1876-006
Nansemond Co. (Suffolk)

Chancery Causes: Mildred Ann Howell, widow, & Mary Elizabeth, Jane Alexina, Rosella Virginia, & James Edward Howell, infants vs Thomas H. Cross

Darden, Hall

P.B.P. 2.5-3
bec. 1.0
Cafe .75
fr. sep. 1.5
sec 3-
Cafe 2.5-
~~Coffee~~
tax + cof. 1.10
Cash 6.18
Allotta 31.50
$37.68

Costs

CHANCERY SUMMONS.

The Commonwealth of Virginia,

To the SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Thos. H. Cross,

to appear at the Clerk's Office of the Circuit *Court of Nansemond County, at the Rules to be held for the said Court, on the first Monday in* September *next, to answer a* ~~~~~ *Bill in Chancery, exhibited against him in the said Court by* Mildred Ann Howell (widow) and Mary Elizabeth, Jane Alexina, Rosella Virginia and James Edward Howell: the last four infants under twenty-one years of age, suing by said Mildred Ann Howell, their mother and next friend.

Peter B. Prentis.

and have then and there this Summons. Witness, [redacted], *Clerk of our said Court, at his office, this* 12th *day of* August *1875, in the* 100th *year of the Commonwealth.*

Teste: Peter B. Prentis **Clerk of the Court.**

Kelly & Sew. p.q

Mildred Ann Howell
(widow) & als:

vs

Summons in Chy:

Thos. H. Cross.

Sa Septr. Rules 1875

I acknowledge service
of this process.
14 May 1875.
Thomas H. Cross.

Pro: B. No. 1. Page 81
Cir: Co:

At a Circuit Court held for Nansemond County on Monday the 11th: day of October 1875:

Mildred Ann Howell (widow) and Mary Elizabeth Jane Alexina, Rosetta Virginia, and James Edward Howell, the last four infants under twenty one years of age, suing by said Mildred Ann Howell, their mother and next friend . . Complainants.

Against } In Chancery

Thos. H. Cross . . . . . Defendant.

This cause came on this day to be heard on the complainants bill and exhibit filed with the same and on the answer of said defendant with general replication thereto, and on deposition of witnesses and was argued by counsel. On consideration whereof the Court doth adjudge, order and decree that Wilbur J. Kelly who is hereby appointed special commissioner for that purpose convey by deed with special warranty, unto the said Thomas H. Cross and to his heirs and assigns forever that certain parcel of land referred to in said bill, lately owned by Edward Howell (of B) and described in said bill as a parcel of land in Nansemond County, Virginia, containing Seventy six and one fourth acres, more or less, being part of the land formerly belonging to the Estate of Sally Darden decd: and bounded as follows, to wit: on the North by the Gatesville Road, on the East by the lands of John Holland (of Louisa) and on the South and West by the lands also of said Holland, and by Cabin Swamp. And the Court doth also adjudge, order and decree

that the said Thomas H. Cross convey with general warranty unto the said Mildred Ann Howell, widow of said Edward Howell (of B) decd: and to Mary Elizabeth, Jane Alexina, Rosetta Virginia and James Edward Howell, children of said Edward Howell (of B) to be held by them on the same terms and condition as though the said Edward Howell (of B) had died seized and possessed of the same, and the same had descended to them by law, the following parcel of land referred to in said bill, to wit: Seventy-six and one fourth acres, more or less, bounded on the North by the other lands of the said Thomas H Cross, on the East by the Cabin Swamp: on the South by the lands belonging to the Estate of Washington Weatherly decd. and on the west by the other lands of said Thomas H. Cross, and make report to Court: and ordered that the said Thomas H. Cross pay the costs of this suit.

A Copy.

Teste,

Peter B. Prentis. Clerk.

Costs.

Clerk $6.18

Attorney 31.30

$37.68

Mildred Ann Howell
(widow) Dr

vs } Co: Decree Octo: 11th 1875

Thos. H. Cross.

Report

1875 Dec. 18th

The undersigned respectfully
reports that the deeds have
been duly executed &
recorded as required
by this decree.

Wilbur J. Kilby
Comr.

Mildred Ann Howell &al:

v.

Thos. N. Crisp.

