

1897-002

Nansemond Co. (Suffolk)

Chancery Causes: Benjamin Langston vs James Milteer et al

Johnson, Miltier, Langston, Lewis, Mitchell, Cross, Holland, Odom,
Weaver, Whitfield, Jones, Lawrence, Dillard

To the Clerk of the Circuit
Court of Washington
County:-

Benjamin Langston, ~~Plff~~
^{vs}

James Miller &
R. J. Johnson, trustee Shfts.

Issue summons in plain-
tiff against defendants to
~~1st~~ rule in January 1897
to answer plaintiff's of a
Bill in chancery.

R. H. Rawls, Jy.

all live near South Quay.

Pay \$1.50

Copy of

- 1 Deed of Trust from B. Langston to
R. J. Johnson trustee
Trust Deed Book # 2 page 69
- 2 Deed Sale from R. J. Johnson
trustee to Jas. Miller
D.B. # 38 page 244

Memorandum
Benjaⁿ Langston
Esq. in Chancery
James Mullin &
Ref. Johnson trustee

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

*James Miller &
R J Johnson Trustees*

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 *January 1897*, to answer

a Bill in Chancery, exhibited against
them in the said Court by *Benjamin
Langston*

and have then and there this summons.

WITNESS, A. P. GOMER, Clerk of our said Court, at his office, this *19th* day of
December 189*6*, in the *21st* year of the Commonwealth.

Teste:

A P Gomer Clerk.

Executed this 4th day of
Jan 1897 by delivering a true
copy of the within process to
R. J. Johnson and James Miller
the person
Attest
Sheriff

R. J. Johnson
James Miller
R. J. Johnson
James Miller
R. J. Johnson
James Miller

Be it known that there is now pending in the Circuit Court of Nausumund County in the State of Virginia a certain suit in equity the title of which is "Benjamin Longstun vs James Milten and R. J. Johnson Trustee and the object of which is to set aside and annul and declare void a certain deed made by R. J. Johnson trustee to James Milten dated the 15th day of August 1886 and conveying certain real estate named therein which said deed is recorded in D.B. Number 38 on page 244 in the Clerk's Office of said County: the said suit is pending in the Circuit Court of Nausumund County: James Milten is the name of the person whose estate is intended to be affected thereby and the said Real estate intended to be affected thereby is described as follows:—
all of that certain tract or parcel of land situated in

Holy Neck District in Nause-
mond County Virginia, contain-
ing thirty one (31) acres more or
less and bounded as follows:-
beginning ^{and bounded from} at the North by the
lands of Joseph Bath and Al-
bert Vaughan; and bounded on
the East by the lands of Washing-
ton Lawrence; on the South
by the South Quay Road and
on the West by the lands of Co-
nelius Miller.

Witness the following signature
and seal this 19th day of
December 1886,
Benjamin^{his} Longstreet 
mark

Witness:-

R. H. Rawles

Virginia:-

Wausemond County to wit:-

I, R. H. Hawley a
Notary Public for the County
aforesaid in the State of
Virginia do certify that
Benjamin Longstrewn whose
name is signed to the
writing above dated the
19th day of December 1896 has
acknowledged before me in
my said County, & in view
my hand this 19th day of
December 1896.

R. H. Hawley
N. O.

In the Clerk's Office of Wausemond County
Court the 19th day of December 1896.

This Lis Pendens was received with the
Certificate annexed and admitted to records

Teste;

C. J. Homer Deputy
for R. R. Smith Clerk

Benja. Langstin
vs. Lis Pendens
James Mullins Estate

Admitted to record
the 19th day of December
1896.

Recorded in
D.B. 38, p. 342

Rawles & Briggs,

Attorneys at Law and Notaries Public.

Suffolk, Va., 189

Benjamin Langston

vs

Jas. Milten et al.,

Summon the following witnesses for
 the plaintiff to appear on the
 5th day of April 1897.
 R. H. Rawles to testify be-
 fore J. W. Green Notary Public in
 the above case on Monday the

R. H. Rawles f.g.

Witnesses: -

James Lawrence ✓

Willis Holland ✓

Garrison Cross ✓

John Mitchell ✓

Hoskin Lewis ✓

Ezekiel Dillards

Amos Johnson ✓

South Quay.

Langston
vs
Millet & others

names of
witnesses.

By consent of counsel for both plaintiff and defendants the following depositions are taken this 5th day of April 1897 by E. C. Beale a type-writer at the office of R. H. Rawles in the town of Suffolk Virginia to be read as evidence in behalf of Benjamin Langston ~~vs~~ in the case of Benjamin Langston vs James Milteer and others in the chancery cause of said title now pending in the Circuit Court of ~~the~~ Nansemond county .

Present;

R. H. Rawles counsel for plaintiff;

E.E. Holland counsel for defendants;

Ben Langston

being duly sworn deposes and says

as follows:

1st Question; State your name age residence occupation and do you know the parties to this suit ?

Answer; Ben Langston. 32 years Nansemond county, Farmer, Yes I know the parties to the suit

Q Are you the Plaintiff in this case

A Yes

Q It appears from a certain copy of a deed filed as exhibit A in this cause that you were indebted to J W Lawrence and Son in the sum of \$ 50. and that you secured the payment of the same by the said deed of trust. Can you state how much was due on that deed of trust just before the sale of the land by the trustee

A About \$5. and some cents

Q Had you paid the hold of the said debt of \$50. except this \$5. and some cents

A Yes

Q Was your land mentioned in said deed of trust sold at public auction by R. J. ~~Johnson~~ Johnson Trustee under the said deed of trust to pay the remainder of this money

Yes

Q Please state whether you went to Mr Lawrence and offered to pay this debt or what effort you made to pay the same if any before the sale took place

A Yes, I went to Mr Lawrence to see how much it was and he told me that he

Questions for Men Who Were Prevented from Voting.

..... a witness of lawful age,
introduced by contestant, being first duly sworn and cautioned, testified as follows:

1st Question. State your name, age, residence and occupation.

Answer.....

2d Question. State whether you were a registered voter at
Precinct, in County or City, November 3d, 1896.

Answer.....

3d Question. Did you vote for Congressman from the Second Congressional District
of Virginia at the election held in said District November 3d, 1896?

Answer.....

4th Question. If you did not vote, state fully and particularly what effort you made
to do so, and how you were prevented from doing so?

Answer.....

5th Question. If you had voted, for whom would you have voted for Congressman
from Second Congressional District of Virginia at said election?

Answer.....

2
had transfered to James Milteer,

Q Did you afterwards to make an effort to find out how much was due and to pay the same to ~~K~~ James Milteer

A Yes I went to James Milteer to find out how much it was and he told me to go to Mr Johnson R. J. that he had the papers

Q State whether or not you afterwards went again to James Milteer to ascertain the amount due and how many times

A Yes I went again, I went 3 times

Q Did he tell or did he ever inform you of the amount due

A No Sir, he did not tell me, he told me to go to Mr Johnson, every time

Q Then you never could find out from James Milteer what amount you owed on the said deed of trust

A No Sir?

Q Were you prepared or not to have settled this debt if James Milteer had informed you of the amount due

A Yes

Q Did you go to R. J. Johnson Trustee after you had been sent to him by Milteer and try to find out from Johnson the amount due

A Yes I went to Johnson

Q State what Johnson told you

A Johnson said I do not know what the deed of trustee is, ~~He~~ said you go to Jim Milteer he has the Bond, nothing else? I went the 2nd time to Johnson and he said I don't know what it is but I will tell you this much, Cap Lawrence has got a Judgement against about \$5. Or \$6. if you will go down and bring about \$20. and that will square the hold thing.

Q Then please state whether you were ever able to find out either from James Milteer or From R. J. Johnson the Trustee the exact amount that was due by under the said deed of trust

A No Sir I never could find out from either of them

Q Did James Milteer Have a Judgement against you for a certain amount

A Not as I know of Willie Jones, Justice said he was going to give him one

Q Did not James Milteer finally have a Judgement against you

A Not as I know of

Q Did you owe James Milteer any other money except that which was due on this deed of trust

A Yes Sir I owed him \$40/ for an old horse

Questions for Men Who Voted.

..... a witness of lawful
age, introduced by contestant, being first duly sworn and cautioned, testifies, in answer
to questions propounded by, as follows:

1st Question. State your name, age, residence and occupation.

Answer

2d Question. State whether you voted for Congressman from the Second Congressional District of Virginia at the general election held November 3d, 1896, and if so, at what Precinct and in what city or county?

Answer

3d Question. For whom did you vote for Congressman from said district?

Answer

Q Will you state whether or not ^{if} you could have ascertained the exact amount due to James Millteer on both these debts you were ready to settle with him in full for both of them

A Yes

Q State whether or not you were present at the sale of your land when the same was sold by Johnson Trustee

A Yes

Q Were you left free to bid as you pleased that day for your land

A No Sir I was not left free to bid, Johnson said that you are not allowed to bid, I went and asked him myself, Milteer said if you bid here to day I will exact my money to day

Q Did you or did you not bid

A Yes I bid twice seeing my property going so low

Q Who was the property sold to that day

A James Millter

Q For how much

A \$80.

Q How much is your land really worth

A \$150

Q If you desire to make any further statement if regard to this matter you will please do so

I know of nothing else

Q State whether or not you had any friend or friends who had offered to take up these debts for you

A Yes I had two Garrison Cross and Haskins Lewis

Q Did you ever tell Jim Millteer that Garrison would pay the debt for you

A No I never told him that

Q Did James M^llteer ever say anything to you about Garrison Cross taking up the debt

A Yes Sir, He said you going about foolinh with Garrison Cross and Haskins Lewis and Gaskins is just trying to get your land away from you for \$9,35 Would you be big enough fool to mess whith him like that I will give you all the time you want I have not said a word about sellin ng , Haskins Lewis is the same; those two men are just trying to get your land away from you for \$9,35

Questions for Men Who Voted.

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to questions propounded by, as follows:

1st Question. State your name, age, residence and occupation.

Answer.....

2d Question. State whether you voted for Congressman from the Second Congressional District of Virginia at the general election held November 3d, 1896, and if so, at what Precinct and in what city or county?

Answer.....

3d Question. For whom did you vote for Congressman from said district?

Answer.....

So you are a fool for listening to them

Q I have in my hand an account made by R. J. Johnson Trustee which reads as follows, (The account is here read to the witness)

Q Will you state whether this account was handed to you by R. J. Johnson after the sale

A Yes Sir he gave it to me after the sale

The account is herewith filed marked exhibit C

Cross examined by E. E. Holland

Q Did R. J. Johnson Trustee notify you before advertising the land for sale that he had been instructed by James Milteer to sell your land

A Yes Sir

Did he afterwards advertise your land for sale upon ~~th~~ your failure to pay James Milteer

A X Yes Sir

Q Were you present on the day of sale

A Yes

Q Who else was present on the day of sale

A John Mitchell, Amos Johnson, Daniel Parker, Seth Howell, Jackson Blunt, Richards Saunders, Richards Odems that is about all as far as I can remember

Q Did not R. J. Johnson Trustee on the day of sale postpone the sale of the land for several hours in order to give you an opportunity to pay off the amount due and prevent a sale, as to this question I put you on your guard

A No Sir, it was not, it was advertise to be sold at 12 O'clock and it was sold at that hour

Q Did you not on that day ask Mr Timduck to pay off this amount for you and did you not ask R. J. Johnson trustee to delay until you could see Mr Duck as to this question I put you on your Guard.

