1891-010
Nansemond Co. (Suffolk) Chancery Causes: Zachary T. Holland etc vs Admx of James A. Howell et al

Causey, Prentis, Lee

CHANCERY SUMMONS.

The Commmnwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Eva E. Howell in her own right and as Administratrix of all and singular the goods and Chattels rights and credits which were of James A. Howell deceased, at the time of his death, and Otis Bertha Howell, an infant under the age of twenty one years, and Charles H. Causey Senior, Administrator with the will annexed of all and singular the goods and Chattels rights and Credits which were of Peter B. Prentis deceased at the time of his death.

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~~ third Monday in September 1889 ~~next~~, to answer a Bill in Chancery, exhibited against them in the said Court by Zachary T. Holland for the benefit of himself and all other creditors of James A. Howell deceased.

and have then and there this summons.

Witness, ~~PETER B. PRENTIS~~ Wm B. Causey, Clerk of our said Court, at his office, this 13th day of September 1889, in the 114th year of the Commonwealth.

Teste:

Wm. B. Causey Clerk.

I have served this process by delivering a copy thereof in writing to the within named Eva E. Howell in person this 16th. day of September 1889

A J Powell
Deputy for
W H Howell
Sheriff

Sufficient and legal service of this process is hereby acknowledged and accepted by me this 16th. day of September 1889.

C. H. Causey admr of P. B. Pendleton dec'd. C. T. A.

Filed Sept 17th
Zachary J. Holland for pl.
vs
E. E. Summers et al

Eva E. Howell in her own right and as Admx of James Howell deed.
1889
Sept Rules (3rd Monday)

P. 13. No 2. P
Cir. Ct.

Know All Men by These Presents, That we, Wilbur J Kilby and Maggie T Kilby

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of One Thousand DOLLARS, to the payment whereof, well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

The ~~obligors~~ herein hereby ~~waive~~ waive the benefit of our exemption as to this obligation, and also waive any claim or right to discharge any liability to the said Commonwealth arising under this bond, or by virtue of the office, post or trust herein mentioned, with coupons detached from bonds of said Commonwealth.

Sealed with our seals, and dated this 21st day of April in the year of our Lord one thousand eight hundred and Ninety, and in the 114th year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas by a decree of the Circuit Court of Nansemond County Virginia pronounced in the 14th day of April 1890 in the cause in Chancery in said Court depending between Zachary T Holland for the benefit of himself and all other creditors of James A Howell deceased Complainant and Eva E Howell Administratrix of the Estate of James A Howell deceased, Otis Bertha Howell, and Charles N Causey Jr Administrator with the will annexed of Peter B Prentis deceased defendants, it was decreed that the land mentioned and described in the bill in said cause as the land of which said James A Howell died seized and possessed be sold and the above bound Wilbur J Kilby was appointed Special Commissioner to sell the same as specified in said decree; Now therefore if the said Wilbur J Kilby shall faithfully discharge the duties of his office, post or trust under said decree and all other decrees he may be required to execute in said cause then the above obligation is to be void; otherwise it is to remain in full force and virtue.

SEAL ~~SEAL~~ ~~SEAL~~

Wilbur J Kilby SEAL

Maggie T Kilby SEAL

In the office of the Clerk of the Circuit Court of Nansemond County, on the 21st day of April 1890

The above bond was executed and acknowledged by the obligors (the ~~surety~~ Security justifying ~~on oath as to sufficiency~~) and recorded.

Teste: A P Gomer CLERK.

A Copy Teste: A P Gomer Clerk

Z. T. Holland & als

vs } In Chancery

Howells' Admr

Copy of bond of
Special Commissioner
W. T. Kilby

Filed April 21st 1890.

At Rules held in the Clerk's office of the Circuit Court for the County of Nansemond on the 16th. day of September 1889:

Zachary T. Holland etc.

Against } In Chancery.

Eva E. Howell, Administratrix of James A. Howell deceased and others.

On the motion of the Complainant, by Counsel, Lee Britt, Attorney at Law, is assigned guardian to the defendant, Otis Bertha Howell, who is an infant, under the age of twenty-one years, to defend her in this suit.

Wm. B. Causey Clerk

Holland etc.

vs. } In Chy.

Howell's Admx. &c.

Order appointing Guardian ad litem for the infant defendant.

FARM FOR SALE!—

By authority of a decree of the Circuit Court of Nansemond county, made on the 14th day of April, 1890, in the chancery suit pending in said court between Zachary T. Holland, plaintiff, and Jas. A. Howell's administratrix and others, defendants, I shall offer for sale by public auction, before the Courthouse door of said county, on County Court day,

MONDAY, MAY 12, 1890,

all that certain tract or parcel of land of which James A. Howell died seised and possessed, situated in Holy Neck Magisterial district, in said county, containing fifty-two acres, more or less, and bounded on the east by the lands of J. Pat. Butler and Dempsey Jones, on the north and northwest by the lands of Sophia Hare and Allen Boone's estate, and on the west by the lands of Luther Rawls (except, however, the hurial lot as now laid off, 12 by 16 feet, reserved for William Herman Lee and wife and their heirs forever).

TERMS OF SALE.—Enough of the purchase-money to cover the costs of suit and expenses of the sale will be required in cash, and the balance in equal sums at the end of six and twelve months, respectively, with interest from the day of sale, the purchaser to execute bonds in evidence of the deferred payments with good personal security, and the title to the land to be retained until the further order of Court.

WILBUR J. KILBY,
Special Commissioner.

GEORGE T. PARKER, Crier.

I, Azra P. Gomer, Clerk of the Circuit Court of Nansemond county, Va., do certify that the bond required of Wilbur J. Kilby, who, by a decree of said Court on the 14th day of April, 1890, in the chancery suit pending in said court between Zachary T. Holland, plaintiff, and Jas. A. Howell's administratrix and others, defendants, was appointed special commissioner to sell the land mentioned in said decree of which James A. Howell died seised and possessed, has been executed with security deemed sufficient by me.

Given under my hand this 21st day of April, 1890.

AZRA P. GOMER,
Clerk.

ap25-3w

tient was a woman bent almost double. If you could call a convention of all the surgeons of all the centuries, their combined skill could not cure that body so drawn out of shape.

Perhaps they might stop it from getting any worse, perhaps they might contrive

SUFFOLK, VA., Apl 1890.

Mr W J Kilby Spl Court

TO SUFFOLK HERALD, DR.

J. E. BOOKER, PROPRIETOR

BOOK AND JOB PRINTING A SPECIALTY

1890

Apl 25 To Adv Sale of Jas A Howell's
Land 5 Insertions 3.00 6
100 Bills Notice of Sale 1.50
Rec Payment J E Booker Bookr 4.50
June 4/90

All Available Text Successfully Captured

1890 July 16th Received of Wilbur J. Kilby, Special Comr. Seven and 50/100 Dollars for services as Crier at the sale on the 12th. day of May 1890 of the parcel of 52 acres of land of which James A. Howell died seised and possessed. J. Hunter. Crier

$7.50

Statement of debt due to Zachary T. Holland by James A. Howell.

