1911-004 Chancery Causes: Christiana Howell, widow of W. H. T. Howell, et al vs Mills Britt 94
Isle of Wight County + Robert Bland, trustee
Petition of Mills Britt

other SURNames: English, Parker, Watkins Vaughan, [Vaughan + Company] Bailey

1

Howell, etc.,

vs — Bill.

Butt et. als.

STATE OF VIRGINIA,

ISLE OF WIGHT COUNTY, to-wit:

I, Parke P. Deans, a Commissioner in Chancery, in and for the Circuit Court of Isle of Wight County, State of Virginia, do certify thatChristiana Howell this day personally appeared before me in my said County and made affidavit that the allegations of the aforesaid, so far as made of her own knowledge are true, and, so far as made upon information received from others, she believes it to be true.

Given under my hand this 25th day of May, 1910.

Parke P. Deans,

Commissioner in Chancery.

advertised by him, on the 11th day of June, 1910, and until the further order of this court; that Mills Britt be required to file his claim with the administratrix of the estate of W. H. T. Howell, that the administratrix be directed to whom the interest on bond shall be paid, that proper inquiries may be made to ascertain and remove any cloud on the title to said property; that proper process issue; that all proper orders and decrees may be entered; that all such other, further and general relief may be granted your complainant as the nature of her case may require or to a court of equity may seem meet.

Notice is hereby given that the court will be asked to allow a reasonable fee to plaintiff's Counsel for conducting this cause.

And your complainants will ever pray, &c,

Christiana Howell

Your complainants charge and allege that no default has been made in the payment of the principal or any part thereof as is required by said deed of trust before said sale shall be made. That neither Mills Britt the beneficiary therein has the right to demand or require nor Robert Bland the Trustee therein named, a right to sell said real estate by virtue of said deed of trust or otherwise.

Your complainants charge and allege that Roberts Bland has no right to advertise , to sell or make sale of said real estate, as he has resigned his charge.

Your complainants charge and allege that sufficient notice of sale is not given and that an advertisement naming the day and place with an interlineation of "at about 2 o'clock" is too indefinite under the provisions of the said deed of trust.

Your complainants allege and charge that a sale on terms other than those made by W. H. T. Howell would cause the property to bring an inadequate price.

Your complainants further allege and charge that the facts above stated are known to the general public and it is current talk that Roberts Bland cannot give a good title to said real estate, that said sale if made would bring an inadequate price.

In tender consideration whereof and for as much as your complainants are remediless save in a court of equity where matters of this kind are alone and properly cognizable your complainant prays that the said Mills Britt and Roberts Bland may be made parties defendant of this bill and require to answer the same, but answers under oath are waived, that said Robert Bland may be enjoined and restrained from making sale of said property as

That on the 9th day of March, 1910, your complainants presented the said Mills Britt with a certified check for eighty-one dollars, the amount of interest due, as of March 1st, 1910, which he refused to accept, giving as his reason that she had not properly qualified. Said check has been again presented to him on several occasions and refused, and the same at all times has been ready for him, ~~and is now filed herewith, marked "Exhibit E", and asked to be read as a part hereof~~.

That on the 1st day of April, 1910, your complainants were given notice, that Roberts Bland has resigned as trustee, and on the 4th day of April, 1910, the Circuit Court of Isle of Wight County would be asked to name R. E. L. Watkins as substituted trustee. A cipy of said notice with endorsement on back is herewith filed, marked "Exhibit F", and asked to be read as a part hereof.

That on the 4th day of April, 1910, the said Mills Britt, by his attorney, stated to the court that sufficient time had not been given by said notice, and therefore he would not present said petition for the naming of a substituted trustee.

That on the 28th day of April, 1910, your complainants again presented the interest on said bond, in gold coin, to said Mills Britt, and he refused to accept.

That said Mills Britt has not made proper demand for the payment of the bond, nor has he filed any account of claim against the estate with your complainant as administratrix.

That on the 20th day of May, 1910, Robert Bland advertised said real estate for sale, by virtue of his authority in the said deed of trust hereinbefore mentioned. Said sale to be "on the 11th day of June, 1910, at Mt. Carmel Church, In Isle of Wight County at about 2 o'clock Virginia". A copy of said advertisement is herewith filed, marked "Exhibit G", and asked to be read as a part hereof.

a copy of said deed of trust is herewith filed, marked "Exhibit A" and asked to be read as a aprt hereof.

That the purchase price of said land is a high price, but on account of the reasonableness of terms the grantee purchased the same.

That on or about October the 19th, 1910, W. H. T. Howell departed this life, leaving a widow surviving him, the said Christiana Howell, and the following children: Mary Lizzie Howell, Leather Q. English, Martha Anna Parker, Foust Tina Howell, and Parker D. Howell, William L. Howell, Florence Howell, Clayton Howell, and Norman Howell, five of the number are infants.

That your complainants, desiring to retain said land for the benefit of herself and children and knowing that March the 1st 1910, was the day the interest of said bond was due, went to the said Mills Britt the latter part of February, 1910,and told him that upon the first day of March, 1910, she would pay the interest on said bond, on which first mentioned time he informed her that he would not accept the interest, as she was not the legal representative of W. H. T. Howell.

That on the first day of March, 1910, your complainants presented to Vaughan and Company, Bankers, Franklin, Virginia, who held the said bond; eight-one dollars, the interest on said bond. Their receipt for same is herewith filed, marked "Exhibit B", and asked to be read as a part hereof.

That on March the 3rd, 1910, we were notified by Vaughan and Company Bankers, that the said Mills Britt refused to accept said money, their letter is herewith filed, marked "Exhibit C", and asked to be read as a part hereof.

That on the 7th day of March, 1910, Christiana Howell qualified as administratrix of the estate of W. H. T. Howell, deseased, a certificate of said qualification is herewith filed, maked "Exhibit D", and asked to be read as a part hereof.

TO THE HONORABLE B. D. WHITE, JUDGE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT:

Your complainants, Christiana Howell, widow of W. H. T. Howell, deceased, Christiana Howell, administratrix of the estate of W. H. T. Howell, deceased, Mary Lizzie Howell, Leather Q. English, Martha Anna Parker, Foust Tina Howell, and Parker D. Howell, William L. Howell, Florence Howell, Clayton Howell, and Norman Howell, the last five infants of tender years who sue by Christiana Howell, their next friend, respectfully complaining, show unto the court the following case:

That they are residents of the County of Isle of Wight and that the defendants hereinafter named are also residents of said County.

