County of Isle of Wight, at his office, at the court-house of said county, on the 17th day of February 1893 ~~xxx~~, to testify and the truth to say in behalf of the defendants

in a certain matter of accounts

referred to the said commissioner for report, by a decree of the said court in a suit in chancery therein pending between W. H. Dick & W. R. Edwards Pltffs. and Jno. C. Thomas et als. Defts.

And this duty shall in no wise omit, under the penalty of £100. And have then there this writ.

Witness, A. P. Young, Commissioner of the said court, at the court-house of said county, the 15th day of Feby. 1893, and in the 117 year of the Commonwealth.

A. P. Young Comr.

Thomas J. C. et ux.

vs. } WITNESS' SUBPŒNA.

Dick West et ux.

To S. Moore
1893.

Executed
on the within
March 13th 1893.

Ro. A. Edmiston
Sh. Pk.

Everett Waddey, Stationer and Printer, Richmond, Va. } Form No. 401.

The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight, Greeting:

You are hereby commanded to summon A. J. Edwards and George D. Chapman *

personally to appear before the undersigned, one of the commissioners in chancery of the Circuit Court of the County of Isle of Wight, at his office, at the court-house of said county, on the 15th day of March 1893 ~~next~~, to testify and the truth to say in behalf of Jno. C. Thomas

in a certain matter of accounts

referred to the said commissioner for report, by a decree of the said court in a suit in chancery therein pending between W. H. Dick etals. pleffs. and said Thomas & als. defts.

And this Duces shall in no wise omit, under the penalty of £100. And have then there this writ.

Witness, N. C. Young, Commissioner of the said court, at the court-house of said county, the 7th day of March 1893, and in the 117th year of the Commonwealth.

N. C. Young Com'r.

Dick & Clements
vs. Bill of Complaint
Thomas et als.
Filed March 17. 1893.

whereas T. J. Clements qualified as Admr. of Wm Atkinson deceased, & as guardian of his children, Ida M. Clements (who has since married W.H. Dick, W.R. Clements & Eustace Clements, with Jno. C. Thomas as one of the sureties on the bond required of him as guardian as aforesaid. And whereas the said Jno. C. Thomas in order to secure to Mary Gay the payment of the sum of a certain bond executed by the said Jno. C. Thomas, bearing date April 13th 1885, & being for the payment to the said Mary Gay of the sum of Forty-three Hundred Ninety Dollars on demand, did convey in trust to J. Walter Thomas Trustee, by his deed bearing date April 13th 1885, & duly recorded in the Clerk's office of the County Court of the County of Isle of Wight, certain real estate in the said deed fortunately mentioned & described. And whereas the said J. Walter Thomas Trustee has departed this life and W. J. Thomas has been substituted as Trustee in the said deed in the place & stead of the said J. Walter Thomas, deceased. And whereas the said Mary Gay assigned the said

as surety for the said T. J. Clements as guardian aforesaid. Now Therefore, this Deed made this day of March 1893 between W.H. Dick & Ida M. Dick his wife & W.R. Clements & Eustace Clements parties of the first part, & J.C. Thomas & Kornhaffnick Thomas his wife parties of the second part, Witnesseth, that the said J.C. Thomas & wife hereby covenant, agree & bind themselves, their heirs & assigns forever, to convey to the said W.H. Dick W.R. Clements & Eustace Clements, with general warranty, the tract or parcel of land above described, in the following proportions, to-wit, Four tenths (4/10) to W.H. Dick: Three tenths (3/10) to W.R Clements, & Three tenths (3/10) to Eustace Clements, whenever they may be so directed to convey same by decree in said suit. And the said parties of the first part agree covenant & bind themselves, their heirs & assigns to accept said conveyance in full satisfaction payment & discharge of their interest in the debt secured by said deed of trust, & all liability of the said J.C. Thomas as surety for the said T.J. Clements as guardian aforesaid.

Witness the following signatures & seals this 15th day of March 1893.