To Balance due 27 March 1890.—	$678	22
" Interest thereon from 27 March 1890 to 2 Dec. 1890,-8m. 5ds.	27	69
	705	91

1890 Dec. 2nd. Received of Wilbur J. Kilby, Special Comr. Seven hundred and five and 91/100 dollars in full of the above-mentioned debt.

Z. T. Holland

To the Circuit Court of Nansemond County:

In pursuance of the decree of the Circuit Court of Nansemond County, Va. pronounced on the 13th. day of October 1890 in the Chancery cause depending in said Court between Z. T. Holland, Complainant and James A. Howell's Administratrix and others, Defendants, the undersigned, Wilbur J. Kilby, Special Commissioner, respectfully reports to Court that he has received of the Clerk of said Court and given him a receipt to be filed with the papers in said cause for the two bonds of Eva E. Howell, mentioned in said decree, with Z. T. Holland, surety thereto each for the sum of three hundred and forty-two and 50/100 dollars dated the 12th. day of May A. D. 1890 and payable one six months and the other twelve months after date with interest from date, and has collected the same as well as the interest due thereon, and, together with the

sum of seventy five dollars already in his hands, as specified in said decree, has disbursed the same as directed by said decree as will appear by the vouchers herewith returned and the following statement, to wit:

By Cash in hand as stated above.			$ 75	00
" Amount of said bonds each for $342.50			685	00
" Interest on $685. from 12 May 1890 to 30 Octo. 1890. - 5 m. 18 ds.			19	11
To paid Wilbur J. Kilby, Atty. State tax and fee, - per rect.	16	50		
" " Wm B. Causey, late Clerk of said Court Circuit, his share of clerks fees, per rect.	5	00		
" " Azra P. Gomer, Clerk of said Circuit Court his share of Clerks fees, - per rect.	5	00		
" " Wm B. Causey, late Clerk of County Court, fees for copies of papers used as exhibits, per rect.	2	00		
" " J. E. Booker, printer's bill "	7	50		
" " Geo. T. Parker, Crier "	7	50		
" " Wm H. Howell, Sheriff fee "		50		
" Fee for preparing deed conveying to the purchaser, the land mentioned in said decree,	5	00		
carried on	49	00	779	11

Brought on			49	00	779	11
To 5 per cent Coms. on $300.=	$15.00					
" 2 " " on $460.=	9.20		24	20		
" paid Z. T. Holland as directed by said decree and per receipt as follows: Principal sum = $678.22 Interest from 27 Mar. 1890 to 2 Dec. 1890.- 8 m. 5 ds. =	27.69	=	705	91		
			779	11	779	11

As further directed by said decree, the undersigned has made to Eva E. Howell a deed with special warranty in the usual form conveying to her the real estate mentioned in said decree and purchased by her under proceedings in said cause.

Respectfully Submitted this 5th. day of December 1890.

Wilbur J. Kilby,
Special Commissioner.

(over)

Received of Wilbur J. Kilby. Special Comr. the respective sums of money charged in the foregoing Report as paid to us and set opposite of names as follows:

Wm H Howell Shff Pd	.50c
A P Gomez Clerk	$ 5.00
Wm B Causey late clerk	5.00
Wm B Causey " " "	2.00
Wilbur J. Kilby Atty. etc.	$16.50
Wilbur J. Kilby. Atty.	$ 5.00
Wilbur J. Kilby. Comr.	$24.20

Holland etc.
vs. } In Chy.
Howell's Admx. etc.

Report of collections and disbursements under decree of 13th, October 1890.

1891 March 26th
Filed
A P Gomez clk

To the Circuit Court of Nansemond County, Va.:

In pursuance of the decree of the Circuit Court of Nansemond County, Va. pronounced on the 14th. day of April 1890 in the Chancery Cause pending in said Court between Zachary T. Holland, Plaintiff, and Jas. A. Howell's Admx. and others, Defendants, the undersigned, who was appointed Special Commissioner for the purposes specified in said decree, respectfully reports to Court,

That after he had advertised the time, place and terms of the sale of the land mentioned in said decree of which James A. Howell died seised and possessed, in the manner directed by said decree, namely, by printed notices and by publication of the notice once a week for two successive weeks in the Suffolk Herald, a newspaper published in the Town of Suffolk in said County and had executed before the Clerk of

said Court the Bond required of him and had obtained of said Clerk a certificate of the due execution of said Bond and had appended a copy of the Certificate to the advertisement of the sale as required by said decree, he proceeded to sell said land, and on County Court day, Monday, the 12th. day of May 1890, did sell the same by public auction before the Courthouse door of said County to Eva E. Howell the highest bidder for the sum of Seven hundred and sixty (760) dollars, on the terms and conditions specified in said decree.

That in Compliance with the terms of the sale, the said Eva E. Howell has paid to the undersigned Seventy-five dollars in Cash, part of said sum of $760, to cover the costs of said cause and the expenses of said sale, and for the remainder of said sum of $760, has executed her two Bonds, each for the sum

of three hundred and forty-two and 50/100 dollars with Zachary T. Holland as her surety - one of which bonds is payable six months and the other twelve months after date with interest from date.

The said Bonds of Eva E. Howell bearing date on the 12th. day of May 1890 (the day of sale), the said Certificate, and a copy of the advertisement of said Sale, with a copy of said certificate thereto appended, are all returned with this Report.

The said sum of seventy-five dollars is in the hands of the undersigned, subject to the order of Court.

Respectfully submitted this 14th. day of May 1890.

Wilbur J. Kilby
Special Comr.

FARM FOR SALE!—

By authority of a decree of the Circuit Court of Nansemond county, made on the 14th day of April, 1890, in the chancery suit pending in said court between Zachary T. Holland, plaintiff, and Jas. A. Howell's administratrix and others, defendants, I shall offer for sale by public auction, before the Courthouse door of said county, on County Court day,

MONDAY, MAY 12, 1890,

all that certain tract or parcel of land of which James A. Howell died seised and possessed, situated in Holy Neck Magisterial district, in said county, containing fifty-two acres, more or less, and bounded on the east by the lands of J. Pat. Butler and Dempsey Jones, on the north and northwest by the lands of Sophia Hare and Allen Boone's estate, and on the west by the lands of Luther Rawls (except, however, the burial lot as now laid off, 12 by 16 feet, reserved for William Herman Lee and wife and their heirs forever).

TERMS OF SALE.—Enough of the purchase-money to cover the costs of suit and expenses of the sale will be required in cash, and the balance in equal sums at the end of six and twelve months, respectively, with interest from the day of sale, the purchaser to execute bonds in evidence of the deferred payments with good personal security, and the title to the land to be retained until the further order of Court.

