1901-006 Chancery Causes. Bank of Windsor, for &c vs Thomas J. Clements & Wf &
Isle of Wight County John H. Wright, trustee

OTHER SURNAMES: Young, Duck, Goy

In Isle of Wight County Court

May 2nd A. D. 1887

In pursuance of notice given by N. P. Young to Thomas J. Clements, notifying him that he, the said Young, would on this day resign the position of Trustee in a Deed of Trust made by said Clements on the 6th day of August 1885, and recorded in the Clerk's Office of this Court, on the 5th day of Dec. 1885, in Deed Book No. 49, page 304, which notice was duly served, & thereupon the said Clements appeared in Court, and no objection being raised to the resignation of the said Young as trustee aforesaid, he was permitted to resign his said trust, and on the motion of the said Thomas J. Clements the Court doth substitute and appoint John H. Wright as trustee in the said Deed of Trust in the place and stead of the said N. P. Young trustee as aforesaid with all the rights and powers vested in the said N. P. Young trustee as aforesaid

A Copy,

Teste:- N. P. Young Jr

by G. M. Cowan D.C.

Bank of Windsor Et al

v. Dudley

Answers Filed.

Copy order Co. Ct. Dofd.
Co. substituting Jno. H.
Wright as trustee, for
N. P. Young trustee resigned.

Exhibit "A" filed
with Bill

This Deed made this 6th day of August, 1883, between Thos. J. Clements and Nancy P. his wife, of the first part, and N. P. Young Trustee for the purposes hereinafter named of the second part:
Whereas the said Thos. J. Clements as guardian for his three infant children Ida M. Clements, Wm R. Clements and Eustace A. Clements became possessed of a considerable sum of money devised to them by their grandmother Mrs. Atkinson of the County of Southampton in the State of Virginia, amounting in the aggregate to Five Thousand dollars, & the said Thos. J. Clements desires to secure the same to his said Children and wards, and also to protect his sureties upon his Bond as such guardian, and Whereas also the said Thos. J. Clements is individually indebted to sundry persons which debts he desires to secure: Now therefore this Deed witnesseth, that in consideration of the premises, the said Thos. J. Clements and Nancy P. his wife, do grant and convey unto the said N. P. Young Trustee the following property, to wit: an undivided one half interest in a tract of land near Windsor, Isle of Wight County Va: jointly owned by the said Thos. J. Clements and the Estate of John R. Clements dec'd. and which was inherited from their brother Richard Clements dec'd. and bounded by the lands of Jno: R. Clements' Estate, Benj: H. Johnson's land, and lands formerly belonging to M. H. Watkins and M. L. Watkins and others. And 2nd all

money due the said Thos. J. Clements by bond, note, mortgage, open account or otherwise of any description whatsoever, all choses in action or judgments of every kind, and all the personal property of every kind and description belonging to the said Thos. J. Clements, except such as is now on the farm on which he resides in the said County — In trust, to secure first, to the said Children and wards of the said Thos. J. Clements the sum of Four Thousand dollars, due by him as their guardian with all interest due on the same, and upon the payment in full of said obligation then to pay the following individual debts of the said Thos. J. Clements, share and share alike, viz: to Barbara Pollard of Stafford, the sum of Seventy five Dollars, due by account, to James R. Baker of Stafford the sum of One Hundred and ten dollars due by note and account, to S. Jennis Clark, of Windsor, the sum of One Hundred and Seventy five dollars due by note, to Dr. Geo. H. Jordan the sum of Ten Dollars due by account, and to Jolue E. Stringfield the sum of Twenty five dollars due by account, with power to the said Trustee to collect all such bonds, notes and other evidences of debt above named and if necessary to foreclose all the mortgages in favor of the said Thos. J. Clements other than such as may be made to secure him against loss by reason of any endorsements on negotiable notes for other parties (all of

which last named are excepted from this conveyance), and also if necessary to sell the undivided one half interest in the said tract of Eighty acres of land; and after the payment of the costs of executing this trust apply the residue according to the provisions hereof, and the surplus, if any, pay according to Law.

Witness the following signatures and seals

T. J. Clements (Seal)

(Seal)

In the Clerk's Office of the County Court of Dent County, the 5th day of Oct. 1893. This Deed of Trust from T. J. Clements to A. P. Young Trustee, was acknowledged by the said Clements & his wife, and admitted to record.

Test: G. M. Cook D.C.

for A. P. Young Clk

A Copy.

Test: A. P. Young Clk

by G. M. Cook D.C.

Board of Wardens etal

v. } Ex clerg

Clements etals.

Clements T. J.

To } Copy Deed of Trust

Young N. P. Insur

Exhibit "C." filed

with Bill.