This cause came on this day to be heard on the Complainants' Bill, and exhibit filed with the same, & on the answer of said defendant with general replication thereto, and on deposition of Witness, and was argued by Counsel.

On consideration whereof the Court doth adjudge order and decree, that Wilbur J. Kelly who is hereby appointed, Special Commissioner for that purpose, convey by deed with special warranty unto the said Thomas N. Crisp & his heirs and assigns forever, that certain parcel of land referred to in said Bill, lately owned by Edward Howell of B. and described in said Bill, as a parcel of land in Nansemond County Virginia, containing seventy six and one tenth acres, more or less, being part of the land formerly belonging to the estate of Sally Gardner dec'd and bounded as follows. to wit: on the North by the Gatesville road; on the East by the lands of John Holland (of Louisa); and on the South and West by the lands also of said Holland & by Cabin Swamp; and the Court doth also adjudge order and decree that the said Thomas N. Crisp, convey with general warranty unto the said Mildred Ann Howell, widow of said Edward Howell of B, dec'd & to Mary Elizabeth, Jane Alexina, Rosetta Virginia & James Edward Howell children of said Edward Howell of B, & to their heirs & assigns forever, the said tract of land, on the same terms & conditions as though the said Edward

Howell &B, had died seized & possessed of the same & the same had descended to them by Law., the following parcel of land referred to in said Bill, to wit. Seventy six and one fourth acres, more or less, bounded on the North by the other Lands of the said Nath. H. Crisp; on the East by the Cabin swamp; on the South by the Lands belonging to the estate of Washington Weatherly dec'd, and on the West by the Lands of said Thomas H. Crisp— and make report to Court, and ordered that the said Thomas H. Crisp pay the Costs of this suit,

Howell &c
vs
Crisp

1875
Oct. Ct.
Decree
& fee entered.

Geo. T. Ross.

Enrolled O.B. No 1 - p. 282

+

Mildred Ann Howell &others } In Chancery.
against } In the Circuit Court
Thomas N. Crisp } of Nansemond Co. Va

The deposition of Arthur E. Hall, taken by consent of parties on the 20th day of August 1895. to be read as evidence in the Chancery cause depending in the Circuit Court of Nansemond between the said Parties

The said Arthur E. Hall, being duly sworn & of proper age deposes & says, That he is very familiar with the Lands referred to in the proceedings, That he considers the exchange a good one for all parties, That the parcel of Land which Mr. N. Crisp gets by the exchange is worth more Land & suited to the wants of his other Lands, and the parcel which the plaintiffs get is much better suited to them than the parcel which they sold to Crisp — That the plaintiffs now live on & occupy the place sold Crisp — That he was called on as a Notary to take the acknowledgment of Edward Howell sent to his home about two days before he died to do so, but he was too ill, his wife however signed it: That the Land sold to Crisp has no dwelling house, and it is absolutely necessary for the plaintiffs to have some place to live at, & as they are now situated on the Land purchased of Crisp, it is in the opinion of the witness

that they will be benefited by ratifying the sale & exchange as set out in the proceedings. Arthur E Hall

Hammond County to wit.

This day Arthur E. Hall personally came before me & made oath that the statements contained in the foregoing deposition are true to the best of his knowledge & judgment.

Given under my hand this 20th Day of August 1875

Wilbur J. Kilby
Notary Public

Mildred Ann Howell &others } In Chancery.
against } In the Circuit Court
Thomas N. Crisp } of Nansemond Co. Va.

The deposition of Arthur E. Hall, taken by consent of parties on the 20th day of August 1875. to be read as evidence in the Chancery cause depending in the Circuit Court of Nansemond between the said Parties

The said Arthur E. Hall, being duly sworn to speak the truth says, That he is very familiar with the Lands referred to in the proceedings, That he considers the exchange a good one for all parties, That the parcel of Land which Mr. N. Crisp gets by the exchange is mostly wood Land & suited to the wants of his other Lands, and the parcel which the plaintiffs get is much better suited to them than the parcel which they sold to Crisp — That the plaintiffs now live on & occupy the place sold to Crisp — That he was called on as a Notary to take the acknowledgment of Edward Howell sent to his house about two days before he did so, but he was too ill, his wife thereon signed it: That the Land sold to Crisp has no dwelling house, and it is absolutely necessary for the plaintiffs to have some place to live at, & as they are now situated on the Land purchased of Crisp, it is in the opinion of the witness

Mildred Ann Howell (widow) & als.

vs.