WILBUR J. KILBY,
Special Commissioner.

GEORGE T. PARKER, Crier.

I, Azra P. Gomer, Clerk of the Circuit Court of Nansemond county, Va., do certify that the bond required of Wilbur J. Kilby, who, by a decree of said Court on the 14th day of April, 1890, in the chancery suit pending in said court between Zachary T. Holland, plaintiff, and Jas. A. Howell's administratrix and others, defendants, was appointed special commissioner to sell the land mentioned in said decree of which James A. Howell died seised and possessed, has been executed with security deemed sufficient by me.

Given under my hand this 21st day of April, 1890. AZRA P. GOMER, Clerk.

ap25-3w

By authority of the decree of the Circuit Court of Nansemond County of the 13th. day of October 1890 in the Chancery cause of Z. T. Holland vs. Jas. A. Howells Admx. &c. Als. I have this 20th. day of October 1890, received of the Clerk of said Court the two Bonds of Eva E. Howell mentioned in this Report each for the sum of $342.50 for collection as specified in said decree.

Wilbur J. Kilby
Special Comr.

FARM FOR SALE!

By authority of a decree of the Circuit Court of Nansemond County made on the 14th day of April, 1890, in the chancery suit pending in said court between Zachary T. Holland, plaintiff, and Jas. A. Howell's Administratrix and others, defendants, I shall offer for sale by public auction, before the Courthouse door of said county, on county court day,

Monday, May 12, 1890,

all that certain tract or parcel of land of which James A. Howell died seised and possessed, situated in Holy Neck Magisterial district, in said county, containing fifty-two acres, more or less, and bounded on the east by the lands of J. Pat. Butler and Dempsey Jones, on the north and and northwest by the lands of Sophia Hare and Allen Boone's estate, and on the west by the lands of Luther Rawls (except, however, the burial lot as now laid off, 12 by 16 feet, reserved for William Herman Lee and wife and their heirs forever).

TERMS OF SALE:

Enough of the purchase-money to cover the costs of suit and expenses of the sale will be required in cash, and the balance in equal sums at the end of six and twelve months, respectively, with interest from the day of sale, the purchaser to execute bonds in evidence of the deferred payments with good personal security, and the title to the land to be retained until the further order of Court.

WILBUR J. KILBY,
Special Commissioner.

21 April, 1890.

GEORGE T. PARKER, Crier.

I, Azra P. Gomer, Clerk of the Circuit Court of Nansemond County, Va., do certify that the bond required of Wilbur J. Kilby, who, by a decree of said Court on the 14th day of April, 1890, in the chancery suit pending in said court between Zachary T. Holland, plaintiff, and James A. Howell's administratrix and others, defendants, was appointed special commissioner to sell the land mentioned in said decree of which James A. Howell died seised and possessed, has been executed with security deemed sufficient by me.

Given under my hand this 21st day of April, 1890. AZRA P. GOMER, Clerk.

Sold to ~~Z. T. Holland~~ Zera E. Howell for $760

In the Circuit Court of Nansemond County Va.
Zachary T Holland Plaintiff
Against } In Chancery
James A Howell's Admr & als Defendants.

I Azra P Gomer Clerk of the Circuit Court of Nansemond County Va. do certify that the bond required of Wilbur J Kilby who by a decree of said Court on the 14th day of April 1890 in the Chancery suit pending in said Court between Zachary T Holland Plaintiff and James A Howell's Administratrix and others defendants was appointed special Commissioner to sell the land mentioned in said Decree of which James A Howell died seized and possessed, has been executed with security deemed sufficient by me.
Given under my hand this 21st day of April 1890.

Azra P. Gomer Clerk.

Holland etc

vs

In Chy

Howell's Admr Vol

Certificate of Execution of Bond by Spec. Comm. W. J. Kilby.

Filed 21 April 1890

Holland etc.

vs. } In Chy.

Howell's Admx. &c

Report of Sale
under decree of
14 April 1890

Confirmed 13th.
October 1890

1890
September 27th Filed
A. P. Gomez Clk

Everett Waddey, Stationer and Printer, Richmond, Va. } Form No. 400.

Commissioner's Office,

Suffolk, Va. February 13th.1890.

To Zachary T. Holland for the benefit of himself and all other creditors of James A. Howell, deceased.

vs.

Eva E. Howell in her own right and as Administratrix of James A. Howell, deceased, ~~Bertha~~ Otis Bertha Howell, an infant, Charles H. Causey, Senior, Administrator with the will annexed of Peter B. Prentis, deceased, and Lee Britt Guardian ad litem of the said infant defendant Otis Bertha Howell.

You are hereby notified that I have fixed upon the 12th. day of March 1890 next,

if fair, if not, on the next fair day thereafter (Sunday excepted), to take and settle at my office, ~~the account~~

~~of~~ 1. AN Account of the transactions of Eva E. Howell as Administratrix of the estate of James A. Howell, deceased.

2. An Account of the debts due by said James A. Howell, deceased, or his estate according to their dignities and priorities, if any.

3. An Account of the real estate of which said James A. Howell died seised and possessed, showing its fee-simple and annual values together with the liens, if any, thereon, and specifying the amounts and dates of said liens and in whose favor they may be according to their priorities, if any.

4. An Account of any matters specially stated deemed pertinent by the Commissioner, or required by any of the parties to be so stated.

required to be taken by a decree of the Circuit Court of the County of Nansemond

rendered on the 10th. day of October 1889 , in a suit in chancery depending in said

court, between you:

at which time and place you are required to attend.

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

Rob't. A. Prentis,
Commissioner in Chancery.

We severally acknowledge legal and sufficient service of the within notice.

Lee Howell
Guardian ad Litem for
Miss Bertha Howell

Eva E. Howell
in her own right and
as Admx. of James A.
Howell, deceased.
Wilbur J. Kilby. Atty.
for J. P. Holland
C. H. Causey admr C.T.A.
of Peter B. Kenti dec'd

COMMISSIONER'S NOTICE.

vs.

I.

An account of the transactions of Eva E. Howell as Administratrix of the estate of James A. Howell, deceased.

The Estate of James A. Howell, deceased,

In Account with Eva E. Howell, Administratrix.