J.C. Thomas (Seal)
Kornhaffnick Thomas (Seal)
W.H. Dick (Seal)
Ida M. Dick (Seal)
W.R. Clements (Seal)
E. A. Clements. (Seal)

trustee, were made defendants, and whereas in order to a full & perfect settlement of all matters in controversy, between W.H. Dick, W.R. Clements & Eustace Clements, & Ida M. Dick and J.C. Thomas, which there exists by virtue of the debt secured by said deed of Trust & the assignments thereof as aforesaid, or by virtue of the liability of the said J.C. Thomas as surety to the bond of the said T.J. Clements as guardian aforesaid, the said J.C. Thomas & Kom Hatfield his wife have agreed to convey to the said W.H. Dick, W.R. Clements & Eustace Clements that certain tract or parcel of land situated, lying & being in the County of Isle of Wight in the State of Virginia, adjoining the lands lately owned by T.J. Clements, Jas. Spivey, & the lands formerly owned by Elisha Gay deceased, containing by estimation 422 acres, be the same more or less, it being one of the tracts of land conveyed by the said deed of trust, in full payment, satisfaction & discharge of the interest of the said W.H. Dick, W.R. Clements & Eustace Clements in the debt secured by the said deed of Trust, & in full discharge of all liability of the said J.C. Thomas

land & and I must running the same as follows. to wit: one third to Konnahaffuck Thomas wife of Jno. G. Thomas & two thirds to Nancy P. Clements. wife of T. J. Clements, and whereas the said Nancy P. Clements assigned her interest in the said land to the said Ida M. Dick as collateral security for the payment of One Thousand & forty-six & 77/100 Dollars with interest from Jany 1st 1889, the balance due the said Ida M. Dick by T. J. Clements as guardian aforesaid: and whereas the said Nancy P. Clements assigned the residue of her interest in the ~~said~~ land to W. R. Clements. And whereas the said Ida M. Dick assigned all of her interest in said land to the said W. H. Dick. And whereas the said W. H. Dick & W. R. Clements instituted a suit in chancery in the Circuit Court of the county of Isle of Wight in order to subject the land by the said deed of trust conveyed to the payment of the debt thereby secured, in which suit J. G. Thomas, Konnahaffuck Thomas in her own right & as wife of Jno. G. Thomas, & W. J. Thomas substituted

Dick & Clement
vs. } In Eq.
Thomas J. C. et al.

Rept. of Comm.
Hon may order
decree of Nov.
1897.

Filed in Court
March 17. 1898.

Comm. Fees $12.00
Supp. " 2.00
$14.00

requested to state by any party in interest.
Your Commissioner reports to the Court that on the 18th day of Janry: 1893, he issued notice to the parties, plaintiffs and defendants, that said notice was served and returned to your Commissioner. That on the 10th day of Feby, being the day on which the parties were required by the notice to appear, in consequence of the absence of Counsel for pltffs: the taking of said account was continued till the 17th and on that day the case was again for good cause continued till the 15. of March 1893, and on that day, from the evidence before him, and all parties being present, your Commissioner made up and completed the foregoing account of liens & debts against said John B. Thomas, which shows the amount thereof to be $6965.53. of which the debt due to the plaintiffs is of the first priority, and the debt due to Augustus Wright is of the second priority.
Your Commissioner reports specially, that the question in issue between the plaintiffs and defendants has been settled by consent, which your Commissioner considers advisable as it will promote the interest of the said A. Wright subsequent liens & creditors of said John B. Thomas. Given under my hand as a Commissioner of said Circuit Court this day & year first herein written.

A. P. Young Com.

	Amt. of liens brt. ow			$ 6398 64
2. priority	A judgment in favor of Augustus Wright of Petersburg, rendered in the Circuit court of Isle of Wight county ow the day of April 1886, and docketed ow the 28th day of April 1886, for	383	89	
	Interest thereon from the 23d. of June 1884, to 18. Mar 1885	17	27	
		401	16	
	Paid 18 Mar 1885	25	00	
	Balance due " " ofpl.	376	16	
	Int. thereon to 20. Apl. 1893	182	55	
	Costs of suit at law	8	18	
				566 89
	Total amt: of liens proved			$ 6965 53

Commissioners Office, Isle of Wight Courthouse
March 17th. 1893.