A I did not ask Mr Duck anything never asked Mr Johnson anything like it

Q Did you not on the day of sale tell Mr Johnson that he could go ahead and sell for you could youxxxxx make no arrangements to settle the debt as to this I put you on your guard

A No Sir I did not ask him to delay the sale that I could not make arrangement

Q Did you tell him to go ahead and sell

A No Sir I did not Lawyer

Questions for Men Who Voted.

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1st Question. State your name, age, residence and occupation.

Answer

2d Question. State whether you voted for Congressman from the Second Congressional District of Virginia at the general election held November 3d, 1896, and if so, at what Precinct and in what city or county?

Answer

3d Question. For whom did you vote for Congressman from said district?

Answer

Q Did you not on the dat of sale or ~~just~~ a few days before ask Mr R. B. Odem to lend you the mony to ~~se~~ttle this claim as to this I put you on your guard

A I never asked R.. B. Odem for a cent to settle a claim in my life

Q If Garrison Cross and Haskins Lewis had ^{to pay} agreed this matter for you why did not you have them present on he day of sale for that purpose

A Because Jim Millteer told Haskins Lewis if he paid this money he would lose it, so he would not come

Q Answer objected to as heresay

I went to see Garrison Coss and he was not at home that was the reason he was not there that day

Q How much money did Garrison Cross and Haskins Lewis agreed to loan you

A Garrison Cross said he would pay both amounts \$75. Haskins said he would pay just what ever the trustee called for

Q Did you bid \$75 for the land because Garrison Crosss agreed to let you have this much

A No Sir I did not I bit on it because I saw it was going so low

Q How many times did you bid

A Twice I think

Q Were your bids cried each time by Mr Whitfield

A Yes they were cried

Q With your bids thus cride why did not you continue to bid on the land

A Because I had a doubtful fear thecause Mr Johnson told me I had No right to bid

Q Bou you made two bids after Mr Johnosn made that statement to you is that right

A Yes Sir that is right

Q What was the highest bid you made

A I think it was \$70.

Q Did not James Milteer at your request take ~~thxxx~~ the Bond secured by deed of trust to Mr R. B. Odem and did not Mr Odem after making a cal culation tell you just the exact amount due on this Bond as to this question I put you on your guard

A No Sir He did not tell me what the amount was

Q Were you prepared on the day of sale to pay the amount due if you had known just exactly the amount due

Questions for Men Who Voted.

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to questions propounded by, as follows:

1st Question. State your name, age, residence and occupation.

Answer.....

2d Question. State whether you voted for Congressman from the Second Congressional District of Virginia at the general election held November 3d, 1896, and if so, at what Precinct and in what city or county?

Answer.....

3d Question. For whom did you vote for Congressman from said district?

Answer.....

A I wpuld have been prepared that day if they had not prevented these men from paying it

Q Then you did ~~you~~ not have the monty to pay it if you had known the amount~~th~~ due

A I did not exactly have it that day but did have ~~x~~ it a few days before then I meand by we, Me and my sister Delia Hayes

Q Why did you not have it there that day to pay the amount due

A A I did not have it there because they would not let me know anything about it any way

Q Did not R. J. Johnson Trustee on the very day of sale say to you that all you had to do to stop the sale ~~xx~~ to pay the debt due, as to this question I put you on your guard

A No Sir he did not as I know anything about

Q Why did R. J. Johnson notify you that these papers were in his hands as soon as they were placed in his hands by Milter and before he advertised the land except for the puarpse of giving you and opotunity to pay the debt and to keep from advertising your land

A He did not notify me more than two or three before hand

A Did he notified you before he advertised the land for sale as to this question I put you on your guard

A He notified me a day or two before the advertising

Q Did you ever yourself or with your Sister Delia or with Haskins Lewis or with Harrison Cross ever go to James Milteer or to R. J. Johnosn Trustee with the money with which to settle this debt and offer to settle

A I could not say they did go ~~to~~ they would have wen if it had not been from their preventing from going, Jim Milteer and Mr Johnson said that they would lose ther money if they paid it

Q Do you swear that R. J Johnson Trustee told Haskins Lewis Garrison Crosss Yourself or your Sister that they would lose their money if they pay this debt

A No Sir I will not I d

Q Did R. J. Johnson ever tell you so, as to this I put you on your guard

A Yes Sir that is what he told me

Q But and for this reason and for this reason only you never went to

Questions for Men Who Voted.

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to questions propounded by, as follows:

1st Question. State your name, age, residence and occupation.

Answer

2d Question. State whether you voted for Congressman from the Second 'Congres-
sional District of Virginia at the general election held November 3d, 1896, and if so, at
what Precinct and in what city or county?

Answer

3d Question. For whom did you vote for Congressman from said district?

Answer

A I went to them to find ~~out so~~ out so I could pay it , so I could go to those men to get the money to pay it

Q It is true then that the reason those men did not lend you the money to pay the debt was because they were afraid that they would lose it, 3

2. because James Millteer ~~said they were~~² said they were.

Q Has James Millteer in your presence ever said that they would lose their money if they would pay this debt

A ^{the two} Garrison Cross and Haskins that they would lose this money if they would pay this debt

Q Then you never offered to pay James NMilletr or R. J. JOhnosn either before the sale or ~~after~~^{at} the sale to pay this debt when you had the money in hand

A I would offered it to him if I had known what it was

Q Did not you say just a few minutes ago that Mr Johnson if you would bring him \$20 it would square the hold thing

A Yes S

Q Why did not you carry him the \$20 and square the hold thing

A ~~Because that~~ I went to Mr Timduck to see him about some money and he told me that he would pay the \$20 for ~~you~~ I wanted to give Mr Duck some security on the land rfor the money because James Milteer would sell the land

Q But Mr Johnson offered to stop the sale if you would bring him \$20.

A I told Mr Johnsn that I did not have the money myself but I got a man that would pay it for me if I would make him holdfooted about his money I would give him insurance on the land for \$20/ he says no you cannot do it, do it will not be any good to him Jim Milteer call for the Cree of Court to sell just the same

~~QxThnxhxmhmexrxearrriedxinxthnx\$20~~ so it will not do any gods if you
unless you have the money yourself

Q Then you did not carry him the \$20.

A No Sir

Q Is it not true then that you did not pay this debt because you did not have the money yourself or because you could not borrow it from your friends for the reason you could not give them a deed of trust on it

Questions for Men Who Voted.

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to questions propounded by, as follows:

1st Question. State your name, age, residence and occupation.

Answer.....

2d Question. State whether you voted for Congressman from the Second Congressional District of Virginia at the general election held November 3d, 1896, and if so, at what Precinct and in what city or county?

Answer.....

3d Question. For whom did you vote for Congressman from said district?

Answer.....

A I would say so about some of my friends

Q Did not you say just above that you did not have the money youreslf and that Garrison Crox Haskins Lews and Timduck the only friends ydu have mentioned would not let you have the money because Johnson ^{told them of} Trustee or Millteer ^{if} they did they would lose it ²

A is it not true then that your friends would not lend the money be cause you in their opinion you could not make them safe for it

A No Sir it is like this : they have never ask me any security for the money but they knew ~~that I had my land~~ for if I had my land I could pay them better than I could pay it ~~hemself~~ with nothing

Q Then theynwere afraid to trust you with out land and could not get security on the land

A No Sir

Q You said in your examination in cheif thay you thought the balance due on this debt when Capt Lawrence transfered was \$5 and some cents

A Because I had paid Jim Milteer \$4/ on it and I thought that would reduce it down to about \$5.

Q You paid Jim \$4 and you thought it would reduce it to about \$5 then you knew that the amouny of the debt was \$5 and some cents

A YewSir I was told so

Q Who told you so

A I went to see Mr Lawrence and he told me so

Q Was that about the time debt was transfered

A No Sir it was before

Q How long before

A ABout three weeks

Q How long edid Jim have the debt before he advertised the land for sale

A About 5 or 6 months

Q Then you did know that about the time the debt was transfered to James M Milter it amomterd to about \$9,35 and Jim held it only 5 or 6 months before advertising the sale

A X I new it was \$9, 35

Q With or without interest

A It was \$9,35 without interest

Q Why did not you take \$9,35 and actually tender it to James in payment

Questions for Men Who Voted.

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age, introduced by contestant, being first duly sworn and cautioned, testifies, in answer
to questions propounded by....., as follows:

1st Question. State your name, age, residence and occupation.

Answer.....

2d Question. State whether you voted for Congressman from the Second Congressional District of Virginia at the general election held November 3d, 1896, and if so, at what Precinct and in what city or county?

Answer.....

3d Question. For whom did you vote for Congressman from said district?

Answer.....

for this debt

A Because I did not have the money exactly myself and the men I got to pay it , ~~x told~~ Jim Milteer told him not to pay it .

Q Did they offer to pay him

A Yes Sir they said they would pay right away at any, ^{they} ~~they~~ went to him to find out what it was , and he told him that he did know what it was and to go to Mr Johnson , and he would let you know

QA Did they to your knowlege go to Johnson to find out the amount due

A I dont know

Q You said in you examination in cheif that you pere prepare to settle debt if James Milteer had iiformed you of amount~~y~~ due- you have said in your cross examination that you knew the amount really due was \$9,35 with interest fro 5 or 6 months, why did not you offer to pay this \$9, 35 with interest

A I knew the amount was \$9,35 before it was transfered to him? I did not pay it because I did not have the money , but I had friends that would have paid it if he had not told them that they would lose it

Q Then your friend did not pay it because they were afraid they~~were~~ would lose the money

A b^yhis telling them that they would lose it

Q Then you did not pay the money because you did not have it yourself and your friends would not lend it to you because they were afraid they would lose it

A That is so so far as I know about it

Q

Reexamined

Q You have said that Mr Lawrence told you the amount due on the deed of trust was \$9,35 about the time he transfered to James Milteer , and that after the transfered Mr Johnson the Trustee required you to bring \$20 to pay it up?, Is this what confused you ^{and} ~~and~~ caused you not to know the exact amount

Question objected to as leading , and because it is not necessary to bring out anything in cross examination

Q

A ²Yes Sir that was what confused me

Questions for Men Who Voted.

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age, introduced by contestant, being first duly sworn and cautioned, testifies, in answer
to questions propounded by....., as follows:

1st Question. State your name, age, residence and occupation.

Answer.....

2d Question. State whether you voted for Congressman from the Second Congressional District of Virginia at the general election held November 3d, 1896, and if so, at what Precinct and in what city or county?

Answer.....

3d Question. For whom did you vote for Congressman from said district?

Answer.....

and caused me not to know what it was

Q Then if Milteer had told you candidly that the amount due him was \$9,35 were you or were you not prepared to see that ~~en~~^{he} was paid

Question objection as being leading, and for other reasons

A Yes Sir I was prepared to pay him

Q You have said that when one of your friends went to find out the amount due under the deed of trust and offered to pay the same that Mr Johnson the Trustee told him it was no use to do so because if he did then James Millter would sell under the Cree of Court

Question objected to because ~~thaxx~~ it calls for hearsay testimony

A Yes this is true

Q

and further this someone said not.

Ben Livingston

Questions for Men Who Voted.

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age, introduced by contestant, being first duly sworn and cautioned, testifies, in answer
to questions propounded by, as follows:

1st Question. State your name, age, residence and occupation.

Answer.....

2d Question. State whether you voted for Congressman from the Second Congressional District of Virginia at the general election held November 3d, 1896, and if so, at what Precinct and in what city or county?

Answer.....