1889.					
Sept.	10.	Thes administratrix qualified.			
Dec.	18.	By Amt. of Acct. of Sales returned			$380.67
		To 5% Commission retained.		$19.03	
		" cash paid Dr J.C.Holland voucher		4.50	
July	10.	" " " J.F.Eley for 6 bags guano	"	15.60	
Aug.	20.	" " " R. C. Hall, coffin &c.	"	30.00	
Dec.	24.	" " " Taxes for 1889	"	1.18	
	25.	" " " Thos J.Holland, money borrowed by decd. in his life time	"	20.00	
		" " " T.C.Sykes & Co. store account	"	2.19	
	28.	" " " Emma Goodman wages for her son Meredith hired by decd. for 1889,	"	75.00	
		" " " Dr. P.H.Arthur for medical attention during last illness. - - - -	oath	2.50	
		Amounts carried forward		$170.00	$380.67

1889	Amounts brought forward.		$170.00	$380.67
	To Cash paid S.R.B. Howell			
	" " " crier,- - - --	Oath	1.00	
	" " " Z.T.Holland clerk			
	at sale - - - - -	"	1.00	
	" " " W.T.Holland Notary			
	Public for swearing			
	appraisers, - - - -	"	1.00	
	" " " J.E.Booker for print-			
	ing notices of sale	"	.75	
1890 Feb.				
11.	" " " Z.T.Holland on ac-			
	count of debt due			
	him, - - - - -	voucher		
			111.00	
	" " retained for clerk's fees &			
	tax on qual-			
	ification.		2.96	
	" " " " Clerk's fees for			
	recording Inven-			
	tory, Appraise-			
	ment & Account			
	of Sales.		2.50	
	" " " " fees for Clk.			
	of Cir. Court			
	for making copy			
	of this Acct. &			
	for record.		1.50	
Amounts carried forward			$291.71	$380.67

1890. Feb. 11	Amounts brought forward.	$291.71	$380.67
	To Cash retained for Clk. of Co. Court for recording copy of this Acct.	1.50	
	" " " " " Commissioner for this Account & report.	10.00	
Mar. 27,	To Cash paid Z. T. Holland on account of debt due to him. - - - - -veucher	$ 77.46	
		$380.67	$380.67

II.

An Account of the debts due by said James A. Howell, deceased, or his estate according to their dignities and priorities, if any.

The only debt proved is the debt of the plaintiff evidenced by bond for one thousand dollars ($1000.00) secured by a deed of trust dated and recorded in the Clerk's Office of Nansemond County Court on the 9th. of January 1884.

Principal -		$1000.00
Interest from 9th. Jany 1884		
to 9th. Feby. 1884 -		5.00
		1005.00
Paid 9th. Feby. 1884.-		200.00
		805.00
Interest from 9th. Feby. 1884		
on $805, to 12th. Feby. 1886 -	$97.00	
Paid 12th. Feby. 1886 -	48.00	
	49.00	
Interest on $805, from 12th. Feby.		
1886 to 26th. Feby. 1886 -	2.00	
	51.00	
Paid 26th. Feby. 1886 -	24.00	
	27.00	
Interest on $805, from 26th. Feby.		
1886 to 11th. Nov. 1886 -	34.20	
	61.20	
Paid 11th. Nov. 1886	50.00	
	11.20	
Interest on $805, from 11th. Nov.		
1886 to 7th. Feby. 1887 -	11.50	22.70
Amounts carried forward - - - - - - - - - - -		$827.70

Amounts brought forward - - - - - - - - - - -	$827.70
Paid 7th. Feby. 1887 -	-50.00
	777.70
Interest on $777.70 from 7th. Feby. 1887	
to 7th. April 1888 -	54.45
	832.15
Paid 7th. April 1888 -	57.00
	775.15
Interest on $775.15 from April 7. 1888	
to 11th. Feby. 1890 -	85.80
	860.95
Paid 11th. Feby. 1890 by Eva E. Howell,	
Administratrix.	111.00
	749.95
Interest on $749.95 from 11th. Feby. 1890	
to 27th. March 1890 -	5.73
	755.68
Paid 27th. March 1890 by Eva E. Howell	
Administratrix -	77.46
Balance of Principal due March 27th. 1890.	$678.22

III.

An Account of the real estate of which said James A. Howell died seised and possessed, showing its fee-simple and annual values together with the liens, if any, thereon, and specifying the amounts and dates of said liens and in whose favor they may be according to their priorities, if any.

James A. Howell deceased, died seised and possessed of a piece or parcel of land situated in Holy Neck Magisterial District in said County, containing fifty-two (52) acres, more or less and bounded by the lands of J. Pat. Butler and Dempsey Jones on the East, the lands of Sophia Hare and Allen Boones estate on the North and North-west, and the lands of Luther Rawls on the West, (except however, a burial lot twelve (12) feet by sixteen (16) feet reserved by William Herman Lee and Wife, and their heirs forever).

Its assessed value is $654.00

Its fee-simple value is supposed to be about $700.00

Its annual value is supposed to be about $50.00

The only lien on it so far as the Commissioner is informed is a lien of the complainant Zachary T. Holland, a statement of which, is found on the two preceding pages of this report.

The balance due on his bond, secured by deed of trust on the land above described, is six hundred and seventy-eight dollars and twenty-two cents ($678.22), principal, with legal interest thereon from the 27th. day of March 1890, until paid.

Commissioner's Office.

Suffolk, Va., March 27th. 1890.

Zachary T. Holland, for &c.

v.

James A. Howell's Administratrix & others.

To the Honorable Chandler W. Hill, Judge of the Circuit Court of Nansemond, County:

The undersigned one of the Commissioners in Chancery of the Circuit Court of Nansemond County begs leave to report:

That on the 13th. day of February 1890, he issued notice to the parties in the above - entitled cause fixing upon the 12th. day of March as the time and the Commissioner's office as the place for taking the accounts, which were directed by the decree pronounced on the 10th. day of October 1889 in the said cause. The said notice, with the acknowledgments of the parties either in person or by counsel, is herewith returned.

On the day named the accounts were not concluded, and the cause has been continued from time to time until this day. On the preceding six pages will be found the result of the Commissioner's enquiries and no further explanation is deemed necessary.

Given under my hand this 27th. day of March 1890.

Rob. R. Prentis,

Commissioner in Chancery.

J. J. Holland for Pl.

v.

Comm'rs.

Report.

James A. Howell's
Administratrix &c.

Dated 27th March 1890.

Confirmed 10th.
October 1890

Filed Mar. 29th. 1890.
A.P.G. Clerk

FARM FOR SALE!

By authority of a decree of the Circuit Court of Nansemond County made on the 14th day of April, 1890, in the chancery suit pending in said court between Zachary T. Holland, plaintiff, and Jas. A. Howell's Administratrix and others, defendants, I shall offer for sale by public auction, before the Courthouse door of said county, on county court day,

Monday, May 12, 1890,

all that certain tract or parcel of land of which James A. Howell died seised and possessed, situated in Holy Neck Magisterial district, in said county, containing fifty-two acres, more or less, and bounded on the east by the lands of J. Pat. Butler and Dempsey Jones, on the north and and northwest by the lands of Sophia Hare and Allen Boone's estate, and on the west by the lands of Luther Rawls (except, however, the burial lot as now laid off, 12 by 16 feet, reserved for William Herman Lee and wife and their heirs forever).