To the Circuit Court of Isle of Wight County.

Pursuant to a decree of the circuit court of Isle of Wight County rendered on the 7th day of Novr. 1892, in a suit therein depending between W. H. Dick & W. R. Clements plaintiffs, and Jno. C. Thomas et als: defendants, directing one of the Commissioners of said court to take an account of the liens debts of the said John C. Thomas, with the order of their priority, and an account of any other matters deemed pertinent by the Commissioner, or which he may be

An account of the lien debts against John C. Thomas.

A debt due by bond of J. C. Thomas to Mary Gay, dated on the 13th day of April 1885, payable on demand, and on the 6th of August 1885, assigned by said Mary Gay to Nancy P. Clements and Kerenhappuch Thomas, two thirds thereof to said Nancy P. Clements and the other one third thereof to said Kerenhappuch Thomas, which is secured by the Deed of trust of said John C. Thomas to W. J. Thomas, substituted trustee, dated the 13th day of April 1885, and recorded on the 20th day of April 1885, in the Clerk's office of Isle of Wight Co'ty, & filed as Exhibit "A". and the said Nancy P. Clements' said 2/3 of the amount of said bond, subsequently assigned to W. H. Dick & W. R. Clements & Interest thereon from the 13th day of April 1885, to the 20th day of April 1893 . . . . . 2078 64

Amt. of lien carried on . . $6398 64

Dick - Clements

vs. } 1st Decree

Thomas. et als

Nov. Term 1892

To be entered.

C M A

Entered #32

Dick & Clements

vs

Thomas, et als.

This day this cause came on to be heard upon the bill & exhibits this day filed by leave of Court filed, the answers of J. C. Thomas with several replications thereto & W. J. Thomas, substituted Trustee, & the bill taken for confessed as to the other defendants and was argued by counsel.

Upon consideration whereof the court doth adjudge, order & decree that one of the Commissioners of this Court take an account of the lien debts of the said J. C. Thomas, with their orders of priority: and an account of any other matters deemed pertinent by the Commissioner, or which he may be required to state by any party in interest, and he shall report to the next term of this court.

Jany. 18. 93. Ks

Dick & Columbus

vs. Jan Ory

Thomas Falls

Decree of Nov 2/1892
for accts &c

Copy

Notice ifp - 18. Jany
to take acts. 10. Feby
1893.

In Isle of Wight Circuit Court
Nov 2nd 1892.

Slick & Clements
vs
Thomas et als.

This day this cause came on to be heard upon the bill & exhibits filed the answer of J. C. Thomas this day filed by leave of Court with general replication thereto, & the bill taken for confessed as to the other defendants & was argued by Counsel. Upon consideration whereof the Court doth adjudge order & decree that one of the Commissioners of this Court take an account of the lien debts of the said J. C. Thomas with their order of priority, & an account of any other matters deemed pertinent by the commissioner, or which he may be requested to state by any party in interest, & he shall report to the next term of this Court.

A Copy

Teste W. P. Young Clk
by S. T. Young D. Clerk

Dick Clements

vs

Thomas, et als

To be entered

CMH

May 16, 1873

Entries

Dick x Clemmons

vs.

Thomas, et als.

This day this cause came on to be heard upon the papers formerly read & upon consent of parties ~~it is ordered that~~ entered of record in open court. it is ordered this suit be made a vacation cause to be further handled with in vacation.

Dick v Clements et ux

vs

Thomas J. C. et ux

Decree

Clerk cir. court of
Isle of Wight county
will enter this decree

Entered
C. W. H.
May 17, 1893

Rule and entered
May 17, 1893.
C. W. H.

Inch Thomas pay the other half
of the costs in each suit.

in the due offices from D. L. Thomas to the said W. D. Thomas, bearing date April 13th 1885; and duly recorded in the clerks office of the County Court of the County aforesaid, filed with the plaintiffs bill and marked Exhibit A. who is hereby appointed a Commissioner for that purpose, execute and deliver to W. H. Dick and W. R. Clements, and Eustace Clements, a good & sufficient deed with general warranty for the land mentioned & described in the papers "K" hereinbefore referred to, in which deed J. C. Thomas & Kornhaffuh Thomas his wife shall join, by signing, sealing & acknowledging said deed; and said deed shall be given so as to vest in the said W. H. Dick Four Tenths of said property; & in W. R. Clements Three Tenths; & in Eustace Clements Three Tenths.