This Deed made this 6th day of August 1885; between Thos. J. Clements of the first part, and Nancy P. Clements his wife of the second part, both of the County of Isle of Wight in the State of Virginia: Whereas by his marriage with the said Nancy P. Clements (formerly Nancy P. Gay) the said Thos. J. Clements became possessed of a considerable estate, real and personal, which he has used and appropriated in the course of his business, and Whereas the said Thos. J. Clements has sold and conveyed other real Estate in which she, the said Nancy P. Clements, has joined and relinquished her Dower, and the said Thos. J. Clements is willing and desires as far as possible to settle upon his said wife an equivalent for the property derived by him through his marriage with her, and also for her relinquishment of her dower in other real Estate sold and conveyed by him, in which Conveyances she, the said Nancy P. Clements has united:

Now Therefore this Deed witnesseth that in Consideration of the premises, the said Thos. J. Clements doth hereby grant and convey with General Warranty unto the said Nancy P. Clements her heirs and Assigns forever, the following property, Viz:- all the right title and interest of the said Thos. J. Clements in and to a certain tract of land in the County of Isle of Wight, containing Four Hundred and nine acres, more or less, situated about six Miles from Windsor, and bounded by the lands of

Jr. & C. Thomas, Jr. & C. Springfield Thos. M. Summers and others, and which was formerly the residence of Josiah S. Gay, the father of the said Nancy D. Clements; also all the growing crops of every description upon the said land, all the horses, cattle, hogs, farming implements, carts, wagons, riding vehicles of every kind and description, and all the household and kitchen furniture on the said premises. To have and to hold the said land and personal property above named, unto her own proper use and advantage, free from any claim or demand for any reliance by the said Thos. J. Clements or hereafter to be commanded by him, it being the express intention and meaning of this conveyance that the said Nancy D. Clements shall have absolute right and title to all the land and personal estate above named, and all the rents, issues and profits thereof, as fully and absolutely as if she were a feme sole, with power to her to sell and convey the same by deed or dispose thereof by Will as she may see best. But this conveyance is made upon the condition that during the life time of him, the said Thos. J. Clements, he shall be entitled to a home upon and maintenance out of the said property so long as the said Nancy D. Clements shall hold the same, or if he survive her, so long as her heirs or devisees shall hold the same, or if sold by her during her life time, the

said Thos. J. Clements, if living shall be entitled to a homestead in said tenement out of the proceeds thereof or of any other property on which the said proceeds shall be invested.

Witness the following signature & seal.

Thos. J. Clements (Seal)

Virginia:

Chesterfield County, To-wit:

I, Jno. A. Wright a Notary Public for the State and County aforesaid do certify that Thos. J. Clements whose name is signed to the writing above, dated the 6th day of August 1883, has acknowledged the same before me in my said County. Given under my hand this 6th day of August 1883.

Jno. A. Wright N.P.

In the Clerk's Office of the County Court of Nelson County, the 5th Day of October 1883. This Deed from Thomas J. Clements to Nancy E. Clements was admitted to record on the annexed Certificate of Jno. A. Wright a Notary Public.

Teste. N. B. Young Clk.

Recd for

Teste. N. B. Young Clk

by E. M. Brown D.C.

Bank of Windsor et al

vs. In Chy

Clements Tuls.

Clements T. J.
To John Dud
Clements Nancy P.

Exhi: "D." filed
with Bill.

In the Circuit Court of Isle of Wight County,
the 20th day of April, 1887.

Isaiah W. Duck . . . . Pltff:

vs. In Debt.

Thomas J. Clement . . . . Deft.

Judgment was granted the Plaintiff subject to credits of $40.00 and $12.50 against the defendant for $448.59 with interest thereon from the 7th day of July, 1886, till paid, and his costs in that behalf expended.

Costs $9.90

Teste, N. P. Young Clk.

Bank of Winder
for Use &c.
vs. In Chy.
Clements et als.

Copy Judgmt. of
Dec'r Clements

Cybl C. filed
with Bill.

In the Circuit Court of Isle of Wight County
Oct. Term 1886.

The Bank of Windsor suing for A.P. Young Trustee for said Bank } Pltff.

v.

Thomas J. Clements. Defl.

Judgment that the plaintiff recover against the defendant the sum of Four Hundred and forty Dollars with interest thereon from the 9th day of Dec. 1881, till paid, and $7.10 Costs. subject to credits of $12.50 and $40.00 as of

Teste: N.P. Young cl.

Bank of Illinois et al

v.

Dudley

Clements et als.

Bank of Illinois &c
v. Transcript from Judge
Clements C. J.

Effect. "B" Freed
with Bill.

BANK OF WINDSOR ET ALS

VS

T. J. CLEMENTS ET ALS.

D E C R E E

To be entered.

April 22, 1901.

Robert Clements

BANK OF WINDSOR ET ALS

VS

T. J. CLEMENTS ET ALS.

On motion of the complainants it is ordered that this suit be stricken from the docket, with leave to any party to reinstate the same on the docket within one year for good cause shown.

Bank of Windsor for Pl
v } In the Circuit court of Isle of Wight County.
Clements et als

This cause came on this day to be again heard. upon the papers formerly read and the Report herein of Comr Atkinson filed oct 8th 1888. with the exceptions thereto of Thos I Clements and was argued by counsel, on consideration whereof the court overruling said exceptions, doth confirm so much of said Report, as reports the Profment of the Bank of Windsor owing for the benefit of A P Young Trustee of Thos I Clements. to be a lien on the tract of land in the said Report mentioned, conveyed by the said Thos I Clements to Nancy P. his wife by his deed bearing date augt 5th 1885. and filed with complainants bill, it appearing to the court that the other liens thereon reported by Comr Atkinson have been since satisfied: and the court decreeing that the said deed is fraudulent and void as to the Profment of the said complainant the Bank of Windsor owing for the benefit of A P Young Trustee. and that the offsets claimed in the answer of Thos I Clement can not be set off against the said profment. doth annul and set aside said deed. And the court doth adjudge order and decree that R A Edwards sheriff of the County of Isle of Wight. who is hereby appointed Receiver in this cause take possession of the personal property conveyed by said deed. except so much thereof as is exempt under the poor debtors law. and proceed to sell the same upon the premises. or so much thereof as may be necessary to pay the costs of this suit and said Profment having first given twenty days notice by three insertions in some newspaper of the time terms of sale. with principal and interest. upon the following terms to wit: for cash as to all sums under Twenty Dollars