That W. H. T. Howell during his life time purchased of Mills Britt the certain tract of land hereinafter described, for the sum of fourteen hundred and fifty dollars, giving his bond for that amount payable ten years after date, secured by a deed of trust on said real estate, with Roberts Bland named therein as trustee. The said property being described as follows:

> That certain piece, parcel or tract of land, lying, situate and being in Isle of Wight County, Virginia, containing 75 acres, more or less, and bounded as follows; beginning at an iron post, corner on John M. Ballard and Howell; thence a straight line running north-west to a large sweet gum tree, corner Mills Britt and Ballard; thence a line north-west to a black gum tree in head of a branch; thence down branch a line of marked trees; thence to a black gum, cornering on Britt and Cox; thence south up line branch between Howell, Cox, and Gay to a black gum cornering on Howell and Raiford; thence to a line of marked trees to a pine, cornering on Raiford, Carr, Ballard and Howell; thence a line of marked trees east on Ballard and Howell to a branch; thence said branch back again to the starting point to the said iron post cornering on Ballard and Howell.

8/2

Howell et als

vs) Chancery

Britt et al

Petition of Mills Britt

Filed Jan. 4th.1911.

Teste, E. Johnson, Clerk.

---

petition and duly acknowledged his signature thereto.

R.L. Bailey J.P.

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

-------CHANCERY-------

HOWELL ET ALS,..... .....COMPLAINANTS.

VS) PETITION OF MILLS BRITT.

BRITT ET AL.,.....DEFENDANTS.

TO HONORABLE B. D. WHITE,

JUDGE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

Your petitioner, Mills Britt, one of the defendants in the above entitled cause now in the Circuit Court of the County of Isle of Wight pending, respectfully represents to the Court, that by a decree entered herein on the 15th. day of July, 1910, the complainants are directed to

> "pay, or tender payment to the said defendant, Mills Britt, on the 1st. of March of each year the sum of $81.00, until the maturity of the bond mentioned in the said deed and these proceedings, and in the event the said defendant shall fail to receive the said sum each time when the same is tendered then the said complainants, or some one for them, shall pay said sum into court, or to the clerk thereof".

That in order to carry out the directions of this decree the said suit will have to remain on the docket of this court till the maturity of the said bond, which will be ten years from the 28th. day of November, 1908, thereby entailing costs; that he is willing and anxious to receive the interest money mentioned in the said decree upon the said bond as they same shall become due and payable and will receive the same when tendered, and prays that the said suit may be hence dismissed without further cost to him.

And your petitioner will ever pray, etc.

Mills Britt

This day Mills Britt, the petitioner above named, came before me, R L Bailey, a Justice of Peace in and for the County of Isle of Wight, State of Virginia, and made oath to the statements contained in the said

Executed on the 10th day of June, 1910, within the County of Isle of Wight; by delivering a true copy of the within Subpoena, in writing, to Mills Britt in person, and Robert Bland could not be found at his usual place of abode on the 10th day of June 1910, so the within subpoena was executed on the said 10th day of June 1910, within the County of Isle of Wight, by delivering a true copy of the same, in writing, and giving information of its purport to Bland, Robert Bland's wife, who was found at Robert Bland's usual place of abode, and who is a member of Robert Bland's family, and above the age of sixteen years.

S. Gamey Deputy
Executed
for W. A. Shariff

Christiana Howell et als
vs) Subpoena in Chancery
Mills Britt et al

Returnable to 2nd. June
Rules, 1910.

In the Clerk's Office of the
CIRCUIT COURT
OF THE
COUNTY OF ISLE OF WIGHT
this 10th day of June 1910
Returned executed
Test. [illegible] C.C.

Upon motion of the complainants, by counsel, and for good cause shown, an injunction is awarded them to enjoin and restrain the defendants, their agents, attorneys and all others from making sale of the property in the bill mentioned, containing seventy five acres, more or less, and bounded as follows: Beginning at an iron post, corner on John M. Ballard and Howell; thence a straight line running North-west to a large sweet-gum tree, corner Mills Britt and Ballard; thence a line Northwest to a black gum tree in head of a branch; thence down branch a line of marked trees; thence to a black gum, cornering on Britt and Cox; thence South up line branch between Howell, Cox, and Gay to a black-gum, cornering on Howell and Radford thence a line of marked trees to a pine, cornering on Radford, Carr, Ballard and Howell; thence a line of marked trees East on Ballard and Howell to a branch; thence said Branch back again to the starting point to the said Iron post cornering on Ballard & Howell, ~~xxxx~~ for a period of sixty days.

But the complainants are not to have the benefit of this order until they, or some one for them shall enter into bond before the Clerk of this Court, with security deemed by him sufficient, in the penalty of two hundred dollars, payable to the defendants, conditioned to pay all such costs and damages as they may sustain in consequence of said injunction, in case the same shall be dissolved.

Teste, [signature] Clerk.

Bond executed.

Teste, [signature] Clerk.

COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ISLE OF WIGHT COUNTY--Greeting;

We command you that you summon Mills Britt and Robert Bland, Trustee,

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules to be holden for the said Court on the 3rd. Monday in June, 1910, to answer a bill in chancery exhibited against them in our said Court by Christiana Howell, widow of W. H. T. Howell, deceased; Christiana Howell, Administratrix of the estate of W. H. T. Howell, deceased, Mary Lizzie Howell, Leather Q. English, Martha Ann Parker, Foust Tina Howell, and Parker D. Howell, William L. Howell, Florence Howell, Clayton Howell, and Norman Howell, the last five being infants of tender years, who sue by Christiana Howell, their next friend,

And have then and there this writ.

Witness, A. S. JOHNSON, Clerk of our said Court, at the Courthouse, this 8th. day of June, 1910, and in the 134th. year of the Commonwealth.

A. S. Johnson Clerk.

ENDORSED.

5.

Howell etc

v.

Britt et als.