TERMS OF SALE:

Enough of the purchase-money to cover the costs of suit and expenses of the sale will be required in cash, and the balance in equal sums at the end of six and twelve months, respectively, with interest from the day of sale, the purchaser to execute bonds in evidence of the deferred payments with good personal security, and the title to the land to be retained until the further order of Court.

WILBUR J. KILBY,
Special Commissioner.

21 April, 1890.

GEORGE T. PARKER, Crier.

I, Azra P. Gomer, Clerk of the Circuit Court of Nansemond County, Va., do certify that the bond required of Wilbur J. Kilby, who, by a decree of said Court on the 14th day of April, 1890, in the chancery suit pending in said court between Zachary T. Holland, plaintiff, and James A. Howell's administratrix and others, defendants, was appointed special commissioner to sell the land mentioned in said decree of which James A. Howell died seised and possessed, has been executed with security deemed sufficient by me.

Given under my hand this 21st day of April, 1890. AZRA P. GOMER, Clerk.

Z. T. Holland

vs.

James A. Howell's Admx. &c.

This cause came on this day to be again heard on the papers formerly read and on the Report of Special Commissioner, Wilbur J. Kilby, filed on the 27th. day of September A.D. 1890, (being a Report of the sale of the real estate of which James A. Howell died seised and possessed in pursuance of the decree entered herein on the 14th. day of April A.D. 1890), and was argued by Counsel.

On consideration whereof the Court doth approve and confirm said sale and Report to which no exception has been taken and doth adjudge, order and decree that said Special Commissioner receive of the Clerk of this Court and leave with him a receipt, to be filed with the papers in this cause, for the two Bonds of Eva E. Howell with Z. T. Holland, Surety thereto, each for the sum of three hundred and forty two and 50/100 dollars dated the 12th. day of May A.D 1890 and payable, one six months and the other twelve months after date with interest from

filed with said Report

date and proceed to collect the ~~money~~ same at their maturity, or receive the money therefor, if the obligors should desire to pay the same before their maturity together with the interest thereon, and out of the money thus collected or received together with the sum of seventy-five dollars already in his hands, ~~pay first in~~ as appears by said Report, pay first in full all the costs of this cause and the expenses of said sale and then pay to Zachary T. Holland the sum of six hundred and seventy eight and 22/100 dollars, the same being the balance of a debt due to him by said James A. Howell as appears by the Report of Commissioner Robert R. Prentis filed herein on the 29th. day of March A.D. 1890, together with interest thereon from the 27th. day of March A.D. 1890 till paid, and retain the remainder, if any, until the further order of Court, ~~and make report to Court of his proceedings under this decree.~~

And the Court doth further adjudge order and decree that said Wilbur J. Kilby, Special Commissioner as aforesaid, make to said Eva E.

Howell, a deed with special warranty in the usual form, conveying said real estate to her, as the purchaser thereof, after she shall have paid said Bonds and all interest due thereon in full as aforesaid. And that said Commissioner make report to Court of his transactions under this decree

Holland

vs. } In Chy.

Howell's Admx. &c.

Decree to be
entered October
13th. 1890
C.D.D

In the Circuit Court
of Nansemond County

Entered & Recorded
in Deed Book No 2 Page 349

J. P. Holland
vs.
Howell's Admx. Sal.

This cause came on this day to be again heard on the papers formerly read and on the Report of Commissioner, Robert R. Prentis filed on the 29th. day of March A. D. 1890 (the same being a Report of the transactions of Eva E. Howell as Administratrix of the estate of James A. Howell deceased, and of the debts due by said James A. Howell etc. in pursuance of the decree entered herein on the 10th. day of October A. D. 1889) and was argued by Counsel.

On Consideration whereof the Court doth approve and confirm said Report and transactions to which no exception has been taken and doth adjudge order and decree that the Clerk of this Court certify to the Clerk of the County Court of this County a copy of the account of the transactions of said Eva E. Howell as Administratrix aforesaid as stated in said Report with a memorandum at the foot thereof, stating the style of this suit and the date of this decree confirming said Report

Holland

vs. } In Chy.

Howell's Admx &c

In the Circuit
Court of Shawsee=
mond County
Octo. 10th 1890

Decree
To be entered
C M H

Entered Chancery
order book No 2
Page 344.

and account, to be recorded by the Clerk
of said County Court in the book in
which the accounts of Administrators
are required to be recorded in his office

Holland for etc.

vs.

Howell's Admx. & al.

This Cause Came on this day to be again heard on the papers formerly read and on the Report of Commissioner, Robert R. Prentis filed on the 29th. day of March A.D. ~~1890~~ 1890 (the same being a Report in pursuance of the decree entered herein on the 10th. day of October A.D. 1889), and was argued by Counsel.

On consideration whereof the Court, without at this time confirming said Report, doth adjudge order and decree that the land mentioned and described in said ~~Decree~~ Report as the land of which James A. Howell, died seised and possessed be sold and that Wilbur J. Kilby, who is hereby appointed Special Commissioner for the purpose, do proceed to sell the same by public auction before the Court house door of this County on some County Court day, on the terms of payment by the purchaser of enough of the purchase-money in cash to cover

the costs of this cause and the expenses of the sale and the remainder in equal sums at the end of six and twelve months respectively with interest from the day of sale. - the purchaser to execute bonds in evidence of the deferred payments with good personal security and the title to the land to be retained until the further order of Court

But before proceeding to make said sale, said Special Commissioner will advertise the time place and terms of the sale by printed notices and by publication of the notice once a week for two successive weeks in a newspaper published in the Town of Suffolk in this County and will execute before the clerk of this Court a Bond in the penalty of one thousand dollars with good personal security, payable to the Commonwealth of Virginia and conditioned for the faithful discharge of his duties under this decree and all other decrees he may be required to execute in this cause, and will obtain of said Clerk a certificate that

of the due execution of said Bond and append the same, or a copy thereof to the advertisement of said sale and make report to Court of his transactions under this decree.

And with the consent of the parties hereto, here entered of record, it is ordered that this cause may be submitted to the judge of this Court for such decision and decree herein in vacation as might be made herein in term, to have the same force and effect as if made and entered in term.

Holland for etc.

vs. } In Chy.

Howell's Admx. &c.

In the Circuit
Court of Hancock
County
April 14th 1890

Decree

To be entered

C M Hall

Chancery Order
Book No: 2
page 323.

Holland etc.

vs.