and for sums above that amount on a credit of four months, taking bond with approved personal security, with waiver of the Homestead Exemption and bearing interest from date. In the event that the proceeds of sale be insufficient to pay off and discharge in full the costs of suit and sale, and the amount principal and interest due on said judgment, the court doth further adjudge order and decree that R A Edwards sheriff and receiver as aforesaid, at the same time and place and after the same notice, proceed to sell to the highest bidder for the balance of the year 1889. the tract of land in said bill mentioned, upon which the said Thomas J Clements now resides, taking from the purchaser bond with approved personal security payable Jany 1st 1890, and the said receiver shall make report to court of his proceedings under this decree

Bank of Madison for Dr

p } Dr chg

Clements

Rough Draft
May 3d 1889
To be entered
C Mc Nicl

Entered # 40

Bank of Windsor for etc.
vs.
Clements et al.

This cause came on this day to be heard on the Bill of the Complainants taken for confessed as to all the defendants except the defendants Thomas J. Clements and Nancy P. his wife upon whom process had been duly served, they still failing to appear and demur plead and answer, on the separate answers of said Thomas J. Clements and Nancy P. his wife this day filed by leave of the Court, and on the exhibits filed with said Bill with general replications to said answers and was argued by Counsel.

On consideration whereof the Court doth adjudge, order and decree that the papers in this cause be referred to one of the Commissioners of this Court, who is directed to take, state settle and report to Court the following accounts to wit:

1. An account of all claims against or debts due by the defendant Thomas J. Clements secured by liens upon his real estate by virtue

of deeds of trust, judgments or otherwise including the judgments in favor of the Complainants,

2 An account of the real estate of said Thomas J. Clements subject to said liens, including the parcel of land mentioned in the deed made the 6th. day of August A. D. 1885 by said Thomas J. Clements to his wife said Nancy P. and recorded the 5th. day of October A. D. 1885 in the office of the Clerk of the County Court of this County, a copy of which deed is filed as exhibit D. with ~~said B~~ the Bill herein together with the fee-simple and annual values of said real estate,

3 An account of any matters specially stated deemed pertinent by himself or which may be required by any of the parties to be so stated,

Bank of Windsor &c

vs. } In Chy

Clements & al.

In the Circuit Court
of Isle of Wight County
April 20th. 1888

Decree
To be entered.

C M Bell

Copy Bill & answers &
Exhibits & W. J. Kelly

Exhibit # 7.

The Bank of Windsor a corporation suing for the benefit of A. P. Young Trustee for said Bank and Irvin W. Duck Complainants

Against

Thomas J. Clements, Nancy P. Clements wife of said Thomas J. Clements and John H. Wright. trustee substituted in a deed of trust from said Thomas J. Clements dated the 6th. day of August 1885 and recorded in Isle of Wight Clerk's office 5th. of Octo. 1885 Defendants

With the consent of parties given in open Court and here entered of recorded, it is ordered that this Cause may be submitted to the judge of this Court in vacation for decision or decree to be made therein in vacation.

And on the motion of the defendants, leave is given them to file their answers within sixty days from the date of this order

Bank of Windsor for etc.
& als.

vs } In Chy

Clements & al.

In the Circuit Court
of Isle of Wight County
20 October 1887

Order
To be entered

C M Dick

Entered
1.

The Bank of Windsor & al

vs

T. J. Clements & als -

The defendant Thos J. Clements Excepts to the report of Geo. R. Atkinson, Spl. Commissioner, filed Oct 8th 1888, because in said report the said Commissioner failed to allow as an offset to the judgment of the Bank of Windsor, ~~the~~ against this defendant the sum of money to the credit of the defendant in the Bank of Windsor at the time of its suspension. And if said credit had been allowed, as this defendant believes it should, the accounts of said Bank would have shown a balance in favor of this defendant after paying in full the note on which the judgment was obtained.

Thos J. Clements
By Counsel.

In the Circuit Court of Shelby County:
April term 1888.

The Bank of Windsor for etc. Pltff.

vs. In Chancery

Thos. J. Clements and Nancy P. his wife and Jno. N. Wright Trustee Defts.

This cause came on this day to be heard on the Bill of the Complainants taken for confessed, as to all the defendants except the defendants Thomas J. Clements and Nancy P. his wife upon whom process had been duly served they still failing to appear and demur plead and answer, on the separate answers of said Thomas J. Clements and Nancy P. his wife, this day filed by leave of the Court, and on the Exhibits filed with said Bill with general replications to said answers, and was argued by Counsel.

On consideration whereof the Court doth adjudge, order and decree that the Register of this Court be referred to one of the Commissioners of this Court, who is directed to take state, settle and report to Court the following accounts: Viz:

1st An account of all claims against or debts due by the defendant, —

Thomas J. Clements secured by liens upon his real estate by virtue of Deeds of trust, judgments or otherwise including the judgments in favor of the Complainants.

2d. An account of the real estate of said Thomas J. Clements subject to said liens including the parcel of land mentioned in the deed made the 6th day of August A.D. 1883, by said Thomas J. Clements to his wife said Nancy P. and recorded the 5th day of October A.D. 1883, in the Office of the Clerk of the County Court of this County, a copy of said deed is filed as exhibit D with the Bill hereto together with the fee simple and annual values of said real estate.