Depositions

Executed on the 11th day of July, 1910, within the County of Isle of Wight, by delivering a true copy of the within notice, in writing, to Mills Britt and Robert Bland, trustee in person.

By S. Gramy Dep Sheriff
for H. A. Edwards Sheriff

Howell etc.
v.
Britt et als.
Notice of taking depositions

Notice of Taking Depositions.

To Mills Britt and Robert Bland, Trustee:

Take notice that on the 13th day of July, 1910, & at the office of Parke P. Deans in Windsor, Isle of Wight Couny, Virginia, between the hours of ten A. M. and six, P. M., of that day, We shall proceed to take depositions of Columbus W. Bailey, J. G. Duck, and others, to be read as evidence in ~~my~~ our behalf, in a certain suit in equity, depending in the Circuit Court of Isle of Wight County, wherein we are complainants and you are defendants; and if from any cause the taking of the said depositions be not commenced, or, if commenced, be not concluded on that day, the taking thereof will be adjourned from day to day, at the same place, and between the same hours, until the same shall be completed.

Given Under our hands this 8th day of July, 1910.

Christian Howell widow of Robt T Howell, Christiana C Howell, Dau of Robt T Howell, Mary Lizzie Howell, Leader V English, Martha Anna Baker, Trust Ina Howell, ~~Christiana C Howell~~ Christiana Howell next friend To Wm L Howell, Florence Howell, Clayton Howell, Norman Howell, Parker D Howell.

Parke P Deans, P.Q.

Columbus W. Bailey, witness...	$ .50
W. E. Parker, witness.....	.50
Clifford E. Saunders, Notary Public, four hours.....	3.00
Total.....	4.00

State of Virginia,

County of Isle of Wight, to-wit:

I Clifford E. Saunders, Notary Public, in and for the County aforesaid, in the state aforesaid, do hereby certify that the foregoing depositions of Christiana Howell, Columbus W. Bailey, and W. E. Parker, were duly taken, sworn to and subscribed before me at the place and time mentioned therein and in the caption thereto pursuant to the annexed notice.

Given under my hand this 13th day of July, 1910.

Clifford E. Saunders,

Notary Public.

My Commission expires the 3rd day of August, 1912.

W. E. Parker, being duly sworn deposes and says:

Q. Please state your name, age, occupation and residence.

A. W. E. Parker, 35 years, farmer, Isle of Wight County.

Q. Mr. Parker state what you know concerning the land deal of the Howells and Mills Britt.

A I know that Mr. Howell purchased the place from Mr. Mills Britt and gave his note for $1450.00, and that the interest money was due on the 1st day of March, 1910. Mr. Howell told me this a week or so before be died. I went with Mrs. Howell on the 9th day of March to take the certified check for $81.00, the interest money due on the first day of March. She presented the check to Mr. Britt, and he refused to accept it, stating that Mrs. Howell had not properly qualified, if these are not the exact words that is the maening of it. Mrs Howell showed him the paper Mr. Johnson gave her about her qualifying as administratrix. Mr. John Duck read the paper to Mr. Britt. Mr. Britt said"Anna I have no right to take it at all I have a man working for me, and whenever he says take it, I will take it, and not before."

Q. Did Mr. Britt say anything about the money being paid to Mr. Vaughan?

A. He said Mr. Vaughan had no right to accept that check and hold it at the bank, that if he was mean enough he could have Mr. Vaughan put in business about that, for he had no right to hold it at the bank.

And further this deponent saith not:

W. E. Parker

made a check payable to Mills Britt and had the cashier to certify it. That check has been offered to Mr. Britt and was ready at any time he would accept it.

Q. Have you had any correspondence with Mr. R. E. L. Watkins concerning this matter?

A. Yes sir; Mr. Watkins wrote me as attorney for Mr. Mills Britt on the 10th day of March, asking me if we would buy the note. I replied to him on May the 12th that we were willing for Mr. Britt to hold the note, and we were ready to pay the interest any day to Mr. Britt or to Mr. Watkins.

And further this deponent saith not:

Col. W. Bailey.

Columbus W. Bailey, being duly sworn deposes and says:

Q. Mr. Bailey, please state your name, age, occupation, and residence.

A. Columbus W. Bailey, 33 years, Funeral director, in Windsor.

Q. Please state your connection with this matter, also what you know concerning it.

A. Mr. W. H. T. Howell was my uncle, since his death I have been assisting his widow in any way in my power. I went with her to Franklin on the first day of March when she gave Mr. C. C. Vaughan $81.00 to pay Mr. Mills Britt, the interest money on bond, which bond was at Vaughan's bank and had been there for some time as Mr. Howell and Mr. Britt went there on the first day of March preceeding, to pay the interest and one hundred dollars on the bond. Mr. Vaughan gave Mrs. Howell a receipt for the money which is already filed with the papers of this suit. I went with Mrs. Howell on the 7th day of March to Isle of Wight Court House when she qualified as administratrix, and was with her on the 28th day of April when she presented Mr. Mills Britt the interest in gold money. He refused to accept it, saying that he was not in a position to accept the money. I did not know any further of the matter until the 21st day of May when I saw the property was advertised. The notice filed marked "Exhibit G" is exactly as it was posted, there has been no change in it. I have seen another copy of the notice and it is exactly as the one filed in this suit, "at about two o'clock" inserted in it as in the notice filed.

Q. Mr. Bailey, has the interest money been ready for Mills Britt at all times since the first day of March, 1910?

A. It has been ready all of the time as Mrs. Howell deposited it with C. C. Vaughan & Company, Bankers, Franklin, Virginia, and

The Deopositions of Christiana Howell, Columbus W. Bailey and others taken before me, Clifford E. Saunders, a Notary Public for the County of Isle of Wight, in the State of Virginia, pursuant to notice hereto annexed, at the office of Parke P. Deans, in the County of Isle of Wight, State of Virginia, on the 13th day of July, between the hours of 10 o'clock A. M., and 6 o'clock P. M. to be read in evidence in behalf of the plaintiffs in a certain suit depending in the Circuit Court of Isle of Wight County, wherein Christiana Howell, widow of W. H. T. Howell, and others are plaintiffs and Mills Britt, and Roberts Bland, Trustee are defendants.