3d Question. For whom did you vote for Congressman from said district?

Answer.....

Haskins Lewis being duly sworn deposes and says as follows

QX State your name age residence , occupation, and do you know the parties to this Suit

A Haskins Lewis, 40 Nansemond County Laborer . I know all the parties to this suit

Q State anything you may know in reference to a debt due by Benjiman Langston , first to Lawrence and Son and which was afterwards to James Milletr and which was secured by a deed of trust and whether any efforts have been made to pay the same

A James Milteer , I was over to his house one day he replys to me that there is a piece of land going to be sold in the neighborhood , I asked him whos land was it? he said it was Benijaman Langston Land , I told if it be sold I would be willing to pay \$125 for it James Milteer replys to me this land has got to bring more money than that, I told him that that was all I was willing to pay for it I asked him what was the land going to be sold for ^{he said} to satisfy Tony Lawrence Mortgage. I asked him how much was the mortgage ; he replied \$9,35, I told him well

it is a pity to sell the land for that little amount , I would pay the \$9, 35 for him for I had the money in my pocket now to pay it. Jim said me pay me \$15 and I will give him half of it; I said no I will go overt to see Ben first, I went to see Ben . I said go to Mr Johnson and find out what it is; he goes and comes back and says . He reported to me to go to Jim . I told Jim I would pay it off , Jim said if you pay it you will lose your money. I have a Judgement against him , and I told him that I did not want to lose any money , he said if you pay it you will certainly lose your money

Q Then if I understand you , you were ready and willing to take up this deed of trust for Ben Langston

Q Question objection because already answered to
Yes Sir

Q Did you know how much this Judgement was

A I did not

Q Do you know now how much was due before the sale to James Milteer on the Judgement

A No

Q The paper filed as exhibits C which is an account rendered by Mr Johnson Trustee states that this amount due on the Judgement was \$48,33, and

and the witness being first duly sworn and cautioned, testifies, in answer to questions propounded by _____, as follows:

1st Question. State your name, age, residence and occupation.

Answer _____

2d Question. State whether you voted for Congressman from the Second Congressional District of Virginia at the general election held November 3d, 1896, and if so, at what Precinct and in what county?

Answer _____

3d Question. For whom did you vote for Congressman from said district?

Answer _____

that the amount due on the deed of trust was \$10 making a total of \$58,33 now I ask you would you have been willing if you had known the exact amounts due to have paid them both off in full , and taken a deed of trust on the land

A Yes Sir

Q State if you are stil willing to do this now

A Yes Sir.

Q Did you have any difficulty in ascertaining either from James Milteer or from Johnson Trustee the exact amount due

A Nothing but the mortgage

Q How much is this track of land worth

A It is worth a \$150

Q

Cross examined.

Q Did you ever go to R. J. Johnson Trustee and ask him the amount due on this debt.

A No Sir

QX R. J. Johnson Trustee ever tell you that if you paid any money for Ben Langston on this matter that you would lose it

A No Sir

Q Did you every have any conversation about it at all

A No Sir

Q Did Jim Milteer tell you the amount due was \$9,35

A Yes Sir

Q Then you knew the amount due and still you never offered to pay the same to R. J. Johnson Trustee

A I have not seen Johnson

Q Why did not you go to the sale and bid for the property

A Because Jim Milteer told me that I would lose my money

Q How did he say you would lose it

A Said he had a Judgement behind the mortgage , and he said if I paid the mortgage Ben could not give me ~~same~~ the same deed of trust that Tony Lawrence had

Q Then you did not furnish the money because ~~ben~~ Ben could not secure you

A I dont know what Ben could secure but Jim said Ben could not give me the same deed of trust that Tony Lawrence had

Questions for Men Who Were Prevented from Voting.

..... a witness of lawful age,
introduced by contestant, being first duly sworn and cautioned, testified as follows:

1st Question. State your name, age, residence and occupation.

Answer.....

2d Question. State whether you were a registered voter at
Precinct, in..... County or City, November 3d, 1896.

Answer.....

3d Question. Did you vote for Congressman from the Second Congressional District
of Virginia at the election held in said District November 3d, 1896?

Answer.....

4th Question. If you did not vote, state fully and particularly what effort you made
to do so, and how you were prevented from doing so?

Answer.....

5th Question. If you had voted, for whom would you have voted for Congressman
from Second Congressional District of Virginia at said election?

Answer.....

Q Then you declined to loan Ben the Money because he could not give you the same deed of trust that Lawrence had

A I ~~told Jim~~ Yes that is right , I told Jim how could you make me hold when you were not so hole yourself

Q Did you offer to pay the money after Jim told you that Ben could not give the same security as Lawrence had

A No Sir

Q Then if I understand you you refused to lend Ben the money unless he could secure you and from what Jim told you you did not think Ben could secure you.

A Jim says I got another debt against Ben besides the mortgage

Q And you were not willing to pay the other debt besides the mortgage

A I told him I would pay the hold

Q You said on your examination in cheif that you had no difficulty in finding out the amount due except the mortgage , and that Jim told you that the amount of the mortgage was \$9,35, then why could not you find out the amount due

A I did not ask him how much

Q Did not Jim say that if you pay him \$~~5x~~ \$15 for the mortgage debt that he would give you half of it back

A Yes

Q ~~Tell~~ one half of fifteen being seven dollars and a half ^{not} did Jim really offer to settle the mortgage debt upon the paymen to him on \$7,50

A ~~Then~~ if A If ~~you had~~ told me of it

A Yes he agreed to settle for that but he said after I had paid that he would sell the land

Q And it was then thant you refused to have anything more to do with it

A Wes Sir

David J. Wil

Questions for Men Who Were Prevented from Voting.

_____ a witness of lawful age,

introduced by contestant, being first duly sworn and cautioned, testified as follows:

1st Question. State your name, age, residence and occupation.

Answer _____

2d Question. State whether you were a registered voter at _____
Precinct, in _____ County or City, November 3d, 1896.

Answer _____

3d Question. Did you vote for Congressman from the Second Congressional District
of Virginia at the election held in said District November 3d, 1896?

Answer _____

4th Question. If you did not vote, state fully and particularly what effort you made
to do so, and how you were prevented from doing so?

Answer _____

5th Question. If you had voted, for whom would you have voted for Congressman
from Second Congressional District of Virginia at said election?

Answer _____

I4th

John Mitchell being duly sworn deposes and says as follows :

Q What is your name age , residence, occupation, and do you know the parties to this Suit

A John Mitchell 26 Nansemond Co. Farmer. I know the parties to the Suit

Q Were you at the Auction sale of the Ben Langston track of land last year when it was sold by R. J. Johnson Trustee

A Yes I was there

Q Do you know and can you state whether any objection was raised against Ben Langston making bids for the said land

A Yxx When they got ready to put the land up Jim said put it up , he was going into by it he had more money in than any body else? Afetr the land was put Ben asked Mr Johnson was he allowed to bid ? Mr Johnson told

him he was if he was able to rais the funds, Ben made two bids on it

Q How much id this track of land wortth

A About \$150

Cross examined

Q Then Mr Johnson teold Ben he could bid on the land if he could pay the amount of his bid for it

A He said he could bid if he could rais the funds

Q Did Ben bid if so how many times

A Twice

Q Did he make these two bids after Mr Johnson made this statement to him

A Yes because Ben was inside the store and Mr Whitfield was crying the land on the out side

Q Did not Mr Johnson delay the sale of the property for a short while to give Ben and opotunity to rais the money as to this question I put yourx on your guard

A No Sir

Q Did you see Mr J Timoth Duck pass there that day

A Yes

Q Did not Ben ask Mr Johnson to wait untill he could see Mr Duck and make arrangements to pay it off

A I did not here him say to wait until he could see Mr Duck, wait he would have a man there

Q Did Mr Johnosn wait

A No Sir

*signature waived by Counsel
of Counsel.*

Questions for Men Who Were Prevented from Voting.

..... a witness of lawful age,
introduced by contestant, being first duly sworn and cautioned, testified as follows:

1st Question. State your name, age, residence and occupation.

Answer.....

2d Question. State whether you were a registered voter at
Precinct, in.....County or City, November 3d, 1896.

Answer.....

3d Question. Did you vote for Congressman from the Second Congressional District
of Virginia at the election held in said District November 3d, 1896?

Answer.....

4th Question. If you did not vote, state fully and particularly what effort you made
to do so, and how you were prevented from doing so?

Answer.....

5th Question. If you had voted, for whom would you have voted for Congressman
from Second Congressional District of Virginia at said election?

Answer.....

Q James T. Lawrence being duly sworn deposes and sayith as follows

Q State your name , age occupatin, residence and dō you know the parties to this Suit

A James T. Lawrence 26, Nansemond County Farmer No the parties to this Siāt

Q State if you ever had a conversation with James Milteer after the sale of Ben Langston land , and if so what James Milteer said

A I was at Jim Millter house and Willis Holland was present and he was talking about the land being sold , from one word to another James Millettr pull out his note , and said this is what I sold it on. Willis Holland said to him did you let him see this , He said no I did let him see it neither did I tell him, and I would not let Johnson tell him, that is all I know about it

Q How much id this land worth

A \$150

Q

Cross examined

This conversation was had after the sale

A Yes.

Q Signature waived by consent

Questions for Men Who Were Prevented from Voting.

..... a witness of lawful age,
introduced by contestant, being first duly sworn and cautioned, testified as follows:

1st Question. State your name, age, residence and occupation.

Answer.....

2d Question. State whether you were a registered voter at
Precinct, in..... County or City, November 3d, 1896.

Answer.....

3d Question. Did you vote for Congressman from the Second Congressional District
of Virginia at the election held in said District November 3d, 1896?

Answer.....

4th Question. If you did not vote, state fully and particularly what effort you made
to do so, and how you were prevented from doing so?

Answer.....

5th Question. If you had voted, for whom would you have voted for Congressman
from Second Congressional District of Virginia at said election?

Answer.....

Garrison Cross being duly sworn deposes and sayith as follows

Q State your name age, occupation and residence , and do you know all the parties to this Suit

A Garrison Cross, 53 nansemond County Farmer , I know the parties to this Suit

Q State whether or not you ever went to Mr Lawrence in regard to the debt due him by Ben Langston , secured by a deed of trust, and if so what you went for , who you went with

A I went ^{with} to Ben Langston to see him , Ben asked me ~~would I pay~~ if I would pay the debt if I could find out what it was , and I told him I would I asked Mr Lawrence what was the debt , he said \$9,35. the amonnt but I have sold it to James Milteer , and I told him if I could find out how much the debt was I would pay it

Q Did you ever go to see James Milteer in regard to it.

A I did not because Jim Cut up so bad, so Ben told me, and I did not ahve any more to do with it

Q It has been testified that Ben Langston owed this \$9,35 and also owed ~~Ben~~ Milteer a Judgement of \$48, now I ask you if you were then willing to have paid both of these sums in full if you could have found out the exact amount of them both

A I went there willing to pay the hole some

Q Will you state whether or not you are now willing to pay both of these sums in full for Ben Langston in case the Court should set a side that sale

A I am willing to pay every cent of it

Q How much is that land worth

A To go the worth of it , it is worth \$200

Q Then you would be safe in advancing \$60 or \$70 on the same to pay these debts if you could get a good deed of trust with a clear title to the land

A Yes

Q State anything you know in regard to this matter

Questions for Men Who Were Prevented from Voting.

..... a witness of lawful age,
introduced by contestant, being first duly sworn and cautioned, testified as follows:

1st Question. State your name, age, residence and occupation.