3. An account of any shatters specially stated declared pertinent by himself or which may be required by any of the parties to be so stated.

A Copy

Test: N. P. Young clk

Bank of Middlesex

v. } Inches.

Clements this stat

Copy of Decree
April term 1888.

For acct.

This Deed made this the 10th day of May 1866,
between Josiah P. Gay and Thomas J. Clements
both of the County of Isle of Wight and in the
State of Virginia. Witnesseth: that in Consider-
ation of the Sum of Four Thousand Dollars
Thos J. Clements the land & plantation whereon the said
do grant unto the said Josiah P. Gay, now
resides, containing by estimation Four
Hundred and Ninety acres be the same
more or less, including the Grist Mill thereon
attached, also the avenue leading
through the Lawrence tract to the road
as it now stands, also the privilege
of raising the water three feet higher
if desired at the said grist mill, by
which process turned the water out into
other tracts of land which I now own,
the grave yard excepted, all of said Gay's
Household & Kitchen Furniture, three
Brandy Stills, apple Mill & Presses, all of
the Casks each all of his Farming Utensils,
one Rockaway Buggy, two Corn
Shellers, one two horse Wagon, one Fam-
ily Carriage, one buggy, one Cart, all
of his Stock Cattle, Sheep, hogs, and
Grain of every, to have & to hold the said
tract of land and other property to the
said Thomas J. Clements & his heirs
forever the right and title to the said
property I warrant generally.

Witness the following signature & seal.

Josiah P. Gay (Seal)

Isle of Wight County, to wit:

I, Dempsey D. Watkins a Justice of the Peace for the County aforesaid and State of Virginia, do certify that Josiah P. Gay whose name is signed to the writing above bearing date on this the 18th Day of May 1866, has acknowledged the same before me in my County aforesaid. Given under my hand this 18th day of May 1866.

D. D. Watkins J.P.

In the Clerk's Office of Isle of Wight County Court May 24th 1866. This deed was admitted to record upon the annexed certificate of D. D. Watkins a Justice of the Peace.

Teste: A. P. Young Clk.

Adply.

Teste: A. P. Young Clk.

by P. M. Cook D.C.

Gay Jones & C.

To

Clements T. J.

=

Affdvt.

Filed by Plaintiffs
Atty evidence before
Comm. Attached as
exhibit of Bond of
Minter H. v. Clements
T. J. & Gay W. J. Kelly
& Counsel for
plaintiffs —
July 23 1888
(16.)

Filed with Summons and
Returns & return

Commissioner's Office.

~~Isle of Wight C. H.~~ Smithfield, Va, June 7th 1888

To The Bank of Windsor suing for the Benefit of W^P Young trustee and I W Duck

Plaintiffs,

and to Thomas J Blunts and Nancy P his wife and John A Wright trustee

Defendants:

You are hereby notified that I have fixed upon the 21st day of June 1888 to take and settle, at my office aforesaid, the following accounts, to-wit: 1st An account of all claims against or debts due by the defendant Thomas J Blunts as shewn by him upon his real estate by vertue of deed of trust, judgements or otherwise including the judgements in favor of the complainants. 2nd An account of the real estate of the said Thomas J Blunts subject to said liens including the parcel of land mentioned in the deed made the 6th Day of August A D 1885 by said Thomas J Blunts to his wife said Nancy P and ~~said~~ recorded the 5th Day of October A D 1885 in the office of the Clerk of the county court of this county, a copy of which deed is filed as exhibit A with the bill therein together with the fee simple and annual value of said real estate. 3rd An account of any unsettled or specially stated, demand or judgement by the commissioner or which may be required by any of the parties to the cause

Required to be taken by a decree of the Circuit Court of Isle of Wight County, rendered ~~on~~ at the April ~~day of~~ Term 1888, 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.

Wm R Wilkinson Commissioner.

Bank of Windsor Pltf

vs

Edwards & wife Defts

Summons Notice
for account under
Date April Term 1888

2/8

Executed by delivering
copy of the within Notice
to J. W. Duck N.C.
Garnishee J. J. Edwards
Wednesday P. Edwards
June 18th 1888.
Ro. A. Edwards
Sh.

Commissioners Office
Smithfield August 14th 1888.

To John H Wright Trustee.

You are hereby notified that a copy of the written notice not having been delivered upon you on the days prior to the date notice for taking the accounts mentioned therein, the taking of the same was postponed to the 5th day of September 1888 at which time and place you are required to attend

Given under my hand as a Commissioner in Chancery of the Circuit Court of Isle of Wight County this day and year first aforesaid

Geo R Atkinson
Commissioner

State of Virginia }
Nansemond County } to wit:

This day Wilbur J. Kilby appeared in person before me, a Notary Public in and for said County in said State and made oath that he delivered a copy of the foregoing notice in writing to John H. Wright, Trustee, named in said notice, in person, on this 14th. day of August 1888.

Given under my hand this 14th. day of August 1888.

E. E. Holland
N. P.

Commissioners Office
Smithfield June 7th 1888.