Present; Parke P. Deans, Attorney for plaintiffs

Mrs. Christiana Howell being duly sworn deposes and says:

Examined by Mr. Deans:

Q. Please state your name, age and residence.

A. Christiana Howell, the widow of W. H. T. Howell, and the mother of Mary Lizzie Howell, Leather Q. English, Martha Anna Parker, Foust Tina Howell, and Parker D. Howell, William L. Howell, Florance Howell, Clayton Howell, and Norman Howell, I am 47 years old, and live in Isle of Wight County, at the residence of my late husband.

Q. Mrs. Howell state what you know concerning the purchase of the tract of land by your late husband from Mills Britt.

A. Some time during the latter part of 1908 Mr. Howell bought the Britt piece for fourteen hundred fifty ($1450.00) dollars. He and I made a deed of trust on the property to secure the bond given for the purchase price. I knew that the interest on the note was due on the first day of March of each year. Some time during the latter part of February of this year, I went to see Mr. Mills Britt and told him that I would pay

him the interest on the first day of March. He said that he would not accept it, that I was not the qualified representative. On the first day of March I want with my nephew, Columbus W. Bailey to Franklin to Mr. Vaughan, Banker, and paid him $81.00 the interest money, as he had the bond, the receipt you have, marked "Exhibit B", is the one given me by Mr. C. C. Vaughan. I went home thinking that the matter was all right, but soon after received a letter from Mr. Vaughan which is marked "Exhibit C", in the papers in Court, stating that Mr. Britt refused to accept the money. After qualifying as Administratrix, I went to Mr. Mills Britt, and offered him a certify check for the interest due, Mr. J. G. Duck and W. E. Parker went with me. Mr Britt refused to accept the check as he said I had not qualified properly. On the first day of April, which was Friday I think, Mr. Gainey came to me house and gave me a paper, stating that Mr. Bland had resigned as trustee, the paper filed as "Exhibit F" is the one that I received. Some time after that on the 28th day of April, Columbus W. Bailey and J. G. Duck went with me to pay the interest on bond, I had the amount in gold money to pay him. Mr. Britt again refused and said that he had no right to accept it. I did not hear anything more concerning this matter until Linwood, one of my children came home from Mr. Frasier's, and told me that Mr. Britt had given Mr. Councill one of the advertisements. I did not hear anything more about this matter until I came to your office on the 25th day of May, on the 3rd day of June Mr. Britt came to my house and ask me to be at Mt. Carmel on Sunday to see you (Parke P. Deans). Then again he came on to see me on the 14th day of June, when he said that he wanted me to come down here and see you and get the money, and my Bill of Injunction was no account as he had torn down the advertisements, and I told him that he would have to come down and see

Mr. Deans, that any way he could settle with Mr. Deans would be satisfactory with me. He came again on the 20th day of June when he said he wanted me to come down here and get the money, that he was going to have nothing more to do with it, and that Mr. Bland said that he had resigned as trustee, and had nothing more to do with it. That is the last time that he has been to see me.

Q. Mrs. Howell, has the said money been ready for Mr. Mills Britt at all times since the first day of March, 1910?

A. It has; I deposited it with Vaughan & Company Bankers, and made a check payable to Mills Britt, had them to certify it, that check I presented to Mr. Britt on the 9th day of March, 1910, when he refused to accept it, and it has been in the hands of Mr. Bailey, Mr. Deans or myself ever since that time until now. We were ready and willing to pay it to Mr. Britt any time he would accept it. Mr. Britt said that we had better be at home at work instead of trotting over there to bring it to him.

Q. Mrs. Howell, when did you qualify as administratrix of your husband's estate?

A. On the 7th day of March when Mr. Johnson gave me the paper you have marked "Exhibit D".

Q. After you qualified did you go to Mr. Britt telling him that you had qualified, and offer him the interest money, if so when?

A. Yes sir; I went to Mr. Britt's on the 9th day of March that is the time that I mentioned a few minutes ago, when he said I had not properly qualified.

Q. You said a few minutes ago that Mr. Britt came to your house on the 3rd day of June, did he say anything about the interest money?

A. No sir; he said nothing about the money, said that he wanted us to meet at church.

Q. Mrs. Howell is it to your interest to keep the place purchased from Mr. Britt?

A. Yes sir; I have several boys, and they are anxious to stay out home and farm, and this piece of land with that we live on will give them a good farm to work. It is practically one field, it is adjoining, and the open land is in sight of the house.

Q. Mrs. Howell, how many children with you at your home?

A. Four boys and twl girls.

And further this depnnent saith not:

Christiana Howell

Howell et al
vs / Report of Clerk
Pratt et al

Filed Jany 5th 1910

of December 1910, if any.

Respectfully submitted,

A J Johnson Clerk.

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

-------CHANCERY-------

Howell et als,.....Complainants.

vs) Report of Clerk

Britt et al.,.....Defendants.

To Honorable B. D. White,

Judge of the Circuit Court of the County of Isle of Wight.

The defendant, Mills Britt, in this cause, having, since the filing of the report of the undersigned, Clerk of the Circuit Court of the County of Isle of Wight, to-wit: on the 1st. day of December, 1910, having filed his petition, to-wit: on the 5th. day of January, 1911, praying that the costs of this suit, to dismissal be paid and the balance now in the hands of the court, after payment of the costs as aforesaid, be paid to the said petitioner, and further stating that the said petitioner will receive the amount of interest due him as mentioned in the bill and proceedings of this suit at the times that the same may be properly due to him till the whole of the debt shall be due and payable, the undersigned begs leave to report, in addition to his said report filed herein on the 1st. day of December, 1910, that the unpaid costs which have accrued herein to this time amount to $ 153.80 : that upon the filing of this report and the report herein of the 1st. of December, 1910, above referred to and the entering of a decree herein at the December term, 1910 of this court confirming the said reports and dismissing the same the unpaid costs will be $ 186 .

The court is requested to advise the undersigned what allowance shall be made to him for distributing the said fund as set out in the said report filed herein on the 1st.

Howell et als
vs
Chancery
Britt et als

Bank of Windsor.

INCORPORATED.

WINDSOR, VIRGINIA.

In Account with

J. E. Jamison, Clerk
Howell et als vs
~~Chancery~~ Britt et als

Please leave this book at the bank at the end of each month, so it may be balanced.