Answer.....

2d Question. State whether you were a registered voter at
Precinct, in..... County or City, November 3d, 1896.

Answer.....

3d Question. Did you vote for Congressman from the Second Congressional District
of Virginia at the election held in said District November 3d, 1896?

Answer.....

4th Question. If you did not vote, state fully and particularly what effort you made
to do so, and how you were prevented from doing so?

Answer.....

5th Question. If you had voted, for whom would you have voted for Congressman
from Second Congressional District of Virginia at said election?

Answer.....

I went to see Mr Johnson the same day that I went to see Mr Lawrence but did not find him at home, and have never seen him at all.

Cross examined

Q Then you have never offered to pay Johnson the amount of this Debt
* and you have never seen Jim Milteer and offered to pay him the amount of the debt

A No I never said anything to Mr Johnson about it, never said anything Jim on account ^{saying I} of Jim kept meddling with Ben's business,

Q Did you know when the land was to be sold

A I did not

Q You knew the amount it would take to pay the debt

A What debt

Q Jims debt, either the mortgage debt or Jims debt or both

AA I only knew the amount of the mortgage debt

Q Why did you ^{not} go to Johnson and pay him the amount of the ~~amount~~ of the mortgage of this debt

A Because ~~Jim said that Ben was~~ Ben said Jim was cutting up about it and I was not going to have anything to do with it

Q Did Jim ever say anything to you

A He spoke to me once about it, and asked me what I was messing with Ben Business so much for

Q Will you give \$200 for the land

A Yes if I wanted a piece I would give it

Q Do you want it bad it bad enough to pay \$200 for it

A I dont want it bad enough for that I have got as much as I want

I will give \$80 for it if you win the Suit

Ex

Signature waived by consend

Questions for Men Who Were Prevented from Voting.

..... a witness of lawful age,
introduced by contestant, being first duly sworn and cautioned, testified as follows:

1st Question. State your name, age, residence and occupation.

Answer.....

2d Question. State whether you were a registered voter at
Precinct, in..... County or City, November 3d, 1896.

Answer.....

3d Question. Did you vote for Congressman from the Second Congressional District
of Virginia at the election held in said District November 3d, 1896?

Answer.....

4th Question. If you did not vote, state fully and particularly what effort you made
to do so, and how you were prevented from doing so?

Answer.....

5th Question. If you had voted, for whom would you have voted for Congressman
from Second Congressional District of Virginia at said election?

Answer.....

Willis Holland being duly sworn deposes and says as follows:

What is your name, age occupation and do you know the parties to this suit?

My name is Willis Holland, age 37 years; live in Nansemond County; am a farmer and know the parties to this suit.

State whether or not you ever had a conversation with James Miltier in reference to the sale of Ben. Langston's land; and if so, what James Miltier said?

And yes sir. I asked Jim if they sold the land and he said yes. I asked who bought it and he told me he bought it. From one word to another he pulled out the mortgage and showed it to me and says Ben thought I could not sell the land, but this is what I sold the land on which was the mortgage. I asked him if he thought he did Ben right and he said yes. I asked him when he showed me the mortgage if he let Ben see it and he said no. I did not show it to him. I did not tell him the amount he owed and Bob. Johnson did not tell him the amount he owed. He says Ben might have paid this if he could have seen it. These words he spoke to me in the presence of Tom. Lawrence. That is all I know about it.

How much is this land worth?

I think it is worth from \$150. to \$175.

Cross-examined.

Were you at the sale? No sir.

Do you know whether Ben ever knew the amount of the debt?

No sir I did not.

Did this conversation take place after the sale, and how long afterwards?

Yes, it did. I think about one week afterwards.

Signature waived.

Questions for Men Who Were Prevented from Voting.

..... a witness of lawful age,
introduced by contestant, being first duly sworn and cautioned, testified as follows:

1st Question. State your name, age, residence and occupation.

Answer.....

2d Question. State whether you were a registered voter at
Precinct, in County or City, November 3d, 1896.

Answer.....

3d Question. Did you vote for Congressman from the Second Congressional District
of Virginia at the election held in said District November 3d, 1896?

Answer.....

4th Question. If you did not vote, state fully and particularly what effort you made
to do so, and how you were prevented from doing so?

Answer.....

5th Question. If you had voted, for whom would you have voted for Congressman
from Second Congressional District of Virginia at said election?

Answer.....

Amos Johnson being duly sworn deposes and sayith as follows

Q State your name age ~~age~~ and occupation residence, and do you know the parties to this Suit

A Amos Johnson 40 Nansemond Co Farmer, and I know all the parties to the Suit

Q Were you at the sale of Ben Langston when it was sold by R. J. Johnson Trustee

A I ~~was~~ ^{was} there when the sale commenced, Jim Milteer ~~bided~~ ^{bided} Richardson ~~Shunders~~ ^{Shunders}, Ben Langston Bid, and after Ben Langston commenced bidding the questio was, could a man bid that did not have any money? He said no, Mr Willie Jones ~~said~~ ^{said} this.

Cross examined

Q Who cryed the property

A William Whitfield

Q Do you remember the amount the first bid

A No Sir

Q Did not Mr Whitfield give every bddy an oppotunity to bid

A No Sir

Q Who did he refused to let bid

A Ben Langston

Q When did he refused to let him bid

A When he was crying upon the land

Q Did not you just say tha Ben bid on the land

A Yes Sir

Q Was not Ben bid cried each time

A Yes Sir

Q Then how did he refused to let Ben bid

A He said that a man could not bid unless he had the money

Q Did not Mr Whitfield announce that the land was being sold for sash

A Yes he said it had to be sold for cash

Q Which one of Ben Bids did he refused to cry

A I did not hear Ben bid but one time and that was \$70

Q Did Mr Whitfield cry that bid

A Yes

Q Did not Ben say after making that bid to let the land go

A ~~He~~ Ben said let the old land go.

~~Witness~~ Signature waived by Consent.

Questions for Men Who Were Prevented from Voting.

..... a witness of lawful age,
introduced by contestant, being first duly sworn and cautioned, testified as follows:

1st Question. State your name, age, residence and occupation.

Answer.....

2d Question. State whether you were a registered voter at
Precinct, in County or City, November 3d, 1896.

Answer.....

3d Question. Did you vote for Congressman from the Second Congressional District
of Virginia at the election held in said District November 3d, 1896?

Answer.....

4th Question. If you did not vote, state fully and particularly what effort you made
to do so, and how you were prevented from doing so?

Answer.....

5th Question. If you had voted, for whom would you have voted for Congressman
from Second Congressional District of Virginia at said election?

Answer.....

1

The depositions of R.J. Johnson trustee and others taken before E.E. Holland, a notary public, by E.C. Beale, by consent of counsel, on the 6th day of April, 1897, to be read as evidence in behalf of the defendant in the chancery cause now pending in the Circuit Court of Nansemond county where in Benjamin Langston is plaintiff and James Milteer and others are defendants.

Present-E.E. Holland, Atty for Defendants.

Present-R.H. Wawles, Atty for Plaintiff.

RmJ. Johnson, being duly sworn, deposes and says as follows:

1st. Q. What is your name, age, residence, occupation and do you know the parties to this suit?

A R. J. Johnson, 64 years, Farmer, Nansemond, and know the parties to this Case.

Q Were you the Trustee in a deed of trust from Ben Langston and Wife in favor of J. W Lawrence and Son to secure the sum of \$50 and which debt was assigned by Lawrence and Son to James Milteer

A Yes

Q Please state if you advertised said land for sale, by whose direction, if it was sold at public auction, purchaser at the auction sale, and all you may know in connection with said sale.

A Yes, I advertised it, I advertised it by posting written notices in 5 or 6 public places; I advertised by the direction of Jim Milteer, Jim Milteer purchased it. Jim came to me and told me that I would have to sell the land, that he could do nothing with Ben. I hitched up my horse, took my son with me, and goes down to Ben Langston to notify him that I was ordered to sell the land, which I did, and Ben when I got there I saw Ben and told him what I was directed to do.

I then advised him to get the money and pay off the mortgage, and told him if I have the land to sell, there are several Judgements against you which will have to be paid, he assured that he would get the money and make it all right. I told him then, if he would try and get the money

I would wait and give him time, I did not want to sell his land, so I left him

and then went to Mr Odem at the store, and in a little time Ben came I ~~th~~

advised him again~~ed~~; I advised him to get the money and pay off the ~~m~~ mortgage, told him it was a small ~~amunt~~ and ~~suche~~ he could get the amount

from somebody, and in a few days Mr Richards Saunders came to my house and told me that he was going to ~~take~~ ^{take} up the mortgage for Ben, he left

and in a few days afterwards I met him in the road, and he called my attention to it, and then Mr Saunders said ^I he would have to go on and ~~sell~~ ^{sell}

~~ell~~ that he could not do anything with Ben. I went back home and wrote ^{to} out the advertisements, Ben in the ~~mean~~ ^{mean} time came to see me and asked

me what the amount was, told him that I could not tell him the amount

I did not know what the interest was, that ~~ixxxx~~ I did not have the Bond

I told him that it was \$9 and some interest, but for him to go and get ~~Jim~~ ^{him} and to go and get Mr Odem to calculate and then ^{he came to tell him} to a cent what it was.

He left then, and said that he would do it and I presumed he did for Mr

Odem sent me a statement what it was, Ben wanted to know then how much money he was to bring, And I thought it would take about ~~\$15~~ ^{pay} \$15 to ~~pay~~

off the debt and the interest and ~~wright~~ ^{write} a release deed. ^{he came} that bring

that much and if it did not take that much I would pay him the balance

back. He said that he had a man ^{who was} ~~thas~~ going to furnish some money for

him. He said that he had a man that was going to fix it and I remarked

to him that I was mighty glad of it, that I did not ^{ask to mess} ~~warmest~~ with it.

^{He} went off and I saw him no more for ^{several} ~~several~~ days until I had to advertise, and the Friday before ~~x~~ or a little over a week before the sale,

^{then he} and wanted to know if he was in time to pay off the ~~dead~~ mortgage on the ^{deed} ~~the~~

of trust, and I told him that he was in time, and he would be in time ^{any} ~~any~~

time before the land was put up, and he remarked ~~then~~ I have got a man

that is going to come here Monday and fix it up, ~~thaxt~~ he staid a

little while and as he started off ^{he} says if I dont come ^{my} ~~here~~ here with

man Monday or Tuesday, for you to go on and ~~sell~~ the land like you have

it advertise ^I staid ^{at} ~~arond~~ home all day Monday and ~~Tuesday~~ ^{Tuesday} and I saw no

one come. I saw Ben no more until the morning it was to be sold.

^{he} came to me then ^{he said} that man is going to fix it up this morning if you will

B

if you will wait. I told him that I would wait, if I had any ^{assu} assurance that the man was going ^{to have} that I would wait until the evening. It was going to be sold at 12 and I waited until nearly 1. They came on then and told me that Ben ^{had} passed and had not stopped. So I had the land put up. and it was ^{knocked} out to James Milteer ~~tax~~ for \$80.

~~xxxxxxx~~ I then waited until about the 20th of August and ^{the} Jim came to my house, had a ^{meeting} settlement and I gave him a deed for it.

Q Did you do so far as you know every thing in your power to get Ben to settle the debt before and after advertising his land for sale?

A I did

Q Was the land ^{sold} at public Auction, if so, who was the ^{crier}?

A Yes, Mr Whitfield.