Thomas H. Crofs.

This cause came on this day to be again heard on the papers formerly read herein and on the Report of Wilbur L. Kilby, Special Commissioner, made in pursuance of a decree of the October Term 1875 of this Court, and was argued by counsel.

On consideration whereof the Court doth confirm the said Report, to which no exception has been filed, and doth adjudge, order and decree that the proceedings had in this cause be, and they are hereby declared to be, final and binding between the parties thereto; and nothing more remaining to be done herein the Court doth order that this cause be removed from the docket of this Court.

Howell & als.

vs.

Cross.

Hausemund County

Circuit Court

April Term 1876

Final Decree

To be entered

Entered

O.B. No. 1 - p - 98

The Answer of Thomas N. Cox to a Bill filed against him in the Circuit Court of Nansemond County by Milton and Amelia Sothen.

This Respondent says, that the facts set forth in said Bill are true, and that he is desirous and willing to do all he can to perfect the arrangement therein named. That the arrangement is beneficial to both parties, but especially so to the plaintiffs, who are now living on the land which your Respondent sold to ~~xxxx~~ Edward Amelia of B. as set out in the Bill.

That he is ready to execute a deed for the land sold by him as aforesaid, whenever he can get a deed for the same purchased by him of said Amelia in exchange —

And having answered &c

Thomas N. Cox.

Howell Sal.,

vs

Crisp.

Answer of
Thomas H. Crisp

Septr. 6th. 1875 Filed
clk.

This Deed made and executed this 22^{5} day of June in the year Eighteen hundred and seventy five between Thomas N. Cross, of the County of Nansemond, and State of Virginia, of the one part, and Edward Howell (of B, and Mildred, his wife, of the County and State aforesaid of the other part, Witnesseth: That for and in Consideration of a certain tract of land belonging to the said Edward Howell (of B, which is a part of the tract of land formerly belonging to the Estate of Sally Darden, dec^{d} and bounded as follows. On the north by the Gatesville road, on the East by the lands of John Holland (of Louisa) and on the South and West by the lands of said Holland and the Cabin Swamp, Containing Seventy six and one fourth acres, more or less; which lands and premises the said Edward Howell (of B, and Mildred, his wife, hereby Convey, with all their right, title and interest in the same, to the said Thomas N. Cross, and to his heirs, in Exchange for a certain tract of land, belonging to the said Thomas N. Cross, and on which the said Edward Howell (of B, now resides; bounded as follows: on the north by the lands of the said Thomas N. Cross; on the East by the Cabin-Swamp and on the South by the lands belonging to the Estate of Washington Weatherly dec^{d}, and on the West by the lands of the said Thomas N. Cross, Containing Seventy six and one fourth acres, more or less, which lands and premises the said Thomas N. Cross hereby Conveys to the said Edward Howell, and to his heirs with all his right title and interest in the same

In witness whereof the said Thomas N. Cross, Edward Howell (of B, and Mildred, his wife, have hereto set their hands and affixed their seals the day, and year as first above written.

Thomas N. Cross (Seal)
per
Mildred Ann X Howell (Seal)
mark
(Seal)

State of Virginia
County of Nansemond } to wit

I Arthur E Hall a Notary Public in and for the County of Nansemond in the State of Virginia do certify that Thomas N Cross whose name is signed to the writing above bearing date the 22d day of June 1875, personally appeared before me, and acknowledged the same, in the county afore said. Given under my hand this the 22d day of June. Eighteen hundred and Seventy five

Arthur E Hall
Notary Public

State of Virginia
County of Nansemond } to wit

I Arthur E Hall a Notary Public in and for the County of Nansemond in the State of Virginia do certify that Mildred A Howell the wife of Edward Howell of S, whose name is signed to the writing above bearing date the 22d day of June 1875, personally appeared before me in the county aforesaid, and being duly examined by me, and having the writing aforesd fully explained to her, she the said Mildred A Howell acknowledged the said writing to be her act, and declared she had willingly executed the same and does not wish to retract it. Given under my hand this the 22d day of June, Eighteen hundred and Seventy five