MADE BY
STEPHENS
LITHOGRAPHING
& ENGRAVING Co
ST. LOUIS

Dr. BANK OF WINDSOR, in acc't with A. S. Johnson Clerk Cr.

Howell et al Va Edmonson Bithet et al

1910				
Sept	12	Deposit	8	00

REMAINING PAGES IN VOLUME ARE BLANK AND HAVE NOT BEEN REFORMATTED

HOWELL ET ALS.

VS) CHANCERY.

BRITT ET AL.

Report of payment of costs and deposit of funds paid into court.

Filed Dec. 1st. 1910.

the whole of said costs here mentioned aggregating the sum of $64.26, leaving a balance now in the said bank to the credit of the said cause of $16.74, as will appear by the statement of the said bank, herewith filed.

All of which is respectfully submitted for confirmation.

E. Johnson Clerk.

64.26
.40
70.37

25
25
25
15
15
36
20
20
25
405
611

405

64.26
405
6531

81.00
.37
1769

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

-------CHANCERY-------

HOWELL ET ALS.,.....COMPLAINANTS.

vs) Report of payment of costs.

BRITT ET ALS,..... .....DEFENDANTS.

TO THE HONORABLE B. D. WHITE,

JUDGE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

The undersigned, Clerk of the Circuit Court of the said County respectfully reports, that in the early part of September, 1910, Mr. Parke P. Deans, counsel for the complainants in this cause, deposited the sum of $81.00 with the undersigned, as directed by a decree entered herein on the 15th. day of July, 1910. That at the time the said deposit was made the undersigned was requested by the said counsel for the plaintiffs to make up a statement of the costs in said suit and distribute the same, stating, at the same time, that Your Honor had so directed him. Immediately upon receiving the request the undersigned deposited, or mailed for deposit, to the Bank of Windsor, Inc., the said sum of eighty one dollars, which was credited to the sae undersigned, as Clerk, as will appear by the certificates of the said bank herewith filed as a part of this report. That at the same time the undersigned drew checks upon the said fund for the costs in the said suit up to and including the entry of the said decree and the judgment directed thereby, which said checks are herewith filed, and are as follows:

1,	payable to Parke P. Deans, Counsel for complainants and taxed attorney fee,.....	$50.00
2	A. S. Johnson, Clerk, Clerk's fees,.....	6.76
3	S. Gainey, Deputy Sheriff, serving processes etc...	3.00
4	Clifford E. Saunders, Notary Public, Depositions,..	3.00
5	A. S. Johnson, Clerk, Writ tax on suit,.....	1.50

1.1.6

Pay to the order of
A. S. Johnson
Parke J. Evans,
A. S. Johnson

No. 1 Windsor, Va. 3 September 190 0

BANK OF WINDSOR

INCORPORATED

PAY TO THE ORDER OF Patton Williams $ 50.00

Fifty 00/100 Dollars

a/c David Allen dec'd per Jno. Allen executor

BANK OF WINDSOR, SEP 17 1910 Windsor Va.

J. B. Allen

Admr

House at Ans.
Mill at Ans.
Farm 13 Ans.

No. 1 Windsor, Va. September 9th 1902

BANK OF WINDSOR

INCORPORATED

PAY TO THE ORDER OF J. Johnson & Co. $ 6.76

Six 76/100 Dollars

a/c Court fees to date

BANK OF WINDSOR, SEP 12 1910 Windsor, Va.

J. Johnson & Co.

Hooten et al
vs
Ford et al

S. Gaines N.S.

J. F. Rhodes

R. S. Nicholson

No. 3

Windsor, Va. September 9th 1910

BANK OF WINDSOR

INCORPORATED

PAY TO THE ORDER OF S. Garner Deputy Sheriff $ 3.00

Three 00/100 Dollars

Sheriff's Fees

BANK OF WINDSOR Va.

E. Johnson Clerk

Powers et ux
vs
Pruitt et als

Clifford E. Sumrell N.C.

No. 4 Windsor, Va. September 6 1900

BANK OF WINDSOR

INCORPORATED

PAY TO THE ORDER OF Clifford E. Saunders $ 3.00

Three

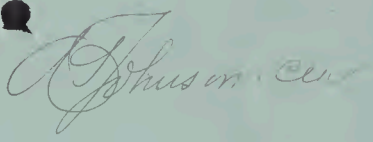
Dollars

Survey depositions

BANK OF WINDSOR
Sep 7 1900
Windsor Va.

E. Pinkerton

Howell et ux
vs
Britt et al



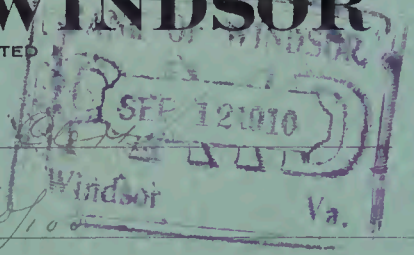
No. 5 Windsor, Va. September 9th 1910

BANK OF WINDSOR

INCORPORATED

PAY TO THE ORDER OF A. S. Johnson & Co $ 1.50

One 50/100 Dollars



A. S. Johnson & Co

Hours 2 11 as
" 1 Quarts
" 2 Quarts 11 a'

STATEMENT—PLEASE EXAMINE AND REPORT ON THIS STATEMENT AT ONCE IF NOT CORRECT.

R S Johnson Clk H Ct

IN ACCOUNT WITH

BANK OF WINDSOR, INCORPORATED.

Windsor, Va., Nov 1 1910

GEO. D. BARNARD & CO., ST. LOUIS

DR. VOUCHERS	DATE		CR. DEPOSITS
300	Oct 11	Balance,	2274
300			
600			

Sept 12 $1.00

Vouchers returned as per above list

Total Credits	2274
Total Debits	600
Balance,	1674

STATEMENT—PLEASE EXAMINE AND REPORT ON THIS STATEMENT AT ONCE IF NOT CORRECT.

A J Johnson Clerk K R R Co

Windsor Va

IN ACCOUNT WITH

BANK OF WINDSOR, INCORPORATED.