Q ~~Is~~ Ben Langston in his ^{Bill} of complaint charges that you as trustee and James Milteer entered into a conspiracy to deprive him of his land, and to that end refused to give him ^{any} information whatever as to the balance ^{due} by him on the said debts although he ^{often} requested you to do so, please state if this is true?

A This is not true and Ben Langston knows it is not true.

Q He also ^{says} that the ^{whole} said land ^{was} is not sufficient to advertise and that the ~~whole~~ matter of advertisement and sale was a scheme entered into between you and Jim Milteer to deprive him of his land?

A This is not true. I entered ^{into} no agreement with Jim Milteer and did nothing what ^{except} that deed of trust bound me to do.

Q He also ^{says} that he appeared at said sale prepared to ^{buy} the land but was informed by you Jim Milteer and the Crier at the sale that he would not be allowed to bid, that he no right under the Law to make a bid, and that he was there by deterred from ^{buying} although he was prepared to pay for said land if it had been ^{knocked} off to him, please state if that is true?

A Ben came to me and asked me if he could bid to? I told him, Yes, Ben, you can bid as well as any else can, but you ought to be able to sustain your bid, that if you would get the land ^{knocked} off to you, it would cause ^{no} an extra expense to advertise it and sell it again, that if you can pay for the land you had better pay off this deed of trust and take it and not sell it at all.

Q Did he then offer to pay off the deed of trust or any part of the debt?

A No, he never did. I was ~~to~~ anxious to take the money and get rid of it at any time.

Q He also states that there were no bidders except James Milteer and that the same was ~~knocked~~^{knocked} off to him for \$80 as it had been prearranged it should be, by you and James Milteer the Conspirators, please state if that is true?

A No, Sir, it is not true. I did not count the people there but I was suppose there were 25 or 30 people there.

Q He also states that the whole transaction involving the sale of his land was fraudulent and was done only for the purpose of depriving him of it and allowing Jim Milteer to obtain a title to it at less than half its actual value?

A A If there was any Fraud^{about it} I did not^{know} anything about. I never have engaged in any fraud, I tried to act as fairly as I knew how.

Q Please state what arrangement if any there was between You and Jim Milteer as to the sale of this land?

A None at all, but to put the land up and sell it. Jim ~~knows~~^{Ben} wanted me to sell it two weeks before I did, but he wanted me to give him a chance.

Q Please state if ^{the} \$80 price at which the land was knocked off to James Milteer is ~~a~~^a fair and reasonable price for the land?

A It is more than I would give if I had wanted it.

Crosss examined

So may^{re} of the above questions as are leading are objected to and so much of the above answer^s as are hearsay are also objected to

Cross examined

Q Mr Johnson how long did you advertise the land before sale

A 15 days.

Q Did you ever tell Ben Enagston the exact amount of the debt due under the deed of trust?

A I told him the amount due was \$9 and some interest, I could not tell him the exact amount because I did not have the Bond.

I told him to go and ~~give~~ get Jim and go down to Mr Odem who was a good hand at calculating interest, and have the interest calculated which I guess he did do for Mr Odem sent me a statement of the ~~amount due~~ ^{amount due}.

Q Did Ben Langston ever call on you after this to ascertain the exact amount due?

A I think he did come one time and I told him that Mr Odem would calculate the interest on it, that there was another mortgage; that probably he ought to get the amount of money to pay off another mortgage so who ever paid off this could get a clear deed. I did not require that of him, only advised him to do that

Q Did you have the other mortgage of E. T. Crooss estate?

A I did not have it

Q Did you know how much it was

A Yes, \$6/25

Q Do you remember the date of the mortgage?

A I think it was about 88.

Q Was it a prior mortgage to that one held by James Milteer?

A I think it was.

QX Was it a mortgage or a deed of trust

Judgment?

A It was a deed of trust.

Q. Did Garrison cross ever call to see you to ascertain the amount due on the Miltier deed of trust?

A. If he did, I do not recollect it.

Then you cannot positively say that he did not?

A. If he did I do not recollect anything about it. I am under the impression that he never did.

Did Haskins Lewis ever call for a similar purpose?

Not that I know of. I do not know Haskins Lewis. I would not know him if he were to come in that door.

You say that James Miltier instructed you as trustee to sell; do you know whether James Miltier held a judgment against Ben. Langstun at that time for about Forty or forty eight dollars?

I know that he did have one.

Do you know or can you say how much it was for?

It was for forty dollars I think and interest on it for some time.

Do you know what James Miltier's object was in taking up the debt of J.W. Lawrence's Son secured by deed of trust?

No, sir, I do not know. I suppose it was a transaction between him and Lawrence in which it was paid over to him.

Was it not in fact, really, to put himself in a position where he could enforce the payment of both debts in a summary manner?

I do not know.

You say that when Ben. Langstun called on you to ascertain the amount due on the deed of trust, that you told him that it was \$9 and some cents and some interest, but that he had better bring about \$15. to pay it all up and write a release deed. Now if he had gotten some friend to take up this deed of trust by assignment would a release deed have been necessary?

He proposed to give a new mortgage to some one else.

On the day of sale did you not tell Ben. Langstun that he could not bid or ought not to bid unless he was prepared to pay cash?

I told him that he had as much ^{right} to bid as any one else provided he could sustain his bid - if it got on his hands he could make the arrangements about it.

When you say sustain his bid do you mean that he ought to pay cash if it fell on his hands?

Of course it was a cash sale.

And yet I understand you to say that you did not require the bidder who became the purchaser to close up the transaction in a week or two after the sale. Now, if Ben. Langstun had been allowed this privilege can you say positively that he could not through his friends have raised a sufficient amount in that time to have complied with the sale?

Well I should have given him the same chance if he had told me that he could comply. If he had assured me that he could comply he would have had the same chance.

7
Q Did you ever hear JM, Milter say that this Judgement which ~~he~~^{was} had against Ben^{Ben} Langston must be paid before ~~you~~^{he} he would ever sign any deed of trust to any person?

A I did not. I heard him say that he had a judgement and I warned Ben Langston that Judgement would come if I had to sell the land.

Q Mr Johnson, look at the ~~paper~~^{paper} now shown you ~~make~~^{make} exhibit "C" and say that this is an account made up by you and handed to Ben Langston?

A Yes, Sir, this is the account that I gave him.

Q On this account you have used \$6,25 of the ~~purchased~~^{purchase} money of this land to pay E. T. Crosses ~~estate~~^{estate} a ~~ertain~~^{ertain} debt; is that the debt that we have just ~~talked~~^{talked} as having been secured by deed of trust on this land

A Yes.

Q You have also ~~paid~~^{paid} the debt of \$ 4,33 which was the judgement in favor of Richards Saunders? Do you know whether this judgement was docted at the time of sale?

A No, Sir, I don't think it was docted but I paid that, because they were going to ~~guarantee~~^{guarantee} the money into my hands until they could docted.

Q How ~~many~~^{many} years ~~taxes~~^{taxes} taxes did you pay out of this fund?

A One year ~~taxes~~^{taxes}.

Q You have ~~also~~^{also} paid out of this fund \$50 to W. H. Jones, please state what this was for?

A It was for taking the acknowledgement to the deed.

Q Have you ever made up an account as trustee in this matter and submitted the same to the commission ^{er} of accounts ~~in~~ of this County to be Audited.

A No, Sir, I have ^{not} for the very reason that I have ~~nothing~~^{nothing} in hands to do with it.

Q Please state about how long it was before you advertised land for sale after you ~~had~~^{had} told Ben Langston you ~~were~~^{were} instructed to do so by Jim Milteer?

A I Think about two weeks, I know I waited until he disappointed me several times

Q Did Ben Langston make any objection to the time you advertised land or did he tell you to go ahead and sell it?

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A He told me, if he did ^{not} come with his man Monday or Tuesday to settle it, ^{then} to go ahead and sell it, as advertised.

And further defendant Sarah Nash.
P. J. Johnson

R. B. Odem, being duly sworn, deposes and says ~~as~~ follows:

Q State your name, age, residence, occupation and do you know the parties to this Suit?

Q R. B. Odem, Sen. 58, Nansemond County, Clerk for C. Saunders and Co, and I know the parties to this Suit

Q Please state if at the request of James Milteer you calculated the amount due ~~of~~ the deed of trust debt and also on the judgement, and told Ben Langston the exact amount of each debts before the land was sold at auction, and anything else you may know in connection with said debt or the same of said land?

A I made the ~~xxxxxxx~~ calculation upon the deed of trust and upon the judgement, at the request of James Milteer; I made a statement of it and drew it off, and sent it to Mr Johnson, also told ~~Ben~~ ^{Ben} the amount of each

Q Was this before the day of sale?

A This was before the day of sale

Q I know that the advertisement was stuck up on the door for some ^{time} ~~but~~ ^{short}

but I do not know for how long. It was sold there but I was in there

Q If I understand your answer you told Ben Langston before the day of sale just the exact amount, of principals and interest, of the deed of trust debt, please state if I correctly understand you?

A That is correct.

Cross examined

Q Did you ever hear James Milteer make any ^tstatement in regard to either of the two debts due to him by Ben Langston?

A Yes he said that he stated that the deed of trust was ^{transferred} from J. W Lawrence to him and that he had a judgement and he wanted ~~to see it~~ his money

Q Do you know anything about the value of this land

A I do not.

Q Can you remember ^{what} amount you stated to Ben Langston as being due on the deed of trust,

A I do not

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Q Do you remember the ⁰amunt you stated to Ben Langston as being due on
the ~~judgment~~ ^{for}

A No, I do not.

And further this deponent
Says not. R. B. Bloom, Jr

J. W. ^aWever, being duly sworn, deposes and says as follows: ~~and do you know the parties to this suit~~

Q State your name, age, and occupation, residence, and do you know the parties to this suit

A J. W. ~~We~~ver, '41, Farmer, ^{Co.}Hansemond, I know the parties to this suit.

Q Please state if Ben Langston came to you to assist ~~yemxxx~~ him in paying off the deed of trust debt, if he told you the amount ~~xxx~~ of same as stated to him by R. B. Oden, ^{Sen} anything else you may know in connection with said debt or ~~said debt~~ or said sale

A Benjiman Langston met me in the road and stated that he was looking for me. I asked him ^{what} ~~if~~ would he have, ^{he} said that he was in trouble over his land; asked him what would he have me do, he stated that he wanted me to see the Church and raise enough money to pay off a mortgage.

I asked him ^{who} ~~had~~ the mortgage; said that Jim was going to sell his land; I asked him ^{how} much money did he want; he said that owed \$9 and some cents I don't remember the ^{cents} ~~the~~ I then told Ben if that was the Principal there was some interest; Ben said if I can get \$10 I can make out with that? I then asked Ben did not Jim Milteer have a Judgment against him? Ben said that he did but he was not after the Judgment he was after ~~pay~~ paying the Lawrence debt; then I told Ben. I told

Langston or, I advised him as a member of my Church, since Jim had a Judgment ^{ment} ~~gement~~ against him all that I would be willing to do, would be to raise the money sufficient to pay the mortgage, also that judgment and the trusts of the Church take a clear mortgage on his land. He stated that he is

not willing to that, that all he wanted to do was to pay the mortgage in Mr Johnson Hands. I told him that he would not hardly get the money on that condition when the Judgment still stood over it. However I told him Come to the Church on Conference I would do all in my power to assist him, if he would make a sale. he said he would do so but failed to come.

Q Who if any one did he tell you had given him the amount of the deed of trust debt

A ~~Or~~ Mr R. B. Oden he said gave him the amount of the mortgage debt.