To the Bank of Windsor owners for the benefit of W P Jones Trustee and I W Black Plaintiffs

and to Thomas J Blamires and Nancy P his wife and John H Wright Trustee Defendants

You are hereby notified that I have fixed upon the 21st day of June 1888 to take and state at my office aforesaid the following accounts to wit 1st An account of all claims against or debts due by the defendant Thomas J Blamires secured by him upon his real estate by merit of Deeds of Trust, Judgements or otherwise including the judgements in favor of the complainants, 2nd An account of the real estate of the said Thomas J Blamires, subject to said liens, including the parcel of land mentioned in the deed made the 6th of August AD 1885 by said Thomas J Blamires to his wife said Nancy P and recorded on the 5th day of October A D 1885 in the office of the clerk of the county court of this county, a copy of which deed is filed as exhibit D with the bill herein together with the present and annual value of said real estate, 3rd An account of any matter specially stated deemed pertinent by the commissioner or which may be required by any of the parties to be so stated, regard to be taken by a decree of the present court of date of eighth county and at the April term 1888 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 the said court the day and year first aforesaid

G W P Atkinson
Commissioner

A

Amt necessary to pay all claims against or debts due by the defendant Thomas J Clements, secured by him upon his real estate by means of deeds of Trust, judgements or attachments including the judgements in favor of the complainants

1	Farmers Bank of Hamilton. Judgement of the Circuit court of Isle of Wight county Oct'r Ter 20th 1885 vs W L Watkins, J W Peck and Thomas J Clements for	114	25	
	Interest from Sept'r 16th 1884 to October 20th 1888	2	56	11
	Costs	1	0	91 181993
2	Same Judgement of same court vs Thomas J Clements and Same term	177	12	
	Interest from Augt 9th 1885 to October 20th 1888	33	97	
	Costs	5	20	219 29
3	J A Peck assignee of J P Saunders. Judgement of same court at April Term 1886 vs Thomas Bridges and Thomas J Clements	250	00	
The debt has been paid	Interest from July 1st 1884 to October 20th 1888	63	88	
	Costs	8	80	~~322 68~~
4 & 5	W P Young, Trustee of the Bank of Windsor Judgement of same court at October Term 1887 vs Thomas J Clements	~~100~~	~~00~~	
	Interest from December 9th 1881 to Oct 20th 1888	~~181~~	~~20~~	
	Costs.	7	60	~~628 80~~
3 & 4	I W Peck. Judgement of this same court of April Term 1887 for $448.59 ~~subject to credits of $61.33~~	448	59	
		61	33	
	Interest from July 1st 1886 to Octo 20th 1888			
	Costs	4	46	520 08
	W P Young Trustee of the Bank of Windsor Judgement of same court October Term 1887 for $388.00 subject to credits of $61.33	388	00	
	Int from Dec 9th 1881 to Nov 22 1887	138	58	
	Costs	7	60	
		534	18	
	By this amt J T Clements pro rata on 1st Mortgage lien of Trustee of Bank of Windsor	149	01	
		385	17	
	Int on $385.17 from Nov 22 1887 to Octo 20 1888	21	05	406 22
				2963 52

B

The assessment of the real estate of the said Thomas J Clements subject to liens by deed of trust, by judgement or otherwise including the parcel of land mentioned in the deed made the 6th of August AD 1883 by Thomas J Clements to his wife Nancy P and recorded on the 5th day of October AD 1885 in the Clerks office of the county court of Isle of Wight county together with the fee simple and annual value of said real estate

	Fee Simple Value	Annual Value
On tract of 40 acres being the same which was conveyed in said deed to Nancy P Clements Assessed to	245 00	200 00

Commissioners Office
Smithfield October 6th 1888

To the Honorable court of Isle of Wight county

Pursuant to an decree of the said court rendered at the October term 1888 in a suit in chancery depending therein between the Bank of Windsor acting for the benefit of N P Young Executor, and A W Beck plaintiffs and Thomas J Clements and Nancy P his wife and John W Wright Trustee, defendants, the undersigned a commissioner in chancery of the said court to whom was referred for settlement by said decree, 1st An account of all claims against or debts due by the defendant Thomas J Clements secured by him upon his real estate by deeds of trust, judgements or otherwise including the just payments in favor of the complainants, 2nd An account of the real estate of the said Thomas J Clements subject to said liens, including the parcel of land mentioned in the deed made the 6th of August AD 1883 by said Thomas J Clements to his wife said Nancy P recorded on the 5th day of October AD 1885 in the office of the county court of said county, a copy of which deed is filed as exhibit A with the bill therein, together with the fee simple and annual value of said real estate, 3rd An account of any matter specially stated herein pertinent to the said commissioners office which may be required by any of the parties to be so stated report that on the 4th day of June 1888 he opened notices

against the said parties requiring them to attend the taking of the said accounts at their office aforesaid on the 21st Day of June 1888 all of which notices were returned to your commissioner duly executed except against John A Wright and thereupon your commissioner upon the taking of said accounts to the 5th Day of September 1888 and upon notice of the time and place of taking the said accounts and of said advertisement against the said John A Wright hereto which notice was returned duly executed and on the Date of this report your commissioner completed the foregoing his account, marked A. of judgements against the said Thomas J Clements, including the judgements in favor of the complainants which are liens upon his real estate, and also account marked B. of the real estate which are subject to the said judgements, Your commissioner reports that the amount of said judgements as shown by account A is $2965.52 and that the fee simple value of said land as shown by account B is $2450.00 and its annual value is $200. The priorities of the said judgements are indicated by the figures 1, 2, 3 and 4. Your commissioner finds that the said judgements are liens on the land conveyed by said Thomas J Clements to his wife Nancy P by the deed of August 6th 1883 because the said deed was a post-nuptial settlement upon his said wife without valuable consideration and therefore fraudulent and void as to the existing creditors. See Blow vs Thompson 2 Leigh 31. Perry vs Ruby 81, 317. There is no evidence to show that said settlement was made in pursuance of any valid contract or agreement for such settlement in consideration of her release of dower in other lands or consequence of her waiver in land but it is proved on the hearing by the deed of Joseph P Gray who was the father of said Nancy P Clements, to the said Thomas J Clements bearing date on the 10th day of May 1866 and recorded in the Clerks office of Isle of Wight county court, which deed is filed herewith marked C. That the said Joseph P Gray conveyed to the said Thomas J Clements in consideration of the sum of $1000.00 the tract of land at which the said Thomas J Clements conveyed to his said wife Nancy P Clements by his deed of August 6th 1883 and it was not her land or her own money that purchased it from her father.