Windsor, Va., Oct 1 1910

GEO D BARNARD & CO., ST. LOUIS

DR. VOUCHERS	DATE	CR. DEPOSITS
	Balance,	
676	Sept 12	8 00
150		
50.00		
5826		
	Total Credits	8 00
Vouchers returned as per above list	Total Debits	5826
	Balance,	2274

Howell etc et als

vs Decree

Britt et als -

Enter this

June 6th 1910.

1910
Jones
Enter this.
B.L.W.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT THE 6TH. DAY OF JUNE, 1910.

Christianna Howell, widow of W. H. T. Howell, deceased, Christana Howell, Administratrix of the estate of W. H. T. Howell, deceased; Mary Lizzie Howell; Leather Q. English; Martha Anna Parker; Foust Tina Howell; and Parker D. Howell; William L. Howell; Florence Howell; Clayton Howell; and Norman Howell, the last five being infants of tender years who sue by Christana Howell, their next friend,

vs) In Chancery.

Mills Britt, and Robert Bland, Trustee.

On motion of the plaintiffs, by counsel, and for good cause shown, an injunction is awarded them to enjoin and restrain the defendants, their agents, attorneys and all others from making sale of the property in the bill mentioned, containing seventy five acres, more or less, and bounded as follows: Beginning at an iron post, corner on John M. Ballard and Howell; thence a straight line running north-west to a large sweet gum tree, corner Mills Britt and Ballard; thence a line north-west to a black gum tree in head of a branch; thence down branch a line of marked trees; thence to a black gum, cornering on Britt and Cox; thence south up line branch between Howell, Cox, and Gay to a black gum cornering on Howell and Raiford; thence to a line of marked trees to a pine, cornering on Raiford, Carr, Ballard and Howell; thence a line of marked trees east on Ballard and Howell to a branch; thence said branch back again to the starting point to the said iron post cornering on Ballard and Howell, for a period of sixty days.

But the complainants are not to have the benefit of this order until they, or some one for them, shall enter into bond before the Clerk of this Court, with security deemed by him sufficient in a penalty of two hundred dollars, payable to the defendants, conditioned to pay all such costs and damages as they may sustain

in consequence of said ininjunction, in case the same shall be dissolved.

Bowen et ux
vs
Bell et ux

6 June 1910

C. O. B. No 7
Page 31

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT THE 6TH. DAY OF JUNE, 1910.

Christianna Howell, widow of W. H. T. Howell, deceased, Christana Howell, Administratrix of the estate of W. H. T. Howell, deceased; Mary Lizzie Howell; Leather Q. English; Martha Anna Parker; Foust Tina Howell; and Parker D. Howell; William L. Howell; Florence Howell; Clayton Howell; and Norman Howell, the last five being infants of tender years who sue by Christana Howell, their next friend,

vs) In Chancery.

Mills Britt and Robert Bland, Trustee.

On motion of the plaintiff, by counsel, and for good cause shown, an injunction is awarded them to enjoin and restrain the defendants, their agents, attorneys and all others from making sale of the property in the bill mentioned, containing seventy five acres, more or less, and bounded as follows: Beginning at an iron post, corner on John M. Ballard and Howell; thence a straight line running north-west to a large sweet gum tree, corner Mills Britt and Ballard; thence a line north-west to a black gum tree in head of a branch; thence down branch a line of marked trees; thence to a black gum, cornering on Britt and Cox; thence south up line branch between Howell, Cox, and Gay to a black gum cornering on Howell and Raiford; thence to a line of marked trees to a pine, cornering on Raiford, Carr, Ballard and Howell; thence a line of marked trees east on Ballard and Howell to a branch; thence said branch back again to the starting point to the said iron post cornering on Ballard and Howell, for a period of sixty days.

But the complainants are not to have the benefit of this order until they, or some one for them, shall enter into bond before the Clerk of this Court, with security deemed by him sufficient, in a penalty of two hundred dollars, payable to the defendants, conditioned to pay all such costs and damages as they may sustain

in consequence of said injunction, in case the same shall be dissolved.

Virginia: Clerk's Office of the Circuit Court of the County of Isle of Wight August 6th. 1910, this decree was received and entered of record.

Teste,

O. Johnson Clerk.

E. Pruden & Worrell
44 acres
vs
Miller Bros. 44 acres

Decree

Entered July 18th 1910

Copied 38 Pages

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

IN VACATION,
On the 15th day of July, 1910.

Christianna Howell, widow of W. H. T. Howell, deceased, Christana Howell, Administratrix of the estate of W. H. T. Howell, deceased; Mary Lizzie Howell; Leather Q. English; Martha Anna Parker; Foust Tina Howell; and Parker D. Howell; William L. Howell; Florence Howell; Clayton Howell; and Norman Howell, the last five being infants of tender years who sue by Christana Howell, their next friend,

v. In Chancery

Mills Britt and Robert Bland, trustee.

This cause, in which the defendants, Mills Britt and Miles Bland, have been duly served with notice ~~of~~ for the application of this decree, came on this day, in vacation, pursuant to said notice, to be heard upon the bill, the depositions of witnesses, (taken after due notice), and upon the said notice for the perpetuation of the the temporary injunction heretofore awarded, and the said defendants still failing to appear, on consideration whereof, the Judge of this Court doth order that the injunction heretofore awarded the complainants on the 6th, day of June, 1910, to enjoin and restrain the said defendants, their agents, attorneys and all others from making sale of the property described in the said decree, be and the same is hereby made perpetual, so long as the said complainants, or some one for them, pay into court the sum of Eighty one Dollars, the interest on the debt secured by the deed of trust mentioned in these proceedings, due as of March 1st, 1910, and pay, or tender payment to the said defendant, Mills Britt, on the 1st, day of March of each year the sum of $81.00, until the maturity of the bond mentioned in said deed and these proceedings, and in the event the said defendant shall fail to receive the said sum each time when the same is tendered then the said complainants, or some one for them, shall pay the said sum into court, or to the Clerk thereof, and it is further ordered that the said defendants do pay the costs of these proceedings, including an attorney's fee of Thirty five dollars, to Parke P. Deans, the attorney for the complainants. All of which is certified to the Clerk of this Court to be entered in the Chancery order book.