Cross examined

Q When and where did this conversation between you and Ben Langston take place

A The date I dont know, Ben stated to me that the advertisement was put up Yesterday ^{at} ~~placed~~ near Reedy Branch Church while on his way as he said from Isreal Crosses, the pastor of my church, on the same mission that he wanted to see me on.

Q Do you know the value of this tract of land?

A I would judge it to be worth \$80 or \$90 or possible a \$100.

Q From what you could learn Benjiman Langston was making some effort to raise the money due Jammes Mil^eer was he not?

A He was making some effort to raise the money the deed of trust called for.

Q You say that the advertisement had been put up?

A Yes.

Q Do you know whether it was advertised to be sold under the deed of trust to raise the money to pay the debt secured by the deed of trust or was it advertised to pay any other debt?

A It was advertised to pay a debt due Mr Lawrence ^{debt} or Mr Johnson being Trustee

And further this defendant saith not.

J. Matt Wearn

W. E. Whitfield, being duly sworn, deposes and says ^{as follows} and ~~do you know~~

Q State your name, age, residence, occupation and do you know all the parties to this Suit?

W. E. Whitfield, 47, Nansmond County, Farmer, and am Constable, and know the parties to this Suit

Q Please state if you were present on the day this ~~land~~ ^{place} was sold, who cried the property, who made bids ~~at~~ ^{and they also} there, ~~and if you know anything else you~~ may know in connection with said sale.

A. Mr Johnson notified me to be at Cleopus on a certain day that he wanted me there. I went there on that day. Mr Johnson wanted to know if I had anything against Ben ^{or} Lngston in the way of Taxes or Judgements. I told him I Had a tax account ^{or} against him, also a judgement and there was ~~no~~ ^{one} recorded in favor James Milteer. He asked me would I Cry the Piece of property for him. I told him as I was interested by his request, I Would. I put the land up according to Mr Johnson's instructions to the highest bidder for cash. several bids made, Ben Langston or his wife and James Milteer, and as well as I recollect, R. H. Saunders ^{had}. I dont know how many more, but specially dont remember any body, Ben Langston asked me if he had a right to bid, my answer was as much right as any body else so you comply with the terms of the sale. The land was ^{knocked off} ~~to~~ James Milteer, being the last bidder at \$80 as well as I recolect.

Q Please state what delay, if any, was made by Mr Johnson at Ben's ^{request} ~~est~~ to enable him to arraign ^{use} this matter ^{and} under avoid of sale?

A I know nothing of that part of it at all.

Q About how many people were present

A I do, not know there might have been 15 or 20 or ³⁶ possible.

Q What do you consider a fair Cash price for this land?

A I consider that it was sold for might ~~ther~~ ^y near or quite the worth of it

Q

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Cross examined

Q Did you announce the time of the sale?

A Yes Sir

Q What was the time ^{terms?}

A Cash.

Q Then when you say that you told Ben Langston that he had as much right to bid as any one if he could comply with the terms, you meant to say that he ought not to do it unless he could comply with the terms

A ~~Yes~~ I think it was ⁱⁿ complied that way but he did ^{bid} bid

Q Do you know whether or not the purchaser complied with the terms that day by paying Cash?

A He did not on that day but did comply soon afterwards.

Q Was it a week or a two afterwards?

A There was a day set the first of the next week I just remember what day it was to fix up the deed and comply with the terms.

Q As a matter of fact was it not about two weeks before the purchaser complied with the terms?

A I just remember. I do not remember

Q When you told Ben that he had a right to bid if he could comply with the terms did you not intend that he should understand that in case he was the purchaser that he would have to pay cash that very day

A I did not ^{mean} intend that he had to satisfy the Trustee according to the requirements of the Law

Q Did you ever have a conversation with James Milteer in regard to the debt due him by Ben Langston?

A Certainly I did because the judgment was gotten by as Constable.

Q Did Jim Milteer ever tell you that he was going to have this land sold under this deed of trust for \$9,35 and by it in with his judgment?

A He told me that he was going to have his money if there was any way to get it

Q Now as a matter of fact did he not tell you that ^{he} you intended to have the money or the land?

A He might have told me that, but he also told me that he did not want the land that he wanted the money, and he could not get Ben to do anything

Q Did he not tell you that Ben did not know the exact amount due on these

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two debts and that he did not wish him to find out?

A I do not remember any such expression.

Q You have said that Jim Milteer said that he preferred to have the money than to have the land, do you know whether he would now restore the land to Ben Langston if he was paid this sum of \$80 in cash?

A I heard him say at first that he wanted the money; since he had purchased it and had been to so much trouble that he wanted the land

Q Have you not heard him brag about the way in which he got possession of Ben Langston's land?

A I don't know anything about the brag part. I have heard him say a good deal about it whether he terms that bragging or not I don't know. He expressed it to me that the other side was bragging that they were going to beat him out of it.

QX As this land did not cost James Milteer but \$80 would you not think it fair and just if he would let its farm owner Ben Langston have it back at that price for cash?

QA Not unless the farm owner would pay him all expenses and damages.

And further this defendant said not.

W.E. Whitfield

W.H.Jones, being duly sworn, deposes and says as follows:

What is your name, age, residence, occupation and do you know the parties to this suit?

W.H.Jones,; forty three years of age; live in Nansemond County; am a farmer; know the parties to this suit.

2nd.Q. Please state all you may know with reference to the sale of the land in controversy, the substance of any conversations you may have had with James Miltier ^{or Ben Langston}, and anything else you may know about the controversy?

Ans. When James Miltier threatened to have Ben Langston's land sold, Ben came to see me, and asked me how he could stop it. Up to that time the land had not been advertised. He said that Jim was continually after him about the money he owed him, and wanted to know from me if there was not some law that would prohibit Jim from continually asking him for the money. I told him there was no law to prevent the asking for a just debt, but thoroughly acquainted him with the facts, that if he would get enough money to pay off the deed of trust that Mr. Johnson and the beneficiary would not only release the deed but would be compelled to do it. He says I want to pay the deed of trust, but I do not care whether I ever pay Jim or not. He left my house for a week. After that he came again and said that Mr. Johnson had told him to get the money and he was going to do it and pay the deed of trust debt, and wanted to know then how Jim could bother him with the judgment. I told him Jim could sell his land by bringing suit and getting an order of court. I know to my certain knowledge that Mr. Johnson did delay the sale for several days, ten days, probably two weeks, until he thought he could not wait longer as trustee. He advertised the land as I know at certainly three public places. I was present on day of sale. The land was put up for sale and terms of sale announced. Ben made the first bid of \$1.00. Some one else bid, I think, Mr. R.H. Saunders. Ben then bid \$70. Jim Miltier or some one for him bid \$80. Then ^{Ben} ~~he~~ said let the land go I can make my living by preacing.

3d Q. Please state ~~what~~ the land is worth?

Ans. I should say about \$75 or \$80 is a fair price for it. The timber has recently been cut off. Cut before the sale.

And further this deponent said he not.

W.H. Jones,

Milteer
James, being duly sworn deposes ~~say~~ as follows:

Q State your name, age, residence, occupation and do you know the parties to this suit?

A James Milteer, 39, farmer, Hansemond County, and one of the defendants in this suit

Q Please state all you know about the debt due by Ben Langston and ~~and~~ ^{about} the sale of land

A I goes go Ben in February. I say Ben I owe some money and I am bound to pay it for a horse, and I say you owe me, aint there no arrangement you can make to pay me. I have not got a cent now Jim. I said

suppose you get some one that is worth the money to pay it for you and give them the papers that I have in my hand that are against you

Yes I would do it if I could find some body. I said there is Mr Willie Cross in the Store ~~may~~ ^{he} might do it, I will see him directly. I reckon he saw him, he come to me and says Mr Cross said he would not give me a clear mortgage on your place. I said try Mr Saunders, he said I believe I will. I said then I want my money at once because I owe for my horse, the man is pushing me. He said when did you see Mr Saunders. After repeated efforts to get Ben to pay, ^{he said} try to sell the land if you dont sell it you wont get your money. Then I find I then waited on him from Feb until Aug. ^{to tell him} if you dont pay I have got to sell this land. I need my money and I have got to do something.

Q Who authorised Mr Johnson to sell this land?

A I did.

Q What agreement, if any, ^{there} ~~was~~ between you and Mr Johnson to deprive Ben of his land?

A None. I went to Mr Johnson and asked him if he was the Trustee and he said he was.

Q Who bid for the land at the sale?

A I did, Richard Saunders, Ben Langston,

Q Please state, if you know, whether Mr Odem had the ~~bid~~ ^{debt} secured by the deed of trust, ~~xxxxxxx~~ calculated the interest thereon, and told Ben Langston the amount thereof?

A Yes Sir, Ben came to me one evening and told me and asked me what the debt was on the deed of trust. I said Ben I cannot read, but I said waht, do you want to do settle it. He said, yes, Sir. I said well if that is the case I will take out my horse now and go to Mr Johnson and

settle it . He said no I cannot go right now, I have got to go up on new road a little, and do some business, but he said Mr Johnson says you take it down to Mr Odem , and he is a good calculator, and he will tell us what it is. ~~xxxxxx~~ I said now you meet me there in the morning , I ~~said~~^{told me,} I am busy now dont . I carried it there and got Mr Odem to draw it off and showed it to them,

Q I saw him Ben afterwards and he told me he ^{new} what the amount of it was. He said I am going to make arrangements with the Church to pay it.

Q What offers did Ben or any of his friends ever make to you to pay the debt?

A None

Q

Cross examined

Q Please state what induced you to go to Lawrence and son and take up Ben Langston debt secured by deed of trust?

A Ben owed me before I asked him for it several times , well he say I will pay it when I get it, next time I meet He would say I wont pay until I get ready .

Q How much did he owe you before?

A \$40

Q Did you get judgement for this \$40 ?

A Yes .

Q Then did you take up this deed of trust so that you would be in a position to sell the land and make both debts?

A He said to me you cannot get it out of my land because Tony Lawrence has got a mortgage . I questioned him around, I found Ben most right.

It was about a month or two afterwards we had those words that Ben said that he transacted with ^{that} More , said I owed him a mortgage I want you if you can to take it up. I say you owe me now and you wont pay me and . He said I tell you what I will do, I will plant 4 acres of peanuts this year and make them over to you, so you can get some of your money if not all by Xmas. ~~Said~~^{Ben} I took up, the debt because ^{Ben} Debt told me .

Q Did you ever at any time tell Ben Langston the exact amount that he owed you on either the deed of trust or the judgement?

A As near as I could

I told him after Mr Odem had Calculated it. I told him all about it

Q Do I understand you to say that after Mr Odem made this calculation you saw Ben and told him the exact amounts due?

A Yes, Sir

Q How much did you tell him that the exact amount due on the deed of trust and how much due on judgment?

A I told him that \$9,35 was the interest and mortgage, and I told him that the judgement was \$40.

Q Was any body present when you told him this?

A No Sir.

Q Where did this conversation take place

A In my field at home.

Q Now after this sale was over did you not tell Haskins Lewis and others that Ben wanted to find out the amount due, but that you would not tell him yourself, and would not let Mr Johnson tell him.

A I never said such a word in my life.

Q You say that you were very anxious for your money and that you had called on Ben several times for it and he told you that you would have to sell the land in order to get the money, If this true why did you still ~~and~~ continue to wait on him from Feb to Aug?

A I hated to sell his place

Q Have you not stated since the sale that you had this land sold for that small debt simply that you might buy it?