Howell's Admx. et al at Rules regularly matured and set for hearing

This Cause came on this day to be ~~again~~ heard on the Bill of Zachary T. Holland etc. the Complainant, Taken for confessed as to the adult defendants, Eva E. Howell, Administratrix of the estate of James A. Howell deceased and in her own right, and ~~as to~~ Charles H. Causey, Senior, Administrator with the will annexed of ~~Peter~~ the estate of Peter B. Prentis deceased, on whom process had been duly served, they still failing to appear and plead, answer or demur to said Bill, and on the several exhibits, A. B. C. D. and E. filed with said Bill, and on the answer of the infant defendant, Otis Bertha Howell by Lee Britt Attorney at Law, appointed at Rules her guardian to defend her in this suit, and on general replication to said answer 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, and report to Court the following accounts, to wit:

1. An Account of the transactions of Eva E. Howell as Administratrix of the estate of James A. Howell deceased

2. An Account of the debts due by said James A. Howell deceased or his estate according to their dignities and priorities if any.

3. An Account of the real estate of which said James A. Howell died seised and possessed, showing its fee-simple and annual values, together with the liens, if any, thereon, and specifying the amounts and dates of said liens and in his whose favor they may be according to their priorities if any.

4. An Account of any matters specially stated deemed pertinent by the Commissioner, or which may be required by any of the parties to be so stated.

And with the consent of the parties hereto, given in open Court and here entered of record it is ordered that this cause may be submitted to the judge of this Court for such decision and decree herein in vacation as might be made in term, to have the same force and effect as if made and entered in term.

Holland etc.

vs. } In Chy.

Howell's Admx. etal.

In the Circuit
Court of Anne-
rund County
October 10th. 1889

Decree
To be entered

C M Dail

Entered Chancery
Order Book
No: 2 page 284.

J. T. Holland etc.

vs.

Jas. A. Howell's Admx. Dals.

This cause came on this day to be again heard on the papers formerly read and on the Report of Special Commissioner, Wilbur J. Kilby, filed on the 26th day of March A. D. 1891 (being a Report of collections and disbursements in pursuance of the decree entered herein on the 13th. day of October 1890), and was argued by Counsel.

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

Holland etc.

vs. } In Chy.

Howell's Admx. &c.

In the Circuit
Court of Jefferson
mond County
April 10th. 1891
Final decree.
To be entered
C M S

Entered see Chancery
order Book No. 2. Page 366

Final Decree

In the Circuit Court of Nansemond County, Va.
Zachary T. Holland etc.
vs.
James A. Howell's Admx. & al.

The separate answer of Otis Bertha Howell, an infant under the age of twenty-one years by Lee Britt, Attorney at Law, her guardian ad litem, assigned to defend her in this suit, to the Bill of Complaint exhibited against her and others in the Circuit Court for the County of Nansemond by Zachary T. Holland etc.

The Respondent, reserving to herself the benefit of all just exceptions to said Bill, for answer thereto, by her said guardian ad litem, says.

That she is an infant of tender years and by reason of her infancy, is incapable of understanding, or taking care of her rights and interests. She, therefore, by her said guardian, commends herself and her rights

and interests to the protection of the Court and prays that no decree may be pronounced which will tend to her prejudice.

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

Lee Britt
Guardian ad Litem
for Otis Bertha Howell

16 Sept. 1889

Holland etc.

vs. } In Chy.

Howell's Admx. etal.

Answer of infant defendant by her guardian ad litem.

Filed 16 Sept 1889

At a County Court continued and held for Nansemond County the 12th day of March. 1889.

A writing purporting to be the last will and Testament of Peter B. Prentis, late of this County, deceased was this day produced in Court and there being no subscribing witnesses thereto, E. E. Holland and Robert R. Prentis were sworn and severally deposed that they are well acquainted with the testator's handwriting and verily believe the said handwriting and the name thereto subscribed to be wholly written by the Testators own hand. And Eliza Prentis the only executrix therein named having appeared in Court and refused to take upon herself the burden of the execution thereof, on the motion of C. H. Causey, who made oath as the law directs and entered into a bond in the penalty of Twenty five hundred Dollars, conditioned according to law with Eliza Prentis his surety therein (who justified on oath as to her sufficiency and which said bond being acknowledged by the obligors therein is ordered to be recorded) certificate is granted the said C. H. Causey for obtaining letters of administration

Holland etc.

vs. } In Chy

Howell's Admx. &c.

Exhibit E.
filed with
the Bill

Filed at Rules 16th Sept. 1889.

on the estate of Peter B. Plentz &c—
ceased, with the will annexed in the
form:

Copy
Deede;

Wm. B. Conway Clerk

This Deed, made the 9th day of January One thousand eight hundred and Eighty four between James R. Howell of the County of Nansemond and State of Virginia of the one part, and Peter B. Prentis of the same County and State chosen as Trustee for the purposes herein named of the other part. Witnesseth: That the said James R Howell doth grant, with general warranty unto the said Peter B Prentis Trustee as aforesaid, the following property, to wit: All that tract, or parcel of land purchased of William H. Lee and Caroline his wife on the 8th day of January in the year Eighteen hundred and Eighty four, containing fifty two acres, more or less, situate in Holy Neck District of Nansemond County, and bounded by the lands of Sophia Hare, J.P. Butler, Luther Rawls and others, also one bay or sorrel mare and one buggy and harness the said mare and buggy & harness at present owned by the said James R Howell, together with any and all other property owned at present by the said Howell, or which may be owned by him until this deed of trust is fully satisfied and discharged together with all and singular the appurtenances belonging to the same.

In trust to secure Zachary T. Holland his heirs and assigns, the payment of the sum of One thousand (1000) dollars and costs and interests

accruing thereon till paid, and conditioned to be paid in twelve months from the date of this deed, with interest from the date hereof. Witness the following signatures and seals.

James R. Howell his mark (Seal)

Virginia
County of Nansemond } To wit:

I, W. T. Holland, a Notary Public in and for the said County, in the State of Virginia, do certify that James R. Howell whose name is signed to the writing here to annexed, bearing date the 9th day of January 1884. has acknowledged the same before me in the County aforesaid.

Given under my hand this 9th day of January 1884

W. T. Holland
Notary Public

In the Clerk's Office of Nansemond County Court, the 9th day of January 1884
This Deed of Trust was presented with the certificate annexed and admitted to record

Teste:
Peter B. Prentis Clerk.

a Copy
Teste:
Wm. B. Causey Clerk

xxxx d

Holland etc.

vs. } In Chy.

Howell's Admx. &al.

Exhibit D.
filed with
the Bill

Filed 4th Rules 14th Sept 1889.

$1000.00 On demand I owe and promise to pay unto B. F. Holland his Heirs, Executors, Administrators or Assigns. the just and full sum of One Thousand Dollars and ..... Cents. current money of the United States, for value received, with interest from date; for the payment of which I bind my self, my Heirs, Executors and Administrators firmly by these presents; and I hereby waive the benefit of my Homestead Exemption as to this debt, obligation or contract.

As witness my hand and seal this 9th day of January in the year of our Lord one thousand eight hundred and eighty four.

James [illegible] Howell (Seal.)

Witness: [illegible]

..... (Seal.)