R. D. White

'10"
Howes et ux
vs
Rough Necked
Bird et ux

1911
Jan. 9.
Enter this.
B. D. W.

6097 p 53

"

*And it appearing to the Court from the said petition that Eugenie Mills Britt, in addition to a certain note of the purchase money due under the deed of trust mentioned in the bill,

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT

----CHANCERY------

Howell et als.

vs) Rough Decree

Britt et al.

This cause came on this day to be again heard upon the papers formerly read, and upon the reports of the clerk of this court filed herein on the 1st. day of December, 1910 and on the 5th. day of January, 1911, and on the petition of Mills Britt, one ~~this day filed by leave of the Court~~ filed on the 6th day of January 1911 of the defendants herein and the beneficiary under the deed of trust in the bill and proceedings of this suit mentioned; and no exceptions having been filed to reports of the said clerk, the Court, *~~granting the petition of the said defendant, Mills Britt~~, doth adjudge, order and decree that the said reports of the said clerk, filed herein as aforesaid, be, and the same are hereby ratified, approved and confirmed; and doth further adjudge, order and decree that the said clerk ~~be~~ pay to himself a sum equal to five percentum upon the total amount paid into the court by the counsel for the complainants in this cause mentioned in his said report filed herein on the 1st. day of December, 1910, to-wit: the sum of eighty one dollars, for depositing and distributing the same which amounts to the sum of $4.05; the unpaid costs of this suit to dismissal, amounting to $1.86 and the balance, amounting to 10.85 he shall draw check payable to the said Mills Britt on the Bank of Windsor, Inc., and when the same shall be returned and cancelled by the said Bank it shall be filed by the said clerk with the papers in this cause.

And there remaining nothing further to be done in this cause it is ordered that the same be stricken from the docket with the right to the said complainants to re-instate the same at any time before the debt mentioned in the bill and proceedings herein shall become due and payable in case the said Mills Britt shall refuse to receive the amount of interest annually

due upon the said debt as provided in the decree entered herein on the 15th. day of July, 1910

"Exhibit A"

THIS DEED made this 28th. day of November 1908, by and between W. H. T. Howell and and Christiana Howell, his wife, of the ~~first~~ one part and Robert Bland, chosen as Trustee, of the other part, WITNESSETH: That the said parties of the first part do grant, bargain, sell and convey unto the said party of the second part, in fee simple and GENERAL WARRANTY, the following real property, to-wit: That certain piece, parcel or tract of land, lying, situate and being in Isle of Wight County, Virginia, containing seventy five (75) acres more or less, and bounded as follows: Beginning at an iron post corner on Jno. M. Ballard and Howell, thence a straight line running north-west to a large sweet gum tree, corner Mills Britt and Ballard, thence straight line north-west to a black gum tree in head of a branch, thence down branch a line of marked trees, thence to a black gum cornering on Britt and Cox, thence south up line branch, between Howell, Cox and Gay to a black gum, cornering on Howell and Raiford, thence to a line of marked trees ~~east~~ on Ballard and Howell to a branch, thence to a pine cornering on Raiford, Cox, Bass and Howell: thence a line said branch back again, to the starting point, said iron post of Ballard and Howell.

IN TRUST, however, to secure to Mills Britt of Isle of Wight County, Virginia, the payment of the sum of FOURTEEN HUNDRED AND FIFTY DOLLARS ($1450.), due by bond, which said bond is executed by W. H. T. Howell, bears even date with these presents, and is for the sum of Fourteen Hundred and Fifty Dollars, with interest ~~at the rate of 6% per annum, payable on the first day of~~ March 1909, and on the first day of March of each year thereafter until the whole obligation is discharged, which said bond is payable ten years after date.

If default shall be made in the payment of the said bond or any part thereof then the said party of the second part, the said Trustee, shall upon being required so to do sell the

All Available Text Successfully Captured

said property at public auction, but no sale shall be had until the time, place and terms thereof have been advertised for a period of at least 20 days, and in case of sale the same shall be had upon the following terms, to-wit: Cash as to much as may be necessary to pay the costs of executing this trust and the amount then due, owing or unpaid on the said bond, and the residue, if any, pay as the law directs.

If no default, then the said parties of the first part shall have executed to them at their own proper costs a good and sufficient deed of release.

Witness the following signatures and seals:

W. H. T. Howell, (SEAL)

Anna Howell, (SEAL)

State of Virginia,
Southampton County, to-wit:

I, R. B. Turner a Notary Public in and for the County aforesaid, State of Virginia, do hereby certify that W. H. T. Howell and Christian Howell, whose names are signed to the writing above bearing date on the 28th, day of November 1908, have acknowledged the same before me in my County aforesaid.

My commission expires on the 29th. day of April 1909.

Given under my hand this 28th. day of November 1908.

R. B. Turner,
Notary Public.

Virginia: Clerk's Office of the Circuit Court of the County of Isle of Wight, February 15th. 1909, at 11 o'clock A.M. this deed was received, and, with the certificate annexed, admitted to record.

Teste, A. Johnson Clerk

A copy, Teste, A. Johnson Clerk.

All Available Text Successfully Captured

Tax Ticket "B"

No. _____ March 1st 1910

Received of Mrs W. T. Howell

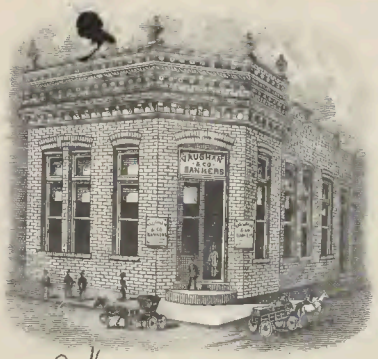
for Acct of W H T Howell

Eight one ▽ ⁸⁷/₁₀₀ Dollars.

Which has been Credited on Note For taxes to date

$81.00 C. C Vaughan Treas

Vaughan MO



Established 1886.

Vaughan & Co. Bankers

C. C. Vaughan, Jr. Cashier.

Franklin, Va. March 3rd 1910,

Mrs. W. H. T. Howell,

Carrsville, Va.,

Dear Madam:-

We regret to have to advise that Mr. Mills Brett refused to accept the moeny you left with us to hand to him. We have placed the amount to your credit and you can get it the first time you are in town.