A I never said that in my life.

Q Were you desirous of becoming the owner of this land?

A no.

Q Then if I understand you, you did not want the land but was forced to sell it in order to get your money is this true?

A This is true.

Q You paid \$80 did you not?

A Yes Sir

Q Then if your two debts combined together with all interest on the same as showned by the account of the Trustee was only \$58, why did you run the land up to \$80

A I thought it was worth about \$80

Q Why did you continue to bid ~~after~~² the land had reached the sum of \$58?

A I thought it was ~~worth~~² about \$80 and that had as much right to buy it as any ~~body~~

Q Then as a matter of fact you really ~~did want~~² to ~~by~~² this land at a ~~fare~~ price?

A I thought if it would ~~stopped~~ at that I would be satisfied.

Q Would you ~~not~~ have benn satisfied if you had gotten the \$58 due you out of it?

A Yes, I would have been satisfied.

Q Do you desire now to hold this land?

A Yes, Sir,

Q Would you be willing to make Ben a deed for it if he would pay you the \$80 cash which you paid for it?

A No Sir,

Q Why not?

A I have been to lots of trouble and expense.

Q What trouble and expense?

A I hired a Lawyer to keep me in shape.

Q Now if Ben would pay you this \$80 and the expense of this Suit would you be willing to make him a good deed for the land?

A No Sir, I am satisfied with my bargain and do not ~~want~~² to sell if it is ~~far~~ ~~fare~~

Q What is the least you would take for this land now?

A \$150

Q Then you consider you got a very good bargain when you got it for \$80 did you not?

A I am satisfied with it, Yes Sir.

Q So you think that since you have ~~euchared~~ poor old Ben out of his \$150 ~~track~~ of land for \$80 that you are satisfied.

A Yes Sir I am satisfied

Signatu re waived

Taken and sworn to before me this 6th day of April, 1897. By
Consent of Counsel,
E. E. Skelton J.P.

[illegible]

blood and the other end of the tube is connected to a vacuum pump. The blood is drawn into the tube and the tube is then sealed. The blood is then analyzed for various components.

[illegible]

pen trial 1967-68 after three dry years at least
1967-68

On Oct. 21, 2003, the following items were for sale at the auction:

you not 1/24

7-17-60T, #1 Police 101761800 No. 1

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1010130 001 410 000 1

Review of Wang et al.

Dependant
depositions.

In the Circuit Court of Kansas,
now County

~~Benjamin~~ Langston

vs

James Miller and Robt. J. Johnson
Trustee -

This cause came on this
day to be heard upon the complain-
ant's bill, the answers of the defen-
dants, replications thereto, and depositions
of witnesses, and was argued
by Counsel:

On consideration whereof, the Court
being of opinion that the plaintiff
is not entitled to the relief for
which he prays, doth order, adjudge
and decree that this cause be
dismissed at the plaintiff's
costs -

Langston
vs
McLester & Others

Enter April 15, 1897
Robert H. Hunt

Entered in Chancery
Order Book No 3
Page 77.

The demurrer and answer of James Miltier to a bill in equity exhibited against him and others in the Circuit Court of Nansemond County by Benjamin Langstun.

And this defendant says that said bill of complaint is not sufficient in law.

And for answer to said bill says:

That it is true that the said Benjamin Langstun owned the tract of land alleged; that it is further true that he was indebted to the firm of J.W. Lawrence & Son and that the said debt was secured by deed of trust on said property; that it is true that the said debt was paid in part, and that the balance of said debt, being unpaid, was assigned for value to this defendant; and that it is true that R.J. Johnson, trustee, at this defendant's request, sold said property in accordance with the terms of said deed of trust securing said debt, and that this defendant purchased the same at said sale. It may be true that said complainant made attempts to ascertain the amount of said debt secured by said deed of trust, but it is not true that he was unable to ascertain said balance due on said debt; it is not true that said complainant, although frequently requested to do so, offered to pay said debt or expressed any readiness to do so; and it is not true that this defendant refused to tell him the amount of said indebtedness. On the contrary this defendant made repeated efforts to have a settlement of said debt, and did not instruct the trustee to sell said land until after he had seen said complainant on several occasions and asked for its payment. It is true that this defendant had judgments as stated against said complainant, but it is not true that said complainant offered to pay the same, or expressed any willingness or readiness to do so. On the contrary the said complainant, although frequently requested to do so, refused so to do.

It is absolutely false and untrue that there was as alleged any conspiracy between this defendant and R.J. Johnson, the trustee, to deprive said complainant of his land; absolutely false that they refused to give him all the information he requested; absolutely false that he was informed by

said defendant that he would not be allowed to bid on said land, or that he had no right to bid; absolutely false that he was deterred from bidding; and absolutely false that said sale was not fairly conducted. This defendant says that said complainant was at the sale; that the sale of the land was postponed at defendant's request to enable him to get the money; that failing to get the money, the said complainant became a bidder at said sale and his bid was received; and he only failed to get the land because his bid was lower than said defendant's. It is absolutely false that there was, as alleged, any prearrangement that said land should be knocked off to this defendant, and this defendant only became a bidder for said land in order to save the amount of his liens upon said land. It is not true that said land is worth \$250. and that the same was in any ^a way sacrificed, but, on the contrary, the price paid for said land by this defendant is a fair price therefor. It is true that the said R.J. Johnson ^{trustee} made this defendant a deed for said land, he being the highest bidder therefor, upon the payment to said trustee of the purchase price thereof. It is not true that the said sale was fraudulently ^{made}, but, on the contrary, it was duly advertised and sold in accordance with the terms of the deed of trust, and this defendant purchased same solely because he was forced to do so in order to obtain his money. This defendant is not informed as to what statement of his transactions the said trustee has made to the Commissioner of Accounts, and is advised that it is not his duty to see to the proper application of the purchase money. This defendant denies that said complainant did not know the amount of the said debt, and with reference to his willingness to pay, can only say that he refused after being given several opportunities to do so, and after being frequently requested to do so. This ^{defendant} says that he purchased said land fairly, at a public sale, at public auction, that he paid a fair price therefor, and that he is entitled to have the benefit of his bargain. This defendant denies all fraud and charges of conspiracy, and having fully answered prays to be hence dismissed with his reasonable costs, &c.

Witness:
J. E. Everett.

James M. Miltner
Merk

Virginia, Nansemond County, towit:

This day James Miltier personally appeared before me, a notary public, in and for said county in said State and made affidavit that the statements contained in the foregoing answer are true. Given under my hand this the 6th day of Apr^{il} 1897

E. E. Hallenbeck N.P.

Answer of
Jas. Miltner

The answer of R.J. Johnson, trustee, to a bill in equity exhibited against him and James Miltier in the Circuit Court of Nansemond County by Benjamin Langstun-

For answer to said bill this defendant says:

That it is true he was the trustee in the deed of trust referred to ⁱⁿ said complainant's bill, and that it is true that at the request of James Miltier, the holder of the debt secured thereby, he advertised and sold said land, and that it is true that he has executed to James Miltier who became the purchaser thereof a deed for said land. The said land was duly advertised and sold at public auction. The said Benjamin Langstun was present at the sale, made a bid for said land and his bid was received. Before advertising said land for sale this defendant went to the home of Benjamin Langstun, the said defendant, and requested him to satisfy the said claim, telling him at the time that he had been instructed to sell said land. This defendant told said complainant that he could pay said debt at any time, and save the costs of sale, and on the very day of sale, at the complainant's request, postponed the sale to enable said complainant to make arrangements, if he could, to pay said debt. It is not true that said complainant asked or requested this defendant to give him a statement of the amount of the claim, and it is certainly not true that he offered to pay the same. It is absolutely and unqualifiedly false that there was any conspiracy between this defendant and James Miltier to deprive said complainant of his land or that said sale was fraudulent. On the contrary every effort was made to get a settlement without a sale, and it was only after all efforts failed that the land was advertised and sold. This defendant states that said complainant was given every opportunity to settle said claim and failed to do so; that he was present at said sale and made no objection thereto, but became a bidder for said land. This defendant further says that said land was properly advertised, properly sold at auction, purchased by James Miltier, upon the payment of the purchase price conveyed by him as trustee to James Miltier, and that said James Miltier is entitled thereto. The said said sale was perfectly fair

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and made after every opportunity had been given to said Complainant to pay the said debt and redeem his land, and thereby prevent a sale, and if said complainant^w, by his own acts, failed to secure said land, he can blame himself alone. This defendant is ready and anxious to make a settlement of his transactions as trustee, and can fully account for the entire purchase price.

This defendant denies, with indignation, all charges of fraud, unlawful combination and conspiracy, and asserts and charges that the allegations of the said bill with reference thereto are ~~xxxxxx~~. false. And now having fully answered this defendant prays to be hence dismissed with his costs, &c.

E. E. Hallen
Pa

R. J. Johnson

Virginia, Nansemond County, to wit:

This day R. J. Johnson personally appeared before me and made affidavit that the statements contained in the foregoing answer are true to the best of his knowledge and belief. Given under my hand this the 6 day of April 1897

E. E. Hallen
J. P.

Answer of
R. J. Johnson,
Trustee.

1896	Acct. of Benjamin Langston	hbr. Cr.
August-24	To J. W. Lawrence Adm. for B. F. Cross' Estate	6.25-
" "	" James Miller hbrd of Trust-	10.00
" "	" Judgment in favor of James Miller	48.00
" "	" Amt. of Taxes	2.72
" "	" Judgment in favor of Richard Saunders	4.00
" "	" Commission on \$80. for the Trust @ .05-	4.00
" "	" hbrd	2.50
" "	" W. H. Whitfield, Chm.	1.50
" "	" W. H. Jones	.50
" "	By Cash for land.	80.00
		<u>80.16. 80.00</u>

Balance due

.16

The sixteen cents which was due was given
in by Richard Saunders.

R. J. Johnson, Trustee

No such account audited or
presented to me.

To R. F. Rawles Esq.
Suffolk Va.