Given under my hand as a commissioner in chancery of this court this day and year first aforesaid

Geo R Wickham

Time employed 16 hours $12.00

Bank of Winnsboro &c
vs
Edwards & wife and als

Report of
Commissioner Wilkinson
under decree of April Term
1888.

Filed Octo. 8th 1888.

The Commonwealth of Virginia,

To the Sheriff of Isle of Wight County, Greeting:

WE COMMAND YOU TO SUMMON Thomas J. Clements, Nancy P. Clements wife of said Thomas J. Clements, and John H. Wright Trustee substituted in a deed of trust from said Thomas J. Clements dated the 6th day of Aug't, 1885, admitted in Isle of Wight Clerk's office 5th of Oct. 1885 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 July next, to answer the Bill in Chancery of the Bank of Windsor, a corporation suing for the benefit of N. P. Young trustee for said Bank, and Isaac Co. Bank

~~of a plea of~~ for $ Damages $ And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court, at the Courthouse, the 6th day of June 188 7, in the 111th year of the Commonwealth.

N. P. Young clk.

Executed by delivering to the within named T. J. Clements Nancy P. Clements & each a true Copy of the within Summons. June 27th 1887. ~~and to J. H. Lovejoy the same. July 4th 1887.~~

A. B. Edwards Sheriff
For R. A. Edwards

Bank of Abbeville
for use etals.
vs.
3 Actions. To
and Rule in
Ely.
Clements T. J. etals.

Ely Rules, 1887.

R. E. Boykin p.q.

The Commonwealth of Virginia,

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

WE COMMAND YOU TO SUMMON Thomas J. Clements, Nancy P. Clements wife of said Thomas J. Clements, and John H. Wright trustee substituted, in a deed of trust from said Thomas J. Clements dated the 6th day of Augt. 1885, and recorded in Isle of Wight clerk's office 5th of Octo. 1885

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 July next, to answer the Bill in Chancery of the Bank of Windsor, a corporation, suing for the benefit of N. P. Young trustee for said Bank, and Wm W. Duck

of ~~a plea of~~ ~~for $~~ ~~Damages $~~ And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court, at the Courthouse, the 6th day of June 188⅞, in the 111th year of the Commonwealth.

N. P. Young clk.

State of Virginia
County of Isle of Wight } to wit
This day personally appeared before me, the undersigned, a notary Public in my County, and made oath that on the 4th day of July 1887, he delivered to the within named John H. Wright a true copy of the within summons. A. B. Edwards

Subscribed & sworn to before me this 6th day of July 1887. Geo: W. Cobb Notary Public

Bank of Smithfield
for $2.50 each
3 Summons &
3 acc. Rules
in ejectment
D. J. Wright
vs.
J. H. Wright

4th July Rules 1887
R. E. Parker Clk.

1

Bank of Windsor for &c & al
vs } In Chancery.
T. J. Clements & others.

The answer of Nancy P. Clements, one of the defendants to a Bill in Chancery Exhibited against herself and others by the Bank of Windsor for &c and al, in the Circuit Court of Isle of Wight County.

This Defendant now and at all times hereafter, saving and reserving to herself all benefit and advantage of Exception which can or may be had or taken to the many errors uncertainties and other imperfections in said Bill contained, for answer thereto, or to so much or such part thereof as she is advised it is material or necessary for her to answer, answering says:

She knows nothing personally of the judgments against her husband T. J. Clements, mentioned in said bill. She knows that said T. J. Clements did make a Deed to her for a certain land and personal property. But this Defendant alleges that said Deed was not without consideration valuable or valid in law. In reality the said land was parcel of the Estate owned by this defendants father and acquired by said Thos. J. Clements by virtue of his marriage

with this Defendant. The said Thos J Clements has owned and disposed of considerable other Real Estate, in all of which conveyances this Defendant has relinquished her Dower, upon the agreement with her said husband that she should have an equivalent therefor. This Conveyance made to her, she believed then and believes now, is not more than a fair and just Equivalent for such relinquishments in other Real Estate, and for her ~~real~~ interest in the Estate which her said husband actually acquired by virtue of her marriage with him. Since the Execution of said Deed, which this defendant accepted in the utmost confidence and good faith, she has claimed the sole and separate ownership of the property included in said Deed, and any authority exercised therein by said T. J. Clements, has been in the right of this Defendant. This Defendant denies all manner of combination or confederacy, and any fraudulent intent in the Execution of said Deed.

And having answered, &c. she prays to be hence dismissed with her reasonable costs in this behalf Expended, & she will ever pray &c.

Jno H. Wright p.d.

Not sworn to, because answer under Oath waived by the Bill.

Bank of Windsor for &c

vs

J. Jr Clay

V. J. Clements & als

Answer of
Nancy P. Clements.

Filed term 1858
Filed by Leave of Court.