Jas. R. Howell
$1000.00
Bond to Dec 9
Jan. 9/84 - 9 Dec
Jan. 9/85 -

Exhibit C.
filed with the
Bill

1884 - Feb. 9th
Paid $200.00

1886 - Feb. 12th
Paid $48.00

1886 - Feb 26th
Paid $24.00

1886 - Nov - 11th
Paid $500.00

1887 - Feb. 7th
Paid $50.00

1888 - April 7th
Paid $57.00

James A. Howell
To
Zachary T. Holland. Dr.

To Principal of Bond hereto attached			$1000 00
" Int. from 9 Jan. 1884 to 9 Feby. 1884 - 1 m.			5 00
			1005 00
Paid 9 Feby. 1884			200 00
			$805 00
Int. on $805. from 9 Feby. 1884 to 12 Feby. 1886. - 2y. 3ds		$97 00	
Paid 12. Feby. 1886		48 00	
		49 00	
Int. on $805.00 from 12 Feby 1886 to 26 Feby. 1886. - 14 ds.		2 00	
		51 00	
Paid 26 Feby. 1886		24 00	
		27 00	
Int. on $805. from 26 Feb. 1886 to 11 Nov. 1886. - 8m. 15ds.		34 20	
		61 20	
Paid 11 Nov. 1886		50 00	
		11 20	
Int. on $805 from 11 Nov. 1886 to 7 Feby. 1887. - 2m. 26 ds.		11 50	22 70
			827 70
Paid 7 Feby. 1887			50 00
			$777 70
Int. on $777.70 from 7 Feby. 1887 to 7 Apl. 1888. - 1y. 2m.			54 45
			832 15
Paid 7 April 1888			57 00
Balance due with interest from 7th. April 1888			775 15

Holland etc.

vs. } In Chy.

Howell's Admx. & al.

Exhibit C.
filed with
the Bill

Filed at Rules 16th Sept 1889.

This Deed, made the 8th day of January in the year of our Lord One thousand eight hundred and eighty four, between William H. Lee and Caroline his wife of the County of Nansemond in the State of Virginia of the one part and James R. Howell of the same County and State of the other part, Witnesseth - That in consideration of the sum of One thousand ($1000.00) dollars the said William H Lee and Caroline his wife, do grant with general warranty, unto the said James R Howell, and unto his heirs and assigns, forever, the following real estate, to wit: All that tract, or parcel of land, whereon the said William H Lee and Caroline his wife now reside, situate in Holy Neck District of the aforesaid County and State and containing fifty two (52) acres, more or less, and bounded by the lands of J. P. Butler and Humphrey Jones, on the East, the lands of Sophia Hare and Allen Bass's est on the South & North-West; the lands of Luther Howell on the west: This grant however is made upon condition that the grave yard or burying ground as at present arranged a lot or space of 12 feet one way by 16 feet the other is hereby reserved to the said grantors and their heirs forever.

together with all and singular the appurtenances belonging to the same.

And the said William H Lee covenants that he has the right to convey the said land to the said grantee; That the said grantee shall have quiet possession of the said land; that he has done no act to encumber the said land; and that he will execute such further assurances of the said land as may be requisite

Witness the following signatures and seals hereto.

William H Lee (Seal)

Caroline Lee (Seal)

State of Virginia }
County of Rockingham } To wit:

I, William T Holland, a Notary Public in and for the County aforesaid in the State of Virginia do certify that Caroline, the wife of William H Lee, whose name is signed to the writing above bearing date the 8th day of January 1884 personally appeared before me in the County aforesaid and being duly examined by me, privily and apart from her husband, and having the writing aforesaid fully explained to her, she the said Caroline Lee acknowledged the said writing to be her act, and declared that she had willingly executed the same and does not wish to retract it

Given under my hand this 8th day of January Eighteen hundred and eighty four

William T Holland
Notary Public

20 15/100

Virginia
County of Stanmond } To wit.
I. William T. Holland, a Notary Public in and for the said County in the State of Virginia, do certify that William H Lee, whose name is signed to the writing above, bearing date the 8th: day of January. 1884. has acknowledged the same before me in the County aforesaid
Given under my hand this 8th day of January 1884

William T Holland
Notary Public

In the Clerk's Office of Stanmond County Court the 9th day of January. 1884
This Deed was presented with the certificate annexed, and admitted to record

Teste
Peter B Prentis Clerk

A Copy
Teste:
C H Causey J. D C

Holland etc.

vs. } In Chy.

Howell's Admx. &c.

Exhibit B.
filed with
the Bill

Filed at Rules 16th Sept 1869

at a County Court continued and held for the County of Nansemond on the 10th day of September. A. D. 1889.

On the motion of Eva E. Howell, who made oath as the law directs, and entered into a bond in the penalty of Eight Hundred Dollars, conditioned according to law with Eldred Holland her surety therein, who justified on oath as to his sufficiency and which said bond being acknowledged by the obligor therein is ordered to be recorded, certificate is granted the said Eva E. Howell for obtaining letters of administration on the estate of James A. Howell, deceased, in due form.

A Copy

Teste:

C. H. Causey Jr. D. C.

Holland etc.

vs. } In Chy

Howell's Admx. &c.

Exhibit A.
filed with
the Bill

Filed at Rules 16th Sept 1889.

In the Circuit Court of the County of Rausemond, State of Virginia:

Zachary T. Holland etc.

vs. } In Chancery

Jas. A. Howell's Admx. & al.

To the Honorable Chandler W. Hill, Circuit Court Judge for the County of Rausemond in the State of Virginia:

Humbly Complaining respectfully represents and shows unto Your Honor, Your Complainant, Zachary T. Holland for the benefit of himself and all other creditors of James A. Howell deceased.

That on the 27th. day of April A.D. 1889 said James A. Howell departed this life, intestate, leaving surviving him a widow, whose name is Eva E. Howell and one child a daughter whose name is Otis Bertha Howell ~~and~~ who was three years of age on the 22nd. day of July 1889. ~~surviving him as his only distributees and heirs at Law.~~

That on the 10th. day of September 1889, certificate was granted by the County Court of Tallesemond County to said Eva E. Howell for obtaining letters of administration on the estate of ~~James~~ said James A. Howell deceased, ~~and~~ as will appear by a duly authenticated copy of the order of said County Court granting said Certificate, herewith filed as part of this Bill and marked Exhibit A.

That said ~~A~~ Eva E. Howell as Administratrix ~~of said estate~~ has taken charge of the personal estate of said James A. Howell deceased to administer the same according to law.

That said personal estate is worth some three or four hundred dollars.