J. B. P. Comm. of Accs

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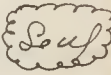
Ex C

This Indenture made this 15th day of August in the year of our Lord 1896 between R J Johnson of Nansemond County state of Virginia of the one part and James Miller of Nansemond County state of Virginia of the other part: Whereas a certain Benjamin Langston and Julia A his wife of Nansemond County state of Virginia by a certain deed bearing date the 6th day of April 1891 and recorded in the Clerk's office of the County Court of the County of Nansemond did grant and convey unto the said R J Johnson all of a certain tract or parcel of land situate and lying in Nansemond County Vol 12 Distinct together with the appurtenances and privileges thereto belonging or in anywise appertaining in trust to secure a certain debt to be paid by the said Benjamin Langston to one J W Lawrence & Son, And whereas by the said deed the said R J Johnson was empowered on failure of the said Benjamin Langston to pay the said debt to the said J W Lawrence & Son or his assigns to sell the said tract or parcel of land with its

appurtenances or as much thereof as
should be found necessary to accom-
plish the purposes of the said trust
therein contained and whereas the
said Benjamin Langston having
failed to perform the requirements
contained in the said deed the
said R. D. Johnson in execution
of the said trust therein declared
did on the 8th day of August in
the year 1896 after giving 15 days
notice of the time and place of sale
by advertisement expose to sale the
tract or parcel of land aforesaid
with its appurtenances aforesaid
at public auction to the highest
bidder for cash at which sale the
said James Miller became the
purchaser thereof being the highest
bidder Now this indenture, witnessed
that the said R. D. Johnson trustee as
aforesaid in the said deed of trust
for and in consideration of the prem-
ises and for the consideration of eighty
dollars to him in hand paid by
the said James Miller at and before
the sealing and delivery of these
presents the receipt whereof is

hereby acknowledged which said sum
is to be appropriated and applied
as by the said deed of trust is di-
rected doth grant bargain sell
and convey release and confirm
unto the said James Mitter his
heirs and assigns forever all the
tract or parcel of land aforesaid with
the privileges and appurtenances there
to belonging, or in anywise appertaining
situate ^{and} lying in Harsemond County
Soley neck District containing by
estimation thirty one (31) acres be the
same however ever so much more
or less and bounded as follows
Beginning at the north by the
lands of Joseph Bath and Albert
Vaughan on the east by the lands
of Washington Lawrence: on the
south by the Smith Quay Road
on the west by the lands of Cor-
nelius Mitter it being the same
tract or parcel of land conveyed
by the deed first above mentioned
mentioned to the said R. J Johnson by
the said Benjamin Langston and
Julia A his wife in trust as aforesaid
to have and to hold the said tract
or parcel of land with the appur-

tenures aforesaid to the said
James Miller and his heirs
and assigns forever and the said
R. J. Johnson for himself and his
heirs doth covenant and agree
with the said James Miller
his heirs and assigns that the
said R. J. Johnson and his heirs
the title to the said tract or
parcel of land with its appur-
tenances aforesaid unto the
said James Miller and his
heirs and assigns well warrant
and defend against the claims
of the said R. J. Johnson and his
heirs and of all persons claiming
through or under them
Witness the hands and seals of
the said parties the day and
year first above written

R. J. Johnson (trustee) 

State of Virginia }
Nansemond County } to wit

J. W. Jones a Justice of the
Peace in and for the County afore-
said in the State of Virginia
do certify that R. J. Johnson
whose name is signed to the

writing hereto annexed bearing
date the 15th day of August 1896
has acknowledged the same
before me in my County of said
Ohio under my hand this 17th
day of August 1896.

Wm Jones J.P.

In the Clerk's office of Warrensmond
County Court the 19th day of October
1896 This Deed was presented with
the certificate annexed and
admitted to record.

Teste: R.R. Smith Clerk

A copy

Teste:

A. L. Gomer D.C.

R. J. Johnson trustee
To } Deed of B + Sale

R. J. Johnson trustee

James Metter

Ex. B,

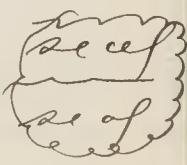
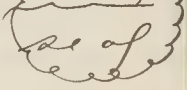
A Copy

Recorded in
DB 38. Page 244

Fee \$1.00

This Deed made and executed this
6th day of April 1891 between Ben-
jamin Langston and Julia A his wife
of the County of Nansemond and
State of Virginia of the one part
and R J Johnson Trustee of the
aforesaid County and State of
the other part, witnesseth: That
the said Benjamin Langston
is justly indebted to J W Lawrence
Son in the sum of Fifty Dollars
as evidenced by bond bearing date
with his Deed which debt and the
legal interest thereon the said
Benjamin Langston is willing
and desirous to secure now there-
fore in order to secure the
said debt the said Benjamin
Langston and Julia A his wife
do hereby convey to the said R J
Johnson upon trust all their right
title and interest in a certain
tract of land situated in
Nansemond County Holy Neck
District and bounded as follows
on the north by the lands of Joseph
Bath and Albert Vaughan on the
east by the lands of Washington
Lawrence and the south by the

Smith Dray Road and on the west
by the lands of Cornelius Miller
and containing thirty (31) acres
more or less now if the said
Benjamin Langston should
fail to pay the said debt and
interest. The said R. J. Johnson shall
at any time after the 1st day of
December 1891 give legal notice
of time and place and sell
the said tract of land to the
highest bidder for cash and pay
to the said J. W. Lawrence son the
said debt and interest and the bal-
ance if any he shall pay to the
said Benjamin Langston or to
his heirs In witness whereof the
said Benjamin Langston and
Julia A. his wife have here to set
their hands and seals the day
and year as above written.

Ben Langston 
Julia A. Langston 

State of Virginia
Newsum County } to wit:

J. W. Jones a Justice of the Peace
in and for the County aforesaid
in the State of Virginia do hereby

Certify that Benjamin Langston and
Julia A his wife whose names
are signed to the writing annexed
bearing date the 6th day of April
1891 have acknowledged the same
before me in my County aforesaid.
Given under my hand this 6th
day of April 1891

W H Jones J.P.

In the Clerk's office of Nausetucket
County Court the 19th day of May
1891 This Deed was presented with
the certificate annexed and
admitted to record

Teste: R R Smith Clerk
By A P. Gomez D.C.

A copy

Teste:

A P. Gomez D.C.

Benjamin Langdon
20 } Dec 5 of hish
R. J. Johnson trustee
trustee for
J. W. Lawrence son

Ex A

A. Cope

Recorded in
D. 330. Page 69

To the Honorable Robert R.
Prentiss Judge of the Circuit
Court of Nauseland County:

Humbly Complaining sheweth
unto your Honor your orator.
Benjamin Longshore of Naus-
eland County Virginia, the
following Case: -

Your orator owned in fee
simple a certain tract of
land situated in Holy Neck
District in Nauseland
County Virginia bounded and
described as follows: - on the
North by the lands of Joseph
Bath and Albert Vaughan;
on the East by the lands of
Washington Lawrence; on the
South by the South Quay road;
and on the West by the lands
of Cornelius Millett and con-
taining thirty one (31) acres
more or less.

And he further says that he
was indebted to the firm of
J. W. Lawrence & Son in the sum
of \$50 which he secured to
them by giving to R. J. John-

own trustee a deed of trust on
said land in which his wife
united, to secure the payment of
the said debt ^{as copy} which deed of
trust is herewith filed marked
Exhibit "A" and prayed to be
taken as a part of this bill.
And your prayer further says
that he made payments on
this said debt until the
same was reduced to the small
sum of \$10 balance due for
both principal and interest,
when or he is now in formal
the same was assigned by
the said J. W. Lawrence & Son
to one James Milten. That both
before and after the date of the
said assignment he made
frequent attempts to find out
by diligent inquiry the balance
due on his said debt his
object being to pay the whole
of the same in full which he
was prepared to do and offered
to do, but the holder and owner
of the said debt refused to
tell him the amount due on

the said obbb, although your
order was ready to pay the
same and wanted to do so
for the purpose of having the
deed of trust on his land
properly released. And your
order further says that he
was also indebted to the said
Jorney Miller in the sum of
about \$40 for which the said
Jorney Miller had obtained
judgment and had the same
doctored in the Clerk's Office
of the County Court of Macon-
donald County, making the total
sum for which there were
liens on his said land of
about \$50⁰⁰ all of which he
was ready to pay and in fact
offered to pay or soon as he
should be informed of the
exact amount due thereon.
And your order further believes
and charges that the said
Jorney Miller and R. J. John-
son Master entered into a
conspiracy to deprive him
of his said land and to that
end refused to give him

any information whatever, or
to the balance due by him
on the said debt, although he
often requested them to do
so, but his request was re-
fused and his said land
was sold at public auction
on the 8th day of August 1886
by the said R. J. Johnson Trustee
to pay the said debt of \$10⁰⁰/₁₀₀
; and your orator further says
that the said land was not
sufficiently advertised and that
the whole matter of advertisement
and sale was a scheme en-
tended into between the said
James Miller and R. J. Johnson
Trustee to deprive him of the
said land; that he appeared
before the said sale pur-
posed to buy in the said
land but was informed by
the said James Miller, the said
R. J. Johnson Trustee and the
Clerk at the sale that he
would not be allowed to
bid and that his said
bid would not be received

and that he had no right
under the law to make a
bid, and your master being
an ignorant colored man
and not knowing his rights
nor being deterred from bidding
although he was then prepared
to pay for said land if it
had been knocked off to
him. And your master further
says that at the said sale
there were no bidders except
the said James Miller who
bid in the said land for
the small sum of \$80.00
and the sum was knocked off
to him or it was purchased
it should be by the said
conspirators. Now your master
says in fact his said land is
well worth the sum of \$250.
and that therefore the sum
was shamefully sacrificed.
After the said sale was over
the said R. J. Johnson Trustee
made a deed for said land
to said James Miller which
a copy of which is herewith filed
marked Ex. B. and proposed to

be taken as a part of this
bill. And your orator not only
charges that the whole transaction
involving the sale of his land
was fraudulent and was done
only for the purpose of depriving
him of it and allowing the
said Miller to obtain a title
to the same at less than half
the actual value thereof but
he further says that the said
R. J. Johnson Trustee has never
rendered any account what-
ever of his transactions as
said Trustee and of said sale
to the Commissioners of accounts
of this county nor has the same
been recorded, nor has the
said sale been confirmed.
And your orator further says that
he has been at all times ready
able anxious and willing not
only to pay the remainder of the
said debt secured by the
said deed of trust but also the
said principal in form of
the said former Miller together
with all legal interest and

cost of both or well as to
pay any other lien on rail
land and he now offers to
pay cash down whatever
may be found due by him
on rail land whether due
by rail deed of trust or by
judgments duly docketed and
constituting valid liens on
rail land.

Now therefore as your orator is
unwilling in the premises save
by the aid of a court of equity
when matters of this kind are
alone and properly cognizable
your orator prays that the said
Jesse Milton and R. J. Johnson
trustee may be made parties
defendant to this bill and
required to answer the same
tho' an answer under oath is
required: that proper process may
issue: that all proper accounts
may be taken: that it may be
ascertained just how much was
due on rail land by properly con-
stituted liens on the day of the
particular sale: that your orator
said R. J. Johnson trustee may be

agreed to render an account of
his transactions as said trustee;
that your order may now be
allowed to pay into Court if ne-
cessary the amount due on the
said debt secured by said deed
of trust, and the amount of any
judgments against him which
have been docketed or as to con-
stitute a valid lien on said
land: and that you each
pay into either into Court or to
the proper parties, the said
debt made by the said R. J.
Johnson trustee to the said James
Milton may be docketed once and
void and set aside, and
the said sale be docketed once
and void and your order
sent returned to him, and
for all such other further and
general whif or to say any
can meet or this can say
again and your order can
be payee.

Benjamin Layton
By Counsel.

Virginia :-

Warren County North :-

I, R. H. Hawley, a Notary Public
do certify that Benjamin Longstreet
whose name is signed to the annexed
bill has this day personally appeared
before me in my said County and
made oath that the statements
contained in the said bill are
correct of his own knowledge and
true and all other facts which
he acquiesces in knowledge or in
information gained from others he
believes to be true. Given under
my hand this 30th day of December
1886.

R. H. Hawley
Notary Public for Warren County
Virginia.

Bill.

Darya Langston
vs In Chancery
James Miller & others
Chancery Notes.

1896. Decr. 19th. Process issued returnable to
January Rules first Monday 1897.

1897 Janry. 4th Process returned executed on
defendants.

Bill filed and decree nisi
vs said defendants.

" " 18th. Decree nisi confirmed and
cause set for hearing.

Chancery Notes

J. Langston & J. Miller Attorneys

RN Rawles, Jr.

Benja Langston

vs. In Chancery

James Miller and
R. J. Johnson trustee.

1897

April 15th

Final Decree

Costs

Clerk 8.71

Shff 2.40

Jay 1.50

Atty 15.00

\$ 27.61