The answer of Thos. J. Clements to a Bill in Chancery Exhibited against himself and others in the Circuit Court of Isle of Wight County, by "The Bank of Windsor" Suing &c, and 14th Decb.

This defendant, now and at all times hereafter saving and reserving to himself all benefit and advantage of Exception which can or may be had or taken to the many errors, uncertainties and other imperfections in the Complainants' said bill contained, for answer thereto or to so much or such parts thereof as he is advised it is material or necessary for him to make answer unto, this defendant answering says:

It is not denied that the Bank of Windsor conveyed to N. P. Young Trustee, all of its assets, as stated in said Bill, but this Defendant says that at the time of the failure of said Bank and on the day the said Deed was made to said Trustee, there was in said Bank to the credit of this defendant, shown upon its books, if they were in proper condition, a sum of money greater than that due to said Bank on the note of this defendant, on which the judgment against this defendant was obtained by said Trustee. This defendant has received no dividend out of the assets of said Bank, on account of said sum to his credit, and has claimed no dividend

because he recognized the fact that said sum to his credit should be applied as an offset on the note due by him to said Bank, but he claims that after applying the sum to his credit in said Bank in payment of said note he should receive his pro rata dividend upon the surplus remaining to his credit, and if, after thus applying the sum to his credit in said Bank, there should remain a surplus to his credit, as this defendant alleges, said Bank, or the Trustee can have no claim of any description against this defendant.

And this defendant for further answer to the said Bill says, that the Deed made by him to his wife Nancy P. was not a voluntary Deed, but was made upon a valuable and valid consideration, which this defendant will be able to establish by competent testimony; that the land which he conveyed to his said wife, he acquired by virtue of his marriage with her, in reality, and that since the Execution of said Deed, while he has remained upon the said land, and managed said property conveyed to her, his management of the same has been in right of his said wife, and he has not sought to Exercise any other control than in her right and for her benefit.

This defendant admits that he made a Deed of Trust to N. P. Young Trustee, who declined

the said Trust, & that Dro. N. Wright was thereafter substituted as Trustee in said Deed. But he denies that either this or the Deed to his wife, was made with any intent to hinder, delay or defraud his creditors. This defendant was and is indebted to his Children, named in said Deed, as their Guardian. Having used their funds in the course of business, and met with some reverses of fortune, he made said Deed in order, as well to secure to them the amounts due them as to protect his sureties on his bond as their guardian, and the property conveyed by said Deed is not sufficient, as this defendant believes, to secure in full the amount due them. The bonds, notes and accounts named in said Deed have not been collected by this defendant, nor has he appropriated the proceeds of collections to his own use, as charged in said bill.

This defendant does not deny that I. H. Duck secured judgment against him as stated in said Bill, but this defendant does deny that there was any liability on his part to said I. H. Duck, on the draft on which said judgment was obtained. This defendant endorsed said draft with I. H. Duck at his request and for his accommodation, and the judgment rendered thereon, was contrary to every principle of Equity. By reason of said judgment the said I. H. Duck has no reasonable or Equitable

claim against this defendant, he having voluntarily assumed said debt, and simply asked this defendant to become endorser or security for him. To require this defendant to pay any part thereof is simply to require that he should help said Duck to pay the debt for which he, and not this defendant, was primarily liable.

This defendant asks that all the matters complained of in said Bill, be fully inquired into by this Court, & that all Equities between him and the complainants be fully determined.

And having fully answered said bill denying all unlawful combinations and fraudulent intents as therein charged, he prays to be hence dismissed with his reasonable costs, and he will ever pray &c.

Jno. N. Wright. p. d.

Answer not sworn to, because answer under Oath is waived in the Bill.

Bank of Windsor for &c
& al

vs } In Chy.

T. J. Clements & als

Answer of
T. J. Clements.

April term 1888
Filed by leave of Court.

To The Hon C W Hale. Judge of the Circuit Court of Law and Chancery for the County of Isle of Wight in Chancery sitting.

Humbly complaining sheweth to the Court, your complainants, the Bank of Windsor suing for the benefit of A P Young Trustee, and J W Peak.

That on the 30th day of September 1884 the said Bank of Windsor, by their deed of that date, duly recorded in the clerks office of the county court of the county aforesaid, conveyed to your complainant A P Young Trustee as aforesaid, all of the assets of the said Bank, in trust to collect the same and distribute the proceeds of collection, among the creditors of the said Bank, a copy of said deed marked A is herewith filed and prayed to be read as a part of this bill.

That among the assets of said Bank was a certain note of Thomas J Clements for $440.00.

That at the Oct Term 1886 of the Circuit Court of the County aforesaid, the said Bank of Windsor suing for the benefit of your complainant A P Young trustee as aforesaid, obtained a judgment on the said note against the said Thomas J Clements for the sum of $440.00, with interest thereon from the 9th day of Dec 1881,

until paid and $7.60 costs of suit. a certified abstract of said judgment is herewith filed marked B and prayed to be read as a part of this Bill.
That execution duly issued on said judgment and was returned "no effects"
That at the April Term 1887 of the Circuit Court of the County aforesaid. Your complainant O W Dusk obtained a judgment against the said Thos J Clements for the sum of $144.59, with interest thereon from the 1st day of July 1886, until paid, and $9.20 costs of suit. a certified copy of said judgment is herewith filed marked E and prayed to be read as a part of this Bill.
That execution duly issued on said judgment and was returned "no effects"
That by his deed bearing date the 6th 1885, and of record in the clerks office of the County Court of the County aforesaid, the said Thomas J Clements conveyed to Nancy J Clements his wife. the following property to wit, "all of the right title and interest of the said Thos J Clements in and to a certain tract of land in the County of Isle of Wight containing 109 acres. more or less, situated six miles from Windsor and bounded by the lands of John L Thomas, Jno E Stringfield and Thos M Saunders, also all of the growing crops