Regretting so much that we could ot be of more service to you, and assuring you that it will always be a pleasure to us to further serve you, I am,

Yours very truly,

C. C. Vaughan Jr. Cas.

CLERK'S OFFICE
OF ISLE OF WIGHT COUNTY,
ISLE OF WIGHT, VA.
ALBERT S. JOHNSON, CLERK.

"Exhibit D"

Virginia: Clerk's Office of the Circuit Court of the County of Isle of Wight March 7th. 1910.

I, A. S. Johnson, Clerk of the Circuit Court of the County of Isle of Wight, in the State of Virginia, do hereby certify that Christiana Howell has this day been duly appointed, and has qualified, as administrator of the estate of W. H. T. Howell, deceased.

Given under my hand the day and year first above written.

A. S. Johnson Clerk.

"Exhibit F"

TO Anna Howell, Admx
W.H.T. Howell Deceased.

Take notice that I shall, on the 4th. day of April, 1910 move the circuit Court of the County of Isle of Wight to have R.E.L. Watkins substituted as Trustee in a certain deed of trust from W.H.T. Howell and Anna Howell to Robert Bland Trustee, dated the 28th. day of November 1908, and recorded in the Clerk's office of Isle of Wight County, Virginia, in D.B. #76 page 362 in the place and stead of the said Robert Bland, named as trustee in said deed, which said trustee, has resigned. This notice is given you as one of the parties interested or supposed to be interested, in the execution of the said trust, and in pursuance of section 3419 of the Code of Virginia and Acts amendatory thereof, the undersigned being also interested in the execution of the said trust.

Given under my hand this 4th. day of March 1910.

Wills Bit

This copy was served on Mrs Anna Stowell on the 1st day of April, 1910

S. Gainey Dep Sheriff
for W. H. Edwards Sheriff

"Exhibit G."

TRUSTEES' SALE OF VALUABLE REAL ESTATE.

By virtue of authority vested in me as Trustee, by a certain deed of trust executed to me by W.H.T.Howell and wife, which deed of trust was executed on the 28th.day of November 1908 and is of record in the Clerk's office of Isle of Wight County, Virginia, in Deed Book No.76 at page 362, to secure a bond therein mentioned, default having been made in the payment of said bond, and at the request of the beneficiary therein named, I shall on the 11th. day of June 1910, at Mt.Carmel church in Isle of Wight County, Virginia, At about 2. O'clock offer for sale at public auction, the following real property, to wit:

That certain piece, parcel or tract of land lying, situate and being in the County of Isle of Wight, bound and described as follows. Commencing at an iron post running a straight line in a west course between the lands of John Ballard and Mills Britt, thence along the line of Britt, same course to a line branch between J.T.Cox, Mills Britt and Gay and W.H.T.Howell, Raiford and Carr, thence a south course to a large corner pine. Thence east along a line of marked trees between Britt and John Ballard to a branch, thence down said branch running north-east to point of beginning containing 75 acres, more or less.

This farm has good buildings and is desirably located. Persons desiring a good home are urged to attend the sale.

Terms Cash

Robert Bland, Trustee/

May 20th.1910.

Christiana Howell et als.

vs) Copy of Bond

Mills Britt et al.

Taken and filed June 8th.
1910.

KNOW ALL MEN BY THESE PRESENTS, that we, Lorenza Bailey, principal, and Columbus W. Bailey, security, are held and firmly bound unto Mills Britt and R. E. Bland, Trustee, in the just and full sum of Two Hundred Dollars, for the payment whereof, well and truly to be made we hereby bind ourselves, our heirs, executors and administrators and successors, firmly by these presents; and we hereby waive the benefit of our Homestead Exemption as to this debt or obligation.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas, an injunction has been awarded Christiana Howell, widow of W. H. T. Howell, deceased, et als. enjoining and restraining Mills Britt and Robert Bland, Trustee, their agents, attorneys and all others from making sale of a certain tract of land, in the bill and proceedings of said suit fully mentioned and described, containing seventy five acres, more or less, for the period of sixty days from the date of the said order, viz: June 6th. 1910; and, whereas, it is provided in said injunction that the complainants in said suit, or some one for them, shall not have the benefit thereof until they, or some one for them, shall enter into bond before the clerk of the Circuit Court of the County of Isle of Wight, payable to the said defendants, in the penalty of two hundred dollars, and conditioned to pay all such costs and damages as they may sustain in consequence of said injunction in case the same be dissolved. Now, therefore, if the said complainants shall pay all such costs as may be awarded against them, and all such damages as shall be incurred in case the said injunction shall be dissolved, then this obligation to be void or else to remain in full force and virtue.

Lorenza Bailey (SEAL)

Columbus W Bailey (SEAL)

Signed, sealed and acknowledged by the obligors hereto, this 8th. day of June, 1910.

A. D. Thrum Clerk.

A Copy Test. A. D. Thrum Cl'k

Executed on the 11th day of July, 1910, within the County of Isle of Wight, by delivering a true copy of the within notice, in writing, to Mills Britt and Robert Bland, trustee in person.

BJ S Gamey Deputy Sheriff
for W A Edwards Sheff

To Mills Britt and Robert Bland, Trustee:

You are hereby notified that the undersigned will on the 15th day of July, 1910, at eleven o'clock, A. M. at the office of Judge B. D. White, Room 508, Seaboard Bank Building, Norfolk, Virginia, make motion before Judge B. D. White, of the Circuit Court of Isle of Wight County, to perpetuate the injunction and restraining order awarded us on the 6th day of June, 1910, against you, your attorneys, your agents and all others from making sale of the property in the bill of complaint mentioned containing seventy-five acres, more or less, it being the same land purchased by W. H. T. Howell from Mills Britt.

Notice is here given that at the time mentioned above we will ask to be direct to pay the eighty-one dollars interest money to the proper parties and also to allow us such cost and damages as to our cause may seem just and proper.

Christian Howell, widow of W. H. T. Howell, Christiana Howell Admx. of W. H. T. Howell, Mary Lizzie Howell, Leather Q. English, Martha Anna Parker, Foust Tina Howell, and Christiana Howell next friend of Parker D. Howell, Wm. L. Howell, Florence Howell and Clayton Howell.

By Duke & Downing Counsel

July 8th/910