And the Court doth further adjudge, orders & decree that W. H. Dick & W. R. Clements pay one half the costs in this suit & also in a former suit in this Court concerning the same matter that was dismissed on request of the plaintiffs Ida M. & W. H. Dick, and that the said J. C. Thomas & Kornhaff-

Dick and Clements

vs } In the Circuit Court of Isle of Wight Co.

I. le. Thomas et als

This cause came on this day to be again heard upon the papers (in vacation by consent of parties) formerly filed and upon the report of Comr Young filed March 17th 1893, and was argued by counsel, on consideration whereof the court confirming said report to which no exceptions have been filed, and it appearing to the court from said report and from the paper marked X. filed in this cause. That the matters in controversy between the plaintiffs and the defendant I. le. Thomas have been fully and finally compromised and settled upon the terms and on the conditions in said paper X fully set forth and mentioned, and it appearing from the said report that the said compromise is judicious and advisable and that the interests of the subsequent lien creditors will be promoted thereby. The court doth adjudge, order and decree that the said compromise be held firm stable and binding between the parties thereto, and for the purpose of effectuating the same according to its terms, true intent and meaning. the court doth further adjudge order and decree. That W. D. Thomas trustee

Dick and Clements
vs
Dooley

Thomas

Rough Draw
ord ~~June~~ 26th 1895

To be entered

Robert C. Stevens

Entered

Dick and Clements
vs } In the Circuit Court of Isle of Wight Co.
Thomas et als

This Cause came on this day to be again heard on the papers formerly read. and was argued by Counsel, on consideration whereof. it appearing to the Court that nothing further remaining to be done herein. it is ordered that this suit be stricken from the docket, with leave to any party to reinstate the same within one year.

Dick Pr.
Sir Egmo,
Thurs

Robert, time do they adjourn on Sunday, and where, the Assignment is entirely to your private the writer after subscription Sir Creditors

Dick

Jno. C. Thames wife & Lucinda
to give plaintiffs clear title
to said land at T. J. Clements
place & pay half costs of said
proceedings in which matter,
& plaintiffs to release all claim
on said land named in
deed & any claim against Jno.
C. Thames on account of
bond named, or as security for
Jno T. J. Clements as Guardian
Cost

Parker atty for
Plaintiffs

R E Boykin atty for
defendants

was received and admitted to record on the annexed certificate of T. J. Clements a notary public at 15 minutes past ten o'clock A. M.

Teste Geo. W. Cooke D.C.

per N. P. Young clk

A copy

Teste N. P. Young clk

by N. P. Young Deputy

Deed Wm Clements

vs.

Thomas Southern

Notice of dismissal for
Thomas to J. Mallett
Thomas trustee.

Exhibit "A"

Filed with Plaintiffs bill

on the trust property aforesaid.

The said John C. Thomas covenants that he will warrant generally the property hereby conveyed, and will pay all taxes, levies, and assessments upon said property so long as he or his assigns shall hold the same. And the said grantor hereby waives the benefit of his Homestead Exemption as to the aforesaid debt and obligation and as to this contract.

Witness the following signatures and seals

J. C. Thomas (Seal)

(Seal)

County of Isle of Wight, to-wit:

I Thomas J. Clements a notary public for the county aforesaid in the state of Virginia, do certify that John C. Thomas whose name is signed to the writing above, bearing date on the 13th day of April in the year eighteen hundred and eighty five, has acknowledged the same before me in my county aforesaid.

Given under my hand this 13th day of April in the year 1885.