That said James A. Howell (sometimes called James R. Howell) died seised and possessed of a parcel of land situated in Holy Creek Magisterial District

in said County, containing fifty two (52) acres, more or less and bounded by the lands of J. Pat. Butler and Dempsey Jones on the east, the lands of Sophia Hare and Allen Bowie's estate on the north and north-west and the lands of Luther Rawls on the west,"

That said land was sold and conveyed to said James A. Howell by William Herman Lee and wife by deed dated the 8th. day of January 1884 and recorded the next day in the office of the Clerk of said County Court as will appear by a duly authenticated copy of said deed herewith filed as part of this Bill and marked Exhibit B.

That in said deed the said James A. Howell is by mistake called James R. Howell.

That in said deed the grave yard or burying ground as, at the date of said deed, arranged ~~for~~ to wit. a lot or space in size twelve feet one way and ~~to~~ sixteen feet another way, was

reserved by said Lee and wife for themselves, said their heirs forever upon said land, as will appear by reference to said deed.

That the said James A. Howell was indebted to your Complainant at the time of his death in the sum of $775.15 with interest from 7th April 1888, as will appear by his Bond and the statement thereto annexed herewith filed as part of this Bill and marked Exhibit C.

That said indebtedness was orginally one thousand dollars but was reduced by said Jas. A. Howell ~~by payments made by him~~ to the sum of $775.15 aforesaid. by payments made by him in his life-time as follows, to wit:

$200.	paid 9 Feby.	1884.
$ 48.	paid 17 Feby.	1886
$ 24.	paid 26 Feby.	1886
$50.	paid 11th. Oct.	1886
$50.	paid 7th. Feby.	1887
$57.	paid 7th. April	1888

~~That said Bond is endorsed by the B~~ That said indebted-

ness is evidenced by the Bond of said James A. Howell for one thousand dollars dated the 9th. day of January 1884 and payable to your Complainant on demand, as will appear by reference to said Bond filed herewith as Exhibit C. aforesaid.

That the several sums of money paid by said James A. Howell on account of said indebtedness as aforesaid are credited on the back of said Bond.

That said indebtedness is secured by a deed of trust made by said James A. Howell on the 9th. day of January 1884 before his marriage to said Eva E. his widow.

That said deed of trust was recorded in the office of the Clerk of said County Court on the 9th. day of January 1884 and conveys said land to Peter B. Prentis, Trustee, in trust to secure said indebtedness, as will appear by reference to a copy

of said deed of trust, duly authenticated and herewith filed as part of this Bill and marked Exhibit D.

That it also appears from said deed of trust that one bay a sorrel mare and one buggy and harness the property of said James A. Howell were also conveyed by said deed of trust to said Trustee as further security for said indebtedness.

That in said deed of trust the said James A. Howell is by mistake called James R. Howell.

That there is no doubt whatever of the execution of said deed of trust by said James A. Howell and that the writing of his name therein & thereto as James R. Howell was an unintentional mistake.

That said James R. Howell could not write his own name and that it was signed to said deed of trust and bond by another person for him. he

having simply made his mark thereto, as will appear by reference to said deed of trust and bond.

That while said bond on its face is payable on demand, it was nevertheless agreed by your Complainant that it should ~~not~~ be payable twelve months after its date, but with interest from its date as specified in said deed of trust.

That said Peter B. Prentis, departed this life on the 5th. day of March 1889 leaving his last will and testament which was duly proved and admitted to record in said County Court on the 12th. day of March 1889 and that at the same time certificate was granted by said County Court to Charles H. Causey, Senior, for obtaining letters of administration on the estate of said Peter B. Prentis deceased with said will annexed in due form as will appear by a duly authenticated copy of the order of said County Court, granting said certificate to said Charles H. Causey,

Savior, and admitting said will ~~to probat~~ to record, herewith filed as part of this Bill and marked Exhibit C.

That said Eva E. Howell and Otis Bertha Howell are the only distributees of the personal estate of said James A. Howell and said Otis Bertha Howell is his only heir at Law.

That said indebtedness has long since been due and payable and that said personal and real estate of said James A. Howell, now that he is dead, should be sold and the proceeds applied in satisfaction of said indebtedness as well as any other indebtedness of said Jas. R. Howell, if any.

In consideration whereof Your Complainant being without remedy, save in a Court of Equity, prays that said Eva E. Howell in her own right and as Administratrix of all and singular the goods and chattels, rights and credits which were of said James A. Howell deceased

at the time of his death, and said Otis Bertha Howell, an infant under the age of twenty-one years and said Charles H. Causey, Senior, Administrator with the will annexed of all and singular the goods and chattels, rights and credits which were of said Peter B. Prentis deceased at the time of his death may be made parties defendant to this Bill & and be required to answer all the allegations hereof, the adults in their own proper persons and said infant by her guardian ad litem to be appointed to defend her in this suit, but answers under oath are hereby waived; that the debts due by said James A. Howell or his estate may be ascertained according to their dignities and priorities including the debt aforesaid to your Complainant; that an account ~~and settlement~~ of the transactions of said Eva E. ~~Howell~~ Howell, as Administratrix aforesaid showing what disposition she has made of the personal estate

of said James A. Howell may be taken and reported herein; that said land may be sold and the proceeds of the sale as well as the proceeds of said personal estate may be applied to the satisfaction and payment of said debts; that such fee or compensation as may be proper may be allowed ~~to be paid~~ out of such money or property as may come under the control of the Court in this cause, to be paid your ~~the~~ Complainant's Counsel; that a proper guardian ad litem may be appointed to defend the rights of said infant herein; and that all such other further and general relief may be given Your Complainant as the nature of his case may require, or to Equity shall seem meet. And as in duty bound Your Complainant will ever pray etc.

Wilbur J. Kilby
p.q.

13 Sept. 1889

Holland J. P. etc.

vs. } In Chy.

Howell's Admx. &c.

Bill

Filed at Rules 16th Sept 1889.

Holland etc.
vs.
Howell's Admx. &c. } In Chancery

1889 Sept. 13. Summons in Chancery issued returnable to Rules on 3d. Monday (16th.) Sept. 1889.

" Sept. 16th. Summons returned executed on adult defendants: Bill with 5 exhibits filed; decree nisi against adult defendants; Lee Britt, attorney at Law, appointed Guardian ad litem for infant defendant, Otis Bertha Howell; Answer of said infant by said guardian filed; general replication to said answer; and, on motion of Complainant by Atty. Cause set for hearing as to said infant.

1889 Octo. 7. Decree nisi confirmed; Bill taken for confessed; and, on motion of Complainant by Atty. Cause set for hearing as to all the adult defendants

1889 Octo. 10. Decree for accounts.

1890 Mar. 29. Report under decree of 10 Octo 1889 filed

1890. April 14th. Decree for Sale of land.

1890. April 21st. Bond of Wilbur J Kilby Spec. Comr. under decree of 14th April 1890. Executed and Copy filed with papers and certificate thereof given to him

11 Sept 27th. Report of Sale filed.

Holland etc.
vs. } In Chy
Howell's Admrs. &c

Chancery notes