of every description upon the said land, all the horses, cattle, hog, farming implements, carts wagons, riding vehicles of every kind, and all the household and kitchen furniture upon the said premises, subject to the condition that during the life time of the said Thos J Clements, he shall be entitled to home upon and a maintenance out of the said property.
That the consideration named and recited in said deed is, that the said Thos J Clements by his marriage with the said Nancy P. formerly Nancy P Gay, became possessed of considerable estate, which he has used and appropriated in the course of his business, and that the said Thos J Clements has sold or conveyed other real estate, in which the the said Nancy P Clements has joined and relinquished her dower a certified copy of said deed is herewith filed, marked B and prayed to be read as a part of this Bill.*
That no schedule or list of the personal property conveyed by said deed was filed therewith, and that the said Thos J Clements has remained in the sole and exclusive possession of said property, has used it as his own, and has sold and disposed of the crops growing on said land at the time of the execution of said deed, and has converted the proceeds thereof to his own use without

* Upon completion of the sale of the said Thos J Clements to the said Nancy P Clements, her husband, the said Thos J Clements sent to the said Nancy P Gay as alleged in said deed.

let hinderance or obstruction.
Your Complainants are informed and do charge that the said and the post nuptial settlement thereby made, was voluntary, not upon a consideration deemed valuable in law and hence is void as to your Complainants: their debts aforesaid having been contracted prior to the execution of the said deed.
Your Complainants are further informed and do charge that the said deed was made and executed by the said Thos J Clements with intent to hinder delay and defraud your Complainants of and from what they are lawfully entitled to, is fraudulent and void.
That by his deed bearing date aug 6th 1885. the said Thos J Clements conveyed to N P Young trustee, an undivided one half interest in a certain tract of land, situated in said County, bounded by the lands of Sarah Clements Estate Benj W Johnson's lands Wals, and all monies due the said Thos J Clements by bond, note, mortgage, open account or otherwise whatsoever, all choses in action or judgments of every kind and description belonging to the said Thos J Clements, and all of the personal property of every kind and description belonging to the said Thos J Clements, except such as is used on the farm on which he

besides in said county.
That no schedule list or further description of the personal property sought to be conveyed by said deed is filed therewith.
That the said Thomas J Clements has retained possession of said bonds, notes, &c and other evidences of debt in said deed mentioned, has collected a part thereof and converted the proceeds of collection to his own use
Your complainants are informed and so charge that the said deed is fraudulent and void as against the creditors of said Thomas J Clements and your complainants and that the same was executed with intent to hinder, delay and defraud your complainants of and from what they are lawfully entitled to, is fraudulent and void.*
That by the order of the County Court of the County of Isle of Wight, entered at the May term 1867, John H. Wright was substituted as trustee in the place and stead of the said Wm Young. a copy of said order is herewith filed marked A and prayed to be read as a part of this Bill.
In tender consideration whereof and forasmuch as your complainants are without remedy at law and can only be relieved by the aid of this honorable court of chancery where matters of this kind are alone and properly cognizable and relievable, to the end that justice may be done in the premises, your complainants pray that the said Thomas J Clements, Nancy P Clements

* That the said George said Young was an agent for Clements - That they knew a right to subpoena the property and papers in said deeds to the Jury mentioned in said affidavit -

and John Kellogg to come as aforesaid to be made parties defendant to this bill and to be required to answer the same, an answer under oath being hereby waived, according to the statute in such cases made and provided. That the said deed and each of them may be set aside, declared fraudulent and void and that the property thereby conveyed, be subjected to the payment of your complainants judgments aforesaid. That proper process may issue and that such other further and general relief may be granted in the premises as the nature of the case may require or to equity shall seem meet, and your complainants will ever pray &c

Kelly & Boykin. Sol.

Bank of Windsor for Use
et al
v
Ira Utley

Elements & Deeds

Complainants Bill

Sept. Rule. 1887. Bill &c
filed, summs. Eyde & de. Prisi.

" Octo. Rule. 1887. Bill taken
for confsd. & set for hearing.

" Octr. term 1887. Dr. to be
heard in vacation, with
leave to defts to file ans. in 60 Dys.

= April term 1888. Ans.
filed & Dr. for costs -

=

April Term 1901
Final Decree

Utley & Boykin. Pty.

If not called for in Ten days, return to

R. E. BOYKIN,
Attorney at Law,
SMITHFIELD, VA.

N. P. Young Esq
Isle of Wight C H
Va

R. E. Boykin,

Attorney at Law.

COURTS:
Isle of Wight, Surry, Nansemond
and Southampton Counties, and U. S.
District Court. at Norfolk.

Smithfield, Isle of Wight Co., Va. May 2d 1889

A. P. Young Esq
Dear Sir

I herewith send a
deed the entered by Judge Hill in the
suit of Bank for &c v Clements. Wright
and myself agreed as to the proper deed.
I have only changed in this. That instead
of appointing he and I comrs, I have
appointed the sheriff Comrs. & the proper
directs any alteration please make it.
I would come out but I am busy and
it is unnecessary, he having told me
send it out to you

Truly yrs
R E Boykin