Thos. J Clements
Notary Public

In the clerks office of the county court of Isle of Wight county the 20th day of April 1885 this deed of trust from John C. Thomas to J. C. Thomas trustee

in whole or in part, and upon such default being made the said J. Walter Thomas trustee shall so soon thereafter as he shall be requested by the said Mary Gay of Josiah, her admrs or assigns so to do, sell the above granted property at public auction at such time and place, and upon such terms and conditions as he may deem expedient, having first given notice of such time and place for at least ten days by advertisements in one or more newspapers published in the county of Isle of Wight, and out of the proceeds of such sale, after paying all the expenses attending the execution of this trust, including commissions on said proceeds of sale to the said J. Walter Thomas trustee, shall pay to the said Mary Gay of Josiah, admrs or assigns, the debt aforesaid, with interest thereon or so much thereof as may remain unpaid, and the balance, if any, to the said John C. Thomas or assigns. The said John C. Thomas covenants that he will during the continuance of this trust, keep the buildings upon the aforesaid property insured against loss by fire in a sum not less than — Dollars and assign the policy of insurance to the said trustee as an additional security for the payment of the debt aforesaid, and if the said — fails to keep the said buildings insured as aforesaid, the said trustee may cause the same to be insured and the premiums of such insurance shall be a

This Deed made this 13th day of April
in the year eighteen hundred and eighty four
between John C. Thomas of the county of
Isle of Wight, in the state of Virginia of the
one part, and J. Walter Thomas chosen trustee
of the other part, Witnesseth: that the said
John C. Thomas doth grant unto the
said J. Walter Thomas chosen trustee the following
property to wit; The farm on which I reside
containing by estimation, including another
tract called the Turner tract, one hundred
and eighty acres be the same more or less,
adjoining the lands of Cornelius Chapman
John E Thomas' estate, and one other tract
adjoining the lands of T. J. Clements, Joseph
Spivey, and the lands formerly Elisha Gay's
deceased. Containing by estimation four
hundred and twenty two acres be the same
more or less, with all the appurtenances
attached to the same. In trust to
secure to Mary Gay of Josiah of the
county of Isle of Wight the payment
of one bond dated the thirteenth day of
April 1885, calling for Forty Three Hundred
and Twenty Dollars with waiver of
Homestead act, and upon the further
trust, that the said John C Thomas
shall remain in quiet and peaceable
possession of the above granted and
described premises, and take the profits
thereof to his own use until default be
made in the payment of the debt aforesaid

This note is secured by a deed of land
J. C. Thomas Trustee

Aug 6th 1885 I assign Two Thirds of the within principal & interest to my daughter Nancy P. Clements and the other one third I interest to my daughter Kenenthosphuch Thomas.
Mary Gay

April 23d 1889. I hereby assign my interest in this bond to Ida M. Dick as collateral security for the payment of $1046 77/100 with interest from Jan. 1st 1889. balance due her by my husband on his account as guardian for her
N. P. Clements

Copy of bond & endorsements thereon in suit of Dick Est. vs. Thomas
Teste N. P. Young Clk
by N. F. Young Deputy

Dick adm'r Clements
vs.
Thomas & others

Copy of bond of J. C. Thomas to Mary Gay & endorsements thereon.

Exhibit "A"
Files with pltf's bill

4320^{00} On demand I promise to pay or cause to be paid unto Mary Ann S. Jonah without offset, the sum of Forty Three Hundred & Twenty Dollars lawful money of Va. It being for value received of her, for the true payment of which, I do hereby waive the benefit of my homestead exemption as to this debt and obligation.

Witness my hand and seal this 13th day of April 1885

J. C. Thomas (seal)

Witness
T. J. Clements.

Dick & Clendenin

vs. }

Thomas & others

copy of order substituting
W. J. Thomas trustee in
place of J. H. Thomas

Exhibit "B"
Filed with pltffs bill

In the county court of Isle of Wight county
the 3d day of June 1889

Nancy P. Clements assignee
of Mary Gay Pltf

vs. } on notice of motion of appointment of new trustee

John C. Thomas & K. his wife Defts

The notice in this case having been duly
served, by consent it is ordered that H. J.
Thomas be and he is hereby appointed
trustee in the place and stead of John H.
Thomas deceased, in a deed of trust ex-
ecuted by the said Jno C. Thomas on
the 13th day of April 1885, to said Jno
H. Thomas and recorded on the 20th day
of April 1885 in the clerk's office of the
county court of Isle of Wight county and
substituted to all the rights, duties and
responsibilities of said trustee deceased.