Arthur E Hall
Notary Public

Thomas H. Ewes,
To Exchange-Yard.
Edward Howell

"A"

To the Hon: Geo: Blow, Judge of the Circuit Court of Nansemond County, Virginia,

Complaining shew unto the Court, your Complainants, Mildred Ann Howell (widow), and Mary Elizabeth; Jane Alexina, Rosella Virginia, & James Edward Howell, the last four Infants, under 21 years of age, suing by said Mildred Ann Howell their mother and next friend—

Your Complainants, respectfully represent to the Court and say, That on the 20th day of June 1875, one Edward Howell of B. died in Nansemond County Virginia, Intestate, leaving as his heirs at Law a widow named Mildred Ann, and four Infant children, all of whom are plaintiffs herein—

That some months before his death, the said Edward Howell of B. bargained to exchange a certain parcel of land owned by him for a certain other parcel owned by Thomas N. Crop, esq.: That in May, the said Howell bargained with said Crop to exchange & did put the said Crop in possession of the following parcel of land, in Nansemond County aforesaid, to wit: seventy six and one fourth acres, more or less, being part of the land formerly belonging to the estate of Sally Darden dec'd, and bounded as follows— on the North by the Suffolk road; on the East by the lands of John Holland (of Lewis), and on the South and West by the lands of said Holland and the Cabin Swamp: and that in consideration thereof, the said Crop, bargained with said Edward Howell of B. & put him in possession of

the following parcel of land in said County, to wit: seventy six and one fourth acres, bounded on the North by the other lands of the said Thos. N. Cuff; on the East by the Cabin Swamp, on the South by the lands belonging to the estate of Washington Weatherly dec'd, and on the West by the ~~lands of~~ other lands of said Thomas N. Cuff –

That the parcel of land sold by said Edward Smeed said Cuff, was, untenable on account of fire and rail timber thereon, for the use of said Cuff's other lands, and not so well suited for a family to reside on.

That the parcel of land sold by said Cuff to said Smeed, had comfortable house, & cleared land, and suited for said Smeed as a home for himself & family.

That the said Smeed & Cuff had spoken to Arthur E. Hall, Esq., a Notary Public in said County to prepare a deed to carry out the purpose of the exchange & sale, who did so accordingly, but unfortunately the said Edward Smeed died only a day or so before the free execution, that so anxious was your Complainant Mildred Ann Smeed, to carry out the arrangement, that she signed the deed, supposing in her ignorance of said matter that, that turned answer, that she signed the deed & also did Mr Cuff, though he & the Notary informed her, that some other proceedings should be had to perfect

the arrangement, that the deed was signed by her on 22d of June 1875, only a day or so before her husband's death — which deed is filed herewith as part of this Bill marked "A".

Your Complainants further say, that they are now living on the land obtained of said Crisp, & that it is a fine but comfortable home for them, whereas the Land sold to said Crisp could furnish them no such home.

Your Complainants pray that the Court will ratify such sale & exchange, so manifestly to the advantage of your Complainants,

Your Complainants further say that the said Thomas A. Crisp denies to complete the arrangement aforesaid & generally offers to do all that is necessary to do so, & if it could be done without the aid of a Court of Equity, he would cheerfully do so.

In Consideration whereof, and as this Court has jurisdiction to grant all adequate relief,

To the End therefore your Complainants pray That the said Thomas A. Crisp may be made Defendant hereto & answer the same, That the Court will appoint some proper person to convey the said parcels of land to the respective parties, and that such other & further relief may be granted Consistent with Equity &c

John R. Kelly Solr for Pl.

Kelly Dmf. 6

Mildred Ann Holland
Sollers

Bill

Thomas W. Ross

Cir. Ct. Nans? Co.

Mildred Ann Howell (widow) & als

vs } Chy: Notes

Thos. H. Cross

1875: Aug: 12th: Summons in Chy: issd to Septr: Rules 1875

" Septr: 6th: Bill & Exhibit filed — answer filed — genl:
replen: & cause set for hearing, on mo: of Pltffs Atto:

" " " Depositions filed

" Octo: 11th: Decree for Deeds to be made

" Decr: 18th: Report filed

1876: Apl: 11th: Final Decree

Obs: Notes