A Copy

Teste N. P. Young clk
by N. P. Young Deputy

To be filed as an exhibit in case of Dick vs Thomas

J. C. Pinkham

Dick & Thomas
vs } In Chy.
Thomas. ratum

Exhibit "C".
Filed with the bill

I, Ida M. Dick, of Isle of Wight County Va., for and in consider-ation of the natural love and affection I bear for my husband, W.H. Dick, and in the further consideration of One thousand dollars, hereby give, grant, bargain, sell, and transfer all my interest in and to a certain bond, bearing date the 13'th day of April, 1885, made by J.C. Thomas to and in favor of Mrs. Mary Gay, for the sum of $4320.00 payable on demand, and secured by deed of trust on realty, to the said W.H. Dick, his heirs or assigns forever, ~~####~~ without recourse to me, the nominal amount of my said interest being $1046.77, with interest from Jan. 1'st, 1889, as is shown by the endorsements on the said bond.

Witness my hand and seal this 28'th day of March, 1892.

(Seal.)

Ida M. Dick.

Witness:-

Franklin Prince

Dick et. als.

vs

Thames Iron b. et. al.

Exhibit

Filed 30. 1892

Mr. Young please file
this paper in the matter

For value received without recourse to myself I hereby sell, convey, assign and transfer all my interest in and to a certain bond made by J. C. Thomas for four thousand three hundred & twenty (4320) dollars dated 13 April 1885 and payable to Mary Ray of Josiah and by said Mary Ray assigned to the undersigned and known as Dick Thomas as per endorsement thereon to W. R. Clements, except so much thereof as has already been assigned to Ida M. Dick wife of W. H. Dick, that is to say, I hereby assign all the balance my interest of any kind in law and in equity in & to said bond to W. R. Clements.

Witness my hand and seal this 28th day of March 1892

Nannie T. Clements

Witness

C. A. Clements,

FORM No. 400.

Dick Blennerhassett

vs. } COMMISSIONER'S NOTICE.

J. C. Thomas et al.

To J. C. Foley. 1893.

Dec. 14

Foley, 10, 1890 -
5 Hen. 4 cont. 6
17. Foley.
Foley 17. 2. 11. 1 cont
To
Dick 17-3 H.

Executed by delivering a copy of
this notice to J. C. Foley
Sheriff Co. Clare
Corofin, Co. Clare
& to C. O'Mahony Sheriff
Co. Galway. Galway
January 24th 1893.

Mc. D. Cleary D.S.

Everett Waddey Co.,
Stationers and Printers,
Richmond, Va.
} Form No. 400.

Commissioner's Office,

Isle of Wight Court House, Jan. 18, 1893

To W. H. Dick and W. R. Clements, Attys. and to John C. Thomas & Kirendolphock Thomas his wife, and W. J. Thomas, trustee,

You are hereby notified that I have fixed upon the 16th day of February next, if fair, if not, on the next fair day thereafter (Sunday excepted), to take and settle at my office, the account of the liens debts of the said John C. Thomas, with their order of priority, and an account of any other matters deemed pertinent by the commissioner or which he may be required to take by any party interested.

required to be taken by a decree of the Circuit Court of the County of Isle of Wight rendered on the 7th day of Nov. 1892, in a suit in chancery depending in said Court between W. H. Dick & W. R. Clements, Pltffs. and said Jno. C. Thomas & wife et als, Defts.

at which time and place you are required to attend.

Given under my hand, as Commissioner in chancery of the said court, the day and year first aforesaid.

W. P. Young, Com'r.

The deleted ants.

Mr. Young

Dear Sir,

Here file the enclosed paper in the suit of Clements & Dick vs Hamner J. L. et als.

Thanks for Griffin papers

Yours Truly
W. S. Hamner

Sykes Chas.

vs

Sykes et al

Papers in hands of atty